

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: City Wastewater Treatment Plant – Supplemental Environmental Review
DATE: June 2, 2009

NEEDS: For the City Council to consider expanding environmental investigation and documentation for upgrade of the City Wastewater Treatment Plant located at 3200 Sulfur Springs Road.

FACTS:

1. On November 4, 2008, the City Council authorized a contract with Morro Group, a Division of SWCA, Inc. to complete an environmental assessment of the City Wastewater Treatment Plant rehabilitation project.
2. On April 16, 2009, the City was informed of two additional items that must be added to the environmental assessment, that are not included in the current scope of work.
3. The Regional Water Quality Control Board requires the City make improvements to one of the existing outfall pipes, which discharge into the Salinas River. A portion of the improvements will occur within the bed/bank of the Salinas River, thereby requiring regulatory permits including Army Corps of Engineers' (404 permit) and Department of Fish and Game (1600 Streambed Alteration Agreement).
4. To obtain the permits, additional surveys for cultural and biological resources are required.
5. Staff is working with the State of California regarding the possibility of obtaining State Revolving Loan Funds, grants and/or stimulus monies to offset the cost of plant construction. In order to be eligible for potential State or Federal funding, the City must conduct archival research to evaluate the historical significance of two structures that predate the plant (1954).
6. A breakdown of the cost associated with completion of the additional work is as follows:

| Task | Estimated Cost |
|------------------------------------------------------------|-----------------|
| Cultural Resources | |
| Task 1 – Additional Survey | \$1,369.00 |
| Task 2 – Archival Research | \$1,112.00 |
| Task 3 – Resource Recordation and Evaluation | \$2,112.00 |
| Task 4 – Additional Reporting | \$839.00 |
| <i>Subtotal</i> | \$5,432 |
| Biological Resources | |
| Task 5 – Literature Review and Fieldwork | \$3,475 |
| Task 6 – Biological Resources Survey Report | \$3,465 |
| Task 7 – California Red-legged Frog Site Assessment Report | \$2,575 |
| Task 8 – Wetland Delineation Report | \$5,195 |
| Task 9 – Regulatory Permitting | \$7,025 |
| <i>Subtotal</i> | \$21,735 |
| TOTAL ESTIMATED COST* | \$27,167 |

ANALYSIS &

CONCLUSION: The Wastewater Treatment Plant is a vital asset to the City. An expanded CEQA document addressing biological and historical conditions beyond the original scope is required to complete the final design and as a condition of seeking any available grants or State funding.

POLICY

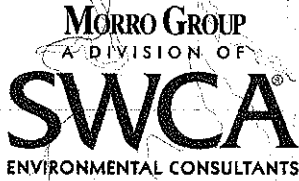
REFERENCE: California Environmental Quality Act, Section 106

FISCAL IMPACT: The Morro Group, a Division of SWCA, Inc. proposes to complete the amended work scope at a cost not to exceed \$27,167. The cost for this service would be paid from the Sewer Enterprise Fund.

- OPTIONS:**
- a. Adopt Resolution No. 09-### appropriating \$27,167 from Sewer Enterprise Funds to Budget No. 601-910-5224-683 and authorize the expanded work scope associated with the future rehabilitation of Paso Robles Wastewater Treatment Plant.
 - b. Amend, modify, or reject the above option.

Attachments (2)

- 1) Proposal from Morro Group
- 2) Resolution



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2136

April 22, 2009

Mr. Kris Olson
Cornerstone Engineering
Via e-mail to: kao@cornerstoneeng.com

SUBJECT: *Request for change order for evaluation of expanded impact areas, the evaluation of two historic-period resources, and regulatory permitting services for the Paso Robles Wastewater Treatment Plant Upgrade Project, City of Paso Robles, San Luis Obispo County, California*

Dear Mr. Olson:

Morro Group, a Division of SWCA Environmental Consultants (SWCA), is pleased to submit our scope of work and cost estimate to conduct additional surveys of expanded impact areas and evaluate two historic-period buildings that were identified during the Phase One cultural resources field survey conducted for the Paso Robles Wastewater Treatment Plant Upgrade Project, in the City of Paso Robles, San Luis Obispo County, California. Biological and cultural resource surveys conducted on February 18, 2009 and February 26, 2009, respectively, were based on impact areas provided to SWCA on February 13, 2009. Information received on March 12, 2009 identified the location of the proposed administrative building, which is outside of the previously identified impact areas.

