FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2009051120) FOR THE NCSD SOUTHLAND WASTEWATER TREATMENT FACILITIES IMPROVEMENTS

The Nipomo Community Services District (the "District") hereby certifies the NCSD Southland Wastewater Treatment Facilities (WWTF) Improvements Project Final Environmental Impact Report, State Clearinghouse Number 2009051120, which consists of the Draft EIR, the Responses to Comments on the Draft EIR, the Mitigation Monitoring/Reporting Program, these Findings of Fact, the Staff Report and any associated attachments (collectively referred to as the "Final EIR"), and finds that it has been completed in compliance with the California Environmental Quality Act (Public Resource Code Section 21000, et seq.) ("CEQA") and that the Nipomo Community Services District has received, reviewed and considered the information contained in the Final EIR, all hearings, and submissions of testimony from the public and other municipalities and agencies.

Having received, reviewed and considered the foregoing information, as well as any and all information in the record, the Nipomo Community Services District hereby makes these Findings of Fact pursuant to, and in accordance with, Section 21081 of the Public Resource Code as follows:

BACKGROUND

The Nipomo Community Services District is located in the unincorporated area of the County of San Luis Obispo and encompasses approximately seven square miles southeast of the City of Arroyo Grande within the southern portion of San Luis Obispo County. The Southland Wastewater Treatment Facility (Southland WWTF) is operated by the District pursuant to Government Code Section 61100 (b) and provides wastewater treatment for the Southland Wastewater Treatment Area (District's Town Sewer Service Area) and is located immediately south of the intersection of South Frontage Road and Southland Street. Proposed effluent disposal sites will be located (at a precise location to be determined at a later date) on the Nipomo Mesa.

The proposed NCSD Southland WWTF Improvements Project involves the installation of improved treatment facilities and the phasing of additional facilities necessary to upgrade and expand the wastewater treatment capabilities of the existing Southland Wastewater Treatment Facility. These proposed wastewater treatment facilities involve three basic elements: 1) the upgrading of existing wastewater treatment facilities at the Southland WWTF within Phase I of the proposed Project which will improve the treatment capability of the plant but will not increase its existing treatment capacity; 2) the provision of additional facilities at the Southland WWTF for wastewater treatment and 3) additional areas to be devoted to off-site disposal of treated effluent, both of which will

occur within Phases II and III of the proposed Project. These improvements will expand the treatment capacity of the Southland WWTF and/or develop off-site disposal options.

Specific improvements to the Southland Wastewater Treatment Facility include: 1) replacement of the existing influent lift station; 2) provision of headworks improvements in order to enhance effluent screening and grit removal; 3) phased reconstruction of two of the four existing treatment ponds with extended aeration capabilities (a Biolac wave oxidation system); 4) phased construction of three secondary clarifiers with an RAS/WAS pumping system for the circulation of "return activated sludge" (RAS) and "waste activated sludge" (WAS); 5) installation of a sludge thickening system; 6) replacement of the two existing unlined sludge drying beds with concrete-lined drying beds and 7) provision of associated ancillary equipment, support buildings and facilities, piping, structural, site work, electrical and instrumentation improvements throughout the WWTF property.

Proposed improvements (Phases II and III) to the Southland WWTF will increase the ultimate treatment capacity to a maximum flow of 1.8 million gallons per day from its current capacity of 0.9 million gallons per day. Improvements to the wastewater treatment facility would be accomplished in three phases. Phase I improvements will be designed to improve water quality but not expand the current 0.9 million gallons per day (mgd) capacity. Phase II improvements will expand plant capacity to 1.28 mgd with Phase III improvements resulting in an increase to the plant's ultimate capacity of 1.80 mgd. The improved wastewater treatment and treatment capacity is intended to serve both existing and future wastewater treatment demands generated within the Southland WWTF service area of the Nipomo Community Services District. Future capacity requirements are based on buildout demand estimates. Buildout within the Southland WWTF service area is based upon the Land Use and Circulation Elements of the San Luis Obispo County General Plan (revised June 23, 2006). Treatment plant expansion during Phases II and III of the proposed Project will be based upon increased influent flow volumes as required by state regulatory agencies.

Either during or after Phase I of construction is completed, the Nipomo Community Services District will need to expand its treated effluent disposal capabilities in order to accommodate future wastewater flows. These expanded treated effluent disposal facilities involve two elements: the potential provision of two additional percolation ponds at the existing Southland Wastewater Treatment Facility and construction of one or multiple off-site re-use or percolation facilities or a combination of ponds and/or percolation facilities.

The additional on-site percolation facilities would be constructed on approximately ten acres adjacent to the existing wastewater treatment ponds. These percolation basins will measure approximately 110 feet by 650 feet with a depth of approximately five feet. These basins will be located within the District property southwest of the existing infiltration basins. The basins would be similar in design to the existing basins and would be unlined in order to facilitate the percolation/disposal of treated effluent.

The District has also evaluated several locations for off-site disposal and/or reuse of remaining effluent after treatment and storage at the Southland Wastewater Treatment Facility. Potential disposal/reuse methods that were the subject of these investigations included discharge into percolation ponds, discharge into subsurface disposal systems, surface irrigation of either agricultural or recreation/open space areas, or deep percolation. As a result of these investigations, three separate locations for off-site effluent disposal/reuse were selected for evaluation in this Draft EIR. One option involves the provision of percolation facilities at Kaminaka Property with a second option being the reuse of treated effluent for irrigation of areas south of the existing Southland Wastewater Treatment Facility. A third disposal option involves the reuse of treated effluent for irrigation at Blacklake Golf Course, Nipomo Community Park and possibly the Kaminaka Property.

The proposed Project will be constructed within three phases. Phase I will involve construction of upgraded treatment facilities at the Southland WWTF. Phase I upgrades to the treatment plant are estimated to require a total of twelve to eighteen months. Phase II will involve construction of treatment plant improvements as well as the off-site transmission mains and disposal area(s). Construction of transmission mains and the proposed disposal site will require six to twelve months depending on its location. Phase III involves construction of additional treatment plant improvements which is anticipated to require six to twelve months. Phase I is anticipated to begin in 2011. The timing of Phases II and III is dependent upon the rate of growth in the District's Southland WWTF service area. Several of these construction activities may be performed concurrently. Phase I improvements will be constructed within the existing Southland WWTF while Phases II and III may include construction of off-site improvements if treated effluent cannot be fully disposed of on-site.

The proposed Nipomo Community Services District Southland Wastewater Treatment Facilities Improvements Project involves a series of approvals and discretionary actions by the Nipomo Community Services District, as Lead Agency, and other involved regulatory agencies. The proposed Project involves the following approvals by the Nipomo Community Services District: 1) certification of the Final Environmental Impact Report; 2) approval of the Mitigation Monitoring Program and 3) review and approval of detailed plans for pipelines, upgraded treatment facilities, percolation ponds and any other infrastructure for the proposed wastewater treatment facilities improvements.

The proposed Project may also require the following approvals by other involved regulatory agencies including: 1) Section 404 Permits under the Clean Water Act from the U.S. Army Corps of Engineers, which regulates the discharge of dredged and/or fill material into the "waters of the United States"; 2) Public Resources Code Sections 1601-1603 Streambed Alteration Agreements from the State of California, Department of Fish and Game, which regulates all diversions, obstructions or changes in the natural flow or bed, channel or bank of any river, stream or lake which supports fish or wildlife; 3) a National Pollution Discharge Elimination System (NPDES) permit to comply with Section 401 of the Clean Water Act from the State Water Quality Control Board; 4) a Section 401 Water Quality Certification and a General Permit for Storm Water

Discharges Associated with Construction Activities from the Central Coast Regional Water Quality Control Board; 5) a new Waste Discharge Order issued by the Central Coast Regional Water Quality Control Board; 6) a Section 7 Consultation or Section 10(a) Permit from the United States Fish and Wildlife Service which allows the "taking" of an endangered species; 7) easements secured from landowners in the Nipomo area or other entities for right-of-way and construction and 8) any necessary construction and/or encroachment permits from the County of San Luis Obispo for equipment staging and construction operations.

This Final Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) as amended (Public Resources Code Section 21000, et. seq.). This Final EIR is intended to address all of the impacts, mitigation measures, project alternatives, etc. associated with the proposed Project. An Initial Study for the project was prepared by the Nipomo Community Services District and a Notice of Preparation (NOP) for an EIR was distributed to local Responsible and Trustee Agencies, the State Clearinghouse and other interested parties between May 29, 2009 and June 29, 2009. Various agencies and individuals provided written comments within the State-mandated 30-day public review period for the NOP. During the months of April, 2011 through June, 2011, the Nipomo Community Services District internally reviewed administrative draft copies of the Draft EIR.

Upon completion of this review, copies or notification of availability of the Draft EIR were forwarded to all Responsible/Trustee Agencies and interested groups and individuals. As was also the case for the Notice of Preparation, the Draft EIR was forwarded to the State Clearinghouse for distribution to and review by various involved State agencies. The State-mandated 45-day public review of the Draft EIR began on June 24, 2011 and ended on August 8, 2011. A Response to Comments package was prepared which presented responses to all written comments received in response to the public review of the Draft Environmental Impact Report.

The contents of the Draft EIR, the Responses to Comments on the Draft EIR, the Mitigation Monitoring/Reporting Program, these Findings of Fact, the Staff Report and any other related attachments or additional materials comprise the Final Environmental Impact Report for the proposed NCSD Wastewater Treatment Facilities Improvements Project.

This Final EIR has been prepared for the Nipomo Community Services District in accordance with the California Environmental Quality Act (CEQA), as amended, and District Guidelines for the Implementation of CEQA. Pursuant to California Public Resources Code 21082.1, the Nipomo Community Services District has independently reviewed and analyzed the information contained in the Final Environmental Impact Report. The conclusions and discussions contained herein reflect the independent judgment of the Nipomo Community Services District as to those issues known at the time of publication. The Final EIR was certified by the NCSD Board of Directors on November 16, 2011.

THE ENVIRONMENTAL IMPACT REPORT

An Initial Study for the NCSD Southland WWTF Improvements project was prepared by the Nipomo Community Services District in December, 2008, which identified potential environmental impacts associated with the proposed Project. These potential impact areas include land use and planning, population and housing, water/wastewater, biological resources, aesthetics, cultural resources, geology, hazards and hazardous materials, public service and utilities, traffic, noise and air quality. In addition, the State CEQA Guidelines require analysis of Unavoidable Adverse Impacts, Project Alternatives, Growth Inducing Impacts, Cumulative Impacts, and provision of a Mitigation Monitoring/Reporting Program. As a result of the Initial Study, it was determined that the proposed Project may have a significant effect on the environment and an Environmental Impact Report (EIR) was required.

The Final EIR analyzed both project and cumulative effects of potential environmental impacts noted above. The Final EIR developed and identified a variety of mitigation measures to minimize, reduce, avoid or compensate for the potential adverse effects of the proposed Project.

The Final EIR discussed a number of potential alternatives to the proposed Project, including: 1) the No Project Alternative; 2) the Groundwater Recharge Alternative; 3) the Surface Discharge Alternative; 4) the Pasquini Property Disposal Alternative; 5) the South Mesa Disposal Alternative; 6) the Mesa and Eucalyptus Roads Disposal Alternative; 7) the Aquifer Modification Alternative; 8) the Highway 101 Landscape Irrigation Disposal Alternative and 9) the Nipomo Refinery Disposal Alternative.

Public hearings have been held on the project proposal and its associated environmental impacts by the Nipomo Community Services District Board of Directors prior to the certification of the Final EIR. The Final EIR was certified by the NCSD Board of Directors on November 16, 2011.

The Nipomo Community Services District makes the following findings in adopting a Resolution certifying the Final EIR. Section 1 of these Findings contains the Statement of Overriding Considerations. Section 2 discusses the significant unavoidable environmental effects of the proposed Project which cannot be feasibly mitigated to a level of insignificance. Section 3 discusses those potential environmental effects of the proposed Project which have been mitigated to a level of insignificance. Section 4 discusses the potential environmental effects of the proposed Project which were determined to be insignificant. Section 5 discusses the potential environmental effects of the proposed Project which were determined to be beneficial. Section 6 discusses the growth-inducing impacts of the proposed Project. Section 7 discusses the alternatives to the proposed Project discussed in the Final EIR. Section 8 discusses the Mitigation Monitoring/Reporting Program for the proposed Project. Section 9 contains the required Section 15091 and 15092 Findings. The findings set forth in each section are supported by substantial evidence in the administrative record of the proposed Project. Exhibit A to

this Findings package contains the Mitigation Monitoring/Reporting Program for the proposed Project.

SECTION 1

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed significant effects which will occur as a result of the proposed NCSD Southland WWTF Project. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to a level of insignificance except for project-related significant, unavoidable adverse impacts in the areas of Land Use and Planning and Population and Housing as identified in Section 2 of these Findings.

Having reduced the effects of the proposed Project by adopting a program to monitor mitigation measures for certain project impacts (as discussed in Section 3 and 4 of these Findings) and having balanced the benefits of the proposed Project against the proposed Project's potential unavoidable adverse impacts (as noted in Section 2 of these Findings), the Nipomo Community Services District hereby determines that the benefits of the proposed Project outweigh these potential unavoidable adverse impacts based on the following overriding considerations:

1. Provide reliable, high quality and cost effective wastewater treatment and disposal capacity and services to existing and future customers within the District's Town Sewer Service Area.

2. Respond to and remedy water quality violations associated with prior and current operations of the Southland Wastewater Treatment Facility.

3. Improve the water quality of treated wastewater to comply with current and projected State Waste Discharge Order requirements and to minimize adverse impacts upon Nipomo Mesa groundwater.

4. Manage the height and volume of the subsurface mound of treated wastewater under the Southland percolation basins and the resultant discharge of groundwater into Nipomo Creek over an annual period.

5. Assist in resolving the Nipomo Mesa water supply deficit by promoting the beneficial use of the treated wastewater to either offset current Nipomo Mesa non-potable water usage and/or, where feasible, to augment productive Nipomo Mesa groundwater aquifers.

6. To the extent feasible, minimize use of additional fossil fuels by offsetting project-related increased power utilization with a more sustainable energy source.

7. Improve the efficiency and reliability of operations of the Southland Wastewater Treatment Facility.

SECTION 2

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The Nipomo Community Services District has determined that certain environmental impacts cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 1 of these Findings) to substantiate the District's decision to accept these unavoidable adverse environmental impacts because of the benefits afforded by the proposed Project.

A. Land Use and Planning

Impact – The proposed Project may potentially induce changes in land use as a result of the reduction or elimination of a potential constraint upon development within areas served by the additional sewer service provided by the proposed Project.

Mitigations – No mitigation measures are proposed.

Findings – Specific economic, social, legal, technical or other considerations make the mitigation measures or alternatives identified in the Final Environmental Impact Report infeasible.

Supportive Evidence – The proposed Project involves the provision of additional sewer service in order to serve new development consistent with the South County Area Plan within the current boundaries of the Nipomo Community Services District.

The proposed Project will not directly cause a change in the San Luis Obispo County land use designation or zoning or an increase in the intensity of currently-designated land uses. Within the Southland Wastewater Treatment Area, the proposed Project does, however, involve the provision of additional sewer service, thereby reducing or eliminating a potential constraint to future development within areas to be served by this additional wastewater treatment and disposal capability. This additional sewer service will be used to serve existing and new development within the South County Planning Area.

Any increase in density or change of land use to the South County Area Plan within the area to be served by the additional sewer service will, however, first require a General Plan Amendment and zoning change. A General Plan Amendment, which is adopted by the County of San Luis Obispo, would study a variety of land use and environmental issues before being approved or denied including community character and compatibility, existing land use policies, traffic and circulation impacts, the provision of public services, etc. This process also involves significant public involvement and the implementation of the California Environmental Quality Act

(per CEQA). Approval of a General Plan Amendment would require a supplemental water allocation from the District if available. Any future development within areas served by the additional sewer service would also require a number of additional approvals including approval of a Specific Plan, conditional use permit or tract map by the County of San Luis Obispo. These future discretionary approvals will require the preparation and certification of additional environmental documentation (pursuant to CEQA) to address the potential land use and planning impacts of these future approvals.

The proposed Project's potential long-term and cumulative land use and planning impacts resulting from the elimination of a potential constraint upon future development of areas served by the additional sewer service provided by the proposed Project as well as the project's indirect impact upon land use patterns are considered to be significant impacts which cannot be reduced to an insignificant level.

B. Population and Housing

Impacts – The proposed Project may potentially induce a substantial growth in population as a result of the reduction or elimination of a potential constraint upon development within areas served by the increased sewer service provided by the proposed Project.

Mitigations – No mitigation measures are proposed.

Findings – Specific economic, social, legal, technical or other considerations make the mitigation measures or alternatives identified in the Final Environmental Impact Report infeasible.

Supportive Evidence – The proposed Project involves the provision of additional facilities necessary to expand the wastewater treatment and disposal capabilities of the existing Southland Wastewater Treatment Facilities in order to serve existing and new development within the South County Planning Area.

The proposed Project will not directly generate any new population or housing. The proposed Project does, however, involve the provision of additional sewer service thereby reducing or eliminating a potential constraint to future development within areas to be served by this additional wastewater treatment and disposal capability. However, any increase in residential density beyond that allowed by the South County Area Plan and the resultant increase in population and housing will require a General Plan Amendment and zoning change as well as other subsequent approvals by the County of San Luis Obispo such as a Specific Plan, conditional use permit or tract map. These future discretionary approvals will require preparation and certification of additional environmental documentation (CEQA) to address the potential population and housing impacts of these future approvals. While the Nipomo Community Services District may provide the County with input regarding land use decisions, it does not have any authority over land use entitlements. Development projects within the boundaries of the Nipomo Community Services

District or its Sphere of Influence are approved by the County contingent upon receiving wastewater treatment and disposal services from a community wastewater system such as the NCSD.

The proposed Project's potential long-term and cumulative population and housing impacts resulting from the reduction or elimination of a potential constraint upon future development of areas served by the additional sewer service provided by the proposed Project as well as the project's indirect impact upon population and housing are considered to be significant impacts which cannot be reduced to an insignificant level.

SECTION 3

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN MITIGATED TO A LEVEL OF INSIGNIFICANCE

All Final EIR mitigation measures (as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings) have been incorporated into the NCSD Southland Wastewater Treatment Facilities Improvements Project.

The Nipomo Community Services District has determined that these mitigation measures will result in a substantial reduction of the following impacts which have been mitigated to a level of insignificance. The mitigation measures referred to below are contained within the Mitigation Monitoring Program which is attached as Exhibit A to these Findings.

