

"The City With a Heart"



Jim Ruane, Mayor
Ken Ibarra, Vice Mayor
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember
Michael Salazar, Councilmember

AGENDA

SAN BRUNO CITY COUNCIL

March 13, 2012

7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

City Council meetings are conducted in accordance with Roberts Rules of Order Newly Revised and City Council Rules of Procedure. You may address any agenda item by standing at the microphone until recognized by the Council. All regular Council meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. You may listen to recordings in the City Clerk's Office, purchase CD's, access our web site at www.sanbruno.ca.gov or check out copies at the Library. We welcome your participation. In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk's Office 650-616-7058.

Thank you **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. CALL TO ORDER:

2. ROLL CALL/PLEDGE OF ALLEGIANCE:

3. ANNOUNCEMENTS:

Annual Pancake Breakfast and Easter Egg Hunt will be held March 31, 9:00 to 11:00 a.m. at San Bruno City Park.

4. PRESENTATIONS:

Present Proclamation to the Bay Area Chapter Volunteers of the American Red Cross Recognizing American Red Cross Month 2012.

Receive Presentation from Alan Johanson, Regional Construction Manager and Nicole Ziman, Peninsula Region Public Outreach Consultant on the San Francisco Public Utilities Commission Harvey Tracy Water Treatment Plant Improvements Project.

5. REVIEW OF AGENDA:

6. APPROVAL OF MINUTES: Regular Council Meeting of February 28, 2012 and Special Closed Session Council Meeting of March 3, 2012.

7. CONSENT CALENDAR: All items are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.

a. **Approve:** Accounts Payable of February 21 and 27, 2012.

b. **Approve:** Payroll of February 26, 2012.

c. **Waive:** Second Reading and Adopt Ordinance Repealing and Reenacting Chapter 10.12 of the San Bruno Municipal Code Relating to Wastewater Quality Control.

- d. **Accept:** Housing Element Annual Progress Report for Calendar Year 2011 and Direct Staff to Forward to the California State Office of Planning and Research and the California Department of Housing and Community Development.
- e. **Adopt:** Resolution Amending San Bruno's Local Hazard Mitigation Plan to Include the 2012 Annex.
- f. **Adopt:** Resolution Adopting the San Mateo Countywide Water Pollution Prevention Program Model Integrated Pest Management (IPM) Policy.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: Individuals allowed three minutes, groups in attendance, five minutes. If you are unable to remain at the meeting, ask the City Clerk to request that the Council consider your comments earlier. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendaized pursuant to State Law.

10. CONDUCT OF BUSINESS:

- a. Adopt Resolution Approving Property Owner Notice and Protest Process for Water and Wastewater Rate Increases for 2012-13 through 2016-17.
- b. Adopt Resolution Approving Property Owner Notice and Protest Process for 2012-13 Garbage Rate Increase Proposed by Recology San Bruno.
- b. Receive Report on Production of Video Documentary on the September 9, 2010 Explosion and the Continuing Recovery of the San Bruno Community and Adopt Resolution Authorizing Production Costs to be Covered through the City Trust Fund.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS:

13. CLOSED SESSION:

Public Employee Performance Evaluation Pursuant to Government Code Section 54957:
City Attorney.

14. ADJOURNMENT:

The next regular City Council Meeting will be held on March 27, 2012 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

"The City With a Heart"



Jim Ruane, Mayor
Ken Ibarra, Vice Mayor
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember
Michael Salazar, Councilmember

MINUTES

SAN BRUNO CITY COUNCIL

February 28, 2012

7:00 p.m.

1. **CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on February 28, 2012 at the San Bruno Senior Center, 1555 Crystal Springs Rd., San Bruno, CA. The meeting was called to order at 7:00 p.m.

Mayor Ruane thanked the San Bruno Garden Club for the beautiful floral arrangement.

