



**AGENDA NO: B-2**

**MEETING DATE: August 18, 2021**

**AGENDA CORRESPONDENCE  
RECEIVED BY THE PUBLIC WORKS ADVISORY BOARD  
FOR PUBLIC REVIEW PRIOR TO THE MEETING**

## Janeen Burlingame

---

**From:** Paul Donnelly [REDACTED]  
**Sent:** Monday, August 16, 2021 10:24 PM  
**To:** PWAB  
**Subject:** Wednesday's PWAB Meeting August 18, 2021

PWAB Members,

I have some comments and questions regarding your agenda items as follows;

Agenda item B-2 lists several more contract change orders for the WRF site construction. CCO 92 described on page 155 of the staff report says that the costs of the work for the landslide remediation will cost \$825,300. This has been argued before as to who is responsible for picking up the tab for the soil slip/landslide fix so who decided that the project funds are to pay for this one? It was well known that this area was sensitive to having landslides and was designated by the County of San Luis Obispo as a Geologic Study Area or GSA. This is within the county's land use planning jurisdiction and lies outside of the city's corporate boundary. Unfortunately, the county never reviewed or approved grading of this property as required by the county's Coastal Zone Land Use Ordinance - Title 23. §23.07.084 requires, ***"... a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate. The report shall identify, describe and illustrate, where applicable, potential hazard of surface fault rupture, seismic shaking, liquefaction or landslide, as provided by this section."*** §23.07.086a requires, ***"Any grading not otherwise exempted from the permit requirements of Sections 23.05.020 et seq. (Grading) is to be performed as engineered grading under the provisions of those sections."*** §23.05.028b requires, ***"...a grading permit, and the grading will move 5,000 cubic yards or more, is located on slopes of 30% or greater, or is located within a Geologic Study Area, Flood Hazard area or within 100 feet of any Environmentally Sensitive Habitat, the grading plan is to be prepared and certified by a registered civil engineer, and is to include specifications covering construction and material requirements in addition to the information required for minor grading."*** The application for a coastal development permit for the WRF site was approved by the California Coastal Commission in lieu of the county's review and approval. That application included preliminary draft grading plans for the WRF site construction however, they were not certified or endorsed by the WRF design build team engineers who were responsible for their preparation making the application incomplete and the permit questionable, perhaps invalid. The California Board of Registration for Professional Engineers, Land Surveyors and Geologists have recently issued citations to those very engineers for their failure to provide their names and license numbers on the WRF grading plans and for not finalizing them for construction as required by the California Business and Professions Code. The Enforcement Unit of the state licensing board also said, ***"Plans that are not final and include wording such as "not for construction" are just that and should not be used by the licensed contractor as the responsible charge engineer has not approved their use."*** Construction commenced at the WRF site in March of 2020 utilizing plans which said, ***"Not for Construction"***. The city engineer added his approval to the grading plans at the end of May last year according to the city clerk. I could go on and on about the code violations but for now, this is enough for your discussions with the Program Manager as to who is justifiably responsible for this.

CCO 96 is for, "**January 2021 Storm Event**" and the cost for it is \$40,195. On file with the Central Coast Regional Water Quality Control Board is a Stormwater Prevention Pollution Plan specifically prepared for the WRF site construction that places the legal responsibility with the city engineer who signed the document. The design build team has a responsibility to prevent stormwater from leaving the site and they do not deserve compensation when they were ill prepared for such an event. The California Department of Fish & Wildlife also provided a permit known as a Streambed Alteration Agreement for the WRF site construction that also speaks to stormwater pollution prevention and erosion leaving the site. They are well aware of what occurred during the January 2021 Storm Event and its lack of preventative measures. Why are the project funds paying for this when the contractor was being negligent?

The amendment to Waterworks Engineers on page 156 of the staff report includes some redesign costs and the associated construction costs for the pipeline contractor to carry out the redesign are provided in the attachment to item B-2 which adds more to the overall project cost by as much as \$2,472,138. The report before CFAC on Tuesday, August 17 does not include these costs to the new revised overall project cost of \$144,674,877 nor does it include amendment 6 to the WRF design build team's contract for site construction. If my math is right, the project is now over 148 million dollars! CFAC has not been shown these contract change orders provided in this PWAB staff report. Not all that is being constructed out there is necessary to treat less than a million gallons a day of sewage and comply with the Regional Board's order for a town population of just over 10,000. What is the justifiable rationale for all of the cost escalation and when does it stop?

Sincerely,  
Paul F. Donnelly  
Morro Bay, CA.



Virus-free. [www.avg.com](http://www.avg.com)