A. Land Use and Planning

Impact – The proposed Project could directly impact agricultural land uses in areas adjacent to short-term Project construction activities, particularly areas containing agricultural farmland.

Mitigations –

A-1: For any construction staging or storage proposed on prime farmland, permanent impacts to soil resources can be avoided with the following measures:

- A geotextile membrane shall be placed on top of native soils prior to the placement of any stockpile, fill, base materials or construction materials.
- Upon completion of the project, native soil will be replaced to its previous condition in terms of soil texture, water holding capacity and soil permeability.
- All excavated soils will be stockpiled during construction in a manner that protects the soils' physical, chemical and biological characteristics. Biologically active topsoil (A horizon) shall be segregated from deeper soils during construction and replaced in a similar manner upon completion of construction.
- At the conclusion of construction, soils will be replaced in a manner that mimics the pre-construction characteristics of the soils, including compacting the soils to the same soil permeability, soil texture and available water holding capacity.
- A Weed Control Program shall be implemented during project construction along the routes of all proposed transmission mains and

temporary access roads in order to control the introduction and/or spread of invasive exotic species.

A-2: Project construction shall be coordinated with property owners and any farm lessee/operators. Impacts to agricultural use of the property can be avoided or minimized with the following measures:

- All proposed wastewater transmission and disposal systems shall be located in order to avoid damaging buried irrigation lines, wells, risers and other agricultural infrastructure based upon existing mapping or recordation.
- Early notice of any planned closures or detours on existing roadways either within the fields or along existing paved roads with regular updates about forthcoming closures or detours shall be provided to area agricultural producers and posted on local roadways so that adequate planning can be made for the movement of agricultural goods, personnel and residential commuters.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – The areas through which the proposed wastewater treatment facilities improvements, disposal site options, pipeline extensions and associated facilities are located lie within a variety of land uses including residential, commercial, agricultural and recreation facilities. The proposed Project may represent a short-term conflict with existing agricultural uses during project construction activities. Excavation and grading of soils within agricultural farmlands could significantly impact soil resources at all three of the candidate disposal sites

Mitigation Measures A-1 and A-2 will reduce potentially significant temporary or permanent impacts to agricultural lands to an insignificant level.

B. Water

Impact – The proposed Project could result in the degradation of surface water quality as the result of construction-related spills or short-term landform alteration. These impacts are considered to be potentially significant, but mitigable.

Mitigations –

C-1: The Nipomo Community Services District shall develop a Stormwater Pollution Prevention Plan (SWPPP) that will include Best Management Practices (BMPs) to prevent the discharge of construction materials, contaminants, washings, concrete, fuels, and oils. The SWPPP will be available on the construction site pursuant to State regulations. BMPs should include the following measures:

- Properly maintain (off-site) all construction vehicles and equipment that enter a construction area in order to prevent leaks of fuel, oil, and other vehicle fluids.
- Conduct equipment and vehicle fueling off-site. If refueling is required at a construction site, it will be done within a bermed area with an impervious surface to collect spilled fluids.
- Prepare a Spill Prevention/Spill Response Plan for the site that includes training, equipment and procedures to address spills from equipment, stored fluids and other materials including disposal of spilled material and materials used for clean up of contaminated soils and materials.
- Place all stored fuel, lubricants, paints, and other construction liquids in secured and covered containers within a bermed area.
- Conduct any mixing and storage of concrete or other construction materials in contained areas.
- Insure that all equipment washing and major maintenance is prohibited at a construction site except in bermed areas.
- Remove all refuse and excess material from a construction site as soon as possible.
- Channelize storm water to avoid construction equipment and materials and to avoid the diversion of runoff into existing drainages.

C-2: In compliance with the San Luis Obispo County Land Use Ordinance, the District shall prepare an Erosion and Sedimentation Control Plan outlining measures to address both temporary (i.e. site disturbance, stockpiling and construction activities) and final (post-construction) methods for stabilizing exposed soils, minimizing the potential for erosion and sedimentation as well as maintaining off-site water quality. These measures shall include, but may not be limited to:

- The use, if necessary, of silt fencing, straw bales or sandbags in order to reduce the potential for erosion from disturbed soils and
- Implementation of other methods for stabilizing disturbed soils and minimizing soil loss from the construction site.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen certain significant environmental effects as identified in the Final EIR.

Supportive Evidence – Concrete work and use of fuels and lubricants associated with the construction equipment could affect water quality in the event that an accidental spill occurred during construction and was washed into nearby drainages. Under the authority of the Clean Water Act, the Federal Environmental Protection Agency created the National Pollutant Discharge Elimination System (NPDES) to control the amount and concentration of pollutants in urban stormwater runoff which ultimately

drain into the ocean, coastal wetlands or other surface waters. These regulations require that discharges of stormwater from construction activity of five acres or more be regulated thereby requiring a NPDES permit. These potentially significant impacts can be mitigated with the development of a Stormwater Pollution Prevention Plan which requires provision of control measures at points of drainage discharge (see "Mitigations"). Implementation of these measures will result in potentially significant, but mitigable impacts.

The proposed wastewater treatment and disposal facilities will also result in short-term landform alteration during project construction which could potentially alter the composition of surface runoff. Project construction activities may temporarily alter the composition of surface runoff through the grading of ground surfaces. This runoff could, without proper mitigation, contribute to the incremental degradation of off-site water quality. Erosion of graded areas and discharge of sediment to off-site areas will occur if exposed soils are not stabilized, or if adequate detention or erosion control measures are not implemented. These potentially significant impacts can be mitigated through the use of Best Management Practices, erosion control devices and other methods for stabilizing disturbed soils which will result in potentially significant but mitigable impacts.

Mitigation Measure C-1 and C-2 will reduce potentially significant impacts related to the potential degradation of surface water quality due to construction-related spills or short-term landform alteration to an insignificant level.

Impact – The proposed Project could directly impact the Coastal Aqueduct Pipeline and the existing fiber optic communications cable. These impacts are considered to be potentially significant, but mitigable.

Mitigations –

C-3: Any areas proposed for future project improvements containing the Coastal Aqueduct Pipeline and/or the State Water Project fiber optic communications cable shall be surveyed in order to clearly delineate the extent of the State Department of Water Resources right-of-way. No excavation or test drilling within these areas shall be conducted without prior approval of the Department of Water Resources (DWR) or the Central Coast Water Authority (CCWA). No proposed structures or grading that may limit DWR or CCWA access to the Coastal Aqueduct easement shall occur without prior DWR approval.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen certain significant environmental effects as identified in the Final EIR.

Supportive Evidence – The Department of Water Resources' (DWR) Coastal Aqueduct Pipeline, part of the State Water Project, runs under the Southland

Wastewater Treatment Facility. This 42 inch water transmission main is located approximately 16 feet underground as it traverses under the Southland WWTF.

Project construction activities may potentially sever or impair these existing underground facilities. The potential for this occurrence is reduced given the depth of these underground lines. These potentially significant impacts can be mitigated through provision of a clear delineation of the extent of the State Department of Water Resources right-of-way and securing the required approvals from the DWR and the CCWA. These actions will result in potentially significant but mitigable impacts.

Mitigation Measure C-3 will reduce potentially significant impacts to the Coastal Aqueduct Pipeline and existing fiber optic communications cable due to project construction to an insignificant level (Class II Impact).

C. Biological Resources

Impact – Construction activities within the proposed pipeline alignments, wastewater treatment facilities improvements, disposal site options and associated facilities could adversely affect nesting activities of protected migratory birds and raptors.

Mitigations –

D-1: All construction operations shall be conducted prior to, or after, the nesting season (February 15 to September 15) in order to avoid any potential impacts to nesting birds. This shall include any necessary vegetation and/or tree removals which could disrupt nesting birds. Therefore, construction activities should be conducted between September 15 and February 15 to the extent feasible.

If the above measure is not feasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities initiated between February 15 and September 15 in order to identify potential bird nesting sites.

- If active nest sites of common bird species protected under the Migratory Bird Treaty Act (e.g., Northern mockingbird, House finch, etc.) and Fish and Game Code Sections 3503 and 3503.5 are observed within 300 feet of construction activities, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs and/or young.
- If active nest sites of raptors and/or species of special concern are observed within the vicinity of Southland WWTF, construction shall be avoided or terminated until the California Department of Fish and Game is contacted and an appropriate buffer zone around the nest site is established. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest or the nest is abandoned.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Supportive Evidence – Raptor and migratory bird species protected under the Migratory Bird Treaty Act and the California Fish and Game Code may nest along portions of the pipeline alignments (within oak and eucalyptus woodlands), the Southland WWTF proposed disposal sites and associated facilities. These include ground nesters (Western meadowlark and Lark sparrow), small tree/shrub nesters (Bushtit, American robin, Northern mockingbird, Loggerhead shrike, House finch and Lesser goldfinch), freshwater marsh nesters (Red-winged blackbird) and several raptors which require large trees, such as eucalyptus for nesting purposes (Turkey vulture, Red-tailed hawk, Red-shouldered hawk, Great-horned owl and Barn owl). In addition, the existing percolation basins within the Southland WWTF provide suitable nesting habitat for a number of waterfowl (i.e., mallards) observed during May, 2009 field surveys. Short-term impacts to these species may occur due to vegetation clearing, debris removal, dust deposition and noise disturbance associated with project-related trenching, general construction activities and traffic. Specifically, vegetation removal and grading activities may significantly impact nests, nestlings or hatchlings of these protected bird species.

Special-status bird species such as the Sharp-shinned hawk also have the potential to periodically frequent the project area for the purpose of foraging and may be temporarily affected by construction activities due to the short-term loss of foraging opportunities. However, Loggerhead shrike and California horned lark could also potentially be impacted during construction through the disruption of breeding activities and/or short-term loss of foraging opportunities within areas of construction. This would be most applicable within the proposed percolation pond expansion area located along the southwestern portion of the WWTF. The Northern harrier could also be affected during the breeding season by the short-term disturbance of the open grassland areas along the southwestern portion of the WWTF. Further, the White-tailed kite and Cooper's hawk are likely to be affected by the short-term disturbance of both foraging habitat and potential nest sites, including the eucalyptus woodland windrows located along the proposed pipeline alignments and along the perimeter of the Kaminaka Property (Site #4). Lastly, the special-status Tricolored blackbird was observed within the existing aeration basin area of the WWTF during the May, 2009 surveys. As such, this species also could be affected during its breeding period by proposed improvements within the facility with emphasis on the existing percolation basin area which may provide suitable breeding habitat. Due to the relatively small area of disturbance and short-term construction period, overall impacts to foraging special-status raptors are expected to be minimal. However, potential nesting habitat for all migratory and special-status bird species

with the potential to occur in the project area should be carefully surveyed prior to construction (see “Mitigations”).

Among the disposal site options, the level of expected disturbance and potentially significant impacts to nesting birds would be greatest with use of treated effluent at Blacklake Golf Course, Nipomo Community Park and the Kaminaka Property due to the length of the proposed pipeline alignment necessary to reach these sites and associated habitat elements (oak woodland habitats) which may support nesting raptors and migratory birds. However, it is recommended that scheduling project construction outside the nesting season or conducting pre-construction surveys be implemented (see “Mitigations”).

Mitigation Measure D-1 will reduce potentially significant impacts to nesting activities of protected migratory birds and raptors to an insignificant level.

Impact – Construction activities could adversely affect special-status terrestrial species potentially occurring in the project area.

Mitigations –

D-2: All equipment staging and construction crew parking areas shall be located within pre-designated staging areas identified on construction plans which avoid identified sensitive habitats as determined by a qualified biological monitor. This shall include pre-designation of all staging areas for construction of all pipeline improvements. Additionally, all construction access routes shall be established in previously disturbed areas and/or existing roadways.

D-3: Exclusionary fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species. The exact location of exclusionary fencing for each construction area shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each individual project component.

D-4: A qualified biological monitor shall conduct a worker orientation for all construction contractors (site supervisors, equipment operators and laborers) which emphasizes the presence and identification of areas containing special-status species, their habitat requirements and applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts.

D-5: If nighttime construction activities are warranted, all equipment lighting shall be shielded away from adjacent wildlife habitat areas and the open sky in order to minimize lighting/glare impacts of wildlife while still providing safe working conditions for construction personnel.

D-6: A dust control program during the construction phase of the project shall be implemented to minimize dust impacts to adjacent vegetation communities and associated special-status species.

D-7: A qualified biologist shall conduct a pre-activity survey to determine presence or absence of California horned lizard within the Southland WWTF and the Kaminaka Property. Surveys shall only be required during the active period of California horned lizards (generally April through September). If California horned lizards are identified adjacent to and/or within work areas, hand rakes or an equivalent method shall be utilized by the biologist in order to scarify the ground surface and encourage the horned lizards (and other wildlife) to vacate the immediate area prior to construction. Alternatively, drift fences shall be used to capture horned lizards. As necessary, the qualified biologist shall physically relocate any California horned lizards to suitable habitat located outside the construction zone(s).

D-8: A qualified biologist shall conduct pre-construction survey(s) within one week of ground-disturbing activities to determine presence/absence of active badger dens within 100-feet of project activities at the WWTF (including 10-acre expansion area) and the Kaminaka Property. If no evidence of badger presence is detected, no further mitigation is required. The following measures shall be implemented if active badger dens are detected during pre-construction surveys:

- The entrance to the den and an area of approximately one square meter in front of entrance (i.e., den apron) shall be smoothed with a flat-head shovel or equivalent. Diatomaceous earth shall be placed on the smoothed areas. Check the next three consecutive mornings for badger tracks. If no tracks are observed, assume that the den is no longer occupied. However, to ensure no loss of badgers, hand excavate the den completely, then backfill to prevent re-occupation.
- If tracks are observed in the diatomaceous earth during any of the three mornings, progressively block the entrance, using soil and other nearby materials (woody debris, etc.) Render the entrance progressively more difficult to enter and exit over the following three days. Then, to assure no loss of badgers, hand excavate the den completely and backfill to prevent re-occupation.
- The above American badger protocols shall be implemented for dens at or near the Southland WWTF including the 10-acre percolation pond expansion area and within the Kaminaka Property. Dens identified near the equipment access routes shall be marked and carefully avoided during all construction activities. Verification of occupancy is not necessary if such dens can be avoided.

D-9: A qualified biological monitor shall be on-site during all vegetation clearing and shall periodically monitor the project area during construction activities in order to inspect protective fencing, equipment staging areas and to physically relocate or

remove any special-status wildlife species entering the construction zone or identified during brush clearing and excavation (e.g., California horned lizard, Silvery legless lizard, etc.). All special-status species shall be relocated to suitable habitat located outside the construction zone by the qualified biologist. Exact procedures and protocols for relocating shall be based upon pre-project consultation with California Department of Fish and Game.

D-10: Nesting bird surveys shall be conducted between February 15 and September 15 to identify nest sites of special-status bird species including Loggerhead shrike, California horned lark, Northern harrier, Cooper's hawk, White-tailed kite and Tricolored blackbird.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Supportive Evidence - The short-term construction activities associated with the proposed pipeline alignments, wastewater treatment facilities improvements, disposal site options and associated facilities have the potential to adversely affect terrestrial special-status wildlife species found in the project area. Specifically, the Coast horned lizard may be present within and/or adjacent to the proposed work areas within the Southland WWTF and the Coyote brush scrub habitat at the Kaminaka Property. Construction activities in the areas that may impact the Coast horned lizard at the Southland WWTF involve the proposed improvements to the existing aeration basins and construction of the additional ten acres of percolation ponds. A single, adult Coast horned lizard was observed during May, 2009 field surveys along the western perimeter of the existing Southland WWTF aeration basins. Suitable habitat for this species is also located within the non-native grassland areas along the southwestern boundary of the WWTF as well as within the Coyote brush scrub habitat at the Kaminaka Property. Although the density of the Coast horned lizard within these suitable habitats is not known, it is likely that historical disturbance in the form of agricultural activities and residential development has resulted in a decreased population of Coast horned lizard within the region. Further, the Silvery legless lizard has the potential to be encountered during vegetation removal and subsequent ground disturbance associated with proposed improvements. While the number of impacted species is expected to be small, increased mortality of the species could be expected to impact the overall distribution and/or survival of the species in the region.

The American badger may also be present within or adjacent to the proposed construction areas at the Southland WWTF as well as the Coyote brush scrub habitat at the Kaminaka Property. Several active badger burrows were identified during the May, 2009 field surveys. Due to the lack of a suitable prey base and the extent of

human disturbance, American badgers are not expected to occur within the agricultural areas surrounding the WWTF. While the number of impacted species is expected to be small, increased mortality of the species could be expected to impact the overall distribution and/or survival of the species in the region.

Among the disposal site options, the level of expected disturbance and potentially significant impacts to special-status wildlife species would be greatest with use of the Kaminaka Property due to the existing habitat elements which may support Coast horned lizard, American badger and nesting raptors.

At both of these locations, the Southland WWTF and the Kaminaka Property, it is recommended that all equipment staging and construction crew parking be established at pre-designated staging areas, exclusionary fencing be installed at construction area boundaries, a worker orientation program be conducted, nighttime lighting be shielded and dust control programs, pre-construction surveys and monitoring of all vegetation clearing be implemented

Mitigation Measures D-2 through D-10 will reduce potentially significant impacts associated with special-status terrestrial species to an insignificant level.

Impact – Construction activities could adversely affect semi-aquatic special-status species within the existing percolation ponds at the Southland WWTF and agricultural stock ponds located within the proposed pipeline alignments. These impacts are considered to be potentially significant, but mitigable.

Mitigations –

D-11: Site disturbance and construction activities shall not occur during the rainy season (October 15 to April 15) within 300 feet of any areas containing suitable breeding habitat of the Western spadefoot toad in order to protect migrating and/or breeding of this species which typically initiates surface movements from burrows following first rains of fall. No construction activities shall occur in these areas during or immediately following a rain event or if water is ponding within these areas.

If the above measure is not feasible, pre-construction surveys for Western spadefoot toad shall be conducted by a qualified biologist within all portions of the project site containing suitable breeding habitat. This shall include an evaluation of all previously documented occupied areas and a reconnaissance-level survey of the remaining natural areas. Surveys shall be conducted when the Western spadefoot toad can be detected (i.e., during substantial rain events which have potential to result in ponding on-site [0.5-inches of rain or greater]). This shall include both night and day surveys to detect all life stages of the Western spadefoot toad.

- All Western spadefoot adults, tadpoles, and egg masses encountered shall be collected and released into pre-designated percolation pond(s) containing water within the Southland WWTF as approved by CDFG.
- The qualified biologist shall continue to monitor the relocation sites on a

periodic basis throughout the breeding period (i.e., every two weeks) to document success of relocation efforts. Further, final survey and monitoring data will be provided to CDFG in a written report.