The original scope of work and cost estimate assumed negative results for cultural resources (i.e., that the cultural resources survey would not identify any resources); however, because the treatment plant itself is more than 45 years old, SWCA anticipated recording a plant component such as the operations building (constructed ca. 1954). The remaining historic-period building, a barn pre-dating the treatment plant, was not anticipated. Both resources will be recorded on State of California Department of Parks and Recreation (DPR) Series 523 forms and evaluated through the identification of appropriate historic contexts. The results of the archival research and recordation and evaluation of the historic-period resources will be presented in the cultural resource technical report.

In addition, based on our conversation on April 16, 2009, it is our understanding that the City is proposing improvements to an existing outfall pipe "C," which discharges into the Salinas River. The proposed improvements would include removal of the existing 14-inch pipe and a concrete surface, and installation of a 24-inch pipe and stilling well. A portion of the improvements would occur within the bed/bank of the Salinas River. Regulatory permits, including an Army Corps of Engineers (ACE) 404 permit and California Department of Fish and Game 1600 Streambed Alteration Agreement (in addition to Regional Water Quality Control Board approvals/permits) will be required. Based on our preliminary discussion, the proposed additional project component would require the disturbance of approximately 5,000 square feet. Because these areas were not included in the original survey area, additional surveys for cultural and biological resources will need to be conducted.

In addition to these tasks, pursuant to your request, this request for a change order includes a scope of work and cost estimate to assist the City with federal and state permits, which are required for work with California Department of Fish and Game (CDFG) and Army Corps of Engineers (USACE) jurisdictional areas.

SCOPE OF WORK

Cultural Resources

Task 1. Additional Survey

An SWCA cultural resources specialist will conduct intensive pedestrian survey within the expanded impact area, to include the proposed location of the administrative building. The survey will be conducted using the same methods as the survey of the original project area.

Task 2. Archival Research

An SWCA architectural historian will conduct archival research in order to develop a historic context from which the historic significance of the resources identified during the survey can be weighed. This will include building permit research and a review of files at the local historical societies and library.

Task 3. Resource Recordation and Evaluation

SWCA cultural resources specialists will record and evaluate the historic-period barn on State of California Department of Parks and Recreation (DPR) Series 523 Forms. At minimum, SWCA cultural resources specialists will prepare a Primary Record and Location Map. Additional forms may include a Building, Structure, Object (BSO) Record and other forms, as needed.

As part of this task a historic context will be developed for the evaluation of the barn for California Register of Historical Resources (California Register or CRHR) and National Register of Historic Places (National Register or NRHP) eligibility. The results of the archival research (Task 2) will be combined with the recording efforts and the barn will be evaluated for CRHR and NRHP eligibility. The completed DPR forms will be submitted to the Central Coast Information Center at University of California, Santa Barbara, who will assign Primary Numbers to both resources and retain the records on file.

Task 4. Additional Reporting

Upon completion of the additional survey, archival research, and recordation and evaluation of the historic period barn, SWCA will complete the cultural resources technical report. Additional reporting efforts will focus on documenting the archival research, methods and results of the resource recordation and evaluation, and management recommendations for the historic-period resources. If the resources are recommended eligible for CRHR or NRHP listing, recommended mitigation measures will also be presented in the report.

