

# City of San José, California

## COUNCIL POLICY

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<b>EFFECTIVE DATE</b>	November 7, 2000	<b>REVISED DATE</b>			
<b>APPROVED BY COUNCIL ACTION</b>					November 7, 2000, Item 9a.

### BACKGROUND

The San José/Santa Clara Water Pollution Control Plant (Plant) is owned jointly by the Cities of San José and Santa Clara. The Plant lands, comprising approximately 1760 acres in North San José, are administered by the City of San José's Environmental Services Department (ESD) on behalf of a joint powers authority. The Plant provides wastewater treatment services to the cities of San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Monte Sereno and Saratoga and includes the Burbank Sanitary District, Cupertino Sanitation District, Sunol Sanitary District, West Valley Sanitation District and County Sanitation District No. 2-3. The Plant serves approximately 1.32 million residents and a workforce of 700,000<sup>1</sup> at businesses, including many of the leading computer and electronics manufacturers that comprise "Silicon Valley."

<sup>1</sup> Source: ABAG Projections 2000.

The Plant's lands are comprised of lands used for current Plant facilities, expansion areas, and buffer lands. Buffer lands currently serve not only to buffer adjacent land uses from potential odors and safety hazards (e.g., chlorine and sulfur dioxide) but are used for disposal of recycled water to assist in limiting dry weather flows to the Bay, and to minimize the Plant's impact on salt marsh endangered species habitat.

### DEFINITIONS

Plant Lands are defined as the 1760 acres owned by the City as the administering agency for the Plant. They are comprised of land used for current facilities, lands reserved for Plant expansion (including expansion of recycled water facilities) and buffer lands which are further defined below.

#### Current Facilities:

1. **Water Pollution Control Plant:** The existing Plant occupies approximately 170 acres of the site. The Plant has a treatment capacity of 167 million gallons per day (mgd) average dry weather influent flow and 271 mgd peak hourly flow capacity. Treatment facilities consist of screening and grit removal, primary sedimentation, secondary (biological nutrient removal) treatment, nitrification, filtration, chlorination, and dechlorination. Effluent designated for recycling is not dechlorinated and additional chlorine is added to meet Title 22 requirements.
2. **Residual Solids Management (RSM) Area:** This area is presently used for processing residuals which result from sewage treatment, known as biosolids. The area of approximately 750 acres is large enough to accommodate anticipated flow increases. The RSM area includes a regional bomb disposal facility operated by the San José Police Department.
3. **The Recycled Water Transmission Pump Station (TPS),** located on approximately 4 acres, conveys recycled water to customers and maintains adequate pressure in the distribution system. At the TPS, vertical turbine pumps are used to pump recycled water to customers in San José, Santa Clara and

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Milpitas via 16-inch and 60-inch transmission lines. Expansion of the TPS will be required if demand for recycled water increases above 50 mgd and when changes in treatment technology necessitate construction of facilities to meet higher water quality requirements.

4. **Burrowing Owl Relocation Site:** The City entered into an agreement with 3COM Corporation allowing the relocation of burrowing owls from the 3COM development site onto Plant lands. Burrowing owls were relocated in 1997 to an area of approximately 45 acres located near the northwest corner of the Plant property. The owls may be relocated to another acceptable site, if the City is required to put the land to an alternative use.
5. **Santa Clara Valley Water District flood control easement<sup>2</sup>:** This 140-acre area is comprised of flood-control project mitigation sites managed by the Santa Clara Valley Water District. The portion of this area directly north of the RSM area is mitigation area for the flood control project, including a managed bird pond, avian research and salt marsh harvest mouse mitigation site. Those portions of the easement lying easterly of the RSM area are forest riparian habitats.

<sup>2</sup>Agreement between the City of San José and the Santa Clara Valley Water District dated November 25, 1986.

6. **Municipal Water System Water Tank:** The City of San José Municipal Water System operates a water tank on approximately 4 acres on Plant lands near Nortech Drive.

The total area of these current facilities is approximately 1113 acres.

#### **Plant Expansion Area:**

Increased flows resulting from General Plan buildout of all tributary agencies pose a challenge to the continued ability of the Plant to meet the requirements of future NPDES permits. This challenge will have to be met by increasing the treatment capacity of the Plant in a timely manner and to ensure discharge to the Bay remains below 120 mgd during the summer. Additional area will be needed for peak wet weather flow capacity and expansion of the TPS. Additional area may also be needed to meet regulatory requirements that necessitate advanced treatment, as well as biological treatment facilities. The actual acreage for Plant expansion is estimated to be 200 acres at this time, directly South of the existing Plant. The actual acreage for water recycling expansion is estimated to be 27 acres, which is needed just East of the Plant expansion area and Zanker Road, and south of the TPS. After consideration of all of the policies related to Buffer Land uses noted below, short-term uses of the expansion area may be appropriate and, in the past have included farming operations and recycled water application.

