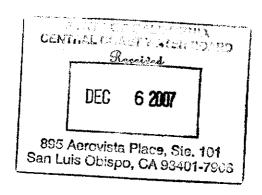
Bill Bookout 470 Price St. Pismo Beach, Ca 93449

December 6, 2007

Dear Central Coast Regional Water Quality Control Board Sorrel Marks and Roger Briggs



Please provide this public records request and documents to you Board members at your December 7, 2007 meeting.

What happened to the Pismo Clams?

It is not an act of God!

Oceano Communities Natural Drainage outlet for Highway 1, Thirteenth St., and Paso Robles Streets was built over after building permits were issued by the County of San Luis Obispo. Then the County and State's storm water runoff was diverted two feet up hill to a produce percolation pond, created for vegetable wash wastewater and sludge.

From the Central Coast Water Board Monitoring Report File the RWQCB provided on September 13, 2007 the letter from Pismo-Oceano Vegetable Exchange dated March 10, 1993; Pismo Oceano Vegetable Exchange's General Manager, Dennis Donovan, states. "Approximately 1800 gallons-per-day (7 m3/day) of drainage water was discharged at this facility during the 1992 period." "Drainage water is discharged to a storm water detention basin for percolation. The reported capacity is 2350 gallon-per-day (9 m3/day). The monthly average daily flow is 54,000 gallons."

I am again making another public records request as my prior public records requests I do not feel were accurately nor entirely answered! Please review my prior public records requests along with this public records request and the exhibits provided to you?

Does the RWQCB feel that the Pismo-Oceano Vegetable Exchange Sinking Pond, Holding Pond, and Percolation pond is adequate to handle the rest of the County and State's Hwy 1 storm water run off knowing the contents of your 1993 monitoring report file? Does the Regional Water Quality Control Board normally allow this type of water mixing so close to wetlands and the ocean?

Did the RWQCB ever receive or find an application from the Pismo Oceano Vegetable Exchange as noted in a letter dated March 27, 1985 from the County Of San Luis Obispo Department of Public Health to Pismo Oceano Vegetable Exchange?

The RWQCB has previously stated that they have been unable to locate any archived original application or any correspondence file for Pismo Oceano Vegetable Exchange. This response is not acceptable I am asking for these request, answered!

I would like <u>all</u> copies of the Chemical Pesticide analysis mentioned in this letter and any follow ups to any other analysis tests done since the County of San Luis Obispo Department of Public Health letter, dated March 27, 1985 and prior.

According to Cal Trans documents Gary Sims of Cal Trans was to contact the Water Quality Control Board back on May 25, 1985 to find out if using the POVE pond for wastewater was ok. A meeting was held on May 31, 1985 in which POVE and John Goni of the water quality control board agreed that wastewater from the vegetable washer should be separate from the highway drainage.

I would like any and all copies of any correspondence that the Regional Water Quality Control Board has had with Pismo Oceano Vegetable Exchange State of California or any other agency's in regards to their meeting on March 25, 1985 that John Goni of the Regional Water Quality Control Board attended and also the Meeting on May 31, 1985.

Can the Regional Water Quality Control Board explain why well water in this area now tests for Nitrate levels as high or higher then NO3 81? Is this a safe level for drinking water in the Oceano Community and State? Does this effect our wetlands and ocean?

As the Regional Water Quality Control Board is aware, water from the Pismo-Oceano Vegetable Exchange pond when it overflows allows the vegetable wash wastewater and sludge from their cooling plant to travel to the Oceano Lagoon and then empties into the Pacific Ocean. The Oceano Community Service District letter previously provided to RWQCB dated December 13, 1984 would not give authorization to the County or Pismo-Oceano Vegetable Exchange to use the Sanitary Sewer System to dispose of Pismo-Oceano Vegetable Exchanges vegetable wash wastewater and sludge

It is noted in the County Of San Luis Obispo building department letter December 26, 1984 that San Luis Obispo Building Inspector John P. Little mentions the Pismo-Oceano Vegetable Exchange basin is not permissible as per the Uniform Building Code 302 and 303? And then mentions a need for a submission of plans and specifications detailing a pre-treatment method as per section 612 of the uniform plumbing code. County Construction permits shows that prior to December 13 1984 Fred Norton the Counties Chief building inspector had given approval for the POVE floor drain system drainage to a sump and the POVE retention pond.

In response to the beginning of your letter September 20, 2007 what jurisdictions does the Regional Water Quality Control Board have when it comes to the public's water safety, or the Counties Stupidity?

The County and the Oceano Community Service District both have stated problems with the water in this retention basin. Why has the Regional Water Quality Control Board allowed this basin, pond and its continued use?