Biological Resources

Task 5. Literature Review and Biological Resources Field Work

Prior to visiting the project site for field work, SWCA will perform a literature review to ascertain the potential special-status species and sensitive habitats that could be supported in or near the project site. The California Natural Diversity Database (CNDDDB) maintained by the California Department of Fish and Game (CDFG) is the industry standard for obtaining the most recent and comprehensive information pertaining to sensitive biological resource records in California. SWCA shall perform a query of CNDDDB records within the U.S. Geologic Survey (USGS) quadrangle map encompassing the proposed project site, and the eight surrounding quadrangles. This 9-quadrangle search area is recommended by regulatory agencies and other public and private conservation and advocacy groups to satisfy CEQA. The results of the CNDDDB search will be reviewed to evaluate the potential for occurrence of special-status plants and wildlife within or near the project area. The California Native Plant Society's (CNPS) Online Inventory of Rare and Endangered Plants will also be reviewed for information regarding rare plants that may be expected to occur in or near the project area. SWCA biologists will also review other environmental documents for pertinent information and/or consult with other local biologists, and regulatory staff, as needed.

After a thorough literature review, SWCA biologists will conduct an initial reconnaissance field visit of the proposed project site to allow for a characterization of habitats onsite and habitat assessments for special-status species with potential for occurrence in or near the project site. Representative photographs will be taken of the project area and habitats onsite will be mapped using GPS/GIS in a format that will allow mapping data to be superimposed over site plans/drawings. This will allow for the consideration and quantification of an accurate impact assessment for biological resources. It is assumed the applicant will be able to provide SWCA with site plans/drawings and that they will be in AutoCAD or in another similar, compatible format. During the field survey, dominant plant species will be documented, as well as any presence of potentially sensitive species resources such as observed sensitive plant and wildlife species, mammal burrows/dens, tracks, etc.

Under U.S. Fish and Wildlife Service (USFWS) and CDFG guidelines, botanical surveys to determine presence/absence of sensitive plants species must be floristic, meaning they must document all species able to be identified on a site and be conducted throughout the extent of the flowering season, when species are most easily identifiable and presence of sensitive species is most likely to be detected. Biologists in the SWCA San Luis Obispo Office have conducted numerous floristic surveys in San Luis Obispo County. SWCA recommends conducting the first floristic survey during the initial reconnaissance site visit in spring 2009, followed up with a second floristic survey in summer 2009. This should accommodate the blooming periods for special-status plants species considered and should present a defensible effort upon submitting the results of floristic surveys to regulatory agencies.

The compilation of information during surveys for special-status species and habitats will be summarized in a Biological Resources Survey Report (refer to Task 6). Information focused specifically on the federally threatened California red-legged frog (*Rana aurora draytonii*) will be documented in a California Red-legged Frog Site Assessment Report (refer to Task 7), suitable for submittal to USFWS for further guidance. Potentially jurisdictional wetlands, other waters, or other aquatic resources will be documented and mapped for the purposes of preparing the Wetland Delineation Report (refer to Task 8) and for future Regulatory Permitting (refer to Task 9).

Task 6. Biological Resources Survey Report

SWCA will prepare a Biological Resources Survey Report (BRSR), which will include an introduction with project description, summary of methods and resources considered, habitat assessments and a rationale for potential of occurrence, impact assessment, regulatory background, and recommended avoidance and minimization measures. Habitat maps and photos will be included as figures or appendices to the BRSR. The BRSR will be prepared in a format that will be suitable for environmental review under CEQA.

Task 7. California Red-legged Frog Site Assessment Report

In August of 2005, the USFWS revised their survey protocol for the California red-legged frog. The California red-legged frog survey protocol is now a two phase effort. The *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* drafted by the USFWS establishes a protocol that requires a site assessment report be submitted as part of the environmental review process (first phase) if a project has potential to impact California red-legged frogs. The site assessment must include:

- A literature review of the CNDDDB and other sources to examine potential California red-legged frog occurrence records within one mile of the project site;
- A reconnaissance field visit and onsite habitat mapping within the project area using Global Positioning Systems (GPS) and Geographic Information Systems (GIS) and analysis of habitats within one mile of the project boundary using aerial imagery;

