

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 2
FOR THE REGULAR MEETING OF
TUESDAY, JANUARY 27, 2009
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

NOTE: This item may be taken in the morning session if time permits.

ITEM-S501: Cooperative Agreement with San Diego Coastkeeper and Surfrider Foundation for the Study of Feasibility of Diverting Wastewater from Point Loma Wastewater Treatment Plant through Increased Wastewater Recycling.

[▶ View referenced exhibit back-up material.](#)

(See memorandum from San Diego Coastkeeper dated 12/1/2008.)

CITY ATTORNEY’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-795)

Authorizing the Mayor, or his designee, to negotiate and execute a Cooperative Agreement with San Diego Coastkeeper, the San Diego Chapter of Surfrider Foundation, and any other interested environmental groups, for the study of the feasibility of diverting wastewater from the Point Loma Wastewater Treatment Plant through increased wastewater recycling, in exchange for their support of the EPA’s tentative decision regarding the National Pollutant Discharge Elimination System permit for the Point Loma plant;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-S501: (Continued)

Authorizing the Mayor, or his designee, to negotiate and execute one or more agreements with consultants and experts as needed to meet the City's obligations under the Cooperative Agreement, in a cumulative amount not to exceed \$2,000,000, provided the City Comptroller first certifies that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Comptroller to appropriate and expend an amount not to exceed \$2,000,000 from Sewer Fund 41509, solely and exclusively to hire consultants and experts needed to meet the City's obligations under the Cooperative Agreement;

Authorizing the City Comptroller to return excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring that the above activity is statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15262 as feasibility and planning studies.

SUPPORTING INFORMATION:

The City operates the Point Loma Wastewater Treatment Plant under a National Pollutant Discharge Elimination System ("NPDES") Permit issued jointly by the United States Environmental Protection Agency ("EPA") and the local Regional Water Quality Control Board ("RWQCB"). The City's permit allows the plant to operate at "advanced primary" level, rather than the secondary level treatment requirement applicable to nearly all other sewage treatment plants. This is often referred to as the "Waiver" from secondary treatment requirements. The City's permit must be renewed every five years.

In December 2007, the City filed its application to renew the NPDES permit for the Point Loma plant, requesting to continue operating the plant at advanced primary level. On December 2, 2008, the EPA issued a tentative decision approving the application and granting the Waiver. On January 21, the EPA and the RWQCB held a joint hearing to take public testimony on the proposed decision. Written comments from the public are due by January 28. A second hearing for discussion of the comments and deliberation of the tentative decision and draft permit will be held in March, with a final permit expected by May or June.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)RESOLUTIONS: (Continued)

ITEM-S501: (Continued)

SUPPORTING INFORMATION: (Continued)

The Waiver has been the subject of litigation for the last twenty years. Environmental groups are concerned that not treating sewage to secondary levels could be harming the environment. Some are threatening litigation challenging the Waiver. By letter dated December 1, 2008, San Diego Coastkeeper and the San Diego Chapter of Surfrider Foundation have offered not to oppose the Waiver in return for the City conducting a study of the feasibility of offloading the Point Loma plant through increased wastewater recycling. The cost of upgrading the Point Loma plant to secondary treatment is estimated to be between \$1 billion and \$1.5 billion.

This action requests authority for the Mayor or his designee to negotiate and execute a Cooperative Agreement with San Diego Coastkeeper, Surfrider Foundation, and any other interested environmental groups to coordinate in a study of the feasibility of reducing wastewater flow to the Point Loma plant through increased wastewater recycling. This action also requests authority to negotiate and execute any consultant agreements necessary to complete the study. The City's total cost associated with the study is not to exceed \$2 million. In return, Coastkeeper and Surfrider will not oppose the tentative decision and draft permit issued by the EPA granting the Waiver.

FISCAL CONSIDERATIONS:

Total cost not to exceed \$2 million is available in Sewer Revenue Fund 41509.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

NR&C Committee on December 3, 2008, voted 3-0 to forward to full City Council as informational item and for review by Mayor's and City Attorney's Offices. Only the December 1, 2008, letter from the Coastkeeper was available for consideration at that time. The matter is now being presented to the full City Council for action, rather than just as an informational item, due to the January 28 deadline to submit written objections to the EPA's tentative decision.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/AKEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): N/A

Zeleny/Goldstone