Sincerely

Bill Bookout



1720 Bench Street Post Office Box 599 Oceano, California, 93445

(805) 481-6730

December 13, 1984

Fred Norton SLO County Chief Building Inspector County Government Center San Luis Obispo, CA 93408

POVE RECONSTRUCTION SUBJECT:

Dear Mr. Norton:

This letter is to confirm our phone conversation of Thursday, December 13. The District will not allow wash water from the POVE vegetables or floor wash water to enter into its sanitary sewer system. Such water takes away from needed capacity and receives little or no benefit from the sewage treatment facility.

Should you have any further questions, please call

Yours truly,

OCEANO COMMUNITY SERVICES DISTRICT

Richard C. Hill General Manager

RCH/cjw

ic Jerry Williams Dennis Donovan, POVE

855 Aerovista Place, Sie. San Luis Obispo, CA 93401-7-05

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December 26, 1984

Pismo Oceano Vegetable Exchange 1731 Railroad Street Oceano, California 93445

Contractor: J.W. Design & Construction Co.

Architect: Steve Pults, A.I.A.

Attn: Jerry Williams

Dear Jerry:

I am following up with results of our meeting on December 13, 1984 with Fred Norton, Chief Building Inspector. At that time, we notified you that your floor drain system that drains into a sump and then is pumped into an on-site retention basin is not permissible as per the Uniform Plumbing Code sections 302 and 303.

This department (Planning) received notification from Oceano Community Services District that they would not allow waste water from the preceding mentioned floor drain system into their sanitary sewer system.

To b e sure there is no hazard to health from possible concentrated amounts of toxic pesticide, we will require a written approval by the County Health Department of this on-site retention basin. If the Health

Department will not approve this floor drain system, then we will require submission of plans and specifications detailing a pre-treatment method as per section 612 of the Uniform Plumbing Code that reads as follows:

Section 612(a): Chemical or industrial liquid wastes which are likely to damage or increase maintenance costs on the sanitary sewer system, detrimentally affect sewage treatment or contaminate surface or subsurface waters, shall be pre-treated to render them innocuous prior to discharge into a drainage system. Detailed plans and specifications of the pre-treatment facilities may be required by the administrative authority.

Please feel free to call me if I can be of service in clarifying the code.

Sincerely, Little

John P. Little Building Inspector

JPL/hf/0912L

DEC 6 1007

BOY / oravista to a car
San Luis Josep 3, Car

HEALTH AGENCY

COUNTY OF SAN LUIS OBISPO

Replyto: [

Division of Environmental Health



Department of Public Health 2191 Johnson Avenue P.O. 80x 1489 Santois Obispo, California 93x95 (805) 549-5500

March 27, 1985

CERTIFIED MAIL

Pismo-Oceano Vegetable Exchange Post Office Box 368 Oceano, California 93445

Attention: Dennis Donovan, General Manager

Re: Holding Pond, Vegetable Wash Wastewater and Sludge

On Monday, March 25, 1985, this Department in coordination with the State Regional Water Quality Control Board, Mr. John Goni, conducted an inspection of the P.O.V.E. wastewater pond. The inspection was initiated as a result Safety.

An occupancy release may be recommended for approval, provided the following items are addressed. Submit a written response from your company, providing a compliance/completion schedule of all items listed, within thirty (30) days

- Provide a complete chemical pesticide analysis to this office and the RWQCB for the wastewater and sludge material. Pesticides to be analyzed will be established by the Regional Board. Depending on the results of the chemical analysis received, additional requirements may be necessary
- 2. Submit an application to the RWQCO for a waste discharge permit.
- 3. Provide a six foot minimum barb wire topped fence, with lockable gate, around the ponds.
- 4. Repair the dike break between the primary and secondary part CEIVED

MAR 2 8 1985

S.L.O. COUNTY PLANNING DEPT

- 5. The overflow pipe to the secondary pipe needs to be lowered several feet
- 6. Extend the pavement berm around the primary point to keep out run off witer from the parking lot:
- Provide an approved R.P.P. backflow prevention device on the irrigation system surrounding the ponds. If needed, you may obtain a list of approved devices from this Department, upon request.

Your written response should be submitted as quickly as possible to this office and the County Planning Department, Division of Building and Safety, to expedite your building occupancy release

If there are any questions or we may be of assistance, please give us a call

TPUF HAVZAGINO, IN S. Divertor S. Divertor S. Divertor S. Diversomental Health

GERALD ET ERICKSON R.S.

Environmental Health Officer III Water-Land Use Section

TM/GEE:cs

cc: Bob Holden, Hazardous Materials Coordinator County Building Department, Fred Norton Regional Water Quality Control Board, John Goni Steve Diaz. Division of Environmental Health J.W. Design & Construction, Jerry Williams



Construction Permit FINA San Luis Obispo County Planning Department THIS PERMIT CONSTITUTES AUTHORIZATION BY THE COUNTY OF SAN TUS OBSPONITO, IN IGORD TRUCTION OF THE PROJECT A DESCRIBED HEREIN, SUBJECT TO ALL APPLICABLE PROVISIONS OF THE COUNTY CODE. KASK MICHIGHT SILX resent Address , O Block Tract / Other OCRANS
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Signature of Carter of Carter South

MAY 3 0 1984



San Luis Obispo County Planning Department 1922

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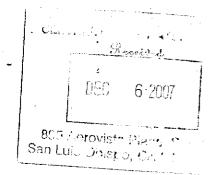
DEPARTMENT OF TRANSPORTATION

LEGAL DIVISION
1120 N STREET, SACRAMENTO, CA 95814
P.O. BOX 1438, SACRAMENTO, CA 95807

(916) 445-0276

January 16, 1986





Dennis R. Donovan
Pismo-Oceano Vegetable Exchange
1731 Railroad Avenue
Oceano, California 93445

Dear Mr. Donovan:

In re: Drainage

As you know, Caltrans has been concerned about the affect of the elevation of your reconstructed drainage pond upon State Route 1 during the rainy season. With the expansion of your vegetable processing facility, you diverted the existing flow of drainage water across your property to a sinking pond at the north edge of the property.

Before the drainage facilities were rearranged, the normal storm drainage water flowed through the property and left the property at an elevation of 13.84 feet above sea level. Now that the drainage pipe has been diverted to the new sinking pond, the outfall elevation is 15.38 feet above sea level. While the change in elevation for drainage may appear to be slight, Caltrans believes that it will cause significant flooding of Highway 1 during heavy rains.

Caltrans has in the past proposed ways to alleviate the drainage. However, we believe that the responsibility is entirely yours, or Southern Pacific's, to correct the problem to bring the drainage flow back to what it was prior to the expansion of your plant. In this regard, you should be aware of California Streets and Highways Code sections 720-734. In particular, section 725 states:

"It is unlawful for any person to do any of the following acts:

"(a) Drain water, or permit water to be drained, from his lands onto any state highway by any means which results in damage to the highway.

Dennis R. Donovan Page 2 January 16, 1986

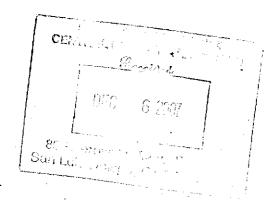
- "(b) Obstruct any natural water course so as to:
- "(1) Prevent, impede or restrict the natural flow of waters from any state highway into and through such water course, unless other adequate and proper drainage is provided.
- "(2) Cause waters to be impounded within any state highway, to the damage of the highway.
- "(3) Cause interference with, or damage or hazard to public travel.
- "(c) Store or distribute water for any purpose so as to permit it to overflow onto, to saturate by seepage, or to obstruct any state highway, to the damage of the highway."

This letter is <u>not</u> formal notice to you pursuant to section 720 of the Code. We hope that the problem will be corrected immediately and before any such formal notice or further action is necessary.

Very truly yours,

d. J. SOLANDER Autorney

cc: James G. O'Gara R. Wright



141 SUBURBAN ROAD, SUITE C-5 • SAN LUIS OBISPO, CA 93401 • (805) 545-9838 • FAX (805) 545-0107

Jim Houghton Oceano Ice Company P.O. Box 338 Oceano, CA 93445

Log Number: 06-C12944

Order:

N5901

Project: Received:

Resample 10/02/06

Printed:

10/05/06

REPORT OF ANALYTICAL RESULTS

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DLR = Detection Limit for Reporting. Results of "Not Detected" are below DLR.

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Box Corporate to the San United Services (1990)

Page 1

CREEK ENVIRONMENTAL LABORATORIES

Lab Director, Michael Ng

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141 SUBURBAN ROAD, SUITE C-5 • SAN LUIS OBISPO, CA 93401 • (805) 545-9838 • FAX (805) 545-0107

Jim Houghton
Oceano Ice Company
P.O. Box 338
Oceano, CA 93445

Log Number: 06-Cl2945 Order: N5901 Project: Resample

Received: 10/02/06 Printed: 10/05/06

REPORT OF ANALYTICAL RESULTS

Sampled Sample Description Sampled By Finished Ice L_Crane 10/02/06@11:50 Drinking Water Analyte Result DLR Dilution Units Method Date Date Factor Analyzed Prepared Nitrate as N 17 1 mg/L EPA 300.0 10/03/06 83 Nitrate as NO3 76 0.4 1 mg/L EPA 300.0 Total Coliform Bacteria Absent NA SM 9223 10/02/06 83

DLR = Detection Limit for Reporting. Results of "Not Detected" are below DLR.