- Data collection during the reconnaissance field visit, requiring field notes and filling out standard data sheets, including information regarding specific stream and pond habitat characteristics, photo documentation, etc.;
- Habitat descriptions/information in the form of text, tables, and graphics/maps;
- A California Red-legged Frog Site Assessment Report suitable for submittal to USFWS, which will describe methods, provide results assessing habitat characteristics onsite, and determine whether conditions are suitable for California red-legged frog; and, if necessary;
- Coordination with USFWS and CDFG for final approval of the report and additional guidance if protocol California-red legged frog surveys are determined to be necessary.

Upon review, the USFWS would determine if protocol surveys are required. If surveys are not required, no additional work would be needed. If surveys are required, up to eight surveys may be required to determine the presence of California red-legged frog at or near the project site. Two day surveys and four night surveys are recommended during the breeding season (February through June); one day and one night survey is recommended during the non-breeding season (July through September). Each survey must take place at least seven days apart, and the survey period must be over a minimum period of six weeks. Protocol California red-legged frog surveys are not included in this proposal, but SWCA will be prepared to offer a cost estimate for these surveys if required.

Task 8. Wetland Delineation Report

A wetland delineation/preliminary jurisdictional determination utilizing routine wetland determination methodology will be conducted, as described in the 1987 U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual and the Final Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. CDFG jurisdictional areas, which extends from the bottom of streambeds to the tops of banks or outer edge of riparian vegetation (whichever is greater) will also mapped. Field data will be collected on standardized Wetland Determination Data Forms and information detailing the delineation and maps will be compiled into a Wetland Delineation Report. This report will be in a format suitable for submittal to regulatory agencies such as USACE and CDFG during the permitting process.

Task 9. Regulatory Permitting

It is our understanding that the City is currently working with the Regional Water Quality Control Board (RWQCB) regarding the WWTP upgrade and discharge permit. If placement of fill or other impacts will occur within areas of regulatory jurisdiction, additional permits may be necessary from USACE (Clean Water Act (CWA) Section 404 Permit) and CDFG (California Fish and Game Code Section 1602 Streambed Alteration Agreement).

SWCA is very familiar with the regulatory permitting and is prepared to submit permit applications and facilitate coordination of the permitting process. SWCA will prepare the permit applications for the Section 404 permit and the Section 1602 Streambed Alteration Agreement, including a conceptual Habitat Mitigation and Monitoring Plan (HMMP), which will quantify the impacts to jurisdictional areas and outline the mitigation and monitoring strategy. USACE and CDFG typically require a minimum five-year monitoring and reporting schedule. SWCA will include such a schedule in the conceptual HMMP, and during the permitting process will provide one revision of the document into a final, binding HMMP. Costs involving implementation of the HMMP, including costs of labor and materials for revegetation/restoration, maintenance, monitoring, and reporting are not included in this scope of work, but SWCA will be prepared to submit a cost estimate for these services at a later date if necessary. It is also assumed that the BRSR will be suitable for submittal to USACE if formal consultation under Section 7 of the federal Endangered Species Act will be necessary. If a more formal Biological Assessment (a document restricted to a discussion of federally listed species) is required, SWCA can prepare a cost estimate for preparation of this document under a separate scope of work.

COST ESTIMATE

Based on thoughtful consideration of the project requirements, and a thorough estimate of the attendant labor and direct costs, SWCA's estimate for completion of the scope of work described above is a cost not to exceed **\$27,167**. This total is based on the following subtotals, by task:

Table 1. Cost Estimate

| Task | Estimated Cost |
|------------------------------------------------------------|-----------------|
| Cultural Resources | |
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| <i>Subtotal</i> | \$21,735 |
| TOTAL ESTIMATED COST* | \$27,167 |

**This cost estimate includes all labor and direct expenses required to perform the work.*

Please refer to attached Exhibit A for a revised schedule for completion of the technical reports and CEQA document for your review. SWCA is pleased to provide environmental consulting services of the highest quality and efficiency. Please do not hesitate to contact me at 805-543-7095 x111 or at sscott@swca.com or Kevin Hunt at 626-240-0587, khunt@swca.com if you have any questions.