D-12: A qualified biological monitor shall conduct a worker orientation which emphasizes the presence of semi-aquatic, special-status species within the project area (e.g., western spadefoot toad, California red-legged frog, etc.), their habitat requirements, applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts.

D-13: All work areas within 100 feet of the existing Southland WWTF percolation ponds and/or existing agricultural stock ponds southwest of the WWTF shall be surveyed by a qualified biologist each day prior to the initiation of construction activities. As necessary, the qualified biologist shall physically relocate semi-aquatic, special-status species (e.g., Western spadefoot toad, Southwestern pond turtle, etc.) and common semi-aquatic species (e.g., Western toad, Pacific chorus frog, etc.) to suitable habitat areas located outside the construction zone(s). Exact procedures and protocols for relocation of the special-status species shall be based upon pre-project consultation with the California Department of Fish and Game. In the event California red-legged frog (CRLF) is identified in a work area, all work shall cease until the CRLF has safely vacated the work area. At no time shall any CRLF be relocated and/or affected by project operations without prior approval from the U.S. Fish and Wildlife Service.

D-14: Prior to commencing construction, NCSD shall prepare the following plans and agency permit applications, and shall implement all plans prior to, during and immediately following construction activities.

- In compliance with the San Luis Obispo County Land Use Ordinance, the District shall prepare an Erosion and Sedimentation Control Plan (ESCP) outlining the measures to address both temporary (i.e., site disturbance and stock piling) and final (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed Project site. All applicable measures shall be included on final construction plans and adhered to throughout the project.
- All project operations shall comply with the requirements under the General Construction Storm Water General Permit, issued by the State Water Resources Control Board. Such requirements will include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site.
- A Spill Contingency Plan (SCP) shall be prepared outlining measures to prevent the release of petroleum and hazardous materials including containment methods for emergency clean-up operations. Prevention measures shall include, but not be limited to, identification of appropriate fueling areas away from sensitive habitat areas such as swales and/or

drainages, a maintenance schedule for equipment and a list of appropriate containment and spill response materials to be stored on-site. All vehicles shall be staged only in appropriately marked and protected areas and at no time shall any cleaning and/or refueling of equipment be allowed upslope and/or within the vicinity of any drainages and/or wetland habitat areas, including agricultural stock ponds. If an accidental spill of a hazardous or toxic material occurs, the Regional Water Quality Control Board (RWQCB), the California Department of Fish and Game and California Department of Toxic Substances (CDTS) shall be notified.

D-15: Spill containment equipment shall be available on-site during all construction activities. As necessary, this shall include placement of individual spill response trailers at each active work area during project operations.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Supportive Evidence –

The existing percolation ponds within the Southland WWTF provide suitable habitat for the special-status Western spadefoot toad. In addition, the agricultural stock ponds located within agricultural lands southwest of the WWTF provide habitat for the Federally-listed California red-legged frog (CRLF). Other semi-aquatic, special-status species such as the Southwestern pond turtle also have the potential to occur in temporarily ponded areas of the Southland WWTF and/or within the agricultural stock pond(s) in areas southwest of the WWTF.

During construction of the expanded percolation ponds within the Southland WWTF and the possible development of an effluent disposal facility on agricultural lands southwest of the WWTF, down-gradient sediment and incidental spills or leaks of oils or fluids from equipment and machinery may result in a pollutant discharge into existing percolation ponds and/or agricultural stock ponds and associated drainage channels. Such inadvertent spills and/or discharges would have the potential to result in direct impacts to special-status aquatic and semi-aquatic species or result in the degradation of existing wetland vegetation and overall water quality. Further, mobile semi-aquatic, special-status species, such as the Western spadefoot toad, California red-legged frog (CRLF) and the Southwestern pond turtle have the potential to occur within and/or adjacent to proposed pipeline segments containing suitable habitat, including the proposed pipeline alignments within the Nipomo Mesa. The CRLF is known to travel up to two miles between aquatic sites during the rainy season and therefore could be present anywhere in the project area during this period. Increased

mortality of the Western spadefoot toad, the California red-legged frog and the Southwestern pond turtle would impact the overall distribution and/or survival of these species in the region.

Among the disposal site options, the level of disturbance and potentially significant impacts to semi-aquatic, special-status species would be greatest at the agricultural lands southwest of the Southland WWTF due to the existing agricultural stock ponds at this location which are known to support the CRLF.

It is recommended that site disturbance and construction activities not occur during the rainy season or during or immediately after a rain event, a worker orientation program be conducted, areas within 100 feet of the WWTF and existing agricultural stock ponds within the agricultural lands disposal site (if necessary) be subject to pre-construction surveys, an Erosion Control and Sedimentation Plan, Storm Water Pollution Prevention Plan and a Spill Contingency Plan be prepared and spill containment equipment be made available

Mitigation Measures D-11 through D-15 will reduce potentially significant impacts to special-status aquatic or semi-aquatic species to an insignificant level.

Impact – The proposed Project could result in long-term impacts to the large Coast live oak and Eucalyptus trees located along the proposed pipeline alignments located on Orchard Avenue and Pomeroy Road. These trees may represent potential habitat for Monarch butterflies or nesting raptors. These impacts are considered to be potentially significant, but mitigable.

Mitigations –

D-16: The proposed pipeline alignments shall be aligned to avoid impacting the root systems of large eucalyptus trees located on Orchard Avenue and Pomeroy Road. The precise location of these pipelines shall be reviewed by a qualified arborist to insure avoidance of or minimization of impacts to the root systems of large trees throughout pipeline alignment at these locations.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence - The majority of the proposed pipeline alignments will occur in areas generally lacking significant biological resources. However, large trees located along Orchard Avenue, Pomeroy Road and Willow Road leading to the Blacklake Golf Course, Nipomo Community Park and the Kaminaka Property represent potential habitat for Monarch butterflies or nesting raptors, which could be impacted by proposed pipeline trenching activities. Specifically, pipelines installed within the drip line of these trees could result in direct impacts to vital root systems, which may

lead to potential long-term impacts such as susceptibility to pests/diseases and/or death. Avoidance of root systems of large eucalyptus trees is recommended.

Mitigation Measure D-16 will reduce potentially significant impacts to large eucalyptus trees located on Orchard Avenue and Pomeroy Road to an insignificant level.

Impact – Long-term impacts associated with the potential generation of silt and sedimentation along the proposed pipeline alignments, wastewater treatment facilities improvements, disposal site options and associated facilities could result in adverse effects to adjacent habitat areas and associated special-status wildlife species. These impacts are considered to be potentially significant, but mitigable.

Mitigations –

D-17: An Erosion and Sedimentation Control Plan shall be prepared which includes provision for stabilizing construction sites and pipeline alignments and monitoring. As necessary, this plan shall include the following:

- Implementation of standard Best Management Practices (e.g., hydroseeding, wattles, and earthen swales, etc.) along the recontoured sites and erosion control monitoring during subsequent rainy seasons to insure that previously disturbed areas are stabilized.
- Installation of long-term drainage devices at all construction areas including, as necessary, catchment basins, culverts with down-drains and storm flow energy dissipating devices (riprap or diffusers).

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Terrestrial and semi-aquatic, special-status wildlife species potentially present within the proposed pipeline alignments, wastewater treatment facilities improvements, disposal site options and associated facilities includes the Coast horned lizard, CRLF, the Western spadefoot toad, American badger and the Southwestern pond turtle. The majority of these species (if present) would be expected to forage and possibly breed within the existing Southland WWTF percolation basins, surrounding grassland areas and the agricultural stock ponds located southwest of the WWTF. The proposed Project will result in trenching and localized surface disturbance of ruderal, agricultural, and non-native grassland habitat areas throughout the project area. Potential long-term surface erosion of the recontoured areas could result in the degradation of adjacent habitat areas over time due to increased silt and sedimentation. Further, uncontrolled runoff could result in long-term silt and sedimentation impacts to adjacent drainages and secondary effects to associated aquatic habitats and residing special-status species. Implementation of an Erosion Control and Sedimentation Control Plan is recommended.

Mitigation Measure D-17 will reduce potentially significant long-term impacts associated with the generation of silt and sedimentation.

Impact – Operation and maintenance activities of the Southland WWTF and the off-site disposal options could result in long-term adverse impacts to special-status wildlife species. These impacts are considered to be potentially significant, but mitigable.

Mitigations –

D-18: A special-status species orientation program shall be provided to all WWTF facility workers (site supervisors, equipment operators and laborers) which emphasizes the presence of special-status species within the facility, identification, their habitat requirements, applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts. Permanent placards with relevant special-status species information shall be posted in all employee break areas and other facility locations as deemed necessary by NCSD management. The orientation program shall be repeated annually for all staff and on an as needed basis for all new employees.

D-19: Percolation basin maintenance activities including scarification of pond bottoms with heavy equipment and weed abatement of pond berms shall not be conducted between January 1 and March 31 to avoid the primary breeding period for the Western spadefoot toad.

If the above measure is deemed infeasible between January 1 and March 31 due to a temporary increase in wastewater treatment demand and/or other emergency circumstances, then the following measures shall be implemented:

- All ponds proposed for maintenance shall be allowed to dry entirely with no standing water prior to scarification and/or weed abatement.
- A combined one day/night survey shall be conducted by a qualified biologist for Western spadefoot toad 24 hours prior to the proposed maintenance activity. The combined survey shall focus upon the pond bottoms and banks of all basins proposed for maintenance. Surveys shall be repeated, as necessary, to account for multiple maintenance activities within the Jan. 1 to March 31 breeding season.
- All Western spadefoot toad adults and metamorphs encountered during the combined day/night surveys shall be collected and released into other pre-designated percolation pond(s) containing water within the Southland WWTF as approved by CDFG.
- The qualified biologist shall continue to monitor the relocation sites on a periodic basis throughout the breeding period to document success of relocation efforts. Further, final survey and monitoring data will be provided to CDFG in a written report at the end of each breeding season.

D-20: Employees shall be directed to temporarily halt maintenance activities within areas containing special-status species until the animals have vacated the immediate area.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence - The proposed Project will include the construction of pipelines, wastewater treatment facilities improvements, disposal site options and associated facilities. These newly-installed facilities could result in the addition of a permanent noise source as well as potential additional source of nighttime lighting to areas adjacent to the existing Southland WWTF. These facilities would also require periodic inspections and routine maintenance in order to insure proper function of these wastewater treatment and disposal facilities.

The expanded wastewater treatment facilities at the Southland WWTF will involve the construction of four additional percolation ponds within an area located immediately southwest of the existing wastewater treatment facilities. Maintenance of the existing and proposed percolation basins at this location will involve scarification once per year to restore infiltration/percolation capacity as well as periodic weed abatement of the basins and berms.

The Southland WWTF provides suitable habitat for the Western spadefoot toad, Coast horned lizard and American badger which were identified within or adjacent to the existing percolation ponds during 2009 field surveys. These percolation basins also provide suitable habitat for the Southwestern pond turtle.

Any new noise sources associated with the expanded Southland WWTF (including periodic maintenance) are expected to be negligible due to structure design coupled with the current and ongoing level of adjacent land uses within these areas (Highway 101 and agricultural activities). Any new lighting sources associated with the proposed Project will occur at the existing structural facilities within the Southland WWTF which are located a sufficient distance away from the existing and proposed percolation ponds that would result in an insignificant impact upon the Western spadefoot toad or any other special-status wildlife due to increased glare.

Long-term maintenance operations of the existing and proposed percolation basins and other facility modifications or upgrades may, however, have the potential to result in impacts to existing populations of the Western spadefoot toad, Coast horned lizard and American badger possibly to below self-sustaining levels. It is recommended that a special-status species orientation program, restricting the timing of percolation basin maintenance activities or performance of surveys and relocation and temporarily halting basin maintenance until animals have vacated the immediate areas, be implemented

Mitigation Measures D-18 through D-20 will reduce potentially significant impacts associated with the long-term facilities operations and maintenance activities.

D. Aesthetics

Impact – Project infrastructure facilities may degrade views from adjacent areas.

Mitigations –

E-1: Prior to project construction, a Landscape Screening Plan shall be prepared for the District which provides landscaped screening consisting of trees and/or shrubs adjacent to proposed booster stations, the control/electrical and storage buildings at the Southland WWTF or any other above ground structure. Trees or shrubs will be provided which will reach six (6) feet surrounding these facilities without sacrificing safety considerations within two years of construction of these facilities.

E-2: Prior to project construction, a Landscape Maintenance Plan shall be prepared which provides a program for growing and maintaining the proposed vegetative screens so that they achieve the two-year growth plan for vegetation. The plan shall also identify the long range maintenance and vegetative requirements to insure that said screening will be maintained for 5 years, including replacement of any trees or shrubs which may die.

E-3: Prior to their construction, a color board will be provided which identifies the exterior colors and materials to be utilized on proposed pump stations, buildings at the Southland WWTF or any other above ground structure. The colors and materials selected will involve muted tones which match or are comparable with the colors found in the surrounding areas.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Once the proposed Project facilities are installed, the primary aesthetic impacts of the proposed Project involve the proposed above ground structures, such as the proposed wastewater treatment facilities improvements at the Southland WWTF and other project infrastructure including, but not limited to, pump stations and other associated facilities.

In order to insure adequate pumping pressures, pump stations will be required at various, undetermined locations along the proposed pipeline extensions from the Southland WWTF to the future off-site disposal facility. The number and location of these pump stations have not been determined at this time. Their number and location will depend upon the selected pipeline route, the length of the pipeline and the extent of any elevation changes. The pump station structures will be approximately ten feet in height and will measure approximately 1,000 square feet

(roughly 25 feet by 40 feet, subject to refinement during the final design process). This structure will be designed to buffer operating noise from the pumping equipment and to fit architecturally with the surrounding area while also providing necessary security.

Additional proposed above ground structures at the Southland WWTF include a control/electrical building and a storage building, both of which will be a maximum of fifteen feet tall. Private storage tanks may also be constructed at the selected wastewater disposal site.

While none of these facilities are considered to represent a major addition to the existing visual landscape of the area, several measures including the use and proper maintenance of landscaped screening and proper color selection are recommended.

Mitigation Measures E-1 through E-3 will reduce potentially significant aesthetic impacts associated with views of project facilities to an insignificant level.

Impact – Long-term project operations may result in the generation of light and glare into surrounding areas.

Mitigations –

E-4: Prior to project construction, an Exterior Lighting Plan shall be prepared for the District which indicates the height, location and intensity of all proposed exterior lighting. All light fixtures shall be shielded so that neither the lamp nor the reflective interior surface is visible from beyond 50 feet of project facilities. All light poles, fixtures and hoods shall be dark (non-reflective) colored. All exterior lighting sources shall be low-level adjusted so that light is directed downward. Security lighting shall be shielded so as not to create glare when viewed from adjacent properties with lighting heights no more than is absolutely necessary. All project lighting shall not be obtrusive to travelers along any adjacent roadways.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Proposed Project infrastructure facilities, primarily the above ground structures such as pump stations or other project infrastructure facilities that may be located adjacent to local roadways or existing residential uses will require exterior lighting for security purposes. It is anticipated that such low-level lighting will remain on throughout the evening. While night lighting will be generated by these facilities, travelers on surrounding roadways as well as residents in adjacent areas will not be as sensitive to the presence of night lighting at these locations. This is due to the relatively low level of illumination proposed coupled with existing night lighting emanating from adjacent properties as well as light and glare from nearby roadways, particularly from lighting and traffic on Highway 101.

The extent of visual impacts associated with project lighting is highly dependent upon the type and design of lighting selected for the project. Specifying appropriate lighting fixtures and types of lighting to be utilized is recommended.

Mitigation Measure E-4 will reduce potentially significant aesthetic impacts due to the generation of light and glare to an insignificant level.

E. Cultural Resources

Impact – Project construction could disturb or materially alter areas containing prehistoric cultural resources which may be related to an identified prehistoric site.

Mitigations –

F-1: Prehistoric cultural resource monitoring shall accompany any construction trenching and excavation within the WWTF site and along a 100 meter area on the south side of Southland Street directly south of 641 Southland Street. A Prehistoric Cultural Resource Monitoring Plan shall be developed by the District and approved by the County of San Luis Obispo which will include the following elements:

- A review of the proposed Project and the project phase to be constructed including areas of proposed grading and construction, access roads for construction vehicles, equipment storage areas, etc.
- Conducting a pre-construction archaeological workshop to be conducted by a qualified archaeologist in order to educate construction personnel as to the type of cultural material that may be encountered.
- Conducting XP-1 surveys in areas devoted to major excavation, primarily being areas proposed for construction of secondary clarifiers (see Figure 5D, Southland WWTF Improvements on page III-13 of the Draft EIR).
- Precise identification of areas subject to testing and/or monitoring.
- Implementation of a procedure for notification in the event of an accidental discovery of any suspected cultural materials, including establishment of notification procedures in the event that human remains are found.
- Provision of an open space area, if necessary, to accommodate the reburial of human remains that are found during project construction. This area is currently anticipated to be located along the southern project boundary. In the event that this area is used, it will be restricted from any project-related or other future construction activity or disturbance. Its size and location will be subject to approval by a Native American representative(s).
- Provision of an opportunity for review of and comment on the contents and implementation of the Prehistoric Cultural Resource monitoring plan by a Native American representative(s).

- Implementation of a restriction that results of all surveys, construction or shared information related to the Native American community shall be kept in strict confidentiality.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Several Franciscan and Monterey chert flakes were recorded during surface walkover surveys of the Southland Wastewater Treatment Facility (WWTF). The areas containing these artifacts are highly disturbed due to the construction of the Southland WWTF and subsequent grading and exporting of sand in the western and southwestern areas of the facility. It is believed that prehistoric sites SLO-753 and SLO-1783, which were initially recorded in 1975 and 1996, were destroyed as a result of the construction of the WWTF and other associated activities and the artifacts noted above were displaced due to these activities.

Based upon this information, and surface walkover surveys, no other intact cultural resources remain on the Southland WWTF site. However, it is recommended that cultural resource monitoring accompany any grading or earth disturbance in the WWTF site (see "Mitigations").

Agricultural lands southwest of the Southland WWTF consist of plowed agricultural fields. No cultural materials were observed within the 20 to 30 acres to possibly be utilized for treated effluent disposal facilities at this location. The lack of identified archaeological sites on these lands indicates a low probability of cultural resources at this location. However, the nature and extent of recorded cultural resources southwest of Orchard Road (SLO-1770) generates the need for a subsurface testing program in the event of any grading or earth disturbance in this area in order to insure that no buried cultural resources are present.