2. **ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Ruane, Vice Mayor Ibarra, Council Members Medina, O'Connell and Salazar. Recording by Clerk Bonner. **Parkside Principal Addiego** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

Mayor Ruane said he has received inquiries on the very heavy truck traffic on Crestmoor and Crystal Springs Road from the Harry Tracy Water Treatment Plant and asked staff to come back at the next meeting with some detailed response as to what it is all about. **City Manager Jackson** said staff is aware of the concerns of the residents at Crystal Springs Terrace Apartments. She said staff met today with the project and plant management staff at the Harry Tracy Water Treatment Plant and at their offer; they will attend the next Council meeting. **Councilmember Medina** asked more details be provided not only about their truck traffic, but their plans and timeline. **City Manager Jackson** said she received information today that she will share with Council.

4. **PRESENTATIONS:** None.

5. **REVIEW OF AGENDA:** None.

6. **APPROVAL OF MINUTES:** Special Council Study Session of February 14, 2012 and Regular Council Meeting of February 14, 2012, approved as submitted.

Alan Lubke, Fleetwood Dr. asked the minutes from February 14 show the spelling of sited to be cited in the second paragraph, Item 6. He also asked a complete sentence at the end of the third paragraph in 6, to read The Mayor asked that the changes be made per the request of Alan Lubke.

7. CONSENT CALENDAR:

a. **Approve:** Accounts Payable of February 6 and 13, 2012.

b. **Approve:** Payroll of February 12, 2012.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports

Dated January 31, 2012.

M/S O'Connell/Medina to approve and passed with all ayes.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

Hold Public Hearing, Waive First Reading, and Introduce Ordinance Repealing and Reenacting Chapter 10.12 of the San Bruno Municipal Code Relating to Wastewater Quality Control.

City Attorney Zafferano gave an overview of the staff report and asked for questions.

Mayor Ruane opened the Public Hearing, no one wished to speak.

M/S Medina/Ibarra to close the Public Hearing.

M/S Ibarra/O'Connell to waive the first reading and passed with all ayes.

Vice Mayor Ibarra introduced the ordinance and passed with a unanimous vote.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Alan Lubke, Fleetwood Dr. asked the 25th Anniversary film of San Bruno's Senior Center be edited to correctly spell the name of Chris Pallas.

10. CONDUCT OF BUSINESS:

a. Receive Report and Provide Direction to Staff Regarding the Potential Closure of Memory Lane.

City Attorney Zafferano acknowledged staff's involvement and interest in the closure of memory lane over the last year and a half. He gave a powerpoint overview of the staff report.

Associate Planner Russell continued the powerpoint overview of the staff report.

City Attorney Zafferano concluded the powerpoint overview of the staff report and offered options for Memory Lane and asked for questions from Council.

George Corey, Esq., El Camino Real representing the homeowners on Memory Lane and speaking for the owner of Honda spoke about the closure of the Lane.

Sam Azar, Poplar Ave. spoke about the graffiti, traffic and rocks thrown through his window.

Mike Etcheverry, Linden Ave. said he has witnessed drug use, his house has been egged, and there has been vandalism and garbage.

Gary Souza, Poplar Ave. said he is intimidated by the actions of the younger children and asked Memory Lane be closed.

Dennis Martinez, Poplar Ave. complained about the garbage, vandalism and asked something be done with Memory Lane.

Ron Gray, Elm Ave. talked about the graffiti and asked memory lane be closed.

Vince Bravo, Elm Ave. said there is no barrier between the alley and the side of his house. He said they knock on his walls, there is bad language and his side door has been bashed in twice.

Chelsey Bolla, Elm Ave. fears for her pets from broken bottles found in her backyard.

Mayy Yaser, Clark Ave. said she favored the closure of Memory Lane.

Patricia Toomey, Elm Ave. supports the closure of Memory Lane.

Tom Dietrich, Cypress Ave. said closure of Memory Lane is not going to change the behavior of the children, the school needs to attend to their behavior and there needs to be officers on a regular basis to patrol the area when school gets out.

Angela Addiego, Parkside School said they have worked very hard to deter the behavior of the children. She said Memory Lane needs to be a memory.

Dan Lyttle, Parkside School said they have been proactive in responding to problems on Memory Lane and spoke in favor of the closure.

John Minch, Grace Honda talked about the vandalism they experience at Honda on a daily basis.

Homa Yamin, Grace Honda said vandalism continues and expenses are very high. She said Honda has a program to build a new image and they are requesting Memory Lane be closed.

