



# Memorandum

**TO:** Honorable Mayor &  
City Council Members

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** The Public Record  
October 9-15, 2009

**DATE:** October 16, 2009

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## ITEMS TRANSMITTED TO THE ADMINISTRATION

### ITEMS FILED FOR THE PUBLIC RECORD

- (a) DVD from the City of San Francisco Planning Department to City Clerk Lee Price dated October 6, 2009 regarding San Francisco Public Utilities Commission Calaveras Dam Replacement Project Public Draft Environmental Impact Report. (On file in the Office of the City Clerk)
- (b) Notification letter from Verizon wireless to Consumer Protection and Safety Division dated October 1, 2009 for Blue Hills GTE Mobilnet of California Limited Partnership (U-3002-C) of San Jose, CA MSA.
- (c) Email from California Waterboards to City Clerk Lee Price dated October 13, 2009 regarding revised October 20, 2009 State Water Board Meeting Agenda .
- (d) Letter from Mark Trout to Mayor Reed and City Council dated October 15, 2009 regarding the flu and swine flu shot.
- (e) Letter from David S. Wall to Mayor Reed and City Council dated October 15, 2009 regarding "Inform the Employees of budget cuts and layoffs before holiday season (#8)."
- (f) Letter from David S. Wall to Mayor Reed and City Council dated October 15, 2009 regarding "Deficit Reduction: Eliminate position of "Senior Policy Advisor-Public Safety"."
- (g) Letter from David S. Wall to Mayor Reed and City Council dated October 15, 2009 regarding "Arzino Ranch Demolition Project; was Council deceived?"
- (h) Letter from David S. Wall to Mayor Reed and City Council dated October 15, 2009 regarding "Team San Jose, Inc. and Tax San Jose; is there a "Conflict of Interest"?"
- (i) Letter from David S. Wall to Mayor Reed and City Council dated October 14, 2009 regarding "Should City of Milpitas institute imminent domain proceedings against McCarthy?"

Honorable Mayor and City Council Members  
October 16, 2009  
Subject: The Public Record: October 9-15, 2009

- (j) Letter from David S. Wall to Mayor Reed and City Council dated October 14, 2009 regarding "Rich Farmer got to speak, old poor farmer denied. It "pays" to be "rich"."
- (k) Letter from David S. Wall to Mayor Reed and City Council dated October 15, 2009 regarding "Make developers of "Affordable Housing Slums" pay for Parks!"
- (l) Letter from David S. Wall to Mayor Reed and City Council dated October 15, 2009 regarding "The Ghetto Life: Update on the SCEP".
- (m) Letter from David S. Wall to Mayor Reed and City Council dated October 15, 2009 regarding "Deficit Reduction: Streamline Bureaucracy by "Flattening the Organization"."
- (n) Letter from David S. Wall to Mayor Reed and City Council dated October 15, 2009 regarding "Mayor Reed's \$27,237.50 "voluntary pay cut" remains the "Leadership Standard"!"



Lee Price, MMC  
City Clerk

LP/np

Distribution: Mayor/Council  
City Manager  
Assistant City Manager  
Assistant to City Manager  
Council Liaison  
Director of Planning  
City Attorney  
City Auditor  
Director of Public Works  
Director of Finance  
Public Information Officer  
San José Mercury News  
Library

The Verizon Wireless logo, featuring the word "verizon" in a bold, lowercase sans-serif font, followed by "wireless" in a smaller, lowercase sans-serif font. A checkmark is drawn over the logo.

1120 Sanctuary Pkwy  
Suite 150  
MC: GASAS5REG  
Alpharetta, GA 30009  
(770) 797-1070

October 1, 2009

Ms. Anna Hom  
**Consumer Protection and Safety Division**  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
[alh@cpuc.ca.gov](mailto:alh@cpuc.ca.gov)

Re: Notification Letter for **Blue Hills** GTE Mobilnet of California Limited Partnership (U-3002-C), of San Jose, CA MSA

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This is to provide the Commission with notice according to the provisions of General Order No. 159.A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact Chrissy L. Agricola of Verizon Wireless at (770) 797-1049.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chrissy L. Agricola".

**Chrissy L. Agricola**  
Verizon Wireless  
MTS Network Compliance

Notification Letter  
GTE Mobilnet of California Limited Partnership (U-3002-C)  
October 1, 2009  
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**Attachment A**

CPUC CELL SITE REPORT GTE Mobilnet of California Limited Partnership (U-3002-C)

**PROJECT LOCATION: Blue Hills – I/B**

SITE NAME: Blue Hills  
SITE ADDRESS: 7246 Sharon Drive  
LOCATION: San Jose, CA 95129  
COUNTY: Santa Clara  
APN: 372-21-003  
COORDINATES: 37° 17' 47.29"/122° 01' 52.96" (NAD83)

**1. PROJECT DESCRIPTION:**

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes the addition of one (1) antenna and four (4) coax per sector for a total of three (3) new antennas and twelve (12) new lines. New final configuration: six (6) antennas and eighteen (18) lines.

ANTENNAS: Six (6) panel antennas  
TOWER DESIGN: Monopole  
TOWER APPEARANCE: Two (2) Antennas per sector close mounted at 43'  
TOWER HEIGHT: 47'  
BUILDING SIZE: 14' x 28' Building  
OTHER: N/A

Notification Letter  
GTE Mobilnet of California Limited Partnership (U-3002-C)  
October 1, 2009  
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**3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:**

Cc: Joseph Horwedel  
Director of Planning  
San Jose Department of Planning, Building and Development  
200 East Santa Clara Street, Tower, 3<sup>rd</sup> Floor  
San Jose, CA 95113

Debra Figone, City Manager  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

Lee Price, City Clerk  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

**4. LAND USE APPROVALS:**

|                 |  |
|-----------------|--|
| Type:           | Building Permit - Notification                         |
| Issued:         | 08/20/09   |
| Effective:      | 08/20/09   |
| Agency:         | Department of Planning, Building & code<br>Enforcement |
| Permit No.:     | BP # 09-026274   |
| Resolution No.: | N/A  |

|                 |  |
|-----------------|--|
| Type:           | Zoning Approval  |
| Issued:         | 07/23/09   |
| Effective:      | 07/23/09   |
| Agency:         | Department of Planning, Building & code<br>Enforcement |
| Permit No.:     | AD09-685   |
| Resolution No.: | N/A  |

-----Original Message-----

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Sent: Monday, October 12, 2009 3:06 PM  
To: Price, Lee  
Cc: Naomi Feger; Peter Martin  
Subject: State Water Board Meeting Agenda -- re: San Francisco Bay PCBs TMDL

Greetings,

Please find attached the agenda for the State Water Resources Control Board October 20, 2009 Board Meeting and Executive Officer correction memo. The San Francisco Bay Regional Water Quality Control Board has indicated that you are interested in agenda item Number 4, titled "Approving an Amendment to the Water Quality Control Plan for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) for PCBs in the San Francisco Bay."

The responses to public comments received and other related documents are also available at  
[http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/index.shtml#rb2](http://www.waterboards.ca.gov/water_issues/programs/tmdl/index.shtml#rb2) .  
If you have any questions regarding this email, please feel free to contact me at any time. Thank you for your interest.

Peter D. Martin Jr.  
Environmental Scientist  
Planning Standards and Implementation Unit State Water Resources Control Board



**STATE WATER BOARD**  
**BOARD MEETING/HEARING**  
Tuesday, October 20, 2009 – 9:00 a.m.  
Coastal Hearing Room – Second Floor  
Joe Serna Jr./Cal/EPA Building  
1001 I Street, Sacramento

**\*\*\* PLEASE NOTE 9:00 A.M. START TIME FOR BOARD MEETING \*\*\***

**DECLARATION OF A QUORUM**

Charlie Hoppin, Chair; Frances Spivy-Weber, Vice Chair; Arthur G. Baggett, Jr., Member;  
Tam M. Doduc, Member

**BOARD MEETING**

*Public comments on agenda items will be limited to 3 minutes or otherwise at the discretion of the Board Chair*

**PUBLIC FORUM**

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Board's jurisdiction provided the matter is not on the agenda, or pending before the State Water Resources Control Board or any California Regional Water Quality Control Board.