For the remainder of the project area proposed for pipeline routes and project facilities, no prehistoric cultural materials were noted and no additional cultural resource monitoring is recommended during construction unless undiscovered prehistoric cultural materials are accidentally unearthed

Mitigation Measure F-1 will reduce potentially significant impacts related to the disturbance or alteration of prehistoric cultural resources to an insignificant level.

Impact – Project construction could disturb or materially alter areas containing historic cultural resources.

Mitigations –

F-2: Historic cultural resource monitoring shall accompany construction trenching and excavation along Pomeroy Road in the vicinity of Nipomo Regional Park in the

event that the Kaminaka Property is utilized as a treated effluent disposal facility. An Historic Cultural Resource Monitoring Plan shall be developed and approved by the County of San Luis Obispo which will include project review, networking with all involved members of the project and production of a final monitoring report.

F-3: In the event that the agricultural lands southeast of the WWTF are utilized as a treated effluent disposal facility, subsurface testing is required to confirm the lack of cultural resources.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Numerous historic-era weathered shell fragments were identified on the south side of Southland Street and an historic site, SLO-2188H was identified along Pomeroy Road near the entrance to Nipomo Regional Park.

A significant amount of weathered shell fragments and a bone fragment were observed on the south side of Southland Street on a lot directly south of 641 Southland. Although these shell and bone fragments are not considered to be a significant resource, a 100 meter long area should be monitored during construction of the proposed sewer line along Southland Avenue in order to record the distribution and nature of the shells. If any trash pits or unusual items are unearthed they can be examined by a qualified principal archeologist and appropriate recommendations made.

An historic site, SLO-2188H, was recorded along Pomeroy Road near Nipomo Regional Park which consists of layers of historic artifacts which are exposed within eroded portions of the adjacent roadside drainage ditches. The site appears south of the location of a previously-utilized municipal dumping area. It is probable that construction of Pomeroy Road destroyed or displaced historic materials at this location. Although the artifacts at this location are not likely to be significant historic resources, it is recommended that a qualified historic archaeologist conduct cultural monitoring along any pipeline excavation occurring along Pomeroy Road in the vicinity of Nipomo Regional Park. Mitigation Measures F-2 and F-3 will reduce potentially significant impacts related to disturbance or alteration of historic cultural resources to an insignificant level.

Impact- Project grading and construction could result in the discovery of currently-unknown cultural resources. These impacts are considered to be potentially significant, but mitigable.

Mitigations-

F-4: An archaeological workshop shall be conducted by a qualified archaeologist at the pre-construction meeting for construction personnel to educate them about what

types of cultural material may be encountered during construction grading and excavation. A procedure for notification of accidental discovery and communication network shall be developed so that if any suspected cultural materials are unearthed, they can be quickly examined and evaluated by a qualified archaeologist and appropriate recommendations can be made.

F-5: During any grading or excavation associated with the project, if any cultural materials are unearthed, work in that area shall be halted until all cultural materials can be examined by a qualified archaeologist and appropriate recommendations made pursuant to County Land Use Ordinance Section 22.0.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Surface walkover surveys did not reveal any prehistoric or historic resources beyond those discussed above. Although no other significant cultural resources were encountered in the remainder of the project devoted to project facilities and pipelines during site surveys, there remains the potential that currently unknown cultural resources may be unearthed during project grading or construction. If any cultural resources are unearthed during project grading or excavation, work will be temporarily halted in that area until the unearthed cultural resources are examined and appropriate recommendations are made. In addition, an archaeological workshop shall be conducted for construction personnel to educate them as to the types of cultural resources that may be encountered during construction grading and excavation. These workshops are effective in preventing accidental damage to significant cultural resources during the construction phase of a project; they also help to reduce unnecessary delays in construction activity.

Mitigation Measures F-4 and F-5 will reduce potentially significant impacts related to the discovery of currently-unknown cultural resources during project construction to an insignificant level

F. Geology

Impact – The proposed Project could expose project facilities to potential substantial adverse effects, including the risk of loss due to strong seismic ground shaking and associated ground failure, including liquefaction.

Mitigations –

G-1: The design of any proposed surface percolation ponds shall include an evaluation of potentially-liquefiable near surface soils below pond slopes so that proper site preparation involving removal of these soils can, if necessary, occur.

Findings - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Several regionally active faults are capable of producing significant ground shaking in the project area which could damage and/or rupture the proposed wastewater treatment facilities improvements, disposal site options, pipeline extensions and other associated facilities. Other possible types of seismic-related ground failure include lateral spreading, differential settlement, tectonic subsidence and liquefaction. Lateral spreading typically occurs when unsupported stream banks or drainage banks fail laterally during strong ground shaking, resulting in expansion cracks and ground collapse. The proposed above ground structures, such as wastewater treatment facilities improvements at the Southland WWTF and other project infrastructure including pump stations, etc. as well as pipelines in trenched areas, would be located at or near the ground surface and would potentially be subject to damage as a result of lateral spreading. Damage to such infrastructure cannot be totally precluded even with implementation of modern engineering and construction practices.

Differential settlement or subsidence typically occurs when non-uniformly compacted soils or non-uniformly competent bedrock settle differing amounts during ground shaking, potentially resulting in damage to overlying pipelines and other project infrastructure. During very large earthquakes, subsidence could occur instantaneously and may total several feet, resulting in pipeline damage and/or rupture.

Liquefaction-induced ground failure could occur within saturated soils beneath ponds including man-made surface ponds utilized for percolation of treated effluent. Since the proposed improvements to the Southland WWTF involve reconstruction or conversion of existing treatment ponds, loose to medium dense soils beneath these ponds may be subject to liquefaction during a seismic event. These potentially liquefiable near surface soils could, if necessary, be removed during project grading resulting in a potentially significant, but mitigable impact.

Several design measures are required by the State of California Uniform Building Code to minimize the potential earthquake shaking impacts noted above. A 50-foot setback is required from active faults. In addition, engineering designs must incorporate reinforcement and materials that can withstand seismic activity effects related to known credible ground acceleration factors. Although no active faults are located in the immediate vicinity of the project area, all project facilities would be required to incorporate designs consistent with the Uniform Building Code Seismic Zone IV, corresponding to 0.75 g to 0.80 g. Because these measures are regulated by ordinance, they would be required as part of standard San Luis Obispo County Department of Planning and Building plan check review.

Mitigation Measure G-1 will reduce potentially significant impacts associated with the increased risk of liquefaction to an insignificant level

Impact – The proposed Project could result in substantial soil erosion or the loss of topsoil into local drainages.

Mitigations –

G-2: The following shall be included in Final Grading and Drainage Plans to prevent erosion induced siltation of on-site and off-site drainages:

- A prohibition against grading during the rainy season (November 1-April 15) unless erosion control measures found adequate by the District are implemented.
- Methods for revegetation of disturbed soils for long-term stabilization.

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Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence –Excavating and grading for the proposed wastewater treatment facilities, disposal site options, pipeline extensions and other associated facilities could result in potential erosion. Such activities would result in a short-term increase in soils exposed to wind and water erosion. Removal of vegetation, creation of temporary spoil piles, construction of temporary haul roads and excavation and filling operations could also result in disturbance of on-site soils, which would potentially contribute to increased erosion. Pipeline repair activities, such as in the event of seismically induced failure, would involve excavating a portion of the trench to expose the pipe, temporary stockpiling of soil, the use of temporary haul roads, backfilling and compaction operations.

Mitigation Measure G-2 will reduce potentially significant impacts associated with erosion induced siltation of local drainages to an insignificant level.

G. Hazards and Hazardous Materials

Impact – The proposed Project could result in the accidental release of hazardous materials as a result of a potential construction-related spill of petroleum products or other contaminants. These impacts are considered to be potentially significant, but mitigable.

Mitigations –

H-1: The Nipomo Community Services District shall develop a Stormwater Pollution Prevention Plan (SWPPP) that will include Best Management Practices (BMPs) to prevent the discharge of construction materials, contaminants, washings, concrete,

fuels, and oils. The SWPPP will be available on the construction site pursuant to State regulations. BMPs should include the following measures:

- Properly maintain (off-site) all construction vehicles and equipment that enter a construction area in order to prevent leaks of fuel, oil, and other vehicle fluids.
- Conduct equipment and vehicle fueling off-site. If refueling is required at a construction site, it will be done within a bermed area with an impervious surface to collect spilled fluids.
- Prepare a Spill Prevention/Spill Response Plan for the site that includes training, equipment and procedures to address spills from equipment, stored fluids and other materials including disposal of spilled material and materials used for clean up of contaminated soils and materials.
- Place all stored fuel, lubricants, paints, and other construction liquids in secured and covered containers within a bermed area.
- Conduct any mixing and storage of concrete or other construction materials in contained areas.
- Insure that all equipment washing and major maintenance is prohibited at a construction site except in bermed areas.
- Remove all refuse and excess material from a construction site as soon as possible.
- Channelize storm water to avoid construction equipment and materials and to avoid the diversion of runoff into existing drainages.

H-2: All project construction activities shall adhere to the standards and requirements of the State Department of Public Health (DPH), Toxic Substance Control Division; the County of San Luis Obispo, Public Health Department, Environmental Health Division and other supporting agencies including the Regional Water Quality Control Board and the San Luis Obispo Air Pollution Control District.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Project construction activities could potentially result in the accidental release of hazardous substances during construction of the proposed wastewater treatment facilities improvements, disposal site options, pipeline extensions and other associated facilities. Project construction activities are anticipated to require the operation, refueling and maintenance of construction equipment and the storage of hazardous materials which could result in the unintended release of fuel, oil and lubricants. Construction of project facilities will also require the use and storage of industrial coatings, concrete and other construction materials which, if not correctly stored or contained, could also be released downstream of the project construction site. Adherence to State and local regulations and ordinances and the implementation of measures to contain hazardous substances

in the event of their accidental release will result in potentially significant, but mitigable impacts (see "Mitigations"). No hazards or hazardous materials are expected to be utilized or released during long-term project operations.

Mitigation Measures H-1 and H-2 will reduce potentially significant hazards and hazardous materials impacts associated with the accidental release of hazardous materials during project construction to an insignificant level

H. Public Services and Utilities

Impact – The proposed Project could result in impacts upon existing utilities and services.

Mitigations –

I-1: The District shall, if feasible and cost-effective, pursue methods of disposal of biosolids involving land application and/or composting at a regional composting facility.

I-2: The District shall investigate the feasibility and cost-effectiveness of the use of solar power or other alternative energy sources to power wastewater treatment or other project facilities.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – The proposed increase in wastewater treatment capacity resulting from the proposed Project will generate biosolids which will be disposed of through one or a combination of methods including landfill disposal, land application or composting at a regional composting facility. This increased generation of biosolids will be disposed of in a manner which is not beyond the capability of the solid waste collection service. It should be noted, however, that proposed Project improvements will reduce the amount of generated biosolids per gallon of treated effluent as compared to the current WWTF design. Use of these biosolids for land application or composting at a regional composting facility will insure that this increased generation of biosolids will not affect the lifespan of any affected landfill. As such, impacts associated with this increased generation of biosolids is considered to represent a potentially significant, but mitigable impact.

Construction, operation and maintenance of the proposed wastewater treatment and disposal facilities will require the minimal use of electrical power. It should be noted, however, that proposed Project improvements at the Southland WWTF will require less electricity per gallon of treated effluent than the current WWTF design. The District is considering provision of a solar power generating system as the primary power source for future treatment plant operations.

Mitigation Measure I-1 will reduce potentially significant solid waste impacts associated with the increased generation of biosolids to an insignificant level. Mitigation Measure I-2 will reduce impacts associated with project energy consumption to an insignificant level.

I. Traffic

Impact – Project construction activities could result in the diversion of traffic creating an unacceptable level of service, insufficient parking, blocking or impeding access to adjacent properties or result in hazards to bicyclists, equestrians and/or pedestrians. These impacts are considered to be potentially significant, but mitigable.

Mitigations –

J-1: All project construction sites accessing onto or occurring adjacent to public roadways shall provide adequate signage, barriers and, if necessary, flagmen in order to insure the safe diversion of traffic, bicyclists, equestrians and/or pedestrians. These measures shall also insure continued access from adjacent properties to local roadways.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Project construction activities may result in the short-term diversion of automobile traffic or farm equipment from adjacent agricultural farmlands on certain local roadways including Orchard Road, Pomeroy Road, Willow Road and Tefft Street. With the provision of traffic controls or flagmen, where necessary, these impacts to traffic and circulation are considered to be potentially significant, but mitigable impacts.

Project construction may result in the temporary loss of available parking on roadways. However, most areas of project construction have adequate on- or off-street parking generally in areas with little parking demand. The potential loss of parking is considered to be short-term and, therefore, represents a less than significant impact.

Project construction activities may also result in the temporary blockage of access to adjacent properties or bicycle, equestrian or pedestrian routes on roadways subject to construction. These blockages are considered to be short-term and the provision of traffic controls or flagmen, where necessary, are recommended.

Mitigation Measure J-1 will reduce potentially significant impacts related to the diversion of traffic, potential hazards to pedestrians, equestrians and/or bicyclists and impeding access to adjacent properties to an insignificant level.

J. Noise

Impact – The proposed Project will generate construction noise which may impact surrounding areas containing noise sensitive uses.

Mitigations –

K-1: All project construction activities shall comply with the County of San Luis Obispo Noise Ordinance Section 22.06.042(d) which limits noise-generating construction activities to the hours between 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays.

K-2: All construction equipment utilizing combustion engines shall be equipped with "critical" grade (rather than "stock" grade) noise mufflers that are in good condition. Noise level reductions with the use of "critical" grade mufflers can be as high as 5 dBA. Back up "beepers" will also be tuned to insure lowest possible noise levels.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Noise sensitive uses in the immediate vicinity of proposed locations for construction activities associated with the grading and excavation of the proposed treatment facilities improvements, disposal site options, pipeline extensions and associated facilities include existing residential uses adjacent to Orchard Road, Pomeroy Road and Tefft Street.

The County of San Luis Obispo Noise Ordinance requires construction activities and their resultant noise impacts occur during the hours between 7:00 a.m. and 9:00 p.m. on weekdays and between 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays. In addition, all project construction equipment utilizing combustion engines will be equipped with mufflers.

Phases I and III of project construction involve provision of improvements at the Southland Wastewater Treatment Facility while Phase II of project construction involves additional treatment facilities improvements as well as the possibility of future off-site transmission mains and disposal site(s). All three phases of construction include other associated facilities including but not limited to pump stations, monitoring equipment, etc. These construction-related noise impacts can be mitigated to an insignificant level through compliance with County Noise Ordinance restrictions and the use of proper noise muffling devices. These construction noise impacts are considered short-term and with mitigation measures represent a potentially significant, but mitigable impact.

Mitigation Measures K-1 and K-2 will reduce potentially significant impacts related to the generation of short-term construction noise to an insignificant level.

Impact – The proposed Project could generate increased noise levels due to long-term project operations.

Mitigations –

K-3: Stationary noise sources (i.e. pump stations and other project facilities) shall be located at least 300 feet from any occupied residential dwellings unless noise-reducing engine housing enclosures or other appropriate noise screens are provided in order to insure that exterior noise levels do not exceed 60 CNEL.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence - Noise associated with long-term operations of the proposed Project will involve the operation of the pump stations, metering and electrical equipment as well as occasional vehicle trips for maintenance.

Maximum exterior noise levels from equipment within the enclosed pump stations is not expected to exceed 60 dBA. Any stationary noise sources located within 300 feet of any occupied residential dwellings must be contained within a housing enclosure or other appropriate noise screen in order to insure that exterior noise levels do not exceed 60 CNEL. Noise generated by long-term project operations or vehicle traffic is considered negligible. Long-term noise impacts are considered to be potentially significant, but mitigable impacts.

Mitigation Measure K-3 will reduce potentially significant noise impacts associated with long-term project operations to an insignificant level.

K. Air Quality

Impacts – The proposed Project will result in the generation of air pollutants during project construction activities.

Mitigations –

L-1: Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving any construction site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed water, if available, shall be used for dust control and other construction-related purposes during project construction.

L-2: All dirt stock-pile areas shall be sprayed daily as needed.

L-3: Exposed ground areas that are planned to be reworked at dates greater than one month shall be sown with a fast-germinating native grass seed and watered until vegetation is established.

L-4: All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting or other methods approved by the APCD.

L-5: All roadways, driveways, etc. to be paved or repaved shall be completed as soon as possible. In the event that prompt paving is not possible, seeding or soil binders shall be utilized.

L-6: Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at a construction site.

L-7: All trucks hauling dirt, sand, soil or other loose materials shall be covered or maintain at least two feet of freeboard.

L-8: Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.

L-9: Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.

L-10: All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.

L-11: All PM10 mitigation measures required must be included on any project plans. The contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of particulate matter off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to construction.

L-12: All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.

L-13: All off-road and portable, diesel-powered equipment, including, but not limited to, bulldozers, grading, cranes, loaders, scrapers, backhoes, generator sets, compressors or auxiliary power units, shall be fueled exclusively with CARB motor vehicles diesel fuel. Such equipment shall be stored within a fenced enclosure during non-working hours in order to minimize potential vandalism.

L-14: Where possible, diesel powered equipment shall be replaced with gasoline, electrical, CNG or LPG powered equipment.

L-15: Prior to any project grading, a geologic analysis will be performed in order to determine if asbestos-bearing serpentine rock is present. If naturally occurring asbestos is found at the project site, an Asbestos Health and Safety Program and an Asbestos Dust Control Plan will be submitted to the Air Pollution Control District for review and approval prior to project grading.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Supportive Evidence – Particulate matter in the form of fugitive dust will be generated during the grading and excavation of the proposed treatment facilities improvements, disposal site options, pipeline extensions and associated facilities. Emissions associated with grading to prepare for construction and/or installation of these facilities are based upon estimates which assume that a maximum probable ("worst-case") impact assessment of project grading impacts include the simultaneous construction of the proposed facilities improvements at the Southland WWTF and one of the three wastewater disposal options as well as the pipelines extending to the three possible sites. These estimates assume that approximately one acre of grading will occur at the Southland WWTF and two acres at the disposal site will occur at any one time. Pipeline installation is anticipated to occur within 20 to 40 foot segments with an average trench width of eight feet. As such, 320 square feet or an additional 0.0073 acres will be disrupted. This results in a total disturbance of 3.0073 acres. Construction activities for large development projects are estimated in the San Luis Obispo County Air Pollution Control District CEQA Handbook to generate approximately 40 pounds per acre per day, or approximately 0.42 ton per acre per month of disturbed soil. If water or other soil stabilizers are used to control dust, the emissions can be reduced to an insignificant level.