Nate Martin, Linden Ave. said he uses Memory Lane every day to walk his dog and suggested more light be provided and more police presence when school gets out.

Jeffrey Shurtleff, Hazel Ave. asked if the questionnaire be extended to Bellaire. He said public access to our community is essential. He also said the things that go on at Memory Lane would go on at Parkside.

Heidi Beck, Acacia Ave. said the teenagers are bullying the City into closing a lane. She talked about having police presence when the children get out of school.

Wendy Almukdad, Hazel Ave. said she walks Memory Lane and would prefer it stay open and said she would like the community to come together and address the problem.

Scott Smith, Poplar Ave. said he uses Memory Lane daily and he finds it safe and clean. He said the goal is to solve the problem, better policing, zero tolerance, and surveillance.

Mike Damon, Clark and Oak said this is a kid problem, not a Memory Lane problem.

Alan Lubke, Fleetwood Dr. said there was an easement on Fleetwood Dr. that affected four houses and their problems were similar. He said the case went to the Planning Commission and that property was assigned to the adjacent homeowners. He also expressed his displeasure at staff's presentation.

Councilmember Salazar asked what the options are legally? **Zafferano** said the City owns fee title to all three blocks of Memory Lane. He said there is a sewer utility that runs between Linden and Poplar. He said there are other options as outlined in the staff report and he would be glad to come back with recommendations.

Councilmember O'Connell said she uses Memory Lane almost daily when she walks and she said we should look for solutions for those living on the Lane without closing it. She said there is a Safe Routes to School Federal Grant Program that we could apply for.

Vice Mayor Ibarra asked how he would feel if he lived there? He said his decision was to "how best close Memory Lane" without making it an eye sore or another problem area.

Councilmember Medina shared his history with the City when he worked at the Parks and Recreation Department and they had problems, which were addressed, and he asked staff to look into the alternative enhancements before Memory Lane is closed.

Councilmember O'Connell asked if Memory Lane could be relocated within Grace Honda? **Zafferano** said Grace Honda was not interested in relocating Memory Lane.

Councilmember Salazar said a lot of research has been done on this and we need to look at options.

Mayor Ruane said it is partially a kid problem and he didn't believe closing it would solve the problem. He asked the options be looked at aggressively by staff. **Zafferano** said staff would come back to Council the second meeting in March.

Vice Mayor Ibarra asked what steps would be taken for the closure of Memory Lane? **Zafferano** said it will be researched and it is one of the options.

Councilmember Medina reiterated the options need to come back, he said the neighbors deserve that.

Councilmember Salazar said lighting might not make a difference during daylight hours. He asked those solutions suggested tonight be addressed.

Mayor Ruane called a five-minute recess at 9:02 p.m. Council returned at 9:10 p.m.

b. Adopt Resolution Approving Property Owner Notice and Protest Process for 2012-13 Garbage Rate Increase Proposed by Recology San Bruno.

Finance Director Juran gave a powerpoint overview of the staff report requesting an interim rate year adjustment of 2.341%, which is option 1. Option 2 is an additional increase of 9.37% to initiate a new organics program in San Bruno.

Kirsten Pinochi, Recology gave a powerpoint presentation regarding the organics recycling program. She said there is a significant price difference between processing food waste vs. yard waste.

Finance Director Juran said the action being requested tonight is to authorize staff to proceed with the property owner notice process with two options. One would be to initiate the process immediately with the first public hearing held at the April 24 meeting. Option two would be to hold off until the upcoming wastewater and water increase process where the first public hearing will be held on May 8. She said they have three items they are seeking Council direction: 1) when to initiate the mailing of the property owner notice; 2) what is the Council's interest in the organic recycling program and 3) what rate increase should be noticed to the property owners.

Councilmember O'Connell said she has seen different containers used at Costco and in San Francisco. **Pinochi** said they are used internally and then dumped into a larger container. She said residents would receive a kitchen container to fill their scraps and then those would go into their current green cart. **Councilmember O'Connell** asked if there were any problems with rodents, odors or things that would make people object to doing this? **Pinochi** said when it was introduced in other cities, they had the same concerns and Recology has published a lot of tips to avoid these problems.