**BOARD BUSINESS**

1. The Board will consider adoption of the September 15, & October 6, 2009 Board Meeting minutes.
2. Board Member Report.

**UNCONTESTED ITEM (Item 3\*)**

- \*3. Consideration of a Resolution clarifying the prohibition on future senior debt in the Policy for Implementing the Clean Water State Revolving Fund (CWSRF) for Construction of Wastewater Treatment Facilities (Policy).

**DIVISION OF WATER QUALITY**

4. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) to establish a Total Maximum Daily Load (TMDL) and Implementation Plan for polychlorinated biphenyls (PCBs) in the San Francisco Bay. *(Written comments were due on June 4, 2009 by 12 noon.)*
5. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to adopt conditional Site Specific Objectives for chloride and revise the Upper Santa Clara River chloride Total Maximum Daily Load (TMDL). *(Written comments were due on September 3, 2009 by 12 noon.)*

## **DIVISION OF WATER RIGHTS**

6. Consideration of a proposed decision to conditionally approve two water right applications for San Bernardino Valley Municipal Water District and Western Municipal Water District to divert and use water from the Santa Ana River, and from Bear Creek, Breakneck Creek, Keller Creek and Alder Creek, tributaries to the Santa Ana River, in San Bernardino County. *(Written comments were due on September 30, 2009 by 12 noon.)*
7. Consideration of a proposed cease and desist order requiring California American Water Company to cease its unauthorized diversion and use of water from the Carmel River in Monterey County. *(Written comment letters were due on September 30, 2009 by 12 noon.)*

## **INFORMATIONAL ITEM**

8. Executive Director's Report.

### **BOARD HEARING**

**The State Water Board may take final action at the conclusion of this hearing or may defer final action to a subsequent, publicly noticed board meeting**

9. Consideration of adoption of the proposed statewide Water Quality Enforcement Policy. *(Written comments were due on September 21, 2009 by 12 noon.)*

### **CLOSED SESSION**

Closed Sessions are not open to the Public

## **DIVISION OF WATER RIGHTS**

- The Board will meet in closed session to deliberate on a proposed order following a hearing concerning San Bernardino Valley Municipal Water District and Western Municipal Water District (Muni/Western) water right Applications 31165 and 31370 for diversion from the Santa Ana River in San Bernardino County. This closed session is authorized under Government Code section 11126, subdivision (e).
- The Board will meet in closed session to deliberate on a proposed order pertaining to the California American Water Company. A proposed cease and desist order, issued to California American Water on January 15, 2008, was the subject of a seven-day evidentiary hearing that ended August 8, 2008. The Board held a public workshop to receive comments on the draft CDO on September 2, 2009. This closed session is authorized under Government Code section 11126, subdivision (e).

**IMPORTANT INFORMATION!!**

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m., October 13, 2009, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m., October 15, 2009, and will not be accepted after that time.

Submittals are to be sent via e-mail to the Clerk to the Board at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line, "**10/20/09 BOARD MEETING (fill in bolded subject from appropriate item).**" If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

Agenda and items will be available electronically at: [http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml](http://www.waterboards.ca.gov/board_info/calendar/index.shtml)

\* Items on the uncontested items calendar may be removed at the request of any Board member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: <http://www.calepa.ca.gov/Broadcast/>.

For a map to our building, visit: <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process. Individuals who require special accommodations are requested to contact the Office of Employee Assistance, at (916) 341-5881.



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger  
Governor

**TO:** Darrin Polhemus, Deputy Director  
Division of Water Quality  
**STATE WATER RESOURCES CONTROL BOARD**

Digitally signed

by Bruce Wolfe

Date: 2009.07.02

15:24:18 -07'00'

**FROM:** Bruce H. Wolfe, Executive Officer  
**SAN FRANCISCO BAY**  
**REGIONAL WATER QUALITY CONTROL BOARD**

**DATE:** July 2, 2009

**SUBJECT:** NON-SUBSTANTIVE CORRECTIONS TO THE SAN FRANCISCO BAY  
REGION BASIN PLAN AMENDMENT TO ESTABLISH A TOTAL  
MAXIMUM DAILY LOAD (TMDL) AND IMPLEMENTATION PLAN  
FOR PCBs IN SAN FRANCISCO BAY, ADOPTED BY WATER BOARD  
RESOLUTION R2-2008-0012

This memo transmits the proposed PCBs TMDL Basin Plan amendment, showing the amendment with the clarification requested by State Board staff to address the Office of Administrative Law (OAL) requirement that regulations incorporated by reference include the applicable date. The applicable date is shown underlined below.

NPDES permits shall include effluent limits based on current performance and a requirement for quantification of PCBs loads to the Bay in order to determine attainment of the wasteload allocations. Compliance with effluent limits shall be determined using a Title 40, Code of Federal Regulations, Part 136 analytical method (effective as of April 25, 2007).

This language appears at page A-7 of the amendment. No further changes are proposed. A copy of Resolution R2-2008-0012 with a corrected version of Appendix A, the Basin Plan amendment, is attached to this memo. It shows the corrected text as it would appear in the Basin Plan once adopted by the State Board and approved by OAL and U.S. EPA.

**Attachment:**

Resolution R2-2008-0012 and Exhibit A, corrected Basin Plan amendment



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**RESOLUTION R2-2008-0012**

**Amending the Water Quality Control Plan for the San Francisco Bay Region  
to Establish a Total Maximum Daily Load and Implementation Plan for PCBs  
in the San Francisco Bay**

**WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay  
Region (Water Board), finds that:**

1. The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Water Board and approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and the United States Environmental Protection Agency (U.S. EPA), where required.
2. The Basin Plan may be amended in accordance with California Water Code § 13240, et seq.
3. The San Francisco Bay has been identified under federal Clean Water Act §303(d) as an impaired waterbody due to polychlorinated biphenyls (PCBs).
4. Under Clean Water Act § 303(d), the Water Board is required and authorized to establish the total maximum daily load (TMDL) for those pollutants identified as causing impairment of waters on the § 303(d) list. Additionally, the Water Board is authorized to develop a implementation program for achieving water quality standards, such as the narrative water quality objective.
5. On May 18, 2000, the U.S. EPA promulgated the California Toxics Rule (CTR) prescribing numeric water quality criteria for priority toxic pollutants, including PCBs, that apply to the San Francisco Bay.
6. A Basin Plan Amendment has been prepared in accordance with California Water Code § 13240 that will establish the TMDL and Implementation Plan to reduce PCBs-related risks to humans, aquatic life and wildlife and restore and protect water quality beneficial uses.
7. The Basin Plan Amendment, including specifications on its physical placement in the Basin Plan, is set forth in Exhibit A hereto.
8. The scientific basis for the regulatory elements of the proposed Basin Plan Amendment was subjected to an independent, external peer review by Professors Kevin J. Farley and Dr. David O. Carpenter, M.D, pursuant to the requirements of Health and Safety Code section 57004.