This grading activity is estimated to generate a "worst-case" total of 0.63 tons of particulate matter per month or approximately 60.1 pounds of particulates per day. With implementation of proposed mitigation measures to reduce dust generation during project construction, this total does not exceed the APCD significance thresholds. With these measures, short-term air quality impacts associated with fugitive dust generation during project construction are considered to represent a potentially significant but mitigable impact. It should be noted that the impact due to grading is very localized. Additionally, this material is inert silicates rather than the complex organic particulate matter released from combustion sources which are more harmful to health. In some cases, grading may be near existing development. Care

should be taken to minimize the generation of dust. Common practice for minimizing dust generation is watering before and during grading.

Serpentine rock has been identified by the State Air Resources Board (ARB) as having the potential to contain naturally-occurring asbestos, identified by the ARB as a toxic air contaminant. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, a geologic analysis will be necessary to determine if asbestos-bearing serpentine rock is present. If naturally occurring asbestos is found at the site, an Asbestos Health and Safety Program and an Asbestos Dust Control Plan are required to be approved by the Air Pollution Control District prior to project grading.

Air pollutants will be emitted by construction equipment necessary for the construction of the proposed wastewater treatment facilities improvements, off-site disposal options, pipeline extensions and other associated facilities. During the anticipated period of operation of this equipment, nitrogen oxides, reactive organic gases, sulfur oxides, particulates and carbon monoxide will be emitted. Operation of diesel fueled trenching or grading equipment may generate pollutants that exceed the SLOAPCD thresholds of significance. Such equipment shall either be certified pursuant to the California Air Resources Board's Portable Equipment Registration Program (PERP) or will be subject to an Authority to Construct issued by the San Luis Obispo County Air Pollution Control District (APCD). This permit will allow implementation of Best Available Control Technologies including diesel particulate filters and proper fuel selection. According to the County APCD, with implementation of proposed mitigations, total emissions from this equipment is not expected to exceed the calendar quarter SLOAPCD emissions thresholds for these pollutants.

Mitigation Measures L-1 through L-15 will reduce potentially significant air quality impacts associated with project construction to an insignificant level.

Impact – The proposed Project could generate pollutants associated with long-term project operations.

Mitigations –

L-16: The daily pumping operations at the Southland WWTF for the proposed Project shall utilize electric-powered pumps; diesel pumps shall be provided for backup (standby) operation to be used only on an emergency basis during power outages or equipment breakdown.

L-17: The District shall investigate the feasibility and cost-effectiveness of the use of solar power or other alternative energy sources to power wastewater treatment or other project facilities. This analysis shall assess the existing technologies and tradeoffs in order to determine the feasibility of alternate energy sources including

solar power. This assessment will be based upon cost constraints, reliability, space requirements and other implementation factors.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Long-term project operations will involve the operation of wastewater treatment facilities, pump stations, metering and electrical equipment and vehicle trips for District personnel. Long-term operation of a 360 horsepower pump is required in order to treat the anticipated future flow rates of the wastewater entering the Southland WWTF. These pumps used for pumping the treated wastewater will be electrically powered. Backup (standby) pumps, to be used only on an emergency basis during power outages or equipment breakdown, can be diesel-powered.

Mitigation Measures L-16 and L-17 will reduce potentially significant air quality impacts related to pollutant generation associated with long-term project operations to an insignificant level.

SECTION 4

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN IDENTIFIED AS INSIGNIFICANT

Certain impacts were analyzed in the Final EIR which have been identified as insignificant. In certain cases, mitigation measures (as set forth in the Mitigation Monitoring Program) have been incorporated into the NCSD Southland Wastewater Treatment Facilities Improvements Project. The Nipomo Community Services District has determined that the following impacts are insignificant.

A. Population and Housing

Impact – The proposed Project may potentially result in the demand for new housing due to the need for labor during project construction.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to increased housing demand associated with project construction activities are considered to be less than significant.

Supportive Evidence – Construction activities associated with the proposed Project are estimated to generate a maximum total of 63 employees during project construction. It is anticipated that many of these employees will reside locally thereby not generating any demand for temporary housing. Those employees residing outside the area will find temporary accommodations in hotels and motels in the area or in short-term rental housing. The general availability of temporary housing in the area is expected to accommodate these workers with no substantial displacement of people or significant affect upon the available housing inventory. As a result, the construction phase of the proposed Project will not create the demand for additional new housing. Therefore, the potential for creation of demands for new housing as a result of project construction represents a less than significant impact.

B. Biological Resources

Impact – Construction activities within the proposed pipeline alignments, wastewater treatment facilities improvements, disposal site options and associated facilities may potentially affect non-listed wildlife occupying adjacent habitats within existing wildlife migration corridors.

Mitigations – No mitigation measures are proposed.

Findings - Potential impacts due to project construction upon non-listed wildlife species are considered short-term and less than significant. Impacts to existing wildlife movement corridors are considered to be less than significant.

Supportive Evidence – Construction-related disturbance (noise, dust, heavy equipment and truck traffic) may prevent local wildlife species from foraging and breeding within portions of the project area and adjacent habitats. However, these adverse effects would only affect a small portion of available habitat for a relatively short duration. Periods of intense activity would likely be limited to several months at any one project location. The level of expected disturbance and short-term effects upon common wildlife species would be similar at all three potential disposal sites. Due to the relatively small area of habitat to be affected by project construction and the short duration of overall impacts, no significant impacts upon common, non-listed wildlife species or their foraging or breeding habitats is expected. Moreover, areas of the proposed pipeline alignments located within existing residential areas would not be expected to result in significant effects to local wildlife because the new pipeline segments would be installed within previously disturbed and/or currently developed areas (i.e., within existing paved roadways, etc.).

C. Aesthetics

Impact – Project construction may result in the short-term alteration of views from adjacent areas.

Mitigations – No mitigation measures are proposed.

Findings - Potential impacts related to the visual impacts associated with project construction are considered to be less than significant.

Supportive Evidence – Construction activities associated with the proposed Project involve the use of heavy equipment for construction of proposed wastewater treatment facilities improvements, disposal site options, pipeline extension and associated facilities at various locations. These construction activities will result in short-term impacts to views of these areas from surrounding vantage points. Temporary construction impacts will also result during site preparation and construction of proposed wastewater treatment facilities improvements, disposal site options, pipeline extensions and other associated facilities to be installed adjacent to several local roadways. Phases I and II of these construction functions may occur simultaneously thereby reducing the overall longevity of these construction operations. While highly visible, impacts to views in surrounding areas are, due to their temporary nature, considered to be less than significant.

D. Geology

Impact – The proposed Project may potentially increase the risk of landslides.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to exposure of facilities to landslides are considered to be less than significant.

Supportive Evidence – With the exception of the steep, south-facing bluffs of the Nipomo Mesa, the topography along the proposed Project facilities is generally gently sloping. Therefore, with the exception of the Nipomo Mesa bluffs, the potential for landslides is low. The steep bluffs of the Nipomo Mesa generally consist of loose, unconsolidated sand deposits, which are prone to severe erosion and shallow slope failures during prolonged, heavy rainfall events. Since none of the proposed wastewater treatment facilities, disposal site options, pipeline extensions and other associated facilities are located within one-half mile of the Nipomo Mesa bluffs, the potential for landslides due to the proposed Project facilities is low. Therefore, the potential impact of increased landslide risk, as a result of the proposed Project, is considered to be less than significant.

Impact – The proposed Project may potentially be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and could potentially result in lateral spreading, subsidence, liquefaction, or collapse.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to locating the project on an unstable geologic unit or unstable soils are considered to be less than significant.

Supportive Evidence – The proposed wastewater treatment facilities, disposal site options, pipeline extensions and other associated facilities are located in an area of potential lateral spreading and liquefaction susceptibility. Lateral spreading and liquefaction-induced ground failure could result in pipeline damage and/or failure. However, as previously discussed, several design measures are required by the State of California Uniform Building Code to minimize potential earthquake shaking impacts. Because these measures are regulated by ordinance, they would be required as part of standard San Luis Obispo County Department of Planning and Building plan check review. As a result of these regulations, the potential impacts of earthquake ground shaking on the proposed Project facilities are considered to be less than significant.

Impact – The proposed Project would potentially result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State and that is delineated on a local general plan, specific plan or other land use plan.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to the loss of availability of a known mineral resource are considered to be less than significant.

Supportive Evidence – The closest area of identified mineral resource significance is the Santa Maria River bed which is located in an area designated as MRZ-2. There is a high likelihood that significant deposits of PCC-grade aggregate are located in this area. None of the proposed Project facilities are located in the vicinity of this area. The Nipomo Mesa is designated as an area of undetermined mineral resource significance with no active mining claims located in this area. Therefore, impacts associated with the potential loss of the availability of mineral resources due to the proposed Project are considered to be less than significant.

E. Hazards and Hazardous Materials

Impact-The proposed Project could result in the accidental release of hazardous materials during project operations.

Mitigations- No mitigation measures are proposed.

Findings- Potential impacts related to the accidental release of hazardous materials during project operations are considered to be less than significant.

Supportive Evidence- No hazards will be created or hazardous materials are anticipated to be released during project operations. Hazardous materials impacts during project operations are, therefore, considered to be less than significant.

F. Public Services and Utilities

Impact – The proposed Project may potentially generate the demand for increased law enforcement and fire protection services.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to generation of increased demand for law enforcement and fire protection services are considered to be less than significant.

Supportive Evidence – The proposed Project will not directly induce or generate any new population or housing. In addition, the proposed wastewater treatment facilities improvements, disposal site options, pipeline extensions and associated facilities do not require any unusual law enforcement surveillance nor do they generate any increased demands for fire protection/emergency services. As such, potential impacts of the proposed Project upon existing law enforcement and fire protection services are considered to be less than significant.

Impact – The proposed Project may potentially impact existing educational services.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts upon existing educational services are considered to be less than significant.

Supportive Evidence – The proposed Project will not directly generate any population growth or land uses that create the need for increased educational services from the Lucia Mar Unified School District. Since the proposed Project will not directly generate any school age children, impacts to schools are considered to be less than significant.

G. Traffic

Impact – The proposed Project will generate additional traffic which may potentially result in traffic congestion or unacceptable levels of service on an adjacent roadway or intersection.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to traffic generation are considered to be less than significant.

Supportive Evidence – The proposed Project will generate a minor amount of traffic during construction activities. The traffic generated by project construction activities will involve automobile trips associated with worker commutes, haul trucks and construction equipment. A total estimate of employees for Phase I project construction is 15 to 24 workers. Phase II of the project, including the construction of the off-site disposal area, is estimated to generate a total of 22 to 39 workers while Phase III is estimated to generate a total of 15 to 24 workers. In order to provide a maximum probable impact ("worst case") total for traffic impacts during project construction, it is assumed that Phases I and II of project construction occur concurrently, thereby generating a total of 37 to 63 construction workers. Assuming two daily vehicle trips per employee, a maximum of 63 employees and an additional two trips per employee to account for vehicle trips associated with supervisors, haul trucks, construction equipment, etc. results in an estimated maximum of 252 total vehicle trips per day. Of this total, it is estimated that this construction-related traffic will generate a maximum of 63 peak hour trips or 25% of the total daily traffic. These low daily and peak hour volumes combined with the short-term nature of construction activities results in a less than significant impact. Regional traffic flows will not be affected by the long-term operation of project facilities.

Impact- The proposed Project could result in the diversion of traffic creating insufficient parking.

Mitigations- No mitigation measures are proposed.

Findings- Potential impacts related to the loss of available parking are considered to be less than significant.

Supportive Evidence- Project construction may result in the temporary loss of available parking on roadways. However, most areas of project construction have adequate on- or off-street parking generally in areas with little parking demand. The potential loss of parking is considered to be short-term and, therefore, represents a less than significant impact.

SECTION 5

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN IDENTIFIED AS BENEFICIAL

Certain impacts were analyzed in the Final EIR which have been identified as beneficial and, therefore, no mitigation measures are required.

The Nipomo Community Services District has determined that the following impacts are beneficial.

A. Water

Impacts – The proposed Project will result in the creation of wastewater treatment or disposal facilities that are capable of meeting future treatment demands. The proposed Project will also provide additional areas devoted to the on and off-site disposal of treated effluent from the Southland WWTF.

Mitigations – No mitigation measures are proposed.

Findings – Given this additional and improved wastewater treatment and treated effluent disposal capacity, the proposed Project will provide a beneficial impact as related to future wastewater treatment and disposal capacity of the Southland WWTF.

Supportive Evidence – Proposed improvements to the Southland WWTF will increase the treatment capacity to a maximum flow of 1.8 million gallons per day from its current capacity of 0.9 million gallons per day. Any increase in treatment capacity will be timed to meet growth within the District's Southland WWTF wastewater treatment service area. This increased treatment capacity is intended to serve both the existing and future wastewater treatment demands generated within the Southland WWTF service area of Nipomo Community Services District. Future capacity requirements are based on buildout flow rate estimates up through the year 2030. Buildout within the WWTF service area is based upon the Land Use and Circulation Elements of the San Luis Obispo County General Plan (revised June 23, 2006). As such, the proposed Project will result in a doubling of the treatment capacity of the Southland WWTF. The proposed Project may also provide additional areas devoted to the off-site disposal of treated effluent from the Southland WWTF. These expanded treated effluent disposal facilities involve two elements: the potential provision of two additional percolation ponds at the existing Southland WWTF and construction of one or multiple re-use or percolation facilities.

Impacts- The proposed Project will provide additional on-site percolation capability in order to properly manage the treated effluent mound beneath the wastewater treatment facility.

Mitigations- No mitigation measures are proposed.

Findings- The proposed Project will provide additional on-site percolation capability in order to properly manage the treated effluent mound beneath the wastewater treatment facility, thereby resulting in a beneficial impact.

Supportive Evidence- These proposed percolation basins at the Southland WWTF will provide additional on-site percolation capability in order to properly manage the treated effluent mound beneath the wastewater treatment facility. The proposed Phase I project improvements will upgrade the treatment capability of the WWTF but will not change the treatment facility's capacity. Phases II and III will expand treatment facility capacity and may develop off-site disposal options. As such, the determination of on-site treated effluent percolation limits at the Southland WWTF will not be an issue until Phase II of project construction. At that point, additional disposal capacity and disposal methods at the WWTF will be determined. The Nipomo Community Services District recognizes the importance of managing treated effluent disposal. The District has been working with the RWQCB staff during their investigation of on-site wastewater treatment approaches and off-site disposal alternatives.

Impacts- The proposed method of treated effluent disposal does not require any dilution of treated effluent utilizing potable water or any other withdrawal of existing groundwater supplies in order to assist in effluent disposal. The proposed Project will only augment existing and future groundwater supplies.

Mitigations- No mitigation measures are proposed.

Findings- Since the proposed Project will augment existing and future groundwater supplies, the proposed Project will provide a beneficial impact as related to the preservation of available groundwater supplies.

Supportive Evidence- All three of the proposed off-site treated effluent disposal options involve the percolation of treated effluent thereby providing an additional source of groundwater supplies for the Nipomo Mesa Management Area groundwater table. This method of treated effluent disposal does not require any dilution of treated effluent, utilizing potable water or any other withdrawal of groundwater in order to assist in effluent disposal. All future wastewater treatment will occur at the Southland WWTF. Proposed wastewater treatment will not involve any additional underground percolation and filtration followed by extraction of filtered effluent, which could deplete existing and future groundwater supplies.

Impacts- The proposed Project will provide enhanced wastewater treatment technology and improved off-site treated effluent disposal. The utilization of a Biolac wave oxidation will improve the water quality of treated effluent generated by the wastewater treatment facility. The provision of concrete-lined sludge drying beds will further protect groundwater resources.

Mitigations- No mitigation measures are proposed.

Findings- The proposed Project will provide enhanced wastewater treatment technology and improved treated effluent disposal which will enhance the quality of treated effluent utilized to augment existing and future groundwater supplies resulting in a beneficial impact.

Supportive Evidence- The proposed Project improvements at the Southland WWTF will provide enhanced wastewater treatment technology which will reduce the Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) levels within future treated effluent. The utilization of a Biolac wave oxidation will significantly improve the water quality of treated effluent and the treatment capability of the Southland WWTF. This technology will reduce Biological Oxygen Demand (BOD), Total Suspended Solids (TSS) and total Nitrogen to acceptable levels. The provision of concrete-lined sludge drying beds is intended to further protect groundwater resources. In addition, surface or subsurface percolation of treated effluent as proposed at all of the disposal options will allow for natural percolation of treated effluent through the geological surface or vadose zone which allows for increased biological treatment and filtration. This approach results in enhanced quality of treated effluent which will be utilized to augment existing and future groundwater supplies.

B. Biological Resources

Impacts- The proposed Project will provide additional habitat for the Western spadefoot toad, a California Species of Special Concern.

Mitigations- No mitigation measures are proposed.

Findings- The provision of additional habitat for the Western spadefoot toad results in a beneficial impact relative to the survival of this species.

Supportive Evidence- The proposed Project includes the provision of three additional percolation ponds adjacent to the existing percolation ponds at the Southland WWTF. These additional percolation ponds will provide additional favorable habitat for the survival and continued propagation of the Western spadefoot toad that is currently inhabiting the percolation ponds at the Southland WWTF.

C. Public Services and Utilities

Impacts- The proposed Project will ultimately result in the increased percolation of treated wastewater effluent into the groundwater basin due to the increased treatment capacity at the Southland Wastewater Treatment Facility. The proposed Project is also intended to improve the efficiency and reliability of the operations of the existing NCSD wastewater treatment and disposal system and is intended to serve existing customers within the NCSD service area.

Mitigations- No mitigation measures are proposed.

Findings- The increased amount of treated effluent that will percolate into the groundwater basin and the improved efficiency and reliability of the operations of the NCSD wastewater treatment and disposal system results in a beneficial impact.

Supportive Evidence- The proposed Project will increase the amount of treated effluent that will percolate into the groundwater basin and will improve the efficiency and reliability of the existing NCSD wastewater treatment and disposal systems.

SECTION 6

GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

The State CEQA Guidelines (Section 15126 (g)) require an EIR to discuss how a proposed Project could directly or indirectly lead to economic, population or housing growth. A project may be growth-inducing if it removes obstacles or impediments to growth, taxes community service facilities or encourages other activities or sets precedents which cause significant environmental effects. The potential growth-inducing impacts of the proposed Project are discussed below in terms of these criteria.

Economic, Population or Housing Growth

The proposed Project will not directly generate any significant increases in population or housing.