Councilmember Medina asked about the can size and the rates? **Pinochi** said the rate increase applies to all the cans. **Councilmember Medina** said during the last increase, recycling counted if a resident went to a smaller can? He commented on the tons that have been saved by recycling in other communities and asked what it has done to the rates? **Pinochi** said she didn't have the price variation incurred when they went to the new program.

Councilmember Salazar asked if the cities mentioned had a well-established recycling program similar to us? **Pinochi** said Pacifica did not, Cupertino did. She concurred when asked if San Bruno could count on a 5% diversion.

Councilmember Salazar asked where we were on the 2020 goal? **Management Analyst Shannon** said the City's goal was to meet the requirements of AB939 to divert solid waste 50% by the year 2000. Right now San Bruno's measurement is based on pounds per person, per day, disposed, which is 4.5 lbs. per day, and we are at 4 lbs., which is about a 56% diversion rate.

Vice Mayor Ibarra asked if this is something we have to do? **Pinochi** said it is an option to do now. **Councilmember Ibarra** said if we delay, would it go up. **Pinochi** concurred.

Finance Director Juran said the first action would be on mailing the notice immediately or concurrently with the proposed water and wastewater notices. The second action would be on what rate increase we notice and the rate does not have to be determined until late April or early May.

Alan Lubke, Fleetwood Dr. asked if the rate increase and the green organic waste are one in the same. **Mayor Ruane** said Council has to decide whether they will be put together which would determine the rate increase. **Lubke** asked if a brief discussion could be given regarding recycling. **Mayor Ruane** said presently we have a garbage can, a green waste can and a recycle can. If we go with organics, what is the difference? **Pinochi** said the only addition would be a kitchen pail where food scraps can be placed and then discarded in the green waste can. She said their plan is to educate the public on the recycling.

Councilmember Salazar said this organics program is very messy and it will take extra work on the part of the residents to make it successful. He also said, as homeowners, we don't get much of a benefit. If we are already composting, we lose the compost that we had for our own personal use and there is a cost associated with it.

Councilmember Medina asked if what we see today would be there two years from now? **Pinochi** said she couldn't predict the future, but we are going to have to do this at some point and it will be messy.

Vice Mayor Ibarra said he hoped the new types of vehicles Recology will be using to pick up the green toters would keep the garbage off the street.

City Manager Jackson and **Mayor Ruane** discussed the resolution adoption and the fact that if it were passed this evening, the rate would be noticed along with a description of the program provided for that rate (with or without organics). There will be a 45-day notice period and at the end of April staff will return for a public hearing at which time Council will have the opportunity to actually consider the approval of a rate and the actual approval of the program. She said if at that time Council decided not to implement organics, they could do that.

Councilmember O'Connell introduced the resolution and passed with three ayes and two noes (Councilmembers Salazar and Medina.)

Councilmember Medina had a concern about the rate increase when we haven't heard what the water and sewer rate increases are going to be.

City Manager Jackson said, for the record, the resolution would include: Whereas, Recology, San Bruno has provided a supplemental proposal to initiate a supplemental organics program in San Bruno which results in a 9.37% increase in garbage rates in addition to the proposed interim rate adjustment. She said it goes on to describe the notice process and authorizes us to notice the rate of 11.71% and a description of the organics program.

Councilmember Salazar encouraged members of the public to chime in on this. It is something we will have to do eventually, he didn't know if the timing was right.

f. **Mayor Ruane** moved this item forward.

Receive Oral Report on Implementation of the City's Sanitary Sewer Overflow (SSO) Reduction Program.

Public Services Director Fabry gave a powerpoint overview of the implementation of the City's Sanitary Sewer Overflow Reduction Program.

Councilmember Medina asked if he could have a copy of the powerpoint presentation. He said he would withhold his questions.

Alan Lubke, Fleetwood Dr. suggested in Council's forthcoming confidential meetings regarding PG&E and enhancing San Bruno, they might consider some of the costs just presented and ditch the library idea.