9. On June 22 and December 3, 2007, the Water Board publicly noticed the proposed Basin Plan Amendment and distributed the proposed Basin Plan Amendment, a draft Staff Report, and Environmental Checklist in accordance with applicable state and federal environmental regulations (CWC § 13244, title 23, California Code of Regulations, § 3775 et seq., and 40 CFR Part 25).
10. On September 12, 2007, the Water Board held a public hearing to consider the Basin Plan Amendment, after a 60-day public comment period.
12. On February 13, 2008, the Water Board held a second public hearing to consider the Basin Plan Amendment, after a second 45-day public comment period on the changes made on December 3, 2007, to the Basin Plan Amendment and supporting Staff Report, including response to public comments on the Amendment.
13. The process of basin planning has been certified by the Secretary for Resources as exempt from the requirement of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) to prepare an Environmental Impact Report or Negative Declaration.
14. The Basin Plan Amendment package includes a Staff Report, an Environmental Checklist, an assessment of the potential environmental impacts of the Basin Plan Amendment, and a discussion of alternatives. The Basin Plan Amendment, Environmental Checklist, Staff Report, and supporting documentation serve as a substitute environmental document under the Water Board's certified regulatory program.
15. The Water Board has duly considered the Environmental Checklist, Staff Report and supporting documentation with respect to environmental impacts and finds that the proposed Basin Plan Amendment will not have a significant impact on the environment. The Water Board further finds, based on consideration of the record as a whole, that there is no potential for adverse effect, either individually or cumulatively, on wildlife as a result of the proposed Basin Plan Amendment.
16. The Water Board has also considered the environmental analysis in the Staff Report and the Environmental Checklist of the reasonably foreseeable methods of the compliance with the Basin Plan Amendment, including economics.
17. The Water Board has carefully considered all comments and testimony received, including responses thereto, on the Basin Plan Amendment, as well as all of the evidence in the administrative record.
18. The Basin Plan Amendment must be submitted for review and approval by the State Water Board, the OAL, and U.S. EPA. Once approved by the State Water Board, the amendment is submitted to OAL and U.S. EPA. The Basin Plan Amendment will become effective upon approval by OAL and U.S. EPA.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Water Board adopts the Basin Plan Amendment as set forth in Exhibit A hereto.
2. The Executive Officer is directed to forward copies of the Basin Plan Amendment to the State Water Board in accordance with the requirement of CWC Section 13245.
3. The Water Board requests that the State Water Board approve the Basin Plan Amendment in accordance with the requirements of CWC Sections 13245 and 13246 and forward it to the OAL and U.S.EPA for approval.
4. If, during the approval process, Water Board staff, the State Water Board or OAL determines that minor, non-substantive corrections to the language of the Amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Water Board of any such changes.
5. Since the Basin Plan Amendment will involve no potential for adverse effect, either individually or cumulatively, on wildlife, the Executive Officer is directed to sign a CEQA Filing Fee No Effect Determination Form.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on February 13, 2008.

  
\_\_\_\_\_  
BRUCE H. WOLFE  
Executive Officer

**Attachment**

Exhibit A – Basin Plan Amendment to Amend the Water Quality Control Plan for the San Francisco Bay Region to Establish a Total Maximum Daily Load and Implementation Plan for PCBs in the San Francisco Bay.

# Exhibit A

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## Proposed Basin Plan Amendment

**Add the following language to Chapter 7, Water Quality Attainment Strategies including Total Maximum Daily Loads, of the Basin Plan:**

**San Francisco Bay Polychlorinated Biphenyls TMDL**

The following sections establish the TMDL for total polychlorinated biphenyls including dioxin-like PCBs congeners (hereinafter referred to as PCBs) for the San Francisco Bay. The associated numeric target, allocations, and implementation plan are designed to ensure attainment of beneficial uses and water quality objectives for the San Francisco Bay.

*Problem Statement*

All segments of the San Francisco Bay have been identified as impaired due to elevated levels of PCBs in sport fish. Neither the narrative water quality objective, which states that controllable water quality factors shall not cause a detrimental increase in toxic substances found in bottom sediments or aquatic life, nor the numeric water quality objective of 0.00017 µg/L total PCBs in water is attained in the San Francisco Bay. The existing beneficial uses for commercial and sport fishing is not fully supported.

This TMDL addresses impairment of San Francisco Bay segments by PCBs. In the context of this TMDL, "San Francisco Bay" refers to all of the following water bodies:

- Sacramento/San Joaquin Delta (within Region 2)
- Suisun Bay
- Carquinez Strait
- San Pablo Bay
- Richardson Bay
- San Francisco Bay, Central
- San Francisco Bay, Lower (including)
  - Central Basin, San Francisco
  - Mission Creek
  - Oakland Inner Harbor (Fruitvale site)
  - Oakland Inner Harbor (Pacific Dry-Dock Yard 1 site) San Francisco Bay, South

This TMDL is intended to achieve protection of the commercial and sport fishing beneficial use and to the extent that other beneficial uses are affected by PCBs, the TMDL will also ensure protection of other beneficial uses, specifically, preservation of rare and endangered species, estuarine habitat and wildlife habitat.

***Numeric Target***

The numeric target (also referred to as the TMDL target) to protect both human health and wildlife is an average fish issue concentration of 10 micrograms total PCBs per kilogram of typically consumed fish, on a wet weight basis (10 µg/kg wet weight). Attainment of the total PCBs fish tissue numeric target will also protect human health and wildlife for dioxin-like PCBs.

Attainment of the fish tissue target for PCBs in San Francisco Bay will be initially evaluated by comparing the average total PCBs concentrations in the edible portion of two fish species,

white croaker (size class, 20 to 30 centimeters in length) and shiner surfperch (size class, 10 to 15 centimeters in length) to the target. Comparison of the fish target against these two species of fish is considered to be protective and provides a margin of safety for the TMDL, because PCBs concentrations in these species are the highest of the fish species measured and sport recreational fishers likely consume a variety of fish species, including those species with lower PCBs concentrations. As part of the adaptive implementation of this TMDL, the Water Board will require the collection of additional information regarding recreational and subsistence fishers' patterns of consumption and evaluate if fish species other than white croaker and shiner surfperch should be considered to evaluate attainment of the target.

The number of fish samples collected to determine compliance with the target will be based on guidance described in USEPA's Guidance for Assessing Chemical Contaminant Data for Use in Fish Advisories (EPA 823-B-00-007) and on the statistical power needed to demonstrate trends in total PCBs concentration over time.

### Sources

Sources of PCBs to fish and the water column of San Francisco Bay fall into two categories: (1) external sources including atmospheric deposition, Central Valley inflow, municipal and industrial wastewater discharges, and urban and non-urban stormwater runoff; and (2) internal sources, including movement or release of PCBs already in San Francisco Bay sediments, specifically, dredging and in-Bay disposal of dredged sediment, erosion of bay bottom sediment containing PCBs (bed erosion), and in-Bay contaminated sediment sites. These sources and estimates of associated loads are shown in Table A-1. Decreases of PCBs in San Francisco Bay occur via out-of-Bay dredge material disposal, natural attenuation, and outflow through the Golden Gate.

**Table A- 1 PCBs Sources and Current Loads to San Francisco Bay**

| Source Category                       | PCBs Loads            |
|---------------------------------------|-----------------------|
| Kilograms per year                    |                       |
| <b>External</b>                       |                       |
| Direct Atmospheric Deposition         | Net Loss              |
| Central Valley Watershed              | 11                    |
| Municipal Wastewater Dischargers      | 2.3                   |
| Industrial Wastewater Dischargers     | 0.035                 |
| Urban and Non Urban-Stormwater Runoff | 20                    |
| <b>Total</b>                          | <b>33<sup>a</sup></b> |
| <b>Internal</b>                       |                       |
| Sediment Dredging and Disposal        | Net Loss              |
| Bed Erosion                           | Not Quantified        |
| In-Bay Contaminated Sediment          | Not Quantified        |

a) Total differs from column sum due to rounding

### **Total Maximum Daily Load**

The TMDL for PCBs in San Francisco Bay is 10 kg/year. Calculation of the TMDL is based on two models: a food-web PCBs bioaccumulation model and a long-term fate mass balance model. The model results predict that attainment of the numeric target will occur when the total PCBs concentration in surface sediments in the Bay declines to one µg/kg, which will be achieved when loads from external sources are reduced to 10 kg/year.

### **Load and Wasteload Allocations**

Load allocations are presented in Table A-2 for source categories.

Individual wasteload allocations for municipal wastewater dischargers and industrial wastewater dischargers are presented in Table A-3 and Table A-4. Individual wasteload allocations for stormwater runoff to county-based watersheds are presented in Table A-5.