Construction activities associated with the proposed Project are estimated to generate a maximum total of 63 employees during project construction. It is anticipated that many of these employees will reside locally thereby not generating any demand for temporary housing. Those employees residing outside the area will find temporary accommodations in hotels and motels in the area or in short-term rental housing. The general availability of temporary housing in the area is expected to accommodate these workers with no substantial displacement of people or significant affect upon the available housing inventory. As a result, the construction phase of the proposed Project will not create the demand for additional new housing. Provision of additional wastewater treatment and disposal capacity necessary to serve future growth within and adjacent to the Nipomo Community Services District is discussed in detail within the following subsection titled "Removal of an Impediment to Growth."

The proposed Project involves the provision of additional wastewater treatment and disposal capacity thereby reducing or eliminating a potential constraint to future development within areas to be served by this additional wastewater treatment and disposal capability. However, Phase I of the proposed Project will improve the treatment capability of the Southland WWTF but will not increase its existing treatment capacity. Phase II and III project improvements will expand the treatment capacity of the plant and/or develop off-site disposal options. Any increase in treatment capacity will be timed to meet population growth and increased wastewater treatment demand within the District's wastewater treatment sewer area. It should also be noted that any increase in residential density or other land use entitlements beyond that allowed by the South County Area Plan and any resultant increase in population and housing will require a General Plan Amendment, zone change as well as other subsequent approvals by the County of San Luis Obispo, for example, a Specific Plan, conditional use permit or tract map. These future discretionary approvals will require preparation and certification of additional environmental documentation pursuant to CEQA to address the potential population and housing impacts of these future approvals.

Removal of an Impediment to Growth

The County of San Luis Obispo General Plan governs the development of unincorporated land within the South County Planning Area. The County General Plan identifies the type and intensity of development allowed in each of several land use categories for Nipomo and other unincorporated areas. While service districts, including the Nipomo Community Services District, may provide the County with input regarding land use decisions and availability of wastewater treatment and disposal, it does not have any authority over land use entitlements. Development projects within the septic tank prohibition zone boundaries of the NCSD are sometimes approved by the County contingent upon receiving sewer services from a community water system such as the NCSD. It should be recognized that the Nipomo Community Services District does not have authority to approve development, however, the provision of public services such as wastewater treatment and disposal does increase the likelihood that an area may be developed.

The proposed Project does not require any amendments to the South County Area Plan or any other Elements of the County General Plan and does not require any changes to existing zoning. The proposed Project would not directly conflict with any environmental plans or policies adopted by agencies with jurisdiction over the project area. Although the proposed Project would not directly result in a change in zoning or an increase in the intensity of currently-designated land uses, the proposed Project represents a reduction or elimination of a potential constraint upon future development within areas served by the additional sewer service capacity and has the potential to hasten the conversion of areas to more intense urbanized uses over those land uses currently allowed by the South County Area Plan.

The proposed construction of additional wastewater treatment and disposal facilities necessary to serve both future wastewater treatment and disposal demands generated within the Southland WWTF service area of the Nipomo Community Services District consistent with the South County Area Plan will accomplish several objectives. These objectives include: provide reliable, high quality and cost effective wastewater treatment and disposal capacity and services to existing and future customers within the District's Town Sewer Service Area; respond to and remedy water quality violations associated with prior and current operations of the Southland Wastewater Treatment Facility; improve the water quality of treated wastewater to comply with current and projected State Waste Discharge Order requirements and to minimize adverse impacts upon Nipomo Mesa groundwater; manage the average height and volume of the subsurface mound of treated wastewater under the Southland percolation basins and the resultant discharge of groundwater into Nipomo Creek over an annual period; assist in resolving the Nipomo Mesa water supply deficit by promoting the beneficial use of the treated wastewater to either offset current Nipomo Mesa non-potable water usage and/or, where feasible, to augment productive Nipomo Mesa groundwater aquifers; to the extent feasible, minimize use of additional fossil fuels by offsetting project-related increased power utilization with a more sustainable energy source and improve the efficiency and reliability of operations of the Southland Wastewater Treatment Facility.

In order to determine the additional amount of development that could be served by these additional wastewater treatment and disposal facilities, a breakdown of land uses (as designated by the South County Area Plan) within the existing NCSD sewer service area must be identified. The Nipomo Community Services District, within the December, 2007 District Water and Sewer Master Plan evaluated six future (year 2030) wastewater production scenarios, three of which were based upon assumed water use rates and three of which were based upon observed water use rates within fiscal year 2005-2006. Within these two categories, three land use scenarios were evaluated: existing land uses, existing land uses plus proposed land use amendments and existing land uses within a high density land use scenario. Within these six future (year 2030) wastewater production scenarios, the maximum (or "worst-case") total number of acres served by the proposed wastewater treatment facilities improvements involve a maximum ("worst-case") production of 1.79 MGD (million gallons) per day. The future, maximum ("worst case") net increase in areas to be served and wastewater generated to the proposed wastewater treatment facilities improvements is 1,216 total acres and 1.157 million gallons of wastewater per day.

Although the proposed Project would not directly result in a change in zoning or an increase in the intensity of currently-designated land uses, the proposed Project would not only represent a reduction or elimination of a potential constraint upon future development within areas served by the additional sewer service but also has the potential to hasten the conversion of areas to more intense urbanized uses over those land uses currently allowed by the South County Area Plan. Any increase in density or change of land use to the South County Area Plan within the area to be served by the additional sewer service will, however, first require a General Plan Amendment and zone change. A General Plan Amendment would study a variety of land use and environmental issues before being approved or denied including community character and compatibility, existing land use policies, traffic and circulation impacts, the provision of public services, etc. This process involves significant public involvement and the implementation of the California Environmental Quality Act (per CEQA). Any future development within areas served by the additional sewer service would also require a number of additional approvals including approval of a Specific Plan, conditional use permit or tract map by the County of San Luis Obispo. These future discretionary approvals will require the preparation and certification of additional environmental documentation (pursuant to CEQA) to address the potential land use and planning impacts of these future approvals.

The proposed Project has the potential to foster growth or changes in land uses in areas served by the additional sewer service particularly involving the conversion of agricultural lands. Potential growth-inducement involves a variety of factors including: removal of any impediments to growth such as the extension of roadways or utilities; the creation of development pressures in surrounding areas, particularly existing agricultural lands; growth-inducing impacts upon community services and the establishment of any precedent-setting effects upon parcels within the South County/Nipomo Mesa area.

Any reduction or elimination of a constraint to development (such as the provision of additional sewer service) can potentially hasten the conversion of vacant or existing agricultural lands, agricultural preserves or areas containing prime agricultural soils to developed uses. Any development in areas served by this additional sewer service beyond the uses currently allowed by the South County Area Plan will require approvals from the County of San Luis Obispo as discussed above.

The Nipomo Community Services District is a California Community Services District organized pursuant to Government Code Sections 61000 et. seq. The NCSD's service area overlies the southern portion of the Nipomo area within the unincorporated portion of San Luis Obispo County. The Nipomo Community Services District's authority does not include legislative or executive powers over zoning or land use.

Impact on Community Service Facilities

The proposed Project is not expected to significantly impact public services (police protection, fire protection and educational services) or utilities (natural gas/electricity, water service, wastewater treatment and solid waste).

The proposed additional wastewater treatment and disposal capacity will respond to existing and future wastewater treatment and disposal demands generated within the Southland WWTF service area of the Nipomo Community Services District. In so doing, the proposed Project will provide reliable, high quality and cost effective wastewater treatment and disposal capacity to customers within the District. These additional wastewater treatment and disposal facilities will also respond to and remedy water quality violations associated with the Southland WWTF, improve water quality of treated wastewater, manage the height and volume of the subsurface mound of treated effluent beneath the Southland percolation basins, assist in resolving the Nipomo Mesa water supply deficit, minimize the use of additional fossil fuels and improve the efficiency and reliability of operations of the Southland WWTF. For these reasons, the proposed Project will have a beneficial impact upon community services facilities within the Nipomo Community Services District as related to increased wastewater treatment and disposal capacity, preservation of available groundwater supplies and maintenance of groundwater quality.

Precedent-Setting Effects

Precedent setting concerns are defined as the ability of a project to set an example of what can be achieved elsewhere within the project area. The proposed Project involves provision of additional wastewater treatment and disposal capacity in order to serve new development (pursuant to the South County Area Plan) within the Nipomo Community Services District. Since the proposed Project is intended to provide wastewater treatment and disposal facilities adequate to serve the build-out condition within the NCSD, no additional facilities will be required in the near future (i.e. prior to the year 2030). As such, the proposed Project will not be setting a precedent for similar projects in the NCSD service area.

The proposed Project has the potential to foster growth or changes in land uses in areas served by the additional sewer service particularly involving the conversion of agricultural lands. Any reduction or elimination of a constraint to development (such as the provision of additional wastewater treatment and disposal capacity) can potentially hasten the conversion of vacant or existing agricultural lands, agricultural preserves or areas containing prime agricultural soils to developed uses. Any development in areas served by this additional sewer service beyond the uses currently allowed by the South County Area Plan will, however, require approvals from the County of San Luis Obispo as discussed above.

The secondary or cumulative impacts associated with the proposed Project are discussed within the Cumulative Impacts subsection within each environmental topic in Section V. Environmental Analysis of the Final EIR. These various assessments of cumulative impacts are addressed in relation to the following topic areas: land use and planning, population and housing, water/wastewater, biological resources, aesthetics, cultural resources, geology, hazards and hazardous materials, public services and utilities, traffic, noise and air quality.

SECTION 7

FINDINGS REGARDING ALTERNATIVES

Alternatives to the proposed Project described in the Final Environmental Impact Report were considered. The alternatives discussed in the Final EIR constitute a reasonable range of potential options necessary to permit a reasoned choice. The Final EIR identified the No Project Alternative as "environmentally superior" to the proposed Project in terms of reduction of significant and other direct impacts. None of the project alternatives were superior to the proposed Project relative to groundwater supplies. The proposed Project as approved contains with the Final EIR mitigation measures which will provide a substantial mitigation of its potential environmental effects. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 1 of these Findings) to substantiate the District's decision to reject the environmentally preferred alternatives because of the benefits afforded by the proposed Project.

A. No Project Alternative

Description of Alternative**:** The No Project Alternative would continue disposal of treated effluent at the Southland WWTF with its current design by utilizing the existing percolation ponds and possibly new ponds on the WWTF site. The No Project Alternative would not involve the provision of any additional off-site treated effluent disposal areas. The No Project Alternative maintains the current design and permitted capacity of the Southland WWTF of 0.9 million gallons per day.

Comparison of Effects: The No Project Alternative eliminates the significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing that are associated with the proposed Project (Class I Impacts). The No Project Alternative also eliminates all of the potentially significant but mitigable (i.e. direct) impacts and insignificant impacts associated with the proposed Project identified in Sections 3 and 4 of these Findings (Class II and Class III Impacts). It is, therefore, considered an "environmentally superior" alternative. The No Project Alternative will, however, result in significant, unavoidable adverse impacts upon local ground and surface water quality due to the production of increased treated effluent flows without adequate disposal methods.

Findings: After comparing the relative impacts and benefits of the proposed Project and the No Project Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed Project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed Project.

Facts: The No Project Alternative fails to meet all of the proposed objectives related to the provision of: reliable, high quality, cost effective wastewater treatment capacity; a remedy for water quality violation; improved quality of treated wastewater; management

of the subsurface wastewater mound; assistance in resolving the water supply deficit; minimized use of fossil fuels and improved efficiency and reliability of the Southland WWTF. The No Project Alternative also eliminates the other benefits associated with the proposed Project as listed in Sections 1 and 5 of these Findings. The No Project Alternative also results in additional significant, unavoidable adverse impacts beyond those associated with the proposed Project upon local ground and surface water quality due to increased groundwater flows of treated effluent to Nipomo Creek in violation of water quality standards adopted by the Regional Water Quality Control Board. For these reasons, the No Project Alternative was rejected.

B. Groundwater Recharge Alternative

Description of Alternative: The Groundwater Recharge Alternative involves treatment of wastewater through underground percolation and filtration followed by extraction of the filtered effluent for use as potable water (i.e. drinking water). The percolation/filtration methods typically considered for groundwater recharge are either surface spreading and percolation, subsurface percolation or direct injection.

Comparison of Effects: The Groundwater Recharge Alternative has similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed Project. This alternative has increased direct impacts in the areas of geology/water (i.e. hydrogeology, groundwater quality and potable water supplies) and solid waste disposal as compared to the proposed Project.

Findings: After comparing the relative impacts and benefits of the proposed Project and the Groundwater Recharge Alternative, the Nipomo Community Services District did not select this Alternative. However, mitigation measures and features incorporated into the proposed Project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed Project.

Facts: The Groundwater Recharge Alternative meets one project objective to a level that exceeds the proposed Project, that being the provision of improved quality of treated wastewater. This alternative meets two project objectives in a manner similar to the proposed Project, those being management of the subsurface wastewater mound and improved efficiency and reliability of the Southland WWTF. This alternative meets four project objectives to a level less or significantly less than the proposed Project, those being provision of high quality, cost-effective wastewater treatment capacity, provide a remedy for water quality violations, assist in resolving the water supply deficit and minimize use of fossil fuels. However, this alternative has increased direct impacts in the areas of geology/water and solid waste disposal as compared to the proposed Project. The Groundwater Recharge Alternative also results in increased project costs due to the required blending of treated effluent with potable water supplies. In addition, percolating or directly injecting the potable water will increase the hardness of that water resulting in a water supply that has higher hardness and total dissolved solids than potable water. For these reasons, the Groundwater Recharge Alternative was rejected.

C. Surface Discharge Alternative

Description of Alternative: The Surface Discharge Alternative involves discharging treated effluent from the Southland WWTF into an available nearby waterway. In order to secure a National Pollution Discharge Elimination System (NPDES) Permit as required by Section 401 of the Clean Water Act, this alternative must comply with 40 CFR Part 131, known as the California Toxics Rule. The Surface Discharge Alternative would also require construction of a transmission pipeline from the Southland WWTF to the surface discharge point. Although the specific waterway to accept the treated effluent has not been determined, it is assumed for this analysis that Nipomo Creek would provide the most logical and cost-effective location for surface discharge of treated effluent.

Comparison of Effects: The Surface Discharge Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed Project. This alternative has increased direct impacts in the areas of geology/water and biological resources as compared to the proposed Project.

Findings: After comparing the relative impacts and benefits of the proposed Project and the Surface Discharge Alternative, the Nipomo Community Services District did not select this Alternative. However, mitigation measures and features incorporated into the proposed Project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed Project.

Facts: The Surface Discharge Alternative meets one project objective to a level that exceeds the proposed Project, that being the provision of improved quality of treated wastewater. This alternative meets one project objective in a manner similar to the proposed Project, that being the management of the subsurface wastewater mound. This alternative meets five project objectives to a level less or significantly less than the proposed Project, those being provision of high quality, cost-effective wastewater treatment capacity, provide a remedy for water quality violations, assist in resolving the water supply deficit, minimize the use of fossil fuels and improved efficiency and reliability of the Southland WWTF. However, this alternative has increased direct impacts in the areas of geology/water and biological resources as compared to the proposed Project. The Surface Discharge Alternative also results in additional costs for enhanced treatment as well as conflicts with policies within the Basin Plan and Federal and State guidelines that discourage surface water discharge. Discharging this water would send it out of the Nipomo Mesa (Water) Management Area, resulting in a reduction in available groundwater supplies. For these reasons, the Surface Discharge Alternative was rejected.

D. Pasquini Property Disposal Alternative

Description of Alternative: The Pasquini Property Disposal Alternative includes the proposed upgrades to the Southland WWTF with a relocated treated effluent disposal site at the Pasquini property. The Pasquini Property consists of 192 acres located southwest of Orchard Road and south of Southland Street. Treated effluent would be transmitted via

an appropriately sized pipeline approximately 4,500 linear feet from the wastewater facility to the northern portion of the Pasquini Property. Approximately 24 acres of land would be utilized for percolation area, perimeter berms and access roads.

Comparison of Effects: The Pasquini Property Disposal Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed Project. This alternative has increased direct impacts in the areas of land use, geology/water, biological resources, aesthetics and cultural resources as compared to the proposed Project.

Findings: After comparing the relative impacts and benefits of the proposed Project and the Pasquini Property Disposal Alternative, the Nipomo Community Services District did not select this Alternative. However, mitigation measures and features incorporated into the proposed Project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed Project.

Facts: The Pasquini Property Disposal Alternative meets four project objectives in a manner similar to the proposed Project, those being provide a remedy for water quality violations, provision of improved quality of treated wastewater, management of the subsurface wastewater mound and minimize the use of fossil fuels. This alternative meets three project objectives to a level that is less or significantly less than the proposed Project, those being provision of high quality, cost-effective wastewater treatment capacity, assist in resolving the water supply deficit and improved efficiency and reliability of the Southland WWTF. However, this alternative has increased direct impacts in the areas of land use, geology/water, biological resources, aesthetics, and cultural resources as compared to the proposed Project. The Pasquini Property Disposal Alternative also results in the need for an additional treated effluent disposal location since there is risk that the effluent could daylight through the Santa Maria River bluff face with flows greater than 0.31 MGD. This condition could also reduce the overall stability of the bluff. For these reasons, the Pasquini Property Disposal Alternative was rejected.

E. South of Mesa Disposal Alternative

Description of Alternative: The South of Mesa Disposal Alternative includes the proposed upgrades to the Southland WWTF with a relocated treated effluent disposal site located on 24 acres of land at the base of the Nipomo Basin. Treated effluent would be transmitted via an appropriately sized pipeline approximately 9,500 linear feet on existing agricultural lands adjacent to the Santa Maria River channel. Utilization of the South of Mesa Disposal Alternative would require additional treated effluent disposal facilities in the event that the use of these percolation facilities are interrupted during periods of possible high flows or flooding of the Santa Maria River.

Comparison of Effects: The South of Mesa Disposal Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed Project. This alternative has increased direct

impacts in the areas of land use, geology/water, and biological resources as compared to the proposed Project.

Findings: After comparing the relative impacts and benefits of the proposed Project and the South of Mesa Disposal Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed Project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed Project.

Facts: The Existing Pipeline Alternative meets five project objectives in a manner similar to the proposed Project, those being provide a remedy for water quality violations, provision of improved quality of treated wastewater, management of the subsurface wastewater mound, minimize the use of fossil fuels and improved efficiency and reliability of the Southland WWTF. This alternative meets two project objectives to a level that is significantly less than the proposed Project, those being the provision of high quality, cost-effective wastewater treatment capacity and assist in resolving the water supply deficit. However, this alternative has increased direct impacts in the areas of land use, geology/water, biological resources and aesthetics as compared to the proposed Project. The South of Mesa Disposal Alternative also results in physical challenges necessary to construct a pipeline from the Nipomo Mesa to the proposed disposal site south of the Mesa without disturbing the bluff face as well as the potential for flooding and high groundwater at the proposed site during wet weather and the loss of this water from the Nipomo Mesa (Water) Management Area groundwater supply. For these reasons, the South of Mesa Disposal Alternative was rejected.

