



California Coastal Commission

COASTAL DEVELOPMENT PERMIT

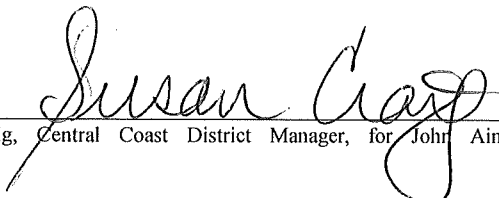
CDP 3-19-0463 (Morro Bay Water Reclamation Facility)

Issue Date: November 8, 2019

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Coastal development permit (CDP) number 3-19-0463 was approved by the California Coastal Commission on July 11, 2019. CDP 3-19-0463 provides for the subdivision of an existing privately-owned 396-acre parcel into two parcels, including a 27.6-acre City-owned parcel; construction of new 0.97-million-gallon-per-day average daily flow tertiary-treated wastewater treatment and water reclamation facility on the new City-owned parcel; construction of associated pipelines and two new lift stations; construction of new underground recycled water injection wells; maintenance of and modifications to the existing ocean outfall; operation of the new water reclamation facility and overall system, including groundwater injection and other related components, moving forward; and decommissioning and demolition of the existing wastewater treatment plant and related improvements, and restoration of all affected areas. The proposed water reclamation facility would be located on an undeveloped property inland of the intersection of South Bay Boulevard and Highway 1 in unincorporated San Luis Obispo County (APN 073-101-017); pump stations would be located within an existing City corporation yard at 170 Atascadero Road (APN 066-331-032) and on a City-owned lot at the intersection of Main Street and Highway 1 (APN 068-168-022), both in the City of Morro Bay; demolition of the existing wastewater treatment plant and restoration of that area would occur at that site at 160 Atascadero Road in Morro Bay (APN 066-331-034); new pipelines would extend from the two new pump stations to the water reclamation facility and to injection well sites along various road corridors in both the County and the City (primarily along the Quintana Road corridor adjacent to Highway 1); underground recycled water injection wells would be located at some eight locations in the lower Morro Valley, including adjacent to Lila Keiser Park, all in the City of Morro Bay; and outfall maintenance and modifications would take place in the Pacific Ocean some 2,900 feet offshore and near to Morro Rock.

As of November 8, 2019, all of the CDP's prior to issuance requirements have been met, and the CDP can now be issued. Thus, by my signature below, the CDP is issued on behalf of the California Coastal Commission:


Susan Craig, Central Coast District Manager, for John Ainsworth, Executive Director

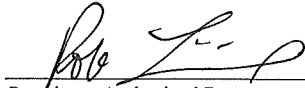
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Acknowledgement

The undersigned Permittee acknowledges receipt of this coastal development permit and agrees to abide by all terms and conditions thereof. The undersigned Permittee acknowledges that Government Code Section 818.4 (which states in pertinent part that "a public entity is not liable for injury caused by the issuance of any permit") applies to the issuance of this coastal development permit.



Permittee: Authorized Representative – City of Morro Bay

12 November 2019

Date

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Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two full size sets of Revised Final Plans with graphic scale to the Executive Director for review and approval. The Revised Final Plans shall be prepared by a licensed professional or professionals (i.e., architect, surveyor, geotechnical engineer, etc.), and shall be based on current professionally surveyed topographic elevations for the entire site. The Revised Final Plans shall be substantially in conformance with the proposed plans (prepared by Black & Veatch (dated February 2019) and dated received in the Coastal Commission's Central Coast District office on June 10, 2019) but shall be modified to achieve compliance with this condition, including that the Revised Final Plans shall show the following required changes and clarifications to the project:
 - a) **Water Reclamation Facility (WRF) Approved Development Envelope.** All WRF development (including but not limited to buildings, tanks, infrastructure, parking, walkways, fences, etc.) shall be located within the development envelope and in the general configuration shown on **Exhibit 1**. Development shall be prohibited outside of the approved development envelope except for habitat restoration and enhancement related development (see **Special Condition 3** below) and access road related development. All development shall be identified on the Revised Final Plans.
 - b) **Water Reclamation Facility Design.** The design and appearance of all WRF development shall reflect a rural agricultural theme (i.e., simple and utilitarian lines and materials, including use of

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board-and-batten siding, corrugated metal, muted earth tone colors, etc.). The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to all structures and all other project elements within view of Highway 1 (including the access road itself, all drainage facilities, curbs, landscaping, screens, signs, etc.).