**Table A- 2 Load and Wasteload Allocations**

| <b>Source Category</b>  | <b>Allocations</b>        |
|---|---------------------------|
|   | <b>Kilograms per year</b> |
| <b>External</b>   |                           |
| Direct Atmospheric Deposition                                   | 0 <sup>a</sup>            |
| Central Valley Watershed  | 5                         |
| Municipal Wastewater Dischargers                                | 2                         |
| Industrial Wastewater Dischargers                               | 0.035                     |
| Stormwater Runoff   | 2                         |
| Stormwater Runoff Treatment by Municipal Wastewater Dischargers | 1                         |
| <b>Total</b>  | <b>10<sup>b</sup></b>     |

a) Zero allocation reflects overall net loss to the atmosphere

b) Total differs from column sum due to rounding

**Table A - 3 Individual Wasteload Allocations For Municipal Wastewater Dischargers**

| Permitted Entity   | NPDES<br>Permit | Allocations<br><br>kilograms per year |
|--|-----------------|---------------------------------------|
| American Canyon, City of                                   | CA0038768       | 0.002                                 |
| Benicia, City of   | CA0038091       | 0.009                                 |
| Burlingame, City of  | CA0037788       | 0.01                                  |
| Calistoga, City of   | CA0037966       | 0.002                                 |
| Central Contra Costa Sanitary District                     | CA0037648       | 0.1                                   |
| Central Marin Sanitation Agency                            | CA0038628       | 0.04                                  |
| Delta Diablo Sanitation District                           | CA0038547       | 0.04                                  |
| East Bay Dischargers Authority                             | CA0037869       | 0.3                                   |
| Dublin-San Ramon Services District (CA0037613)             |                 |                                       |
| Hayward Shoreline Marsh (CA0037702)                        |                 |                                       |
| Livermore, City of (CA0038008)                             |                 |                                       |
| Union Sanitary District, Wet Weather (CA0038733)           |                 |                                       |
| East Bay Municipal Utilities District                      | CA0037702       | 0.3                                   |
| East Brother Light Station                                 | CA0038806       | 0.00030                               |
| Fairfield-Suisun Sewer District                            | CA0038024       | 0.05                                  |
| Las Gallinas Valley Sanitary District                      | CA0037851       | 0.01                                  |
| Marin County Sanitary District, Paradise Cove              | CA0037427       | 0.00003                               |
| Marin County Sanitary District, Tiburon                    | CA0037753       | 0.002                                 |
| Millbrae, City of  | CA0037532       | 0.007                                 |
| Mt. View Sanitary District                                 | CA0037770       | 0.007                                 |
| Napa Sanitation District                                   | CA0037575       | 0.04                                  |
| Novato Sanitary District                                   | CA0037958       | 0.02                                  |
| Palo Alto, City of   | CA0037834       | 0.09                                  |
| Petaluma, City of  | CA0037810       | 0.02                                  |
| Pinole, City of  | CA0037796       | 0.009                                 |
| Contra Costa County, Port Costa Wastewater Treatment Plant | CA0037885       | 0.0001                                |
| Rodeo Sanitary District                                    | CA0037826       | 0.002                                 |
| Saint Helena, City of                                      | CA0038016       | 0.001                                 |
| San Francisco, City and County of,                         |                 |                                       |
| San Francisco International Airport WQCP                   | CA0038318       | 0.002                                 |
| San Francisco, City and County of, Southeast Plant         | CA0037664       | 0.3                                   |
| San Jose/Santa Clara WPCP                                  | CA0037842       | 0.4                                   |
| San Mateo, City of   | CA0037541       | 0.04                                  |
| Sausalito-Marin City Sanitary District                     | CA0038067       | 0.005                                 |
| Seafirth Estates   | CA0038893       | 0.00001                               |
| Sewerage Agency of Southern Marin                          | CA0037711       | 0.01                                  |
| Sonoma Valley County Sanitary District                     | CA0037800       | 0.01                                  |
| South Bayside System Authority                             | CA0038369       | 0.06                                  |
| South San Francisco/San Bruno WQCP                         | CA0038130       | 0.03                                  |
| Sunnyvale, City of   | CA0037621       | 0.05                                  |
| US Naval Support Activity, Treasure Island WWTP            | CA0110116       | 0.002                                 |
| Vallejo Sanitation & Flood Control District                | CA0037699       | 0.05                                  |
| West County Agency, Combined Outfall                       | CA0038539       | 0.05                                  |
| Yountville, Town of  | CA0038121       | 0.001                                 |
| <b>Total</b>   |                 | <b>2<sup>a</sup></b>                  |

a) Total differs from column sum due to rounding

**Table A - 4 Individual Wasteload Allocations for Industrial Wastewater Dischargers**

| Permitted Entity   | NPDES Permit | Allocations <sup>a</sup><br>kilograms per year |
|--|--------------|--|
| C&H Sugar and Crockett Community Services District.                  | CA0005240    | 0.00006  |
| Chevron Products Company   | CA0005134    | 0.003  |
| ConocoPhillips   | CA0005053    | 0.0006   |
| Crockett Cogeneration LP, and Pacific Crockett Energy, Inc.          | CA0029904    | 0.0006   |
| General Chemical   | CA0004979    | 0.0009   |
| GWF Power Systems, Site I  | CA0029106    | 0.0001   |
| GWF Power Systems, Site V  | CA0029122    | 0.0001   |
| Hanson Aggregates, Amador Street                                     | CA0030139    | 0.00003  |
| Hanson Aggregates, Olin Jones Dredge Spoils Disposal                 | CA0028321    | 0.00003  |
| Hanson Aggregates, Tidewater Ave., Oakland                           | CA0030147    | 0.00003  |
| Morton Salt  | CA0005185    | 0.00008  |
| Pacific Gas and Electric, East Shell Pond                            | CA0030082    | 0.00003  |
| Rhodia, Inc.   | CA0006165    | 0.0003   |
| San Francisco, City and Co., SF International Airport Industrial WTP | CA0028070    | 0.002  |
| Shell Oil Products US and Equilon Enterprises LLC                    | CA0005789    | 0.002  |
| Mirant Delta LLC, Pittsburg Power Plant                              | CA0004880    | 0.0008   |
| Mirant Potrero LLC, Potrero Power Plant                              | CA0005657    | 0.0003   |
| Tesoro Refining and Marketing Company                                | CA0004961    | 0.002  |
| The Dow Chemical Company   | CA0004910    | 0.0006   |
| USS-Posco  | CA0005002    | 0.02   |
| Valero Refining Company  | CA0005550    | 0.0007   |
| <b>Total</b>   |              | <b>0.035<sup>b</sup></b>                       |

- a) Wasteload allocations for industrial wastewater dischargers do not include mass from once-through cooling water. The Water Board will apply intake credits to once-through cooling water as allowed by law.
- b) Total differs from column sum due to rounding

**Table A- 5 County-Based Watershed Wasteload Allocations for Stormwater Runoff**

| <b>County<sup>b</sup></b>  | <b>Allocations<sup>a</sup></b> |
|----------------------------|--------------------------------|
|                            | <b>kilograms per year</b>      |
| Alameda                    | 0.5                            |
| Contra Costa               | 0.3                            |
| Marin                      | 0.1                            |
| Napa                       | 0.05                           |
| San Francisco <sup>c</sup> | 0.2                            |
| San Mateo                  | 0.2                            |
| Santa Clara                | 0.5                            |
| Solano                     | 0.1                            |
| Sonoma                     | 0.05                           |
| <b>Total</b>               | <b>2</b>                       |

<sup>a</sup> Allocations implicitly include all current and future permitted discharges within the geographic boundaries of municipalities and unincorporated areas within the County. Examples of discharges include but are not limited to California Department of Transportation (Caltrans) roadways and non-roadway facilities and rights-of-way, atmospheric deposition, public facilities, properties proximate to stream banks, industrial facilities, and construction sites.

<sup>b</sup> Includes unincorporated areas and all municipalities in the county that drain to the Bay and are part of the San Francisco Bay Region.

<sup>c</sup> Does not account for treatment provided by San Francisco's combined sewer system. The treatment provided by the City and County of San Francisco's Southeast Plant and Northpoint Wet Weather Facility (NPDES permit CA0037664) will be credited toward meeting the allocation and load reduction.

### ***Implementation Plan***

The implementation plan includes three general implementation categories: control of external loadings of PCBs to the Bay, control of internal sources of PCBs within the Bay, and actions to manage risks to Bay fish consumers. In addition, the plan includes monitoring to measure attainment of the numeric target and load allocations, and measuring implementation progress. The plan will be implemented in phases via an adaptive implementation strategy founded on requiring actions in each category based on the current state of knowledge of PCBs sources and control measures, while also conducting studies to improve our understanding of PCBs sources, control options, and fate in the environment.

#### **External Sources**

This section, organized by source categories, specifies actions required to achieve allocations and implement the TMDL.