BEG 6 2007

805 Aerovieto Meco Constitution San Luis Conse, o, CANA Johnson

Page 2

CREEK ENVIRONMENTAL LABORATORIES

Lab Director, Michael Ng

Fill

Southern Pacific Transportation Company

610 SOUTH MAIN STREET, LOS ANGELES, CALIFORNIA 90014

DONALD J. SKAFF

(213) 629-6518

IN REPLY PLEASE REFER TO

Oceano/314

April 29, 1983

Oceano Community Services District P. O. Box 599 Oceano, CA 93445

Attention: Mr. Richard C. Hill, General Manager

Gentlemen:

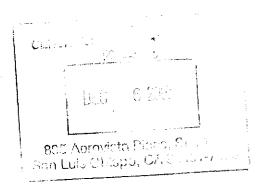
This will acknowledge my receipt of your letter of April 21, 1983, to Mr. John Sherman of our "Land Company," concerning your proposal to construct an observation well.

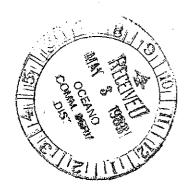
It would appear that the channel mentioned in your letter was probably created to handle storm water runoff, and not the purpose to which you now intend to utilize it.

Respectfully yours,

DONALD J. SKAFF Area Engineer

LAS/mg







1720 Beach Street/Post Office Box 599 Oceano, California 93445

(805) 481-6730

San Luk Collegio, Cr. L.

April 21, 1983

Southern Pacific Land Company 610 South Main Street Los Angeles, CA 90014

Attention: John Sherman

Subject: OCSD OBSERVATION WELL-DRAINAGE

Gentlemen:

The Oceano Community Services District has contracted to construct an observation well. During the construction process, water will be continuously discharged at a minimum rate of 200 gallons per minute for approximately eight hours. The responsibility for the discharged water is the contractor's; however, a natural drainage channel exists a few hundred feet south of the project. (See attached map.) This channel has been protected by use of a culvert that would conduct surface waters under Southern Pacific tracks to what may be a bunker under the loading docks of the Pismo-Oceano Vegetable Exchange (POVE). The water, then, might flow to a small retention basin maintained by POVE.

Because this is an established drainage channel, the District feels that its full design capacity should be available for use. Research, however, has not clearly revealed the agency responsible for the maintenance of the channel. Consequently, we have no idea the condition of the channel and whether, in its present state of maintenance, it can adequately carry the quantity of water that will be discharged. The District is therefore notifying all those agencies that may be involved in the channel's maintenance of its possible impending use and the degree to which it may be used.

If you have any questions or require any further information, please call this office.

Yours truly. 18.4fill

Richard C. Hill

General Manager

RCH:bb Enclosure

cc: Ed Neary, James M. Montgomery, Inc.



(805) 481-6730

1720 Beach Street/Post Office Box 599 Oceano, California 93445

April 21, 1983

Pismo-Oceano Vegetable Exchange P.O. Box 368 Oceano, CA 93445

Attention: Dennis Donovan

Subject: OCSD OBSERVATION WELL-DRAINAGE

Gentlemen:

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If you have any questions or require any further information, please call this office.

Yours truly.

Richard C. Hill General Manager

RCH:bb Enclosure

cc: / Ed Neary, James M. Montgomery, Inc.

C. Hell



1720 Beach Street/Post Office Box 599 Oceano, California 93445

San Luis

April 21, 1983

San Luis Obispo County Flood Control District County Government Center San Luis Obispo, CA 93408

Attention: John Wallace

Subject: OCSD OBSERVATION WELL-DRAINAGE

Gentlemen:

The Oceano Community Services District has contracted to construct an observation well. During the construction process, water will be continuously discharged at a minimum rate of 200 gallons per minute for approximately eight hours. The responsibility for the discharged water is the contractor's; however, a natural drainage channel exists a few hundred feet south of the project. (See attached map.) This channel has been protected by use of a culvert that would conduct surface waters under Southern Pacific tracks to what may be a bunker under the loading docks of the Pismo-Oceano Vegetable Exchange (POVE). The water, then, might flow to a small retention basin maintained by POVE.

Because this is an established drainage channel, the District feels that its full design capacity should be available for use. Research, however, has not clearly revealed the agency responsible for the maintenance of the channel. Consequently, we have no idea the condition of the channel and whether, in its present state of maintenance, it can adequately carry the quantity of water that will be discharged. The District is therefore notifying all those agencies that may be involved in the channel's maintenance of its possible impending use and the degree to which it may be used.

If you have any questions or require any further information, please call this office.

Yours truly.

Richard C. Hill General Manager

RCH:bb Enclosure

cc: Ed Neary, James M. Montgomery, Inc.



California Regional Water Quality Control Board

Central Coast Region

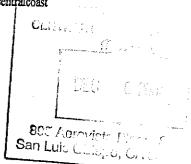
Linda S. # ims
Secretar jor
Environmental
Protection

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906 Phone (805) 549-3147 • FAX (805) 543-0397 http://www.waterboards.ca.gov/centralcoast

September 20, 2007

Mr. Bill Bookout 470 Price Street Pismo Beach, CA 93449

Dear Mr. Bookout



PISMO OCEANO VEGETABLE EXCHANGE, SAN LUIS OBSIPO COUNTY

This letter responds to your September 17, 2007 letters, regarding Pismo Oceano Vegetable Exchange. This letter addresses only those issues within the jurisdiction of the Central Coast Water Board, and makes no attempt to correct or respond to statements relating to actions, authority or requirements of San Luis Obispo County, Oceano Community Services District, California Department of Transportation, or Southern Pacific Railroad. We suggest you contact those agencies directly for information regarding their regulatory authority.