Development shall be sited and designed so as to reduce its visibility from Highway 1 to the maximum extent possible. At a minimum, the plans shall clearly identify all structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.). Development shall blend with the natural topography as much as possible, and grading and retaining walls shall be minimized.

- c) **Pump Stations and Related Development Design.** All pump stations and all related development, including all power boxes and buildings, shall be sited and designed to limit impacts on public views as much as possible, including through limiting their footprint, siting elements below ground, minimizing the scale of any necessary above-ground elements, limiting above-ground access components (including manhole/hatch entries), using surface treatment and structural design consistent with and compatible with the immediately surrounding environment, limiting lighting to that necessary for public safety, removing non-native invasive plant species and landscaping with appropriate native plant materials (see also **Special Condition 1(d)**) including so that landscaping can help soften the appearance of any elements that are unavoidably above ground and to ensure seamless connectivity to the surrounding habitat and vegetation as much as possible.
- d) **Landscaping.** The Final Revised Plans shall include a landscape plan for the areas surrounding the WRF, pump stations, and other related development, where such landscaping shall be consist of native, non-invasive, and drought-tolerant species that provide appropriate screening and softening of development features in public views as much as possible. The landscape plan shall require all non-native plants on the site to be removed and the site kept free of such plants for as long as any portion of the approved development exists at this site. The landscape plan shall provide that all landscaped areas on the project site shall be maintained in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the site.
- e) **Lighting Minimized.** Exterior lighting shall be wildlife-friendly, shall use lamps that minimize the blue end of the spectrum, and shall be limited to the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting (exterior and interior) shall be sited and designed so that it limits the amount of light or glare visible from Highway 1 to the maximum extent feasible (including through uses of lowest luminosity possible, directing lighting downward, etc.). The Revised Plans shall be submitted with documentation demonstrating compliance with these lighting requirements.

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- f) **Windows and Other Surfaces.** All windows shall be non-glare glass, and all other surfaces shall be similarly treated to avoid reflecting light, and all windows shall be bird-safe (i.e., windows shall be frosted, partially frosted, or otherwise treated with visually permeable barriers that are designed to prevent bird strikes).
- g) **Utilities.** The Revised Final Plans shall clearly identify all utilities (e.g., water, stormwater, gas, electrical, telephone, data, etc.) and the way in which they will be connected to inland distribution networks. All such utilities shall be located underground.
- h) **Stormwater and Drainage.** The Revised Final Plans shall clearly identify all stormwater and drainage infrastructure and related water quality measures (e.g., pervious pavements, etc.), with preference given to natural BMPs (e.g., bioswales, vegetated filter strips, etc.). Such infrastructure and water quality measures shall provide that all project area stormwater and drainage is filtered and treated to remove expected pollutants prior to discharge and directed to existing stormwater inlets/outfalls as much as possible. Infrastructure and water quality measures shall retain runoff from the project onsite to the maximum extent feasible, including through the use of pervious areas, percolation pits and engineered storm drain systems. Infrastructure and water quality measures shall be sized and designed to accommodate runoff from the site produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. In extreme storm situations (i.e., greater than the 85th percentile 24-hour runoff event storm) where such runoff cannot be adequately accommodated onsite through the project's stormwater and drainage infrastructure, any excess runoff shall be conveyed inland offsite in a non-erosive manner. All drainage system elements shall be permanently operated and maintained, and the plans shall identify all maintenance parameters for all stormwater and drainage infrastructure and related water quality measures, including based on manufacturers recommendations, which shall be provided. At a minimum, all traps/separators and/or filters shall be inspected to determine if they need to be cleaned out or repaired prior to October 15th each year, prior to April 15th each year, and during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all traps/separators and/or filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year. Debris and other water pollutants removed from filter devices during clean-out shall be contained and disposed of in a proper manner. All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the City Public Works Department no later than June 30th of each year. It is the Permittee's responsibility to maintain the drainage system in a structurally sound manner and its approved state.

All requirements above and all requirements of the approved Revised Final Plans shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the approved Revised Final Plans.

- 2. **Construction Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a preliminary phased Construction Plan for each project component to the Executive Director for review and approval (see also **Special Condition 8** for additional construction requirements for any

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offshore development within the Pacific Ocean, including all work related to the ocean outfall). The Construction Plan shall, at a minimum, include and provide for the following:

- a) **Grading.** The Construction Plan shall include a grading plan where site grading shall be limited to the minimum necessary to construct the project.
- b) **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on riparian corridors and public views, as well as to employ best management practices (BMPs) to protect water resources onsite and in the surrounding area. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- c) **Construction Methods and Timing.** The Construction Plan shall specify all construction methods to be used to avoid riparian resources and public view impacts as much as possible, including use of trenchless construction methods and other BMPs as much as possible. Construction work during nighttime is prohibited absent authorization from the Executive Director that such work will not adversely impact coastal resources and if lighting is minimized as identified in **Special Condition 1(e)**.
- d) **Traffic Control Plan.** The Construction Plan shall identify all roads that may be impacted during construction, and shall specify measures to ensure their continued operation and to avoid impacts to adjacent areas, including neighborhoods, businesses, and public recreational access destinations, to the maximum extent feasible, including in terms of potential emergency access and evacuation.
- e) **Property Owner Consent.** The Construction Plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to such use of their properties.
- f) **Best Management Practices.** The Construction Plan shall clearly identify all construction BMPs to be implemented during construction, including their location and their specific use parameters. The plan shall also contain provisions for specifically identifying and protecting any natural drainage swales (i.e., with sand bag barriers, filter fabric fences, straw bale filters, etc.) to prevent construction-related runoff and sediment from entering into these natural drainage areas, which ultimately deposit runoff into the Morro Bay Estuary and the Pacific Ocean. Silt fences, straw wattles, or equivalent measures shall be installed at the perimeter of all construction areas. At a minimum, the plan shall also include provisions for stockpiling and covering of graded materials, temporary stormwater detention facilities, revegetation, and restricting grading and earthmoving during rainy/inclement weather. The Plan shall indicate that: (a) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site, and that all de-watering operations shall include filtration mechanisms; (b) offsite equipment wash areas are preferred

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whenever possible; if equipment must be washed onsite, the use of soaps, solvents, degreasers, or steam cleaning equipment shall be prohibited; in any event, such wash water shall be collected and appropriately disposed offsite, and shall not be allowed to enter any natural drainage areas; (c) concrete rinsate shall be collected and appropriately disposed offsite, and shall not be allowed to enter any natural drainage areas; (d) good construction housekeeping shall always be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment offsite and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather); and (e) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day. Particular care shall be exercised to prevent foreign materials from making their way to natural drainage areas. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate construction BMP precautions and reporting any accidental spills and/or other forms of discharge.

- g) **Post-Construction.** All construction areas shall be restored to their pre-construction state or better upon completion of work. Where appropriate and feasible, roads/sidewalks impacted by construction shall employ stormwater management infrastructure BMPs, including bioswales, pervious pavers, garbage traps, and vegetative strips.
- h) **Construction Site Documents.** The Construction Plan shall provide that a copy of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at each construction job site at all times, and that such copies shall be available for public review on request. The signed CDP and approved Construction Plan shall also be retained in the project file at the Commission's Central Coast District office and be available for review by the public on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- i) **Construction Manager.** The Construction Plan shall provide that a construction manager be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that his/her contact information (i.e., address, phone numbers, email address, etc.) including, at a minimum, a telephone number (with message capabilities) and an email that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction manager should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction manager shall record the contact information (name, phone number, email, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Any critical and/or significant complaints and related responses shall be reported to the Executive Director as soon as possible, and all complaints and all actions taken in response shall be summarized and provided to the Executive Director on a weekly basis.