Sincerely,



Shawna Scott
Project Manager



Kevin Hunt
Cultural Resources Manager

EXHIBIT A.**CEQA and Technical Study Documentation Preparation / Target Dates Schedule (Revised)**

| Task | Tentative Completion Dates |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Preparation and distribution of referral packages | February 10, 2009 |
| Receive final plans and authorization of change order request | April 29, 2009 |
| Submit Draft Clean Air Act Conformity Analysis (CA), and Draft Cultural Resources Technical Report (CRTR) to the City for review and comments | May 22, 2009 |
| Receive comments from City on CA and CRTR | June 8, 2009 |
| Incorporate comments and submit Final CA and CRTR | June 22, 2009 |
| Conduct fieldwork for Biological Resources Survey Report (BRSR), California Red-legged Frog Site Assessment (SA) and Wetland Delineation (Wet Del) | May, June, July 2009 |
| Submit Draft BRSR, SA, and Wet Del to City for review and comment | August 17, 2009 |
| Submittal of Draft Mitigated Negative Declaration (MND) with Draft Mitigation and Monitoring Plan (MMP) | August 24, 2009 |
| Receive comments from City on Draft BRSR, SA, and Wet Del | August 31, 2009 |
| Receive comments from City on Draft MND and MMP | September 7, 2009 |
| Incorporate comments and submit Final BRSR, SA, and Wet Del | September 14, 2009 |
| Incorporate comments and prepare MND for public circulation, prepare public notification requirements | September 21, 2009 |
| Circulation of Draft MND to State Clearinghouse and relevant agencies (30-day review period) | October 21, 2009 |
| Review and respond to comments from agencies | October 30, 2009 |
| Conduct public hearing and adopt MND and MMP | November 2009 |
| File Notice of Determination | November 2009 |
| Completion Date | November 2009 |

RESOLUTION NO. 09- ###

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROPRIATING FUNDS AND AMENDING A CONTRACT
TO MORRO GROUP, A DIVISION OF SWCA, INC. FOR PROFESSIONAL CEQA
DOCUMENTATION SERVICES ASSOCIATED WITH A PROPOSED FUTURE WASTEWATER
TREATMENT PLANT REHABILITATION

WHEREAS, the City of Paso Robles owns and operates a trickling filter wastewater treatment plant (WWTP) at 3200 Sulfur Springs Road; and

WHEREAS, the WWTP operates under a permit from the California State Water Quality Control Board under National Pollutant Discharge Elimination System (NPDES) permit CA0047953; and

WHEREAS, the permit was renewed in May, 2004 with more stringent discharge requirements than had been required in the past permit; and

WHEREAS, the City of Paso Robles must upgrade the WWTP to meet the more stringent discharge requirements as required by the Water Quality Control Board; and

WHEREAS, the process associated with design, permitting and possible State funding will require that California Environmental Quality Act (CEQA) documentation must be provided; and

WHEREAS, because the Morro Group, a Division of SWCA, Inc. has completed much of the CEQA process, for efficiency, it would appear to be in the best interest of the City of Paso Robles, and its wastewater users, to retain the services of Morro Group to address the new and expanded work scope necessary at a cost not to exceed \$27,167.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of Paso Robles does approve a one time supplemental budget appropriation from the Sewer Enterprise Fund in the amount of \$27,167 to budget account No. 601-910-5224-683; and

SECTION 2. The City Council does hereby amend an existing contract to Morro Group, a Division of SWCA, Inc. for CEQA Documentation Services associated with the future rehabilitation of the Paso Robles Wastewater Treatment Plant and authorizes the City Manager to execute the contract.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 2nd day of June 2009 by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk