

CRWQCB  
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**City of Pismo Beach, Engineering Division**  
760 Mattie Road  
Pismo Beach, CA 93449  
(805) 773-4656 Fax: (805) 773-4684

December 31, 2003

Roger W. Briggs, Executive Officer  
California Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Subject: Supplemental Environmental Project

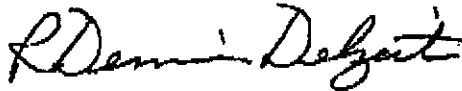
Reference: Your Letter Dated December 2, 2003

Dear Roger:

In response to your December 2, 2003 letter and in follow up to a meeting with CRWQCB staff, attached is the City's SEP proposal.

Thank you for your consideration of this proposal.

Sincerely,



R. Dennis Delzeit, P.E.  
Director of Public Works/City Engineer

Enclosure: SEP Proposal

Cc: Scott Phillips, CRWQCB  
Rocky Rogers  
Stu Stewart

## **Solicitation of Proposals for Supplemental Environmental Projects and Qualification Criteria**

Under the authority of the California Water Code (CWC), the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs) may issue administrative civil liability complaints (ACLCs) to dischargers in response to violations of waste discharge requirements, discharge prohibitions, enforcement orders, or other orders of the Boards. Assessments collected through the ACLC process are required by the CWC to be paid to the SWRCB Cleanup and Abatement Account (CAA) or other account as specified in law. The SWRCB administers the CAA, and funds are used to address important water quality cleanup and abatement activities throughout the state.

As an alternative to depositing ACLC assessments in the CAA, the SWRCB's Water Quality Enforcement Policy recognizes that ACLC assessments may be used for important and valuable water quality improvement projects within the Region in which the assessment was made. These are known as Supplemental Environmental Projects (SEPs). SEPs have been used in every region in the state. SEPs are projects that (1) enhance the beneficial uses of the waters of the state, (2) provide a benefit to the public at large, and (3) are not otherwise required or would be greatly accelerated by the funding provided by the ACLC assessment. Examples of SEPs include pollution prevention projects, environmental restoration programs, environmental auditing, public awareness and education activities, watershed assessments, watershed management facilitation services, and non-point source program implementation.

The State Board Enforcement Policy states: "Any public or private entity may submit a proposal to the SWRCB (or to the RWQCB for transmittal to the SWRCB) for a SEP that they propose to fund through this process. Staff at the SWRCB shall evaluate each proposal and maintain a list of candidate SEPs that satisfy the general criteria in subsection C of this section. The list of candidate SEPs shall be made available on the Internet along with information on completed SEPs and SEPs that are in-progress. When a RWQCB is considering allowing a discharger to perform a SEP in lieu of some or all of a monetary assessment, the RWQCB should direct the discharger to the list of candidate SEPs. The discharger may select a SEP from the list of candidate SEPs or may propose a different SEP that satisfies the general criteria for SEPs."

The SWRCB is accepting project proposals for SEPs from interested parties and the general public. Proposals should include a project title, identification of the entity that would be responsible for project implementation, a brief description of the project, including an explanation of how the project satisfies the general criteria listed in Attachment A to this letter, the estimated cost for project completion and contact information. As appropriate, proposals should also identify the particular water body, beneficial use and/or pollutant to be addressed by the project. A suggested format is included as Attachment "B" to this letter. Proposals will be accepted on an on-going basis. Proposals should be submitted by mail, email or fax to:

State Water Resources Control Board, CAEU, ATTN: SEP Proposal

1001 I Street, P.O. Box 100

Sacramento, CA 95812

[myoungs@swrcb.ca.gov](mailto:myoungs@swrcb.ca.gov) fax: 916-341-5896

For questions regarding the SWRCB list of SEPs, contact Margie Youngs at 916-341-5890

## Attachment A

### From Section IX.C of the State Water Resources Control Board Water Quality Enforcement Policy:

#### "C. General SEP Qualification Criteria

All SEPs approved by the SWRCB or RWQCB must satisfy the following general criteria:

- (a) An SEP shall only consist of measures that go above and beyond the obligation of the discharger. For example, sewage pump stations should have appropriate reliability features to minimize the occurrence of sewage spills in that particular collection system. The installation of these reliability features following a pump station spill would not qualify as an SEP.
- (b) The SEP should directly benefit or study groundwater or surface water quality or quantity, and the beneficial uses of waters of the State. Examples include but are not limited to:
  - (i) monitoring programs;
  - (ii) studies or investigations (e.g., pollutant impact characterization, pollutant source identification, etc.);
  - (iii) water or soil treatment;
  - (iv) habitat restoration or enhancement;
  - (v) pollution prevention or reduction;
  - (vi) wetland, stream, or other waterbody protection, restoration or creation;
  - (vii) conservation easements;
  - (viii) stream augmentation;
  - (ix) reclamation;
  - (x) public awareness projects (e.g., industry specific, public-awareness activity, or community environmental education projects such as watershed curriculum, brochures, television public service announcements, etc.);
  - (xi) watershed assessment (e.g., citizen monitoring, coordination and facilitation);
  - (xii) watershed management facilitation services; and
  - (xiii) non-point source program implementation.
- (c) The SEP shall not directly benefit the SWRCB or RWQCB functions or staff. For example, SEPs shall not be gifts of computers, equipment, etc. to the SWRCB or RWQCB.
- (d) The SEP shall not be an action, process or product that is otherwise required of the discharger by any rule or regulation of any entity (e.g., local government, California Coastal Commission, United States Environmental Protection Agency, United States Army Corps of Engineers, etc.) or proposed as mitigation to offset the impacts of a discharger's project(s)."

## Attachment B

**Project Title** Replacement of portable restrooms with permanent restroom facilities

**Geographic area of interest (circle 1):** (Link to map of Regional Board boundaries)

North Coast Region (1)	Central Valley Region (5)	San Diego Region (9)
San Francisco Bay Region (2)	Lahontan Region (6)	Statewide
<b>Central Coast Region (3)</b>	Colorado River Basin (7)	Other _____
Los Angeles Region (4)	Santa Anna Region (8)	_____

**Name of responsible entity:** City of Pismo Beach

**Estimated cost for project completion:** Approximately \$390,000 including engineering and contingencies.

**Contact information: Name** R. Dennis Delzeit, P.E., Director of Public Works/City Engineer

**Address** 760 Mattie Road, Pismo Beach, CA 93449-2056

**Phone** (805) 773-7037 **email** ddelzeit@pismo beach.org

**Brief description of the project** Provide five public flush restroom facilities to replace portable toilets at specific locations. See Exhibit A for additional details.

(a) Include a statement that the proposed project is not independently required of any discharger or proposed as mitigation to offset the impacts of a discharger's project(s).

**Public flush restroom facilities are not required of this discharger. Portable facilities work but facilities connected to the wastewater collection system would provide improved sanitary disposal and control of human waste by providing a closed system tied directly to the sewer mains as compared with an open system using portable toilets.**

(b) Explain how the SEP will directly benefit or study groundwater or surface water quality or quantity, and the beneficial uses of waters of the State.

**This Supplemental Environmental Project (SEP) benefits surface water quality of the Pacific Ocean and Pismo Creek because the City will have a closed sewage containment system with the flush restroom facility that directly ties into the City's sewer mains. The existing temporary portable toilets are open, requiring pumping and are more subject to vandalism, (such as being pushed over), resulting in potential pollution of the waters of the Pismo Creek and or Pacific Ocean. Also, public flush restroom facilities would be used on a more regular basis than the portable units, reducing the number of individuals relieving themselves in the ocean waters or on the bare ground.**

(c) Include a statement that the SEP shall not directly benefit the SWRCB or RWQCB functions or staff. The SEP proposed herein does not directly benefit the SWRCB or the RWQCB functions or staff.

**Water Body, beneficial use and/or pollutant addressed by this project**

Water Bodies are the Pacific Ocean and Pismo Creek. Pollutant addressed is chemicals used in port-a-johns and raw sewage.

## **Exhibit A to Attachment B Additional Details of Proposed SEP**

The proposed construction project for the City of Pismo Beach is to install five permanent restroom facilities. The proposed locations are Addie street parking lot, end of Stimson at Stimson Plaza, Parking Lot at Hinds and Dolliver, Main Street Parking Lot at Main and Dolliver and end of Wadsworth on Cypress. The permanent facilities would provide more reliable water quality by providing a closed permanently connected system resulting in fewer potential spills or accidents.

Pismo's estimates the five facilities can be constructed for approximately \$390,000 including engineering and contingencies.