#### ***Central Valley Watershed***

Sediments entering the Bay from the Central Valley have lower concentrations of PCBs than in-Bay sediment. Major mass loading events that occur during episodic high flow conditions generally flow directly out of the Bay through the Golden Gate. It is anticipated that the Central Valley allocation will be attained through natural attenuation.

#### ***Municipal and Industrial Wastewater Dischargers***

Wasteload allocations shall be implemented through NPDES permits that require implementation of best management practices to maintain optimum treatment performance for

solids removal and the identification and management of controllable sources. NPDES permits shall include effluent limits based on current performance and a requirement for quantification of PCBs loads to the Bay in order to determine attainment of the wasteload allocations. Compliance with effluent limits shall be determined using a Title 40, Code of Federal Regulations, Part 136 analytical method (effective as of April 25, 2007). In addition, municipal and industrial wastewater dischargers will be required to support actions to reduce the health risks of people who eat PCBs-contaminated, San Francisco Bay fish and to conduct or cause to be conducted monitoring, and studies to fill critical data needs identified in the adaptive implementation section.

It is the Water Board's intent to implement individual wasteload allocations via numeric water quality-based effluent limitations for PCBs in NPDES permits. These limits shall represent individual dischargers' PCBs loads, consistent with the underlying assumptions and requirements of the wasteload allocations. In the absence of actual discharge performance data sufficient to calculate such limits, the Water Board will apply appropriate uncertainty factors to the individual wasteload allocations.

Dischargers shall also be required to conduct sufficient monitoring of their effluent, which accounts for discharge variability and blended effluent, to enable calculation of current PCBs loading. These requirements will be implemented via NPDES permits or the Water Board's authority under Section 13267 of the California Water Code, such that monitoring begins no later than January 2009 and is completed in a timely manner.

#### ***Stormwater Runoff***

Stormwater runoff wasteload allocations shall be achieved within 20 years and shall be implemented through the NPDES stormwater permits issued to stormwater runoff management agencies and the California Department of Transportation (Caltrans). The urban stormwater runoff wasteload allocations implicitly include all current and future permitted discharges, not otherwise addressed by another allocation, and unpermitted discharges within the geographic boundaries of stormwater runoff management agencies including, but not limited to, Caltrans roadway and non-roadway facilities and rights-of-way, atmospheric deposition, public facilities, properties proximate to stream banks, industrial facilities, and construction sites.

Requirements in each NPDES permit issued or reissued, shall be based on an updated assessment of best management practices and control measures intended to reduce PCBs in urban stormwater runoff. Control measures implemented by stormwater runoff management agencies and other entities (except construction and industrial sites) shall reduce PCBs in stormwater runoff to the maximum extent practicable. Control measures for construction and industrial sites shall reduce discharges based on best available technology economically achievable. All permits shall remain consistent with Section 4.8 - Stormwater Discharges.

In the first five-year permit term, stormwater permittees will be required to implement control measures on a pilot scale to determine their effectiveness and technical feasibility. In the second permit term, stormwater permittees will be required to implement effective control measures, that will not cause significant adverse environmental impacts, in strategic locations, and to develop a plan to fully implement control measures that will result in attainment of allocations, including an analysis of costs, efficiency of control measures and an identification

of any significant environmental impacts. Subsequent permits will include requirements and a schedule to implement technically feasible, effective and cost efficient control measures to attain allocations. If, as a consequence, allocations cannot be attained, the Water Board will take action to review and revise the allocations and these implementation requirements as part of adaptive implementation.

In addition, stormwater permittees will be required to develop and implement a monitoring system to quantify PCBs urban stormwater runoff loads and the load reductions achieved through treatment, source control and other actions; support actions to reduce the health risks of people who consume PCBs-contaminated San Francisco Bay fish; and conduct or cause to be conducted monitoring, and studies to fill critical data needs identified in the adaptive implementation section.

Stormwater runoff management agencies have a responsibility to oversee various discharges within the agencies' geographic boundaries. However, if it is determined that a source is substantially contributing to PCBs loads to the Bay or is outside the jurisdiction or authority of an agency the Water Board will consider a request from an stormwater runoff management agency which may include an allocation, load reduction, and/or other regulatory requirements for the source in question.

#### *Urban Stormwater Runoff Treatment by Municipal Wastewater Dischargers*

Routing of urban stormwater runoff through municipal wastewater treatment facilities may be an efficient means of reducing PCBs, and other particle-associated contaminant loads to the Bay. This load allocation shall be implemented through a permit. Within five years of adoption of this TMDL, the Water Board will consider issuance of a permit under which municipal wastewater dischargers can apply for a portion of this reserved allocation.

#### Internal Sources

##### *In-Bay PCB-Contaminated Sites*

A number of former industrial and military sites adjacent to PCBs-enriched sediment are found throughout the Bay. This TMDL does not require any specific party to implement new actions for in-Bay PCB-contaminated sites. However, cleanup of these sites is a Water Board priority and many cleanups are underway. The Water Board will maintain an inventory of contaminated sites and continue to set priorities for investigating and remediating the sites. The existing list of in-Bay PCB-contaminated sites referred to in this TMDL is based on data collected under the Bay Protection Toxic Cleanup Program, which identified sites with total PCBs in sediment that exceed 180 µg/kg. This TMDL does not set a cleanup level for total PCBs in sediment. The fish tissue target of 10 µg/kg and the sediment goal of one ug/kg are not cleanup standards, nor should they be considered appropriate, or relevant, and applicable requirements (ARARs) or a "to-be-considered" ARAR under the National Contingency Plan, 40 CFR Part 300 et. Seq. or the 1986 Superfund Amendments and Reauthorization Act. An analysis of the feasibility, technical practicability, and potential environmental impacts of individual clean-up actions is currently required prior to conducting cleanup of contaminated in-Bay sediment overseen by the Water Board and the Department of Toxic Substances Control and will continue to be required, notwithstanding this TMDL. The Water Board has

the authority to approve, disapprove or condition these projects to minimize adverse environmental impacts while achieving the goals of environmental cleanup.

The Water Board will coordinate cleanup actions with the U.S. EPA and the Department of Toxic Substances Control, and advise them that the fish tissue target and sediment goal do not constitute cleanup standards for ARARs. The Water Board will issue cleanup orders as necessary. The Water Board will require responsible parties for each specific Bay margin contaminated site to:

1. Estimate the pre-cleanup and post-cleanup vertical and lateral extent of PCBs in Bay sediments;
2. Estimate the pre-cleanup and post-cleanup mass of PCBs in Bay sediments;
3. Quantify rate(s) of sediment accretion, erosion or natural attenuation;
4. Implement on-land source control measures, if necessary, to ensure that on-land sources of PCBs do not further contaminate in-Bay sediments;
5. Evaluate post-cleanup, the residual risks to humans and wildlife;
6. Support actions to reduce the health risks of people who consume PCBs-contaminated San Francisco Bay fish;
7. Conduct or cause to be conducted studies to fill critical data needs identified in the Adaptive Implementation section.

These requirements shall be incorporated into relevant site investigation plans within five years of the effective date of this TMDL, and the actions shall be fully implemented within ten years of the effective date of this TMDL or as agreed to in the individual site investigation plan.

#### ***Navigational Dredging***

The PCBs concentration in dredged material disposed of in the Bay shall not exceed the 99<sup>th</sup> percentile PCBs concentration of the previous 10 years of Bay sediment samples collected through the RMP (excluding stations outside the Bay like the Sacramento River, San Joaquin River, Guadalupe River and Standish Dam stations). Prior to disposal, the material shall be sampled and analyzed according to the procedures outlined in the 2001 U.S. Army Corps of Engineers document "Guidelines for Implementing the Inland Testing Manual in the San Francisco Bay Region." All in-Bay disposal of dredged material shall comply with Section 4.20, entitled Dredging and Disposal of Dredged Sediment, including the Long Term Management Strategy. Additionally, dredged material dischargers will be required to conduct or cause to be conducted studies to fill critical data needs identified in the Adaptive Implementation section.