Councilmember O'Connell asked the presentation be shown to the residents so they have some basis of understanding why it is being done.

c. Adopt Resolutions as Successor Agency to the San Bruno Redevelopment Agency Approving the Draft First and Second Recognized Obligation Payment Schedules for the Periods of March 1 – June 30, 2012 and July 1 – December 31, 2012 and Affirming the Appointment of Members to the Oversight Board for the Former San Bruno Redevelopment Agency.

Finance Director Juran gave an abbreviated presentation of the staff report and asked for adoption of the resolutions.

Mayor Ruane suggested he and the City Manager be assigned to the Oversight Board.

Alan Lubke, Fleetwood Dr. suggested in the next confidential meeting Council conducts in connection with PG&E, delete the library idea and go for money for development.

Councilmember Medina asked if redevelopment was a part of the transit corridors plan and what would this do to the whole vision? **City Manager Jackson** said the transit corridors plan is in its final form and she said they have yet to have the vision that plan puts forth. The intent is the redevelopment tool might be utilized to facilitate infrastructure improvements in order to accommodate what is envisioned in the plan. She said beyond that, support might be provided to private development interests. Providing affordable housing is another idea. The tool or development will no longer be available. **Community Development Director Aknin** said economic development; infrastructure and housing are going to be the biggest challenges the City will have to tackle.

M/S Ibarra/Medina to approve the draft and passed with all ayes.

Councilmember Salazar introduced the resolution as Successor Agency to the San Bruno Redevelopment Agency and passed with a unanimous vote.

Councilmember Salazar introduced the resolution affirming the appointment of the Mayor and City Manager as members of the oversight board and passed with a unanimous vote.

d. Adopt Resolution Approving Mid-Year Budget Amendment for the Fiscal Year 2011-12 General Fund, Special Revenues Funds, Enterprise Funds, and Capital Improvement Program Budgets.

Finance Director Juran gave an overview of the staff report in a powerpoint presentation and asked for questions.

Vice Mayor Ibarra introduced the resolution for adoption and passed with a unanimous vote.

e. Adopt Resolution Authorizing use of \$100,000 from the Energy Efficiency and Conservation Block Grant for the Energy Efficiency Retrofit and Renewable Energy Program.

Management Analyst Shannon gave an overview of the staff report and asked for questions.

Vice Mayor Ibarra introduced the resolution for adoption and passed with a unanimous vote.

f. Receive Oral Report on Implementation of the City's Sanitary Sewer Overflow (SSO) Reduction Program. (Moved to follow Item 10. b.)

g. Receive Oral Report on the City's Participation in the Planning Process for Development of Aesthetic Features for the Caltrain Grade Separation.

Public Services Director Fabry gave an oral update on the development of aesthetic features for the Caltrain Grade Separation.

Councilmember O'Connell asked who were the consultants meeting with the community?

City Manager Jackson said the consultants are looking to seek input from the community and have had one meeting with the JPB staff and one with City staff. Our subcommittee of the Mayor and Vice Mayor were also included. It was their interest that we engage some citizens to participate in this limited term assignment. Staff has provided a short list of individuals who might provide valuable input. **Vice Mayor Ibarra** added the consultant wanted to open it up to the entire community but they felt they would have to start the process all over again.

Mayor Ruane said they would like to recommend from the Grade Separation Committee, Doris Maez, Rob Scarpino and Bob George. From the Transit Corridors Committee, Robert Riechel, Mike Kharsa and Wayne Parker.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS:

13. CLOSED SESSION:

Mayor Ruane said the closed session will be postponed.

Public Employee Performance Evaluation Pursuant to Government Code Section 54957:
City Attorney.