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j) **Construction Specifications.** The construction specifications and materials (including all construction contracts) shall include appropriate penalty provisions to address non-compliance with the terms and conditions of this CDP and the approved Construction Plan, including provisions sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials, and provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP and the approved Construction Plan.

k) **Notification.** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake construction in accordance with this condition and the approved Construction Plan.

3. **Riparian Enhancement Plan.** PRIOR TO OPERATION OF THE WRF, the Permittee shall submit two copies of a Riparian Enhancement Plan (REP) to the Executive Director for review and approval. The REP shall provide for riparian enhancement within the unnamed creek and riparian area adjacent to the water reclamation facility site as generally shown on page 5 of **Exhibit 1**, where the goal of the REP shall be enhancing and restoring the area to a self-sustaining natural habitat state that can also function to help reduce downstream sedimentation and other pollutant loading. The REP shall be prepared by a qualified restoration ecologist, and shall take into account the specific condition of the site (including soil, exposure, water flows, temperature, moisture, wind, etc.), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:

- a) **Baseline.** A baseline assessment, including photographs, of the current physical and ecological condition of the creek and its riparian area, including a map demarcating the physical boundaries of the restoration program.
- b) **Success Criteria.** A description of the goals and measurable success criteria of the REP in light of the primary goal specified above that the REP shall enhance and restore the area to a self-sustaining natural habitat state that can also function to help reduce downstream sedimentation or other pollutant loading, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the creek and its riparian area has been subject to no remediation or maintenance activities other than weeding, and that this condition be maintained in perpetuity.
- c) **Non-Native and Invasive Removal.** Removal of invasive and non-native plant species and planting of native species of local stock appropriate to riparian corridors in the Morro Bay area. Non-native and/or invasive plant species shall be prohibited. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist in the riparian area.

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- d) **Landscape Screening.** The REP shall be coordinated with the Landscape Plan (see also **Special Condition 1(d)**), including so that riparian area enhancement serves the dual purpose of also helping to provide the required screening if feasible and appropriate consistent with riparian enhancement objectives.
- e) **Hydrologic Inputs.** The REP shall be coordinated with the post-construction drainage and erosion control system (see also **Special Condition 1(h)**), including so that any hydrologic inputs are consistent with riparian enhancement objectives.
- f) **Monitoring and Maintenance.** Monitoring and maintenance provisions, including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved.
- g) **Reporting.** Provision for submission of annual reports of monitoring results to the Executive Director, beginning the first year after initial implementation of the REP and concluding once success criteria have been achieved. Each report shall document the condition of the creek and its riparian habitat with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the REP, and shall make recommendations, if any, on changes necessary to achieve success.
- h) **Provision for Possible Further Action.** If the final monitoring report indicates that the REP has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall submit within 90 days a revised or supplemental plan to compensate for those portions of the original plan which did not meet the approved success criteria. The Permittee shall implement the revised or supplemental plan as directed by the Executive Director.
- i) **Restoration Completion.** Restoration activities shall commence immediately upon completion of construction of the water reclamation facility, and shall be completed within six months.

The approved REP shall be implemented as directed by a qualified restoration ecologist. All requirements above and all requirements of the approved REP shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved REP.

- 4. **Archaeological Protection.** An archaeological monitor qualified by the Native American Heritage Commission shall be present during all ground disturbance (including grading activities), and shall be consulted to provide recommendations for subsequent measures for the protection and disposition of artifacts of historical or cultural significance in the event such artifacts are discovered. In the event that any article of historical or cultural significance is encountered, all activity that could damage or destroy these resources must cease and the Executive Director, the Native American Heritage Commission, and all appropriate local tribal representative(s) (as identified in the project's Cultural Resources Mitigation and Monitoring Program pursuant to EIR Mitigation Measures CUL-1 through 14) must be notified so that the articles may be suitably protected or flagged for future research. Mitigation measures shall be developed in accordance with Native American Heritage Commission and local tribal representative recommendations, and submitted to the Executive Director for review and approval, and such measures shall be required to address and proportionately

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offset the impacts of the project on such archaeological resources prior to recommencement of construction activity.

5. **Agricultural Mitigation Program.** PRIOR TO OPERATION OF THE WRF, the Permittee shall submit an Agricultural Mitigation Program to the Executive Director for review and approval. The Program shall specify the measures to be taken to mitigate for project agricultural impacts by providing an agricultural conservation easement over agricultural property of a similar quality as the project site, and of a type that is potentially threatened by urban development, at a ratio of at least 2:1 for the loss of agricultural land associated with the approved project (i.e., the easement must cover at least 30 acres of such agricultural land). The Program may also specify other measures to satisfy this mitigation requirement, including, but not limited to, protecting agricultural lands and operations through measures that facilitate the success of agricultural operations over land of a similar quality/type and amount contemplated to be protected by the agricultural conservation easement (e.g., providing recycled water to serve agricultural operations in lieu of more expensive water supply options, City policies prohibiting urban growth into agricultural lands, etc.). If the Program identifies other such measures in whole or in part to satisfy this mitigation requirement, then the Executive Director must determine that such alternative measures provide a commensurate amount of mitigation (to the 2:1 conservation easement) to protect agricultural lands and operations in the City of Morro Bay and/or in the closely surrounding area. The agricultural conservation easement shall be recorded in a form and content acceptable to the Executive Director, and/or other acceptable mitigation measures shall be realized, prior to operation of the WRF.

All requirements above and all requirements of the approved Agricultural Mitigation Program shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Agricultural Mitigation Program.

6. **Recycled Water Management Plan.** PRIOR TO CONSTRUCTION OF THE WRF, the Permittee shall submit two copies of a Recycled Water Management Plan (RWMP) to the Executive Director for review and approval. The objective of the RWMP shall be to ensure that the maximum amount of tertiary-treated recycled water is produced, and the maximum amount of such water is used for beneficial reuse purposes, including injected underground in locations that will maximize its ability for groundwater replenishment and indirect potable reuse, including over the long term and taking into account potential sea level rise and increased aquifer seawater intrusion, and replacing existing potable water use with recycled water use where feasible and appropriate, including with respect to both urban and agricultural reuse (see also **Special Condition 5**). In addition, the Plan shall ensure that the sites designated for injection of treated wastewater are designed to maximize the long-term health and sustainability of groundwater and surface water and related resources (including wetlands, streams, creeks, lakes, riparian corridors, marshes, etc.) as much as possible, including with respect to potential sea level rise and increased aquifer seawater intrusion.

All requirements above and all requirements of the approved RWMP shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved RWMP.

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7. **Wastewater Treatment Plant Removal and Restoration Plan.** PRIOR TO OPERATION OF THE WRF, the Permittee shall submit two copies of a Wastewater Treatment Plant Removal and Restoration Plan to the Executive Director for review and approval. The Plan shall indicate how the existing wastewater treatment plant located at 160 Atascadero Road will be decommissioned and demolished, including through removal of all plant components (e.g., buildings, fences, storage tanks, etc.), and the site restored to a safe and level configuration roughly matching the surrounding areas. The WWTP site shall be restored within one year of WRF and Cayucos CSD operation.

All requirements above and all requirements of the approved Wastewater Treatment Plant Removal and Restoration Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Wastewater Treatment Plant Removal and Restoration Plan.

8. **Outfall Assessment Plan.** PRIOR TO THE COMMENCEMENT OF ANY MARINE DEVELOPMENT, INCLUDING ANY OFFSHORE DEVELOPMENT ON THE OCEAN OUTFALL, the Permittee shall submit two copies of an Outfall Assessment Plan to the Executive Director for review and approval. The Plan shall specify the procedures for undertaking a complete inspection of the existing outfall line from the existing wastewater treatment plant connection point to the outfall line's termination point in the ocean so as to assess its integrity and long-term functioning, and to replace diffusers and remove sediment buildup as necessary, all prior to operation of the new WRF facility. The Plan shall also identify construction best management practices to avoid adverse impacts to coastal water quality to the maximum extent feasible.

At a minimum, the Plan shall include the following coastal water quality and marine habitat protection elements, and shall be implemented consistent with vessel and worker safety:

- a) Prior to the start of offshore activities the Permittee shall provide awareness training to all Project-related personnel and vessel crew, including viewing of an applicable wildlife and fisheries training video regarding the most common types of marine wildlife likely to be encountered in the Project area and the types of activities that have the most potential for affecting such wildlife.
- b) A minimum of two qualified marine mammal observers shall be located on the derrick barge or other nearby project vessel to conduct observations, with two observers on duty during all outfall inspection and maintenance activities. The Plan shall identify any scenarios that require an additional observer on the barge or other Project vessel and, in these cases, make recommendations as to where this person should be placed to ensure complete coverage of the surrounding marine environment.
- c) Shipboard observers shall submit a daily sighting report to the Executive Director no later than noon the following day that shall be of sufficient detail to determine whether observable effects to marine mammals are occurring.
- d) The observers shall have the appropriate safety and monitoring equipment adequate to conduct their activities (including night-vision equipment, when applicable).

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- e) The observers shall have the authority to temporarily halt any project activity that could result in harm to a marine mammal, sea turtle or other special status species, and to suspend those activities until the animals have left the area. For monitoring purposes, the observers shall establish a 1,640-foot (500-meter) radius avoidance zone around the derrick barge and other Project vessels for the protection of large marine mammals (i.e., whales) and a 500-foot (152-meter) radius avoidance zone around the derrick barge and other Project vessels for the protection of smaller marine mammals (i.e., dolphins, sea lions, seals, etc.) or sea turtles.
- f) In the event that a whale becomes entangled in any cables or lines (e.g., vessel mooring lines), the observer shall immediately notify the National Marine Fisheries Service (NMFS) and the Executive Director, so appropriate response measures can be implemented. Similarly, if any take occurs, as that term is defined in the Federal Endangered Species Act, including to a marine mammal or sea turtle, the observer shall immediately notify the Executive Director, NMFS and any other required regulatory agency.
- g) Propeller noise and other noises associated with pipeline removal and other decommissioning activities shall be reduced or minimized to the maximum extent feasible.
- h) In addition to onsite monitoring, the Plan shall describe measures to be taken during the transit of project vessels and equipment to the project site in order to minimize the risk of collisions with marine mammals and/or sea turtles. Such measures shall include, but are not limited to, restrictions on vessel speed.
- i) The captain of the derrick barge and the Permittee's project management team shall be responsible for ensuring that the Plan is implemented.
- j) A final report summarizing the results of monitoring activities shall be submitted to the Executive Director and other appropriate agencies no more than 90 days following completion of pipeline removal and other offshore activities. The report shall include: (a) an evaluation of the effectiveness of monitoring protocols and (b) reporting of (i) marine mammal, sea turtle, and other wildlife sightings (species and numbers); (ii) any wildlife behavioral changes; and (iii) any project delays or cessation of operations due to the presence in the project area of marine wildlife species subject to protection.
- k) There shall be no marine discharge of sewage or bilge/ballast water from project vessels during offshore project activities. A zero-discharge policy shall be adopted for all project vessels. All sediment from the outfall shall be collected and disposed of at an inland location. No discharge of any kind is allowed into marine waters.