#### **Risk Management**

Load reductions and attainment of the numeric target to support fishing in the Bay as a beneficial use will take time to achieve. However, there are actions that should be undertaken prior to achievement of the numeric fish tissue target to help manage the risk to consumers of PCBs-contaminated fish. The Water Board will work with the California Office of Environmental Health Hazard Assessment, the California Department of Toxic Substances

Control, the California Department of Public Health, dischargers, and interested parties to pursue risk management strategies. The risk management activities will include the following:

- Investigating and implementing actions to address the public health impacts of PCBs in San Francisco Bay/Delta fish, including activities that reduce the actual and potential exposure of, and mitigate health impacts to, people and communities most likely to be consuming PCB-contaminated fish from San Francisco Bay, such as recreational and subsistence fishers and their families;
- Providing multilingual fish-consumption advice to the public to help reduce PCBs exposure through community outreach, broadcast and print media, and signs posted at popular fishing locations;
- Regularly informing the public about monitoring data and findings regarding hazards of eating PCB-contaminated fish; and
- Conducting special studies needed to support health risk assessment and risk communication, including the collection of additional information regarding recreational and subsistence fishers' patterns of consumption.

#### **Critical Data Needs**

Additional data and other information will be needed to assess both the progress toward attainment of the fish tissue target and to evaluate the need for modifications to the implementation plan, TMDL, and/or allocations. Dischargers will be required to conduct or cause to be conducted the following studies to fill critical data needs.

- PCBs mass budget modeling and food web model improvements – Model refinements to improve our ability to predict recovery rates of the Bay from impairment by PCBs, to help strategically focus implementation actions on those actions with the most potential for success, and to help better our understanding of the role in-Bay PCBs-contaminated sites play in the Bay's recovery.
- Rate of natural attenuation of PCBs in the Bay environments –A better understanding of local rates of natural attenuation in order to predict with more certainty the recovery time of the Bay.

#### **Monitoring**

Monitoring to demonstrate progress toward attainment of the TMDL target shall be conducted by maintaining discharger-funded RMP monitoring of PCBs in San Francisco Bay fish, sediments, and water at a spatial scale and frequency to track trends in the decline of PCBs in the Bay. Monitoring of load allocations to demonstrate progress towards attainment shall be conducted by municipal and industrial wastewater dischargers and stormwater permittees as discussed in external sources above.

Continued regular monitoring of PCB loads from the Central Valley and other tributaries to the Bay shall be conducted by maintaining discharger-funded RMP monitoring in order to provide information on the long term decline of PCBs to the Bay and to confirm the assumption that Central Valley loads are being reduced due to natural attenuation. Monitoring of loads allocated to other sources will be considered as part of the RMP special studies.

### Adaptive Implementation

Adaptive implementation entails taking actions commensurate with the existing, available information, reviewing new information as it becomes available, and modifying actions as necessary based on the new information. Taking action allows progress to occur while more and better information is collected and the effectiveness of current actions is evaluated. Accordingly, this TMDL will be implemented in phases starting with actions described in each source category, risk management, monitoring, and critical data needs section above with subsequent modifications and phases based on improved knowledge of PCBs sources, control measures, and fate in the environment,

The Water Board will adapt the TMDL and implementation plan to incorporate new and relevant scientific information such that effective and efficient measures can be taken to achieve the allocations and numeric fish tissue target. The Water Board staff will present an annual progress report to the Water Board on implementation of the TMDL that includes evaluation of new and relevant information that becomes available through implementation actions, monitoring, special studies, and the scientific literature. Within ten years of the effective date of the TMDL, Water Board will consider a Basin Plan amendment that will reflect and incorporate the data and information that is generated in the intervening years. The Water Board will consider amending the PCBs TMDL and implementation plan as necessary to ensure attainment of water quality standards in a timely manner while considering the financial and environmental consequences of new control measures.

In particular, achievement of the allocations for stormwater runoff, which is projected to take 20 years, will be challenging. Consequently, the Water Board will consider modifying the schedule for achievement of the load allocations for stormwater runoff provided that dischargers have complied with all applicable permit requirements and accomplished all of the following:

- A diligent effort has been made to quantify PCBs loads and the sources of PCBs in the discharge;
- Documentation has been prepared that demonstrates that all technically and economically feasible and cost-effective control measures recognized by the Water Board have been fully implemented, and evaluates and quantifies the PCBs load reduction of such measures;
- A demonstration has been made that achievement of the allocation will require more than the remaining 10 years originally envisioned; and
- A plan has been prepared that includes a schedule for evaluating the effectiveness and feasibility of additional control measures and implementing additional controls as appropriate.

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10/15/09

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2009 OCT 15 PM 12:03

Dear Mayor Reed and members  
of the City Council,

I want you to make  
a public proclamation NOT to take  
the flu shot or the Swine Flu Shot.

Dr. Stanley Monteith was interviewed  
on the Alex Jones Show last week and  
he said that the Swine Flu Shot has squalen  
in it which has killed 80,000 of our Gulf War  
Vets.

Squalen is an illegal drug that the FDA  
says is dangerous.

For more information, go to [Radioliberty.com](http://Radioliberty.com)

Sincerely in Christ,  
Mark Froot

David S. Wall  
P.O. Box 7621  
San José, California 95150  
Phone / Fax (408)-295-5999

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October 15, 2009

2009 OCT 15 P 4: 32

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Inform City Employees of budget cuts and layoffs before holiday season. (#8)**

**City Employees not given "timely financial status" of the City. Why?**

**Is consolidation of City services under way?**

I have now requested, for the *eighth time*, that City employees be notified of the next series of layoffs *before* the holiday season.

**City employees deserve better treatment by the Office of the City Manager.**

So far, "No" definitive warnings have been tendered to employees and "No" specifics as to percentages of employee job loss by Department is publically discussed. Why?

Reported in the San José Mercury News, Business section (10.14.09), "*Foreclosure in valley dip again as notices of default continue up*" does not tell the complete story. Lending institutions are delaying many foreclosures because they do not want the liabilities to maintain the properties. Especially, as local municipal Code Enforcement activities are racking up justifiable fines against them for blight.

Reported in the San José Mercury News, Business section (10.15.09), "*Foreclosure filings jump 5% in latest quarter nationwide*" is a warning indicator that a Tsunami of "foreclosures" is well on its way. Let us not forget all those foolish Redevelopment Agency, high density residential projects, that will go "belly up" at some time along with condos and other "commercial paper" housing projects.

**As property and sales tax revenues to the City continues to plummet, the rate of collapse of the General Fund will exacerbate the demise of most City jobs.**

*YOU can help mitigate the ramifications of financial hardships by being forthright with the financial realities facing City coffers and by giving direction to the Office of the City Manager to do the following:*

1. Inform City employees as to the intentions of the administration as the financial conditions worsen and specifics on how the layoffs will be prioritized. Now.
2. Create menus of options to protect City employees and their healthcare benefits for Council to discuss and debate within one week and every week thereafter until all hope is lost.

**Today is Thursday, October 15th.**

*Respectfully submitted,*

*David S. Wall*  
10.15.09

Cc: City Attorney / City Auditor / City Manager

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October 15, 2009

2009 OCT 15 P 4: 31

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Deficit Reduction: Eliminate position of "Senior Policy Advisor-Public Safety".**

**Has anyone told the Mayor that San José is broke?**

**Mayor must rely on Police and Fire Departments for "Public Safety Advice".**

Way back in July, July 2, 2009, the San José Mercury News reported, "*Sheriff's deputy to advise San José mayor*". The position was and still is, "**Senior Policy Advisor-Public Safety**".

The position pays, according to the San José Mercury News, "\$122,891". This is lot of cash when the Mayor has the Police and Fire departments to give timely and professional advice on "Public Safety" matters.

Does the City need the position of "**Senior Policy Advisor-Public Safety**"?

No, not way back in July and certainly not now; the City was and still is broke.

**The position should be eliminated.** Some savings should be repatriated back to the General Fund and an investment should be structured to revive the City "Tree Crews" at the Department of Transportation.

The City is facing the worst deficit in its history. Compounded with the wreckage of national and local economies is the ongoing financial demise to its tax base. The looming prospects for the worst layoffs in City history is all but a "done deal".

But, if the position of "**Senior Policy Advisor-Public Safety**" is to "smooth the ruffled feathers" of the fringe element or the malcontents and their camp followers to "get votes", that is a different story all together. But, the taxpayers should not have to pay for that crap.

And...what are we paying the mayor for, to make decisions based on the "advice" from a highly paid and benefited "advisor"? I want my tax money back.