Issue 1: Waste Discharge Requirements were not issued by the Central Coast Water Board. Response: As described in your recent telephone conversations with Sorrel Marks and stated in written response from Sue Gerdsen, the Central Coast Water Board issued Waste Discharge Requirements to Pismo Oceano Vegetable Exchange. The requirements were issued in 1986.

Issue 2: Pesticides were not analyzed by the Water Board.

Response: Pesticide monitoring data was not amongst the information located in our archived files (copies of which have been provided to you). However, we have not located the archived original application or correspondence file for Pismo Ocean Vegetable Exchange, which is the most likely place for such information if it existed. Accordingly, we cannot at this time verify or refute your statement.

Issue 3: Letters show tested items over their limits.

Response: The information provided to you from our files does not specify discharge limits. However, the monitoring data provided does not indicate test results exceeding any water quality limits of which we are aware.

Issue 4: Complete chemical and pesticide analyses of wastewater and sludge was not included in the information provided September 13, 2007, from Water Board files. Response: Correct, see response to Issue 2 above.

Issue 5: Did the Water Board find the Pismo Oceano Vegetable Exchange basin permissible? Response: The Water Board does not specifically regulate structures, such as basins, but regulates discharges of waste so as to prevent impacts to water quality. As stated above and summarized in telephone conversations with Sorrel Marks, the Water Board authorized discharge of wastewater from the facility in 1986. In this case, the Pismo Oceano Vegetable Exchange applied for, and was issued, waste discharge requirements (authorization to discharge). Approximately ten years later, after inspections, monitoring and finding that the

California Environmental Protection Agency

c scharge posed little or no threat to water quality, the Water Board rescinded the waste discharge requirements.

Issue 6: Have any government agencies (County, Oceano CSD, CalTrans) applied for permits to blend and store storm runoff with Pismo Oceano Vegetable Exchange discharge? Response: Storm runoff blending permits, such as you described, are not required, and (as far as we know) have not been applied for. San Luis Obisipo County has developed, and this Water Board has approved, a stormwater management plan applicable county-wide. Further information regarding the County's stormwater management plan is available at: http://www.swrcb.ca.gov/rwqcb3/stormwater/municipal/phase 2/slo co/slo co index.htm. Implementation of the County's stormwater management plan includes a variety of monitoring activities. For specific details regarding the status and location of such monitoring, please contact the County Public Works Department directly.

If you have questions regarding these comments, please contact **Sorrel Marks at 549-3695** or Harvey Packard at 542-4639.

Sincerely,

Roger Briggs UExecutive Officer

S:\\WDR\\WDR Facilities\\San Luis Obispo Co\\Pismo-Oceano Veg.ltr.doc Agency File: SLO Co.

Task: 126-01

Colorest Section 1980 San Lub Colorest Section 1980 Secti

California Environmental Protection Agency

P.O. Box 1154 San Luis Obispo, CA 93406 (805) 544-3130 Lic. No. 335560

March 21, 1985

County of San Luis Obispo Health Department 2191 Johnson Avenue San Luis Obispo, CA 93401

RE:

Pismo Oceano Vegetable Exchange

801 / 10100 San Luic C

ATTN: Mr. Doherty

Mr. Doherty,

Please find enclosed the information you requested. We are trying to get partial occupancy sometime next week so we don't delay harvest.

As I explained, the building department allowed the use of the basin due to the fact that it was an existing condition. My discussion with Steve Diez made me think he had some concerns about the basin. I contacted him 3/20/85 and that concern seemed to be gone.

The building department has requested a letter from County Health stating that there is no hazard to health due to concentrated amounts of toxic pesticide. Please let me know if there is any requirements you might have or if there is any further information you might need.

Thank you for your prompt attention.

Sincerely

Jerry Williams

T.W. DESIGN & CONST.

JW/ds

encl.

September 13, 2007

Bill Bookout 1311 Paso Robles Street Oceano, CA 93445

Fax: (805) 773-0017

Hi Bill:

I am faxing, as well as sending you hard copies of everything that was contained in our Monitoring Report File for Pismo-Oceano Vegetable Exchange.

As I mentioned on the phone, this was all I could locate from older CA Regional Water Quality Control Board files.

If you need to see any other projects that our office has copies for in the future, please call me at: 805-549-3465.