F. Mesa and Eucalyptus Roads Disposal Alternative

Description of Alternative: The Mesa and Eucalyptus Roads Disposal Alternative includes the proposed upgrades to the Southland WWTF with a relocated treated effluent disposal site located on 24 acres of land near between Mesa and Eucalyptus Roads. Treated effluent would be transmitted via an appropriately sized pipeline approximately 18,500 linear feet to agricultural land adjacent to this intersection in Nipomo.

Comparison of Effects: The Mesa and Eucalyptus Roads Disposal Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed Project. This alternative has increased direct impacts in the areas of land use, biological resources, and aesthetics as compared to the proposed Project.

Findings: After comparing the relative impacts and benefits of the proposed Project and the Mesa and Eucalyptus Roads Disposal Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed Project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed Project.

Facts: The Mesa and Eucalyptus Roads Disposal Alternative meets all of the project objectives in a manner similar to the proposed Project. However, this alternative has increased direct impacts in the areas of land use, biological resources, and aesthetics as compared to the proposed Project. The Mesa and Eucalyptus Roads Disposal Alternative also has significant public opposition. For these reasons, the Mesa and Eucalyptus Roads Disposal Alternative was rejected.

G. Aquifer Modification Alternative

Description of Alternative: The Aquifer Modification Alternative includes the proposed upgrades to the Southland WWTF as well as the installation of dry wells or other conduits in the aquitard (i.e. groundwater barrier) located underneath the existing Southland WWTF in order to enhance percolation of groundwater from the upper (perched) aquifer to the lower, deeper aquifer.

Comparison of Effects: The Aquifer Modification Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as compared to the proposed Project. This alternative has increased direct impacts in the areas of geology/water as compared to the proposed Project.

Findings: After comparing the relative impacts and benefits of the proposed Project and the Aquifer Modification Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed Project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed Project.

Facts: The Aquifer Modification Alternative meets two project objectives in a manner similar to the proposed Project, those being provision of high quality, cost-effective wastewater treatment capacity and improved efficiency and reliability of the Southland WWTF. This alternative meets five project objectives to a level that is less than the proposed Project, those being provide a remedy for water quality violations, provision of improved quality of treated wastewater, management of the subsurface wastewater mound, assist in resolving the water supply deficit and minimize the use of fossil fuels. However, this alternative has increased direct impacts in the area of geology/water as compared to the proposed Project. The Aquifer Modification Alternative also results in increased costs for blending of treated effluent with potable water supplies as well as costs for reverse osmosis and brine disposal and the degradation of potable water supplies by percolating it back into the ground, thereby increasing its hardness and levels of total dissolved solids. For these reasons, the Aquifer Modification Alternative was rejected.

H. Highway 101 Landscape Irrigation Disposal Alternative

Description of Alternative: The Highway 101 Landscape Irrigation Disposal Alternative includes the proposed upgrades to the Southland WWTF as well as the provision of additional wastewater treatment in order to insure that treated effluent meets Title 22 water recycling requirements which allow for the use of treated effluent for surface

irrigation. This treated effluent would be transmitted via an appropriately sized pipeline approximately 750 feet to the adjacent Highway 101 right-of-way for irrigation of freeway landscaping with additional pipelines needed to extend the distribution system to the entire irrigation area. Approximately 750 acres is estimated to be required in order to dispose of the projected off-site treated effluent flows from the Southland WWTF.

Comparison of Effects: The Highway 101 Landscape Irrigation Disposal Alternative would have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as compared to the proposed Project. This alternative has increased direct impacts in the areas of geology/water as compared to the proposed Project.

Findings: After comparing the relative impacts and benefits of the proposed Project and the Highway 101 Landscape Irrigation Disposal Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed Project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed Project.

Facts: The Highway 101 Landscape Irrigation Disposal Alternative meets six project objectives in a manner similar to the proposed Project, those being provision of high quality, cost-effective wastewater treatment capacity, provide a remedy for water quality violations, provision of improved quality of treated wastewater; management of the subsurface wastewater mound, minimize the use of fossil fuels and improved efficiency and reliability of the Southland WWTF. This alternative meets one project objective to a level that is less than the proposed Project, that being assisting in resolving the water supply deficit. However, this alternative has increased direct impacts in the area of geology/water as compared to the proposed Project. The Highway 101 Landscape Irrigation Disposal Alternative also results in the need for negotiations for the use of property from CalTrans as well as the additional costs for constructing 750 acres of irrigation systems along the Highway 101 right-of-way. For these reasons, the Highway 101 Landscape Irrigation Disposal Alternative was rejected.

I. Nipomo Refinery Disposal Alternative

Description of Alternative: The Nipomo Refinery Disposal Alternative includes the proposed upgrades to the Southland WWTF with a relocated treated effluent site located on 24 acres near the Nipomo Refinery which is currently operated by Conoco Phillips. Treated effluent would be transmitted via an appropriately sized pipeline approximately 24,000 feet to vacant land adjacent to the existing refinery.

Comparison of Effects: The Nipomo Refinery Disposal Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as compared to the proposed Project. This alternative has increased direct impacts in the areas of geology/water, biological resources and aesthetics as compared to the proposed Project.

Findings: After comparing the relative impacts and benefits of the proposed Project and the Nipomo Refinery Disposal Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed Project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed Project.

Facts: The Nipomo Refinery Disposal Alternative meets all of the project objectives in a manner similar to the proposed Project. However, this alternative has increased direct impacts in the areas of geology/water, biological resources and aesthetics as compared to the proposed Project. The Nipomo Refinery Disposal Alternative also results in increased costs for construction of a pipeline to the Nipomo Refinery disposal site as compared with the proposed Project as well as the inability to serve as many irrigation users along the way. For these reasons, the Nipomo Refinery Disposal Alternative was rejected.

SECTION 8

FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a) (1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the proposed Project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment.

The Nipomo Community Services District hereby finds and accepts that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potential environmental impacts.

SECTION 9

SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the Nipomo Community Services District has made one of more of the following findings with respect to the significant effects of the proposed Project:

a. Changes or alterations have been required in, or incorporated into, the proposed Project which avoid or substantially lessen the significant environmental effects as identified in the Final Environmental Impact Report.

b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

c. Specific economic, social, legal, technical or other considerations make the mitigation measures or alternatives identified in the Final Environmental Impact Report infeasible.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing findings:

a. All significant effects on the environment due to the proposed Project have been eliminated or substantially lessened where feasible as discussed in Sections 3 and 4 of these Findings.

b. The benefits of the proposed Project set forth in the foregoing Statement of Overriding Considerations, as noted in Section 1 of these Findings, outweigh any remaining significant effects of the project on the environment found to be unavoidable as discussed in Section 2 of these Findings.

The Nipomo Community Services District located at 148 S. Wilson Street, Nipomo, CA 93444, as Lead Agency, is the custodian of the documents and other material which constitute the record of the proceedings upon which its decision concerning EIR certification is based.

EXHIBIT A

MITIGATION MONITORING PROGRAM

MITIGATION MONITORING PROGRAM

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
A. LAND USE AND PLANNING			
A-1: For any construction staging or storage proposed on agricultural farmland, permanent impacts to soil resources can be avoided with the following measures • A geotextile membrane shall be placed on top of native soils prior to the placement of any stockpile, fill, base materials or construction materials. • Upon completion of the project, native soil will be replaced to its previous condition in terms of soil texture, water holding capacity and soil permeability. • All excavated soils will be stockpiled during construction in a manner that protects the soils' physical, chemical and biological characteristics. Biologically active topsoil (A horizon) shall be segregated from deeper soils during construction and replaced in a similar manner upon completion of construction. • At the conclusion of construction, soils will be replaced in a manner that mimics the pre-construction characteristics of the soils, including compacting the soils to the same soil permeability, soil texture and available water holding capacity. • A Weed Control Program shall be implemented during project construction along the routes of all proposed transmission mains and temporary access roads in order to control the introduction and/or spread of invasive exotic species.	Avoid impacts to agricultural soils	During project construction	Nipomo Community Services District
A-2: Project construction shall be coordinated with property owners and any farm lessee/operators. Impacts to agricultural use of the property can be avoided or minimized with the following measures • All proposed wastewater transmission and disposal systems shall be located in order to avoid damaging buried irrigation lines, wells, risers and other agricultural infrastructure based upon visual inspection or existing mapping or recordation. • Early notice of any planned closures or detours on existing roadways either within	Coordinate with property owners, lessee/ operators	During project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
the fields or along existing paved roads with regular updates about forthcoming closures or detours shall be provided to area agricultural producers and posted on local roadways so that adequate planning can be made for the movement of agricultural goods, personnel and residential commuters.			

B. POPULATION AND HOUSING

No mitigation measures are proposed.	--	--	--

C. WATER

C-1: The Nipomo Community Services District shall develop a Stormwater Pollution Prevention Plan (SWPPP) that will include Best Management Practices (BMPs) to prevent the discharge of construction materials, contaminants, washings, concrete, fuels, and oils. The SWPPP will be available on the construction site pursuant to State regulations. BMPs should include the following measures: • Properly maintain (off-site) all construction vehicles and equipment that enter a construction area in order to prevent leaks of fuel, oil, and other vehicle fluids. • Conduct equipment and vehicle fueling off-site. If refueling is required at a construction site, it will be done within a bermed area with an impervious surface to collect spilled fluids. • Prepare a Spill Prevention/Spill Response Plan for the site that includes training, equipment and procedures to address spills from equipment, stored fluids and other materials including disposal of spilled material and materials used for clean up of contaminated soils and materials. • Place all stored fuel, lubricants, paints, and other construction liquids in secured and covered containers within a bermed area. • Conduct any mixing and storage of concrete or other construction materials in contained areas. • Insure that all equipment washing and major maintenance is prohibited at a construction site except in bermed areas. • Remove all refuse and excess material from a construction site as soon as possible. • Channelize storm water to avoid construction equipment and materials and to avoid the diversion of runoff into existing	Develop a stormwater Pollution Prevention Plan	Prior to project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
drainages.			
C-2: In compliance with the San Luis Obispo County Land Use Ordinance, the District shall prepare an Erosion and Sedimentation Control Plan outlining measures to address both temporary (i.e. site disturbance, stockpiling and construction activities) and final (post-construction) methods for stabilizing exposed soils, minimizing the potential for erosion and sedimentation as well as maintaining off-site water quality. These measures shall include, but may not be limited to: • The use, if necessary, of silt fencing, straw bales or sandbags in order to reduce the potential for erosion from disturbed soils and • Implementation of other methods for stabilizing disturbed soils and minimizing soil loss from the construction site.	Prepare an Erosion and Sedimentation Control Plan	Prior to project construction	Nipomo Community Services District
C-3. Any areas proposed for future project improvements containing the Coastal Aqueduct Pipeline and/or the State Water Project fiber optic communications cable shall be surveyed in order to clearly delineate the extent of the State Department of Water Resources right-of-way. No excavation or test drilling within these areas shall be conducted without prior approval of the Department of Water Resources (DWR) or the Central Coast Water Authority (CCWA). No proposed structures or grading that may limit DWR or CCWA access to the Coastal Aqueduct easement shall occur without prior DWR approval.	Survey DWR right-of-way and secure necessary approvals	Prior to project construction	Nipomo Community Services District

D. BIOLOGICAL RESOURCES

D-1: All construction operations shall be conducted prior to, or after, the nesting season (February 15 to September 15) in order to avoid any potential impacts to nesting birds. This shall include any necessary vegetation and/or tree removals which could disrupt nesting birds. Therefore, construction activities should be conducted between September 15 and February 15 to the extent feasible. If the above measure is not feasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities initiated between February 15 and September 15 in order to identify potential bird nesting sites. • If active nest sites of common bird species protected under the Migratory Bird Treaty Act (e.g., Northern mockingbird, House	Avoid bird nesting season or conduct pre-construction surveys	Prior to project construction	Nipomo Community Services District and California Department of Fish and Game

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
finch, etc.) and Fish and Game Code Sections 3503 and 3503.5 are observed within 300 feet of construction activities, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs and/or young. • If active nest sites of raptors and/or species of special concern are observed within the vicinity of Southland WWTF, construction shall be avoided or terminated until the California Department of Fish and Game is contacted and an appropriate buffer zone around the nest site is established. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest or the nest is abandoned.			
D-2: All equipment staging and construction crew parking areas shall be located within pre-designated staging areas identified on construction plans which avoid identified sensitive habitats as determined by a qualified biological monitor. This shall include pre-designation of all staging areas for construction of all pipeline improvements. Additionally, all construction access routes shall be established in previously disturbed areas and/or existing roadways.	Locate equipment staging and construction areas away from sensitive habitats	During project construction	Nipomo Community Services District
D-3: Exclusionary fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species. The exact location of exclusionary fencing for each construction area shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each individual project component.	Provide exclusionary fencing	During project construction	Nipomo Community Services District
D-4: A qualified biological monitor shall conduct a worker orientation for all construction contractors (site supervisors, equipment operators and laborers) which emphasizes the presence and identification of areas containing special-status species, their habitat requirements and applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts.	Conduct worker orientation	Prior to and during project construction	Nipomo Community Services District
D-5: If nighttime construction activities are warranted, all equipment lighting shall be shielded away from adjacent wildlife habitat areas and the open sky in order to minimize lighting/glare impacts of wildlife while still providing safe working conditions for construction personnel.	Shield nighttime lighting from adjacent wildlife habitat areas	During project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
D-6: A dust control program during the construction phase of the project shall be implemented to minimize dust impacts to adjacent vegetation communities and associated special-status species.	Implement dust control program	During project construction	Nipomo Community Services District
D-7: A qualified biologist shall conduct a pre-activity survey to determine presence or absence of California horned lizard within the Southland WWTF and the Kaminaka Property. Surveys shall only be required during the active period of California horned lizards (generally April through September). If California horned lizards are identified adjacent to and/or within work areas, hand rakes or an equivalent method shall be utilized by the biologist in order to scarify the ground surface and encourage the horned lizards (and other wildlife) to vacate the immediate area prior to construction. Alternatively, drift fences shall be used to capture horned lizards. As necessary, the qualified biologist shall physically relocate any California horned lizards to suitable habitat located outside the construction zone(s).	Conduct surveys to determine presence or absence of California horned lizard	Prior to project construction	Nipomo Community Services District
D-8: A qualified biologist shall conduct pre-construction survey(s) within one week of ground-disturbing activities to determine presence/absence of active badger dens within 100-feet of project activities at the WWTF (including 10-acre expansion area) and the Kaminaka Property. If no evidence of badger presence is detected, no further mitigation is required. The following measures shall be implemented if active badger dens are detected during pre-construction surveys: • The entrance to the den and an area of approximately one square meter in front of entrance (i.e., den apron) shall be smoothed with a flat-head shovel or equivalent. Diatomaceous earth shall be placed on the smoothed areas. Check the next three consecutive mornings for badger tracks. If no tracks are observed, assume that the den is no longer occupied. However, to ensure no loss of badgers, hand excavate the den completely, then backfill to prevent re-occupation. • If tracks are observed in the diatomaceous earth during any of the three mornings, progressively block the entrance, using soil and other nearby materials (woody debris, etc.) Render the entrance progressively more difficult to enter and exit over the following three days. Then, to assure no loss of badgers, hand excavate the den	Conduct pre-construction surveys	Prior to project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
completely and backfill to prevent re-occupation. • The above American badger protocols shall be implemented for dens at or near the Southland WWTF including the 10-acre percolation pond expansion area and within the Kaminaka Property. Dens identified near the equipment access routes shall be marked and carefully avoided during all construction activities. Verification of occupancy is not necessary if such dens can be avoided.			
D-9: A qualified biological monitor shall be on-site during all vegetation clearing and shall periodically monitor the project area during construction activities in order to inspect protective fencing, equipment staging areas and to physically relocate or remove any special-status wildlife species entering the construction zone or identified during brush clearing excavation (e.g., California horned lizard, Silvery legless lizard, etc.). All special-status species shall be relocated to suitable habitat located outside the construction zone by the qualified biologist. Exact procedures and protocols for relocating shall be based upon pre-project consultation with California Department of Fish and Game.	Monitor vegetation clearing and construction	During project construction	Nipomo Community Services District and California Department of Fish and Game
D-10: Nesting bird surveys shall be conducted between February 15 and September 15 to identify nest sites of special-status bird species including Loggerhead shrike, California horned lark, Northern harrier, Cooper's hawk, White-tailed kite and Tricolored blackbird.	Conduct nesting bird surveys	Prior to and during project construction	Nipomo Community Services District
D-11: Site disturbance and construction activities shall not occur during the rainy season (October 15 to April 15) within 300 feet of any areas containing suitable breeding habitat of the Western spadefoot toad in order to protect migrating and/or breeding of this species which typically initiates surface movements from burrows following first rains of fall. No construction activities shall occur in these areas during or immediately following a rain event or if water is ponding within these areas. If the above measure is not feasible, pre-construction surveys for Western spadefoot toad shall be conducted by a qualified biologist within all portions of the project site containing suitable breeding habitat. This shall include an evaluation of all previously documented occupied areas and a reconnaissance-level survey of the remaining natural areas. Surveys shall be conducted when the	Avoid site disturbance and construction activities during rainy season	During project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
Western spadefoot toad can be detected (i.e., during substantial rain events which have potential to result in ponding on-site [0.5-inches of rain or greater]). This shall include both night and day surveys to detect all life stages of the Western spadefoot toad. • All Western spadefoot adults, tadpoles, and egg masses encountered shall be collected and released into pre-designated percolation pond(s) containing water within the Southland WWTF as approved by CDFG. • The qualified biologist shall continue to monitor the relocation sites on a periodic basis throughout the breeding period (i.e., every two weeks) to document success of relocation efforts. Further, final survey and monitoring data will be provided to CDFG in a written report.			
D-12: A qualified biological monitor shall conduct a worker orientation which emphasizes the presence of semi-aquatic, special-status species within the project area (e.g., Western spadefoot toad, California red-legged frog, etc.), their habitat requirements, applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts.	Conduct worker orientation	Prior to and during project construction	Nipomo Community Services District
D-13: All work areas within 100 feet of the existing Southland WWTF percolation ponds and/or existing agricultural stock ponds southwest of the WWTF shall be surveyed by a qualified biologist each day prior to the initiation of construction activities. As necessary, the qualified biologist shall physically relocate semi-aquatic, special-status species (e.g., Western spadefoot toad, Southwestern pond turtle, etc.) and common semi-aquatic species (e.g., Western toad, Pacific chorus frog, etc.) to suitable habitat areas located outside the construction zone(s). Exact procedures and protocols for relocation of the special-status species shall be based upon pre-project consultation with the California Department of Fish and Game. In the event California red-legged frog (CRLF) is identified in a work area, all work shall cease until the CRLF has safely vacated the work area. At no time shall any CRLF be relocated and/or affected by project operations without prior approval from the U.S. Fish and Wildlife Service.	Survey work in areas adjacent to special-status species habitats	Prior to and during project construction	Nipomo Community Services District and California Department of Fish and Game
D-14: Prior to commencing construction, NCSD shall prepare the following plans and agency permit	Prepare plans and agency	During project construction	Nipomo Community Services District,