It is fiscal blasphemy to have anyone but the San José Police and Fire Departments advise the Mayor and Council on All matters relating to "Public Safety".

*Respectfully submitted,*

David S. Wall  
10.15.09

**Cc: City Attorney / City Auditor / City Manager**

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October 14, 2009

2009 OCT 15 P 4: 31

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Arzino Ranch Demolition Project; was Council deceived?**

**Council voted for \$506,000 for demolition on Tuesday, (10.06.09) but, price fell to \$180,000.**

**Why the \$326,000 drop in the cost to demolish the Arzino Ranch?**

**Why do the taxpayers have to pick up the tab in the first place?**

**Dare I speculate substandard management at ESD is to blame? I do so dare.**

The Arzino Ranch located within the property boundaries of the San José / Santa Clara Water Pollution Control Plant (WPCP) is slated for demolition.

If a citizen was at the San José City Council meeting on Tuesday, (10.06.09), the citizen would have seen Council vote to authorize the expenditure of \$506,000 to demolish the Arzino Ranch.

During the same meeting, I proposed that this demolition project could offer "training opportunities for; WPCP / Department of Transportation (DOT) heavy equipment operators and regional agency disaster preparedness cooperation. I also reiterated my proposal, in writing, to TPAC.

On Thursday, (10.08.09) at the Treatment Plant Advisory Committee (TPAC) meeting, one of The five (5) Deputy Directors at ESD said the demolition work for the Arzino Ranch could be done for \$180,000. Less than the previously authorized amount of \$506,000, a lot less, \$326,000 less than the San José City Council authorized on the October 6, 2009 Agenda (Consent Calendar, Item 2.7).

Why the \$326,000 drop in just two days?

Why do the taxpayers have to pay to "clean up" and demolish the Arzino Ranch?

What are the reasons why ESD personnel did not monitor the status of this segment of the San José / Santa Clara Water Pollution Control Plant (WPCP) property under City (ESD) control?

Why did it take Code Enforcement to effect legal remedy and not oversight by ESD senior management? Maybe a sixth Deputy Director Position at ESD is needed?

*Too many questions and a \$326,000 drop in the cost for demolition in just two days has me wondering if the San José City Council was deceived as to the cost of this demolition project.*

Could WPCP and D.O.T. still do the demolition work cheaper than contractors? Yes.

Could the Hazardous Materials specialists of the San José Fire Department oversee the environmental work?  
Yes.

*Respectfully submitted,*

**Cc: City Attorney / City Auditor / City Manager  
Members Treatment Plant Advisory Committee (TPAC)**

*David S. Wall  
10.14.09*

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October 15, 2009

2009 OCT 15 P 4:31

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Team San José, Inc. and Taxi San José; is there a "Conflict of Interest"?**

**Council Control of All aspects of the "Downtown economy" an issue?**

**Is there the specter of "Tribute" or... "Payola"?**

Item I (3) on the Wednesday (10.14.09) agenda, for the RULES AND OPEN GOVERNMENT COMMITTEE meeting, concerned itself with "Taxicab Driver Permits".

Mayor Reed, Councilmember Kalra and Councilmember Liccardo authored a memorandum (dated 10.06.09) that is worthy to read for it reveals an attempt to control the number of Taxicab driver permits and a possible "Conflict of Interest" between Team San José, Inc. and Taxi San José.

The formulation for the number of Taxicab driver permits will "regulate the Taxicab businesses". Some will be "enriched" by the policy and some "will go broke". Whether or not the full Council will "butt into the arguments" proposed by the aforementioned signatories to the memo is yet to be determined. Many Taxicab drivers voiced their opposition to the scheme.

Now, that was just part of the controversy.

The issue of "Team San José, Inc. chairman and President and CEO of the San José Convention & Visitors Bureau (SJCVB)" is also mentioned in the aforementioned memo, as "Taxi San José Chairman".

Do these "multiple roles" constitute a "Conflict of Interest"?

Do these "multiple roles" constitute, "intentions to control" several aspects of the "Downtown economy" which are material and will enrich a select few?

Will the "prevailing Taxicab businesses" have to pay "tribute" or "payola" for the right to operate in San José or will the price be "nothing at all"?

Another controversy for the taxicab Companies was the "entitlement" program for rights to San José International Airport.

**Where is the competitive bidding for these very lucrative Airport Taxicab permits?**

Is this another aspect of "control of the downtown economy"?

To be continued.

*Respectfully submitted,*

*David S. Wall*  
*10.15.09*

**Cc: City Attorney / City Auditor / City Manager**

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2009 OCT 15 P 4: 30

October 14, 2009

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Should City of Milpitas institute imminent domain proceedings against McCarthy?**

**Should the City of Milpitas be compelled to treat its own sewage?**

**Moratorium on Sewer Service should be a "regional mandate".**

**There is No sustainable water supply to support anymore housing projects.**

I think it is safe to say, there is not one regional government official that supports a mandatory sewer service moratorium. It is not because they do not understand that there is a looming catastrophe in the making, concerning the lack of a sustainable water supply, it is because their only concern is to remain in public office.

The City of Milpitas, whose Mayor is the Vice-Chair of the Treatment Plant Advisory Committee (TPAC) wishes that the City of San José would permit Mr. McCarthy to develop his property which is adjacent to the San José / Santa Clara Water Pollution Control Plant (WPCP).

Even though no discussion as to the sustainability of the local water supply was discussed, the planned residential housing project would be inadvisable for a number of reasons. Chief amongst them is the cost to the service area of WPCP to remedy "odor problems" that residents would object to, (whether or not they could smell anything but, initiate lawsuits anyway).

The Mayor of Milpitas asserts that this "development" is material to solving the City of Milpitas's structural deficit.

Mayor Reed and others agree with **Mayor Livengood**...to an extent.

But, the discussion fails to address whether or not the City of San José insist that the City of Milpitas treat its' own sewage or use its' power of imminent domain to quash, for all time, any more residential housing projects that threaten WPCP's current methodology for drying sludge.

The current methodology for "drying sludge" is solar evaporation of the water which has been done for decades. To reconfigure the sludge drying operation is cost prohibitive and unwise.

What would be cheaper, more technologically and environmentally sound is to build an entirely new sewage treatment plant to replace the current antiquated facility. This idea was not discussed.

**All residential housing projects should be prohibited because of a lack of a sustainable water supply.**

*Respectfully submitted,*

**Cc: City Attorney / City Auditor / City Manager**

*David S. Wall*  
10.14.09

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October 14, 2009

2009 OCT 15 P 4: 30

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Rich farmer got to speak, old poor farmer denied. It "pays" to be "rich".**

**McCarthy Property Status at TPAC causes S.J. Officials to scratch their heads and backsides.**

**Mayor Reed, Chairman of TPAC demonstrates lack of knowledge of WPCP operations.**

**San José braces for costly changes to "sludge drying" and "odor management" issues.**

There is nothing like the once a month meeting of the Treatment Plant Advisory Committee (TPAC). TPAC is just an "advisory meeting" concerning projects and operations associated with the San José / Santa Clara Water Pollution Control Plant (WPCP).

Membership includes; three (3) local Mayors, three (3) local Council members, One (1) Santa Clara County supervisor, a San José Deputy City Manager and a representative of the Cupertino Sanitary District.

Even though it is a "public meeting" it is rare to see all but one citizen in regular attendance to witness; the millions, tens of millions and over the years, hundreds of millions of taxpayer dollars allocated to WPCP.

At the Thursday, (10.08.09) meeting, Item 3(A) on the TPAC agenda, the "McCarthy Property Status" was given much fanfare and discussion. At issue, was the lingering proposal by Mr. McCarthy to develop his property that is adjacent to WPCP for a residential housing project though the rights to develop this property were previously conveyed through a written instrument some years ago.

Of concerned to all the politicians on TPAC was the issue of lawsuits emanating from the owners or occupiers of this proposed housing project who object to the odors associated with a sewage treatment plant. The necessity to change the way "sludge is dried" was the chief concern. Other "odors" were not discussed.

During the discussion, Mr. McCarthy was permitted to publically address TPAC. No other public testimony was solicited or provided for by the Chairman of TPAC, Mayor Reed, on this issue.