The Plan shall also include provisions documenting the feasibility of outfall removal in the future, including defining triggers for when the outfall is no longer needed for effluent discharge, including full effluent beneficial reuse or through inland discharge.

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All requirements above and all requirements of the approved Outfall Assessment Plan shall be enforceable components of this CDP. The Permittee shall undertake the outfall line assessment in accordance with this condition and the approved Outfall Assessment Plan.

9. **Wastewater Service Boundary.** Wastewater service to properties outside of the City's wastewater service area as shown in page 14 of **Exhibit 3** shall be prohibited without an amendment to this CDP. Expanded service area through a CDP amendment shall be prohibited unless, at a minimum, such expanded wastewater services will not lead to adverse coastal resource impacts, including that such amendment will not induce development growth within the County or the City inconsistent with either respective LCP, as applicable.
10. **Coastal Hazards Risk.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns:
 - a) **Coastal Hazards.** That the site of certain project components (including pump stations and pipelines near the shoreline and at low-lying elevations, and including the ocean outfall) is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction, sea level rise, and the interaction of same.
 - b) **Assume Risks.** To assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from such coastal hazards in connection with this permitted development.
 - c) **Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal hazards.
 - d) **Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards.
 - e) **Property Owners Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the Permittee and/or property owners.
11. **Coastal Hazards Response.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that the intent of this approval is to allow for the approved project to be constructed and used consistent with the terms and conditions of this CDP for only as long as project components remain safe for use without additional measures beyond ordinary repair and/or maintenance as that term is defined in Section 30610(d) of the Coastal Act (including sealing and waterproofing repair and/or maintenance that does not involve extraordinary measures as that term is defined in Section 13252(a) of the Commission's regulations) and without reliance on a shoreline protective device or devices to protect them from coastal hazards. In lieu of shoreline protective devices, the intent of the CDP is that any project components that are threatened by

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coastal hazards shall require a CDP amendment to modify and/or relocate the threatened project components inland and away from the coastal hazards threat. By acceptance of this CDP, the Permittee agrees to waive any rights that it may have under Coastal Act Section 30235, the City's LCP, or other applicable laws, to shoreline protective devices to protect the development authorized by this CDP.

- 12. Public Rights.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that the Coastal Commission's approval of this CDP shall not constitute a waiver of any public rights that may exist on the properties involved. The Permittee shall not use this CDP as evidence of a waiver of any public rights that may exist on the properties now or in the future.
- 13. Other Authorizations.** PRIOR TO CONSTRUCTION OF THE WRF, the Permittee shall provide to the Executive Director written documentation of authorizations from the Central Coast Regional Water Quality Control Board, the State Water Resources Control Board, the California Department of Fish and Wildlife, the California State Lands Commission, the National Marine Fisheries Service, and the U.S. Army Corps of Engineers, or evidence that no such authorizations are required. The Permittee shall inform the Executive Director of any changes to the project required by any other such authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains a Commission amendment to this CDP, unless the Executive Director determines that no amendment is legally required.
- 14. Minor Changes.** The Permittee shall undertake development in conformance with the terms and conditions of this CDP, including with respect to all Executive Director-approved plans and other materials, which shall also be enforceable components of this CDP. Any proposed project changes, including in terms of changes to identified requirements in each condition, shall either (a) require a CDP amendment, or (b) if the Executive Director determines that no amendment is legally required, then such changes may be allowed by the Executive Director if such changes: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
- 15. Future Permitting.** All future proposed development related to this CDP shall require a new CDP or a CDP amendment that is processed through the Coastal Commission, unless the Executive Director determines a CDP or CDP amendment is not legally required.
- 16. Indemnification by Permittee/Liability for Costs and Attorneys' Fees.** By acceptance of this CDP, the Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees – including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys' fees that the Coastal Commission may be required by a court to pay – that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this CDP. The Coastal Commission retains complete authority to conduct and direct the Commission's defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.