#### **Buffer Lands:**

Buffer Lands are defined as all Plant lands except the current facilities and the expansion area. Buffer Lands comprise approximately 253 acres, and include the former Nine Par Landfill site, which is a closed shallow landfill site, about 35 acres in size, and located north of Los Esteros Road.

These undeveloped lands provide an essential benefit in buffering adjacent land uses from odors and potential safety hazards such as chlorine, sulfur dioxide, and ammonia. Storage of large quantities of chemicals used in the wastewater treatment process can become hazardous. The Plant has prepared a Risk Management Plan<sup>3</sup> to address potential public safety issues. The most sensitive area for a release is within a 0.2 mile radius from the Plant (Alternative Release Scenario) while the worst case scenario may affect a radius of over 5 miles around the Plant. Prevailing winds make some areas more likely to be sensitive to both odor and safety hazards and the maintenance of buffer zones critical.

<sup>3</sup>Risk Management Plan dated August 1999.

Maintenance of flows below 120 mgd currently requires use of Buffer Lands (as well as the Plant expansion area) for recycled water application. The area currently used for recycled water application totals approximately

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370 acres. Some Buffer Land areas could provide for dual purpose and accommodate low intensity uses. Current and past Buffer Land uses have included farming, recycled water irrigation, and a horse boarding operation.

**PURPOSE**

It is the purpose of this Policy to establish guidelines for decisions related to potential uses of Plant Lands.

**POLICY**

It is the policy of the City of San José that the highest priority land use for Plant lands is to support present and future operations of the Plant and NPDES permit compliance consistent with the General Plan and the Alviso Master Plan.

The following additional policies apply to Buffer Lands as defined above. In addition these policies also apply to any short term uses proposed for the Plant expansion areas.

1. **Buffer Land uses must ensure sufficient buffer for odors and potential toxic releases.**

Buffer Land uses must be effective in buffering Plant operations from adjacent land uses. Buffer Land uses that enhance air quality, such as tree planting and landscaping, are encouraged. Public safety concerns dictate land uses that do not result in additional permanent public access, particularly to operational areas of the Plant. Land uses that include controlled public access, access to areas distant from safety concerns, or transient access to include the final adopted Bay Trail, are acceptable. In addition, land uses should be compatible with Plant operations and biosolids management system, and not result in problems such as nuisances, access restrictions for operations staff, or security concerns.

2. **Buffer Land uses must support NPDES permit compliance and not constrain the Plant's flexibility to respond to unknown future requirements.**

Additional need for treatment or expansion takes precedence over any other potential uses. Land uses should provide flexibility for Plant and Recycled water system expansion beyond the defined expansion area to accommodate future unknown requirements. Therefore, land uses that are unrelated to Plant or Water Recycling Facilities operations, that propose permanent buildings or hardscape should be discouraged. Sale of buffer lands is strongly discouraged in favor of leasing. Land uses should maximize use of recycled water and/or minimize flows to the Plant. Land uses that reduce mass loading of pollutants to the Bay are preferred. This may include land use options that contribute to protecting the water quality of the South Bay, and could potentially be used for pollutant offsets.

3. **Buffer Land uses must protect existing biological resources.**

Existing biological resources include areas with wetlands characteristics, grasslands with burrowing owl habitat, and the Coyote Creek Riparian Corridor. Land uses should not adversely impact state or federally protected species or the habitat that supports them, and ensure habitat diversity. Any landscaping on buffer lands should favor use of native plants and support the Riparian Corridor Policy.

4. **Buffer Land uses should provide environmental benefit.**

Buffer Land uses that provide direct benefit to habitats that support species of special concern should be given priority. Land uses should be considered that provide overall environmental benefits and regulatory credit. Land uses that do not provide environmental enhancements must be compatible with existing or created habitat on-site and minimize any environmental impacts.

5. **Buffer Land uses should encourage public support for Plant land uses consistent with Plant operations.**

Buffer Land uses that encourage public support include demonstration projects that provide valuable data necessary for the refinement of larger-scale environmental enhancement projects; land uses that

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improve aesthetics and quality of life; and land uses that enhance public education, support and understanding of treatment plant operations, and environmental efforts. Land uses that provide environmental and economic benefits to the City and the Tributary Agencies are preferred.

6. **Buffer Land uses must be compatible and consistent with the City's General Plan and the Alviso Master Plan.**

Buffer Land use is regulated by and directly connected to the City's General Plan and the Alviso Master Plan. Therefore, land uses on buffer lands must be consistent and compatible with the Alviso Master Plan and the City's General Plan. Furthermore, buffer land should be consistent and compatible with other City or regional land use guidance documents, such as the San Francisco Bay Area Wetlands Ecosystem Goals Project and the Council adopted Water Policy Framework.

7. **Buffer Land uses may be considered that provide "Dual Use" benefits.**

Protecting the Buffer Land at the Plant may include consideration for land uses that provide a dual benefit to the City. Dual benefits include maintaining the primary benefits of Buffer Land as described in the policies above, and include secondary benefits, such as providing economic benefits to the City, Tributary Agencies and community.