Considering, that the implications could cost a minimum of \$500,000,00 (five hundred million) dollars and the politicians could not fathom where the money could come from, it would have been prudent to ask for public comment. Public comment was not asked for nor were there any "request to speak cards".

Mayor Reed has been "cutting corners" on the "public comment protocol" of late and the reasons are not stated and remain unclear. "Open government" is highly respected by Mayor Reed.

The "poor farmer" in the room did speak later, on Item 8 of the aforementioned agenda. Only to remind Mayor Reed what he had told his honor a couple of years ago; structural changes and reformulation to the SEWER SERVICE & USE CHARGE must occur to raise revenue as well as the issue of eminent domain.

The old poor farmer had to watch his words so as to not be "out of order", for the "McCarthy Property Status" had been previously discussed. Sometimes it's tough to be old and poor.

*Respectfully submitted,*

**Cc: City Attorney / City Auditor / City Manager  
Members Treatment Plant Advisory Committee (TPAC)**

*David S. Wall  
10.14.09*

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PUBLIC RECORD K

RECEIVED  
San Jose City Clerk

October 15, 2009

2009 OCT 15 P 4: 29

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Make Developers of "Affordable Housing Slums" pay for Parks!**

**Deny deferral of Parkland Dedication / Park Impact Fees to 11.23.09 at C.E.D.**

**Investigate why Developers get "the sweet deal".**

**Dump the Housing Department Administration and Strip Housing of General Fund Support.**

"Affordable Housing" has become the worst case of misrepresentation (along with the reclaimed water project) that the San José taxpayers will pay dearly for over many years to come.

Billed as a "cure all" to address housing needs of those that otherwise would have to move somewhere else, "Affordable Housing" is nothing short of a variation of a communist manifesto.

The only ones to benefit from these "slums" are; Developers, Politicians, the highly over paid and benefited Housing Department Administrators as well as those who get taxpayer subsidized housing.

Taxpayer subsidized housing projects (a.k.a. government housing projects) will eventually collapse. The foreign borrowed money will run out. They cause blight, pollution and rampant crime.

And these worthless projects from Hell have been getting away without having to pay for Parkland Dedication / Park Impact Fees for decades.

Now, there is a request on the COMMUNITY AND DEVELOPMENT COMMITTEE AGENDA (Consent Calendar C (2)) for Monday's (10.26.09) meeting to defer, "Review of the City's policy exempting Affordable Housing from payment of Parkland Dedication / Park Impact Fees".

The old political trick of placing a hot button issue on an agenda the day before the Thanksgiving Holiday is being hoisted on the taxpayers again. Most people will have already taken leave for the holiday and won't even know they have been had, again.

It is way past time to eliminate this "freebie" for developers and their friends at Housing.

**DENY THIS DEFERAL AND MAKE A DECISION.**

*Respectfully submitted,*

*David S. Wall*  
10.15.09

**Cc: City Attorney / City Auditor / City Manager**

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PUBLIC RECORD 1

RECEIVED  
San Jose City Clerk

October 15, 2009

2009 OCT 15 P 4: 29

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: THE GHETTO LIFE: UPDATE ON THE SCEP**

On Wednesday, (10.14.09) approximately 0811 hours, I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station and found six (6) stolen and abandoned shopping carts.

*A 200% increase as to the number of stolen and abandoned shopping carts is hereby recorded.*

The garbage behind the control box for the railroad crossing barricade is still present. The heavy rain has kept the flies to a minimum. There is Gangster graffiti on the control box for the railroad crossing barricade and on an "illegal sign on the chain link fence. Photographs were taken.

**Ownership of the stolen and abandoned shopping carts is as follows;**

**(No "plastic zip tied" carts with Julian dates present). Has Code Enforcement abandoned this procedure?**

Safeway (2), Trader Joe's (2), Home Depot (1) and Chavez Supermarket (1).

**\*\*\*special note\*\*\*** the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy".

**No interviews this week.**

Although, there were several people sighted "way down" on the tracks.

Manuel's chickens took umbrage at my comment last week that I make a tasty barbeque sauce. I told them not to worry and for them to stay on their side of the fence.

All is good in the Ghetto hood.

*Respectfully submitted,*

*David S. Wall*  
*10.15.09*

///

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RECEIVED  
San Jose City Clerk

October 15, 2009

2009 OCT 15 P 4: 29

Mayor Reed and Members San José City Council  
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**Re: Deficit Reduction: Streamline Bureaucracy by "Flattening the Organization".**

**Dissolve Planning Building and Code Enforcement.**

**Reassign the remnants of "Planning" to Public Works.**

**Reassign the remnants of "Building" to General Services.**

**Reassign "Code Enforcement" to Police.**

In my opinion, PBCE has been "top heavy" in mid level management since its inception. Not to mention a nest of "conflicts of interest" resulting from Planners, Code Enforcement, Building Inspectors and the permitting processes under one roof.

Public Works is the ideal place for the remnants of City Planners. Since planning involves land use issues with infrastructure design, construction and maintenance material to Public Works, this is an ideal fit. There is not going to be much "planning" for *the City to support retention of the PBCE management model.*

One of the greatest losses to date in the City workforce has been the loss of our valued Building Inspectors. The remnants of this group would have a new home in General Services. At General Services their mission would not be encumbered by the "politics of conflicts of interests" currently associated with PBCE. Due to the dwindling numbers of them, *the City cannot support retention of the PBCE management model.*

Considering the losses of the Planners and the Building Inspectors, it follows that Code Enforcement will need a new home because *the City cannot support retention of the PBCE management model.*

Code Enforcement also has been a perennial problem. Rife with the ramifications of a disjointed management system and corresponding inefficiencies, a more efficient and cohesive unit could be realized under the command structure of the San José Police.

Police could use Code Enforcement Inspectors more effectively to enforce municipal codes and to deter crime. In house citation processing would be more efficient.

As to the fate of the remaining upper and mid level managers of PBCE, I will leave you with a quote from the first (and late) Director of Environmental Services Department.

"David, it is a fact of organizational life that some people lose their jobs."

-Director Louis N. Garcia (circa 1994)

Respectfully submitted,

Cc: City Attorney / City Auditor / City Manager

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10.15.09

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RECEIVED  
San Jose City Clerk

October 15, 2009

2009 OCT 15 P 4: 28

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Mayor Reed's \$27,237.50 "voluntary pay cut" remains the "Leadership Standard"!**

**Outstanding Leadership by Mayor Reed in Deficit Reduction is to be heralded to the heavens!**

**Office of City Manager's "pay cut" remains the "Piker's Standard of Shame"!**

At Wednesday's (10.14.09) RULES AND OPEN GOVERNMENT COMMITTEE meeting, Mayor Reed was once again "Thanked" for his voluntary \$27,237.50 pay cut.

In any economic time, be it feast or famine, to voluntarily "give back" \$27,237.50 of one's hard earned pay for the good of the organization and in this case, for the good of the taxpayers is exceptional. And unfortunately, there is no equal forbearance from Council contemporaries.

What is also shameful is the lack of the "pay cut spirit" demonstrated by the excessively over paid and benefited Office of the City Manager. The scant "3.75 %" pay cut is "the Piker's pennies".

But, let us not revel in trifling matters of non equity of performance by the Office of the City Manager in trying to equal Mayor Reed's leadership.

Let us provide a positive opportunity for the City Manager, in this case, to sweeten the sour waters by donating the 872.9870 hours of sick time accrued as of December 22, 2001.

Most employees when they separate from service are either paid for their sick time or they "lose it". Not so with the City Manager. How is this possible after six and a half years of separation?

The 872.9870 hours of sick time accrued, as of December 22, 2001, was at a different pay grade than that of City Manager today. Better rate of interest than a bank account?

Thus, a couple of questions are reasonable; like why was not the sick time balance paid off in the first place?

Why was the 872.9870 sick time hours kept "floating in administrative ether"?

And why doesn't the City Manager just give those juicy 872.9870 sick time hours back to the taxpayers?

Mayor Reed still sets the standard for leadership at City Hall and should be routinely "Thanked" for his deficit reduction efforts.

**Cc: City Attorney / City Auditor / City Manager**

*Respectfully submitted,*

*David S. Wall*  
10.15.09