Sincerely,

Sue Gerdsen

File Review Clerk/Office Assistant

Central Coast Water Board

Crand Carried Constitute Charles Constitute Constitute

California Regional Water Quality Control Board 81 Higuera Street San Luis Obispo, Calif. 93401-5414

.-5414

March 10, 1993

To Whom it may concern:

The following is the annual discharger self-monitoring report as required by the Regional Water Quality Control Board.

Approximately 1800 gallons-per-day (7 m3/day) of drainage water was discharged at this facility during the 1992 period. Drainage water is discharged to a storm water detention basin for percolation. The reported capacity is 2350 gallons-per-day (9 m3/day). The monthly average daily flow is 54,000 gallons.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Please feel free to contact me if there are any questions regarding this matter.

Sincerely,

Dennis Donovan General Manager

mur Sonva

Pismo Oceano Vegetable Exchange

GARY SIMM

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DEPARTMENT OF TRANSPORTATION US P. O. Box 8114 San Luis Obispo, CA 93403-8114 (805) 549-3207

MEMORANDUM

TO: FILE FROM: RNW

SEPTEMBER 15, 1987 R/W 05-SLO-001-12.4 05530-326201

OCEANO DRAINAGE PROJECT:

A MEETING WAS HELD IN FRANK LENTZ OFFICE SEPTEMBER 15, 1987. AT THAT MEETING WERE PETE HOM, GARY SIMMS, O.J. SOLANDER, RICHARD HILL, JOHN WALLACE, TIM SMITH, GLENN PRIDDY, JIM GRANFLATTEN AND BOB WRIGHT

IN OUR LAST MEETING THE OCEANO COMMUNITY SERVICE DISTRICT WAS OBJECTING TO OUR PROJECT AND SENT ITS REPRESENTATIVE MR. JOHN WALLACE TO DISCUSS THE PROBLEMS WITH OUR DESIGN AND RIGHT OF WAY SECTIONS. THE JIST OF THAT MEETING WAS THAT SUGGESTED SINKING PONDS, BY ONE OF THE BOARD MEMBERS OF THE SERVICE DISTRICT, ARE NOT THE ANSWER BECAUSE THEY ARE POORLY MAINTAINED, UTILIZE EXPENSIVE PROPERTY, AND BECOME TIED TO GOVERNMENTAL AUTHORITY THOUGH THE WET LANDS ACT. IT WAS BELIEVED THAT OUR PROPOSED PLAN OF INSTALLING A 36-INCH PIPE TO REFLACE AN EXISTING 24-INCH PIPE WOULD BE ACCEPTABLE TO THE PROPERTY OWNERS IF IT COULD BE SHOWN THAT THE PROJECT WOULD ONLY AFFECT THE DOWNSTREAM OWNERS MINIMALLY. IT WOULD BE NECESSARY TO HAVE A REPORT MADE TO COVER THE AFFECTS OF THE PROJECT. IT WAS BELIEVED THAT THE COUNTY

IN TODAY'S MEETING THE COUNTY WAS INVITED SO THAT WE COULD WORK OUT THIS PROBLEM. IT WAS POINTED OUT THAT THE FLOODING OF HIGHWAY ONE IN THE OCEANO AREA AT 13TH STREET HAD BEEN A COUNTY PROBLEM AS WELL AS A PROBLEM FOR THE OCEANO COMMUNITY SERVICES DISTRICT FOR A LONG TIME AND THAT EVEN THOUGH THERE HAD BEEN SOME LIGHT RAINFALL YEARS THERE IS A GOOD POSSIBLITY OF HEAVY FLOODING IN THIS AREA IN THE FUTURE OF BOTH THE HIGHWAY AREAS AND COUNTY AREAS.

THE STATE HAS CONTACTED A RELUCTANT RAILROAD THROUGH OUR ATTORNEY, O.J. SOLANDER AND INFORMED THEM OF THEIR RESPONSIBILITY. THEY HAVE RESPONDED WITH QUESTIONS REGARDING THE PROJECT. THE STATE HAS HAD MEETINGS WITH THE RAILROAD'S TENANT AND THE STATE LOOKS TO THE RAILROAD TO DEAL WITH THE TENANT.

THE COUNTY PROVIDED THE PERMIT TO THE RAILROAD AND/OR ITS TENANT FOR THE NEW BUILDING CONSTRUCTION THAT NOW IMPEDES THE DRAINAGE FLOW WHICH IS THE REASON THAT MAKES THIS PROJECT NECESSARY. THE STATE BELIEVES THE COUNTY HAS AN ADDITIONAL INTEREST IN THE PROJECT BY REASON OF ITS RESPONSIBILITY IN THAT PERMIT PROCESS.

