



COUNCIL AGENDA: 2-15-05  
ITEM: 2.7

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Carl W. Mosher

**SUBJECT:** CLEAN BAY STRATEGY REPORT    **DATE:** 1-26-05

Approved

Date

2/3/05

## RECOMMENDATION

Approve the annual report on San José/Santa Clara Water Pollution Control Plant (Plant) watershed protection activities, including update on the South Bay Action Plan, Contingency Plan, and Pollutant Prevention and Minimization Plan, as required by the Plant's National Pollutant Discharge Elimination System (NPDES) permit.

## BACKGROUND

As lead agency of a Joint Powers Authority, the City of San Jose (City) operates the San José/Santa Clara Water Pollution Control Plant under a complex set of regulatory requirements and issues. The Plant treats wastewater from a 300 square mile service area serving 1.4 million residents and 16,000 businesses, including many of the leading computer and electronics manufacturing companies that make up "Silicon Valley."

The current Plant permit, Order No. R2 2003-0085, requires that periodic reports on the Plant's watershed protection activities be submitted to the San Francisco Bay Regional Water Quality Control Board (Water Board) in February of each year. The report utilizes a format that includes separate stand-alone sections for each program.

## REPORT IN BRIEF

The City's integrated watershed protection approach to water quality, called the Clean Bay Strategy, considers all factors influencing water quality in the South Bay and seeks to address environmental problems in the most cost-effective manner.

The attached 2005 Clean Bay Strategy Report includes:

**The South Bay Action Plan** is a summary of the activities and achievements in reducing flow to the South Bay for the period January 1, 2004 to December 31, 2004. During the 2004 dry weather season, the Plant discharged an average of 97.5 million gallons per day (mgd) well below the 120 mgd salt marsh flow trigger for the seventh consecutive year. The City's successful water recycling and water conservation programs initially played a major role in reducing flow, but the level has been driven even lower for the past four years by the sluggish economy. In order to maintain flows below the trigger as the economy improves and to maximize the City's decade long investment in recycled water, the South Bay Water Recycling Program continues to look for opportunities to cost-effectively expand the system and improve service. One such effort is collaboration with the Santa Clara Valley Water District that funded the construction of the Silver Creek Pipeline serving the Metcalf Energy Center. Construction of the Silver Creek pipeline was completed in 2004. Further collaboration with the Santa Clara Valley Water District is underway to explore options for utilizing the pipeline to serve customers south of MEC, including Coyote Valley. Construction of the New Civic Center pipeline began in 2004 and is expected to deliver up to 1 mgd of recycled water to San Jose's new civic center, new main library, and San Jose State University by mid 2005.

Salt marsh habitat protection is a key element of San Jose's watershed protection efforts. In December 2004, the City successfully completed negotiation and execution of an alternate mitigation agreement with the Water Board, U.S. Fish and Wildlife Service, California Department of Fish and Game and the Peninsula Open Space Trust to provide \$650,000 to the Resource Agencies in lieu of the requirement to restore the Moseley Tract. This agreement represents the final step to fulfill all historical (through June 2002) mitigation requirements placed on the Plant for endangered species impacts related to the discharge of fresh water on salt marsh habitat. The City maintains ownership of the Moseley Tract, originally purchased for wetlands restoration in 1996, and is continuing to work with Caltrans and resource agencies on development of a restoration that also resolves outstanding drainage issues.

In addition, the City continues to actively participate in regional planning and management efforts such as the South Bay salt pond restoration effort, the Santa Clara Basin Watershed Management Initiative, Bay Area Stormwater Management Association (BASMA), California Association of Sanitation Agencies (CASA), Clean Estuary Partnership (CEP), Bay Area Clean Water Agencies (BACWA), Tri TAC and the San Francisco Estuary Regional Monitoring Program (RMP).

**The Pollutant Prevention and Minimization Plan** is a summary of activities in place to minimize the Plant's contribution of priority pollutants to the South Bay. These activities include targeted source control measures as well as other local and regional outreach efforts. The Plant has maintained compliance with all its discharge limits. Mercury, currently a priority pollutant of concern for the watershed, is being addressed through the Plant mercury fate and transport study, as well as participation in the bay-wide and Guadalupe River TMDL processes, and the City continues to contribute to the Regional Monitoring Program to fund an atmospheric deposition sampling station. The Pollutant Prevention and Minimization Plan also addresses

potential future compliance issues by reporting on a proactive regional effort of dischargers and the Regional Board to resolve cyanide regulatory issues. In addition, pollution prevention activities relating to copper, nickel, tributyltin, fats, oils and grease are described in the Plan.

### **PUBLIC OUTREACH**

The reporting elements were agreed to as part of the permit re-issuance stakeholder process, which included representatives from state and federal regulatory agencies, municipalities, and environmental and business interests. The final report will be distributed to the Watershed Management Initiative, the Treatment Plant Advisory Committee, and their various agencies, as well as display in the lobby of the Environmental Services Department's public offices. It will also be posted on the ESD website with copies available upon request.

### **COORDINATION**

This item is scheduled to be heard at the February 10, 2005 Treatment Plant Advisory Committee. The report will be submitted to the Water Board by the deadline of February 28, 2005. Item also coordinated with the Attorney's office and Planning Department.

### **COST IMPLICATION**

No additional cost implications beyond currently budgeted programs. This report is consistent with the Mayor's 2004-2005 Budget Strategy that we focus on the protection of our vital core City services.

### **BUDGET REFERENCE**

Not applicable.

### **CEQA**

Not a project.



CARL W. MOSHER

Director, Environmental Services Department