

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of )  
the CITY OF SAN FRANCISCO for )  
Review of Determinations of the )  
Division of Water Quality, State )  
Water Resources Control Board, )  
Regarding Grant Funding Related )  
to Construction of the San Francisco )  
Southeast Water Pollution Control )  
Plant. )

Order No. WQG 81-1

BY THE BOARD:

This order amends and supersedes State Board Order No. WQG 76-6, relating to grant funding and eligibility of mitigation measures proposed for the City of San Francisco's project to expand its Southeast Water Pollution Control Plant (Southeast Plant). In Order No. WQG 76-6 the State Board approved the eligibility of covers over the secondary clarifiers at the Southeast Plant, and of supporting structures for the development of recreational facilities on top of those covers.

Since Order No. WQG 76-6 was adopted, further studies by the City of San Francisco have concluded that different mitigation measures would more successfully reduce the adverse social and economic effects of this project. This action to modify the Order is made at the request of our Division of Water Quality, which believes that the City's new recommendation is consistent with the general purposes and original intent of the State Board in its previous decision concerning this matter.

## I. BACKGROUND

The State Board adopted Order No. WQG 76-6 on April 15, 1976, after a hearing on an appeal by the City of San Francisco for review of a decision by the Division of Water Quality to deny grant funding for the mitigation measures proposed by the City for its expansion project at the Southeast Plant. In adopting Order No. WQG 76-6, the State Board overruled the decision of the Division of Water Quality, and, as noted above, found certain mitigation measures eligible for grant funding.

The reasons for the State Board's action of 1976 are summarized from Order No. WQG 76-6:

1. The covers for the clarifiers were necessary to assure odor control, because the treatment plant is sited in an established and concentrated residential area (the Bayview-Hunter's Point Community); and

2. The eligibility of the supporting structure and the costs of construction of a recreational field, as limited by the Order, was appropriate because of five unusual circumstances. The scarcity of available land in the City dictated placement of facilities necessary for protection of water quality in an established neighborhood. The reasonableness of the mitigation measures was demonstrated by the Division's requirement that they be included in the project, regardless of grant eligibility. The Environmental Protection Agency had taken a position

that the recreational facilities were eligible. The mitigation measures reduced identified social impacts of the project. And, finally, the project was cost-effective, even with the additional costs of the proposed mitigation measures.

Later, in the fall of 1976 and some months after adoption of Order No. WQG 76-6, the City's staff determined that the supporting structure for the covers and the recreational facilities should not be built. The City's cost estimates for the facilities had more than doubled. Proper maintenance and surveillance of the recreational area would be impossible because of the elevation of the clarifiers. And the Bayview-Hunter's Point Community did not support the proposal. After a considerable amount of correspondence with staff of the Division of Water Quality and discussions with former Vice-Chairman of the State Board, Mr. Don Maughan, an agreement was reached which allowed the City to study and, more specifically, to identify impacts of the Southeast Plant expansion project, and to select more appropriate mitigation measures. It was understood by all parties that any change in the mitigation measures would have to be approved by the State Board, and that alternatives involving more or less money than those originally proposed would be considered for funding.

In May 1979 a final facilities plan prepared by the City identified mitigation measures for the expansion project which are considered more desirable than those previously approved by the State Board. The newly proposed mitigation measures include a

commercial greenhouse and a skills-training center located on a parcel immediately south of the treatment plant. The greenhouse facility will use composted sludge, methane gas, and treated effluent produced at the plant. The skills-training center will consolidate traditional skills training currently offered in the community through various existing programs. The City expects these facilities to be self-supporting through sales by the greenhouse enterprise and rents received from participating vocational training programs. The proposal to amend Order No. WQG 76-6 was presented to members of the State Board by the Division of Water Quality at the January 7, 1981, workshop session. At that workshop session, numerous parties representing a wide spectrum of interest were present. All firmly supported the proposal to mitigate the impacts of the Southeast Plant expansion with a commercial greenhouse and skills-training center.