THE COUNTY HAS INDICATED THAT THEY ARE WILLING TO PARTICIPATE IN THE PLACEMENT OF THE PROPOSED PIPE WITHIN THE BOUNDARIES OF RAILROAD STREET, A COUNTY ROAD AND ARE WILLING TO REVIEW A STUDY OF THE AFFECTS OF THE PROPOSED PROJECT TO BE PREPARED BY JOHN WALLACE, THE CONSULTING ENGINEER FOR THE OCEAND COMMUNITY SERVICES DISTRICT. IT WAS ESTIMATED THAT THE COUNTY'S COST WOULD BE APPROXIMATELY \$6,600.00. GARY SIMMS WILL SUBMIT PLANS AND COST ESTIMATE TO THE COUNTY IN THE NEXT FEW DAYS.

THE OCEANO COMMUNITY SERVICES DISTRICT HAS AGREED TO FARTICIPATE IN THE PROJECT FOR AN AMOUNT NOT TO EXCEED \$5000.00. IT WAS AGREED THAT THE SERVICES DISTRICT AGREEMENT WOULD BE AMENDED TO ALLOW THIS AMOUNT, OR A SMALLER AMOUNT BASED ON BID, TO BE APPLIED TO THE COST OF THE PROPOSED REPORT BY JOHN WALLACE. AFTER RECEIVING THE DETAILS OF THE BID FROM JOHN WALLACE GARY SIMMS WILL SEND AN AMENDMENT LETTER TO THE SERVICES DISTRICT TO COVER A REASONABLE CHANGE IN THE AGREEMENT.

THE RIGHT OF WAY DEPARTMENT WILL CONTINUE ITS CONTACTS WITH THE RAILROAD FOR THEIR PARTICIPATION IN THEIR SHARE OF THE PROJECT COSTS. D.J. SOLANDER WILL BE A AVAILABLE FOR A MEETING WITH THE RAILROAD WITHIN THE NEXT FEW WEEKS.

SOME OF THE POINTS RAISED BY INDIVIDUALS:

THE COUNTY IS NOT RESPONSIBILE FOR THE PROJECTS IT PERMITS MERELY BECAUSE THEY ISSUE PERMITS (G. PRIDDY).

THE COUNTY OBJECTS TO PARTICIPATING IN THE COST OF THE REPORT BY JOHN WALLACE (G. PRIDDY).

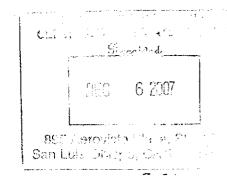
ONE OF THE MEMBERS OF THE OCEANO COMMUNITY SERVICES DISTRICT IS AN OWNER OF PROPERTY DOWNSTREAM FROM THE PROJECT (P. HOM).

THE STATE COULD GO AHEAD UNDER AN EMERGENCY CONDITION AND BUILD THE PROJECT AS PLANNED. THEN THE COST OF THE PROJECT WOULD BE DISTRIBUTED PROPORTIONALLY AND BOTH THE RAILROAD AND THE COUNTY WOULD BE ENJOINED IN THAT ACTION (O.J. SOLANDER).

THE STATE COULD RAISE THE HEIGHT OF HIGHWAY ONE APPROXIMATELY ONE FOOT AND LEAVE BOTH THE COUNTY AND THE OCEANO COMMUNITY SERVICES DISTRICT THE PROBLEM TO SOLVE ON THEIR OWN (P. HOM).

THERE IS NO REASON TO BELIEVE THAT THERE WILL BE NO AFFECT AND WE CANNOT CONVINCE THE PROPERTY OWNERS OF THAT NOR THAT THERE IS MINIMAL AFFECT WITHOUT AN OUTSIDE REPORT OF THE EFFECTS OF THE PROJECT ON THE DOWNSTREAM OWNERS (P. HOM).

IT IS BETTER TO HAVE THE REPORT BEFORE CONSTRUCTION THAN TO COME UP WITH A REPORT AFTER CONSTRUCTION, PARTICULARLY IF IT COMES TO A LEGAL ACTION (O.J. SOLANDER).



May 24, 1985 5-SLO-1-12.4 05201-326201 OCEANO DRAINAGE CORRECTION

TO: File

FROM: R. D. McNew

SUBJECT: Retention Basin on Railroad Property

On May 31, 1985, the following people met in Oceano at 1371 Railroad Ave. to discuss the effects of the changes made to the existing drainage system below the intersection of Highway 1 at 13th street: Dennis Donovan, POVE, John Goni, Water Quality Control Board, Pete Hom, Jim Carpenter, Gary Simms and Bob McNew, Caltrans.

The purpose of this meeting was to determine how to correct the drainage of Highway 1 at 13th Street. The Oceano Community Services District has offered to share the cost of this improvement. We began the meeting by examining the present drainage conditions and discussing the conditions of drainage prior to the expansion of the vegetable processing facility. We then discussed alternatives to lower the outlet of the drainage facility. Alternative 1: jack a pipe under the tracks into the pond, move the drain for the vegetable cooler to the overflow basin and grade a swale across the parking lot from the pond to the low point of the county road. Alternative 2: jack a pipe under the tracks in line with the low point in the county road, extend the pipe to the edge of Railroad property and construct an inverted siphon. It was decided that alternative 2 was the best solution and Dennis requested that we provide him with two copies of our proposal to justify a request for funds. Railroad and/or POVE would pay for the pipe and inverted-siphon under the POVE parking lot.