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
applications, and shall implement all plans prior to, during and immediately following construction activities. • In compliance with the San Luis Obispo County Land Use Ordinance, the District shall prepare an Erosion and Sedimentation Control Plan (ESCP) outlining the measures to address both temporary (i.e., site disturbance and stock piling) and final (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed Project site. All applicable measures shall be included on final construction plans and adhered to throughout the project. • All project operations shall comply with the requirements under the General Construction Storm Water General Permit, issued by the State Water Resources Control Board. Such requirements will include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site. • A Spill Contingency Plan (SCP) shall be prepared outlining measures to prevent the release of petroleum and hazardous materials including containment methods for emergency clean-up operations. Prevention measures shall include, but not be limited to, identification of appropriate fueling areas away from sensitive habitat areas such as swales and/or drainages, a maintenance schedule for equipment and a list of appropriate containment and spill response materials to be stored on-site. All vehicles shall be staged only in appropriately marked and protected areas and at no time shall any cleaning and/or refueling of equipment be allowed upslope and/or within the vicinity of any drainages and/or wetland habitat areas, including agricultural stock ponds. If an accidental spill of a hazardous or toxic material occurs, the Regional Water Quality Control Board (RWQCB), the California Department of Fish and Game and California Department of Toxic Substances (CDTS) shall be notified.	permit applications		Regional Water Quality Control Board, California Department of Fish and Game and California Department of Toxic Substances
D-15: Spill containment equipment shall be available on-site during all construction activities. As necessary, this shall include placement of	Make spill equipment available during	During project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
individual spill response trailers at each active work area during project operations.	construction activities		
D-16: The proposed pipeline alignments shall be aligned to avoid impacting the root systems of large eucalyptus trees located on Orchard Avenue, Pomeroy Road and Willow Road. The precise location of these pipelines shall be reviewed by a qualified arborist to insure avoidance of or minimize impacts to the root systems of large trees throughout pipeline alignment at these locations.	Avoid root systems of eucalyptus trees	During project construction	Nipomo Community Services District
D-17: An Erosion and Sedimentation Control Plan shall be prepared which includes provision for stabilizing construction sites and pipeline alignments and monitoring. As necessary, this plan shall include the following: • Implementation of standard Best Management Practices (e.g., hydroseeding, wattles, and earthen swales, etc.) along the recontoured sites and erosion control monitoring during subsequent rainy seasons to insure that previously disturbed areas are stabilized. • Installation of long-term drainage devices at all construction areas including, as necessary, catchment basins, culverts with down-drains and storm flow energy dissipating devices (riprap or diffusers).	Prepare Erosion and Sedimentation Control Plan	Prior to project construction	Nipomo Community Services District
D-18: A special-status species orientation program shall be provided to all WWTF facility workers (site supervisors, equipment operators and laborers) which emphasizes the presence of special-status species within the facility, identification, their habitat requirements, applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts. Permanent placards with relevant special-status species information shall be posted in all employee break areas and other facility locations as deemed necessary by NCSD management. The orientation program shall be repeated annually for all staff and on an as needed basis for all new employees.	Conduct special-status species orientation program	During project operations	Nipomo Community Services District
D-19: Percolation basin maintenance activities including scarification of pond bottoms with heavy equipment and weed abatement of pond berms shall not be conducted between January 1 and March 31 to avoid the primary breeding period for the Western spadefoot toad. If the above measure is deemed infeasible between January 1 and March 31 due to a temporary increase	Avoid percolation basin maintenance between January 1 and March 31	During project operations	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
in wastewater treatment demand and/or other emergency circumstances, then the following measures shall be implemented: • All ponds proposed for maintenance shall be allowed to dry entirely with no standing water prior to scarification and/or weed abatement. • A combined one day/night survey shall be conducted by a qualified biologist for Western spadefoot toad 24 hours prior to the proposed maintenance activity. The combined survey shall focus upon the pond bottoms and banks of all basins proposed for maintenance. Surveys shall be repeated, as necessary, to account for multiple maintenance activities within the Jan. 1 to March 31 breeding season. • All Western spadefoot toad adults and metamorphs encountered during the combined day/night surveys shall be collected and released into other pre-designated percolation pond(s) containing water within the Southland WWTF as approved by CDFG. • The qualified biologist shall continue to monitor the relocation sites on a periodic basis throughout the breeding period to document success of relocation efforts. Further, final survey and monitoring data will be provided to CDFG in a written report at the end of each breeding season.			
D-20: Employees shall be directed to temporarily halt maintenance activities within areas containing special-status species until the animals have vacated the immediate area.	Redirect maintenance activities within areas containing special-status species	During project operations	Nipomo Community Services District

E. AESTHETICS

E-1: Prior to project construction, a Landscape Screening Plan shall be prepared for the District which provides landscaped screening consisting of trees and/or shrubs adjacent to proposed booster stations, the control/electrical and storage buildings at the Southland WWTF or any other above ground structure. Trees or shrubs will be provided which will reach six (6) feet surrounding these facilities without sacrificing safety considerations within two years of construction of these facilities.	Prepare Landscape Screening Plan	Prior to project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
E-2: Prior to project construction, a Landscape Maintenance Plan shall be prepared which provides a program for growing and maintaining the proposed vegetative screens so that they achieve the two-year growth plan for vegetation. The plan shall also identify the long range maintenance and vegetative requirements to insure that said screening will be maintained for 5 years, including replacement of any trees or shrubs which may die.	Prepare Landscape Maintenance Plan	Prior to project construction	Nipomo Community Services District
E-3: Prior to their construction, a color board will be provided which identifies the exterior colors and materials to be utilized on proposed pump stations, buildings at the Southland WWTF or any other above ground structure. The colors and materials selected will involve muted tones which match or are comparable with the colors found in the surrounding areas.	Select colors and materials with muted tones for pump stations, buildings at the Southland WWTF or any other above ground structure	Prior to project construction	Nipomo Community Services District
E-4: Prior to project construction, an Exterior Lighting Plan shall be prepared for the District which indicates the height, location and intensity of all proposed exterior lighting. All light fixtures shall be shielded so that neither the lamp nor the reflective interior surface is visible from beyond 50 feet of project facilities. All light poles, fixtures and hoods shall be dark (non-reflective) colored. All exterior lighting sources shall be low-level adjusted so that light is directed downward. Security lighting shall be shielded so as not to create glare when viewed from adjacent properties with lighting heights no more than is absolutely necessary. All project lighting shall not be obtrusive to travelers along any adjacent roadways.	Prepare Exterior Lighting Plan	Prior to project construction	Nipomo Community Services District

F. CULTURAL RESOURCES

F-1: Prehistoric cultural resource monitoring shall accompany any construction trenching and excavation within the WWTF site and along a 100 meter area on the south side of Southland Street directly south of 641 Southland Street. A Prehistoric Cultural Resource Monitoring Plan shall be developed by the District and approved by the County of San Luis Obispo which will include the following elements: • A review of the proposed Project and the project phase to be constructed including areas of proposed grading and construction, access roads for construction vehicles, equipment storage areas, etc. • Conducting a pre-construction archaeological workshop to be conducted by	Monitor construction trenching and excavation within the WWTF site and adjacent to Southland Street	During project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
a qualified archaeologist in order to educate construction personnel as to the type of cultural material that may be encountered. • Conducting XP-1 surveys in areas devoted to major excavation, primarily being areas proposed for construction of secondary clarifiers (see Figure 5D, Southland WWTF Improvements on page III-13 of the Draft EIR). • Precise identification of areas subject to testing and/or monitoring. • Implementation of a procedure for notification in the event of an accidental discovery of any suspected cultural materials, including establishment of notification procedures in the event that human remains are found. • Provision of an open space area, if necessary, to accommodate the reburial of human remains that are found during project construction. This area is currently anticipated to be located along the southern project boundary. In the event that this area is used, it will be restricted from any project-related or other future construction activity or disturbance. Its size and location will be subject to approval by a Native American representative(s). • Provision of an opportunity for review of and comment on the contents and implementation of the Prehistoric Cultural Resource monitoring plan by a Native American representative(s). • Implementation of a restriction that results of all surveys, construction or shared information related to the Native American community shall be kept in strict confidentiality.			
F-2: Historic cultural resource monitoring shall accompany construction trenching and excavation along Pomeroy Road in the vicinity of Nipomo Regional Park in the event that the Kaminaka Property is utilized as a treated effluent disposal facility. An Historic Cultural Resource Monitoring Plan shall be developed and approved by the County of San Luis Obispo which will include project review, networking with all involved members of the project and production of a final monitoring report.	Conduct historic cultural resource monitoring	During project construction	Nipomo Community Services District
F-3: In the event that the agricultural lands southeast of the WWTF are utilized as a treated effluent disposal facility, subsurface testing is required to confirm the lack of cultural resources.	Conduct subsurface testing	Prior to project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
F-4: An archaeological workshop shall be conducted by a qualified archaeologist at the pre-construction meeting for construction personnel to educate them about what types of cultural material may be encountered during construction grading and excavation. A procedure for notification of accidental discovery and communication network shall be developed so that if any suspected cultural materials are unearthed, they can be quickly examined and evaluated by a qualified archaeologist and appropriate recommendations can be made.	Conduct archaeological workshop for construction personnel	Prior to and during project construction	Nipomo Community Services District
F-5: During any grading or excavation associated with the project, if any cultural materials are unearthed, work in that area shall be halted until all cultural materials can be examined by a qualified archaeologist and appropriate recommendations made pursuant to County Land Use Ordinance Section 22.0.	Halt construction if cultural materials are unearthed	During project construction	Nipomo Community Services District

G. GEOLOGY

G-1: The design of any proposed surface percolation ponds shall include an evaluation of potentially-liquefiable near surface soils below pond slopes so that proper site preparation involving removal of these soils can, if necessary, occur.	Evaluate potentially liquefiable soils	Prior to project construction	Nipomo Community Services District
G-2: The following shall be included in Final Grading and Drainage Plans to prevent erosion induced siltation of on-site and off-site drainages: • A prohibition against grading during the rainy season (November 1-April 15) unless erosion control measures found adequate by the District are implemented. • Methods for revegetation of disturbed soils for long-term stabilization.	Include measures to prevent erosion induced siltation on Final Grading and Drainage Plans	Prior to project construction	Nipomo Community Services District

H. HAZARDS AND HAZARDOUS MATERIALS

H-1: The Nipomo Community Services District shall develop a Stormwater Pollution Prevention Plan (SWPPP) that will include Best Management Practices (BMPs) to prevent the discharge of construction materials, contaminants, washings, concrete, fuels, and oils. The SWPPP will be available on the construction site pursuant to State regulations. BMPs should include the following measures: • Properly maintain (off-site) all construction vehicles and equipment that enter a construction area in order to prevent leaks of fuel, oil, and other vehicle fluids.	Prepare Stormwater Pollution Prevention Plan	Prior to project construction	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
• Conduct equipment and vehicle fueling off-site. If refueling is required at a construction site, it will be done within a bermed area with an impervious surface to collect spilled fluids. • Prepare a Spill Prevention/Spill Response Plan for the site that includes training, equipment and procedures to address spills from equipment, stored fluids and other materials including disposal of spilled material and materials used for clean up of contaminated soils and materials. • Place all stored fuel, lubricants, paints, and other construction liquids in secured and covered containers within a bermed area. • Conduct any mixing and storage of concrete or other construction materials in contained areas. • Insure that all equipment washing and major maintenance is prohibited at a construction site except in bermed areas. • Remove all refuse and excess material from a construction site as soon as possible. • Channelize storm water to avoid construction equipment and materials and to avoid the diversion of runoff into existing drainages.			
H-2: All project construction activities shall adhere to the standards and requirements of the State Department of Public Health (DPH), Toxic Substance Control Division; the County of San Luis Obispo, Public Health Department, Environmental Health Division and other supporting agencies including the Regional Water Quality Control Board and the San Luis Obispo Air Pollution Control District.	Adhere to State and local standards and requirements	During project construction	Nipomo Community Services District, State Department of Health Services, County of San Luis Obispo, Regional Water Quality Control Board and Air Pollution Control District

I. PUBLIC SERVICES AND UTILITIES

I-1: The District shall, if feasible and cost-effective, pursue methods of disposal of biosolids involving land application and/or composting at a regional composting facility.	Pursue cost-effective methods of biosolids disposal	Prior to project construction	Nipomo Community Services District
I-2: The District shall investigate the feasibility and cost-effectiveness of the use of solar power or other alternative energy sources to power wastewater treatment or other project facilities.	Investigate the use of solar power or other alternative energy sources	Prior to project operations	Nipomo Community Services District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
J. TRAFFIC			
J-1: All project construction sites accessing onto or occurring adjacent to public roadways shall provide adequate signage, barriers and, if necessary, flagmen in order to insure the safe diversion of traffic, bicyclists, equestrians and/or pedestrians. These measures shall also insure continued access from adjacent properties to local roadways.	Provide adequate signage, barriers and flagmen	During project construction	Nipomo Community Services District
K. NOISE			
K-1: All project construction activities shall comply with the County of San Luis Obispo Noise Ordinance Section 22.06.042(d) which limits noise-generating construction activities to the hours between 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays.	Comply with County Noise Ordinance	During project construction	Nipomo Community Services District
K-2: All construction equipment utilizing combustion engines shall be equipped with "critical" grade (rather than "stock" grade) noise mufflers that are in good condition. Noise level reductions with the use of "critical" grade mufflers can be as high as 5 dBA. Back up "beepers" will also be tuned to insure lowest possible noise levels.	Use critical grade mufflers	During project construction	Nipomo Community Services District
K-3: Stationary noise sources that exceed 60 dBA (i.e. pump stations and other project facilities) shall be located at least 300 feet from any occupied residential dwellings unless noise-reducing engine housing enclosures or other appropriate noise screens are provided in order to insure that exterior noise levels do not exceed 60 CNEL.	Locate stationary noise sources away from residential dwellings or provide enclosures	During project construction	Nipomo Community Services District
L. AIR QUALITY			
L-1: Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving any construction site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed water, if available, shall be used for dust control and other construction-related purposes during project construction.	Use water trucks or sprinkler systems for dust control	During project construction	Nipomo Community Services District and Air Pollution Control District
L-2: All dirt stock-pile areas shall be sprayed daily as needed.	Spray dirt stock-pile areas	During project construction	Nipomo Community Services District and Air Pollution Control District
L-3: Exposed ground areas that are planned to be reworked at dates greater than one month shall be sown with a fast-germinating native grass seed and	Plant exposed ground areas	During project construction	Nipomo Community Services District and Air Pollution Control

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
watered until vegetation is established.			District
L-4: All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting or other methods approved by the APCD.	Use soil stabilizers in disturbed soil areas	During project construction	Nipomo Community Services District and Air Pollution Control District
L-5: All roadways, driveways, etc. to be paved or repaved shall be completed as soon as possible. If prompt paving is not possible, seeding or soil binders shall be utilized.	Pave or repave roadways, driveways, etc. as soon as possible	During project construction	Nipomo Community Services District and Air Pollution Control District
L-6: Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at a construction site.	Restrict construction vehicle speed	During project construction	Nipomo Community Services District and Air Pollution Control District
L-7: All trucks hauling dirt, sand, soil or other loose materials shall be covered or maintain at least two feet of freeboard.	Cover trucks hauling dirt, sand, soil or other loose materials	During project construction	Nipomo Community Services District and Air Pollution Control District
L-8: Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.	Utilize wheel washers or gravel pads	During project construction	Nipomo Community Services District and Air Pollution Control District
L-9: Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.	Sweep streets daily	During project construction	Nipomo Community Services District and Air Pollution Control District
L-10: All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.	Water excavated or graded material	During project construction	Nipomo Community Services District and Air Pollution Control District
L-11: All PM10 mitigation measures required must be included on any project plans. The contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of particulate matter off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to construction.	Include PM10 measures on any project plans	During project construction	Nipomo Community Services District and Air Pollution Control District
L-12: All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.	Properly maintain and tune construction equipment	During project construction	Nipomo Community Services District and Air Pollution Control District

MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
L-13: All off-road and portable, diesel-powered equipment, including, but not limited to, bulldozers, grading, cranes, loaders, scrapers, backhoes, generator sets, compressors or auxiliary power units, shall be fueled exclusively with CARB motor vehicles diesel fuel. Such equipment shall be stored within a fenced enclosure during non-working hours in order to minimize potential vandalism.	Use CARB diesel fuel	During project construction	Nipomo Community Services District and Air Pollution Control District
L-14: Where possible, diesel powered equipment shall be replaced with gasoline, electrical, CNG or LPG powered equipment.	Replace diesel equipment where possible	During project construction	Nipomo Community Services District and Air Pollution Control District
L-15: Prior to any project grading, a geologic analysis will be performed in order to determine if asbestos-bearing serpentine rock is present. If naturally occurring asbestos is found at the project site, an Asbestos Health and Safety Program and an Asbestos Dust Control Plan will be submitted to the Air Pollution Control District for review and approval prior to project grading.	Prepare analysis to determine presence of asbestos-bearing soils	Prior to project construction	Nipomo Community Services District and Air Pollution Control District
L-16: The daily pumping operations at the Southland WWTF for the proposed Project shall utilize electric-powered pumps; diesel pumps shall be provided for backup (standby) operation to be used only on an emergency basis during power outages or equipment breakdown.	Utilize electric-powered pumps	During project operations	Nipomo Community Services District
L-17: The District shall investigate the feasibility and cost-effectiveness of the use of solar power or other alternative energy sources to power wastewater treatment or other project facilities. This analysis shall assess the existing technologies and tradeoffs in order to determine the feasibility of alternate energy sources including solar power. This assessment will be based upon cost constraints, reliability, space requirements and other implementation factors.	Investigate use of solar power or other alternative energy sources	Prior to project operations	Nipomo Community Services District