## II. FINDINGS

We agree that the newly proposed mitigation measures address the social and economic impacts of the Southeast Plant expansion project in a more significant manner than the previously approved recreational facilities. The Bayview-Hunter's Point Community is already suffering the cumulative effects of a series of governmental decisions to locate unwelcome public facilities, such as freeways and the existing Southeast Plant, in its neighborhood. These unwanted facilities tend to generate a lack of pride in the community and to decrease the desirability

of residence in the area. The commercial greenhouse and skills-training center should reduce these impacts. The support of the Bayview-Hunter's Point citizens demonstrates their belief that these facilities are necessary and that they will satisfactorily mitigate the adverse social and economic impacts of the project.

The covers on the secondary clarifiers will still be necessary for odor control. The covers should be designed and constructed without the supporting structures that would have been necessary to accommodate the recreational facilities.

The estimated cost of the new mitigation measures is \$15 million. This cost is somewhat higher than the originally approved cost of the covers and recreational facilities. However, considering inflation, the new \$15 million allowance for mitigation measures is about equal to the value of the recreational facilities which were previously approved.

The success of this mitigation effort depends on the full support of the City of San Francisco. While studies show that the new facilities will be self-supporting, we and the residents of the Bayview-Hunter's Point Community need some guarantee that the City will assure continued operation and maintenance of the greenhouse and skills-training center. A provision for the costs of operating and maintaining the facilities which exceed the amount actually generated by the facilities themselves should, therefore, be included in the City's revenue program. Revenue should be generated by the City to fund these costs, in the same manner that revenues are generated for the other administrative and operational costs of the City's wastewater treatment system.

### III. CONCLUSIONS

After a thorough review of this matter, we conclude that Order No. WQG 76-6 is modified as follows:

1. In conclusion number one, the words "...together with appropriate supporting structures..." are hereby deleted.

2. Conclusion number two is hereby deleted, and a new conclusion number two is added to read:

"The construction of a commercial greenhouse and skills-training center is a reasonable, necessary and appropriate means of mitigation of social and economic impacts associated with the proposed Southeast Plant expansion, and the cost thereof is grant eligible. Such proposed construction shall be certified to EPA as a part of the eligible project, subject to the following conditions:

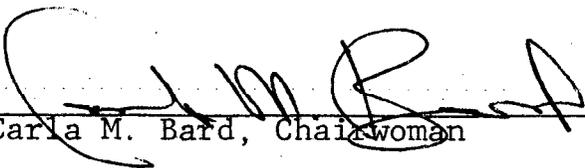
"(a) That the City shall execute an appropriate indemnity agreement against damage or injury arising out of or connected with use of the facilities, which agreement shall be satisfactory to the State Board; and

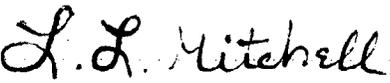
"(b) That the City shall provide for the costs of continued operation and maintenance of the greenhouse and skills-training center in its revenue program for its combined wastewater treatment system."

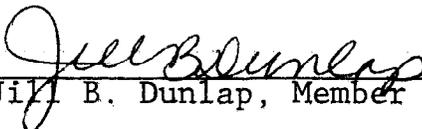
3. To the extent that this order is in any way inconsistent with Order No. WQG 76-6, Order No. WQG 76-6 is hereby superseded.

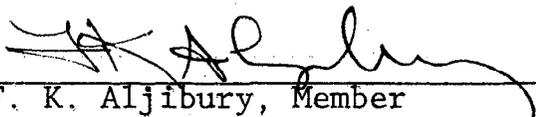
IT IS HEREBY ORDERED that this matter is hereby remanded to the Division of Water Quality for processing of the application of City of San Francisco relative to the proposed Southeast Plant expansion in a manner consistent with this order.

Dated: JANUARY 22, 1981

  
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Carla M. Bard, Chairwoman

  
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L. L. Mitchell, Vice Chairman

  
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Jill B. Dunlap, Member

  
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F. K. Aljibury, Member

12. 1. 1962