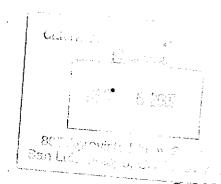
Both Dennis and John agreed that the wastewater from the vegetable washer should be seperate from the Highway drain-

After we concluded the meeting Pete suggested we persue getting the Railroad to pay for all the work done within the railroad property.

RDM; rdm

CC

file PH GLS RRP





Memorandum

James M. Alessi
District Traffic Engineer

Date : May 20, 1992

File No. : SLO-1-12.4

Drainage Correction

05-220-910010

From

DEPARTMENT OF TRANSPORTATION

Steve Hendrickson

District Hydraulics Engineer

Subject : Review Of Oceano Drainage Problem

This location has been an ongoing drainage problem for the District. A series of downstream improvements by a lessee of Southern Pacific Railroad property has caused and incrementally worsened the ponding that encroaches onto Highway 1 at 13th Street.

The District has made attempts to correct this situation by developing a project to relocate the drainage facilities. The project was to be funded as a joint effort between Caltrans, Oceano Community Service District, San Luis Obispo County and the railroad.

The railroad was unwilling to financially participate in this project, and as a result certain legal questions were raised. Downstream property owners opposed to this project could hold the participating agencies responsible for future flooding. These drainage changes may shift blame from the actual responsible parties.

The Districts' Right of Way Department consulted with and formally requested a written opinion from our legal division on the legalities of this matter. The railroad and lessee have been alerted as to their responsibilities in this matter. To date, no direction has been received from our legal division nor has the railroad or its' lessee proposed a solution.

If you require any more information, contact Zeke Dellamas or myself at 3679.

80% / erovisch, 51% of San Luis 31% pp., Cr. 1

M D M A R A N D U M

: Robert J. Defea, Chief

Legal Division

Date: November 28, 1989

File No: R/W -5-SLO-001-12.4

Oceano Drainage Culvert

From : Department of Transportation -- District 5

Subject: LEGAL OPINION

This portion of Route 1 in Oceano (at 13th Street) has been subject to intermittent flooding. Preliminary investigation indicated that the flooding has been caused by obstruction of the natural drainage course by the lessee of the Southern Pacific Transportation Company, as well as other abutting owners farther downstream.

The District has considered a construction project which would correct some of the problem, by improving the drainage culverts. We have been concerned, however, that our construction work might generate additional tort liability. The work would not cure the flooding problem, and the "changed condition" could possibly shift blame from the actual responsible parties.

In July of 1988, Mr. O. J. Solander reviewed this problem in the District, and a tentative plan to proceed against Southern Pacific, et. al. was formulated. Subsequently, the Legal Division notified the District that the San Francisco office would handle this matter along with their normal District 5 work.

You investigated this issue, and in December, 1988, indicated that a written opinion would be forthcoming.

This opinion is critical to our program planning/project development process.

Please expedite this written opinion as soon as possible.

Frank M. Lentz

Deputy District Director

Right of Way

mlb

cc: TLP, DEC, NWT, RGE

31 May 24, 1985 5-SLO-1-12.4 05201-326201 OCEANO DRAINAGE CORRECTION

TO: File

FROM: R. D. McNew

SUBJECT: Retention Basin on Railroad Property

On May 24, 1985, the following people met in San Luis Obispo at 50 Higuera Street to discuss design considerations for the intersection of Highway 1 at 13th street: George Protopapas, San Luis Obispo County Engineer, Pete Hom, Jerry Hanto, Gary Simms, Bob Peterson and Bob McNew, Caltrans.

The purpose of this meeting was to determine how to correct the drainage of Highway I at 13th Street where the Oceano Community Services District has requested. Pete opened the meeting by explaining the history of the drainage at Highway I and 13th Street. He then explained the alterations made at the outlet of the 24" pipe which included raising the outlet approximately 2' and it's effects on the highway drainage. George stated that we should pursue getting the Railroad or their lessee to correct the outlet elevation since they made the change. The current use of the pond is for drainage and as a retention basin for wastewater from the Pismo Oceano Vegetable Exchange vegetable wash.

The decision was made to arrainge for a meeting with the Railroad or the lessee (P. O. V. E.) about the impact the modifications have had on the highway. Gary will contact the Water Quality Control Board and find out if using the pond for wastewater is ok. George said that the County would permit us to place a pipe across Railroad Avenue. Further design will cease until these issues are resolved. Meeting adjourned at 10:00 A.M.

RDM; rdm

CC

file PH GLS Bot Andrews Contraction