14. ADJOURNMENT:

Mayor Ruane closed the meeting at 10:40 p.m. The next regular City Council Meeting will be on March 13, 2012 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
March 13, 2012

Carol Bonner, City Clerk

Jim Ruane, Mayor

02/21/12

CITY OF SAN BRUNO
WARRANT REGISTER
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$387,678.52
133	RESTRICTED DONATIONS	\$89.91
190	EMERGENCY DISASTER FUND	\$103,635.73
201	PARKS AND FACILITIES CAPITAL	\$20.18
203	STREET IMPROVE. PROJECTS	\$400.00
611	WATER FUND	\$23,247.13
621	STORMWATER FUND	\$3.78
631	WASTEWATER FUND	\$789.65
641	CABLE TV FUND	\$120,831.81
701	CENTRAL GARAGE	\$2,639.11
702	FACILITY MAINT. FUND	\$7,025.25
707	TECHNOLOGY DEVELOPMENT	\$6,853.42
880	PROJECT DEVELOP. TRUST	\$60.50
891	S.B. GARBAGE CO. TRUST	\$386,497.79

TOTAL FOR APPROVAL \$1,039,772.78

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 4 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 133328 THROUGH 133501 INCLUSIVE, TOTALING IN THE AMOUNT OF \$1,039,772.78 HAVE BEEN CHECKED IN DETAIL AND APPROVED BY THE PROPER OFFICIALS, AND IN MY OPINION REPRESENT FAIR AND JUST CHARGES AGAINST THE CITY IN ACCORDANCE WITH THEIR RESPECTIVE AMOUNTS AS INDICATED THEREON.

RESPECTFULLY SUBMITTED,



FINANCE DIRECTOR

2/23/12

DATE

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0104680 ACCESS 24 COMMUNICATIONS INC.	133329	2/21/2012	151.55
0016499 ACTION SPORTS	133330	2/21/2012	1,440.00
0103202 ADVANCED MOBILE COMMUNICATIONS	133331	2/21/2012	60.62
0095543 AGC INC.	133332	2/21/2012	1,000.00
0001170 AIRGAS NCN	133333	2/21/2012	131.38
0000163 AIRPORT AUTO PARTS INC.	133334	2/21/2012	18.33
0095544 ALEX BUILDERS	133335	2/21/2012	207.00
0017459 ALL CITY MANAGEMENT SVC.INC.	133336	2/21/2012	1,964.16
0000706 AMERICAN PLANNING ASSOCIATION	133337	2/21/2012	580.00
0096700 ANDY'S WHEELS & TIRES	133339	2/21/2012	2,547.38
0001202 ARAMARK UNIFORM SERVICES	133340	2/21/2012	15.31
0001965 ARISTA BUSINESS	133341	2/21/2012	485.71
0104791 ARLENE ANDERSON	133338	2/21/2012	142.78
0000843 ARRIS SOLUTIONS, INC.	133342	2/21/2012	9,600.00
0016123 AT&T	133343	2/21/2012	99.46
0017191 AT&T	133344	2/21/2012	17.96
0018363 AT&T LONG DISTANCE	133345	2/21/2012	15.92
0018465 AT&T MOBILITY	133346	2/21/2012	45.45
0017211 AUTOMATIC DOOR SYSTEMS INC	133347	2/21/2012	700.26
0018367 AVAIL-TVN	133348	2/21/2012	6,089.28
0000345 BAKER & TAYLOR BOOKS	133349	2/21/2012	1,656.79
0096947 BARKER INTERNATIONAL GROUP LLC	133350	2/21/2012	89.91
0018093 BBC AMERICA	133351	2/21/2012	1,620.49
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0096420 BSN SPORTS	133352	2/21/2012	66.47
0096798 BUSINESS PRODUCTS & SUPPLIES	133353	2/21/2012	893.72
0093437 BWI	133354	2/21/2012	11.22
0018977 CBS TELEVISION STATIONS	133356	2/21/2012	6,446.33
0104793 CHANTILLI ELMORE	133376	2/21/2012	111.11
0016324 CINTAS CORPORATION #464	133358	2/21/2012	415.30
0096053 CINTAS DOCUMENT MANAGEMENT	133359	2/21/2012	45.00
0097608 CITY OF SOUTH SAN FRANCISCO	133360	2/21/2012	3,000.00
0018087 COMCAST MEDIA CENTER	133361	2/21/2012	300.30
0095976 COMMSCOPE INC.	133362	2/21/2012	17,659.61
0092231 COMMUNICATIONS MANAGERS ASSN.	133363	2/21/2012	50.00
0099003 COMMUTER CHECK SERVICE CORP.	133364	2/21/2012	372.08
0098656 COMPLETE LINEN SERVICE	133365	2/21/2012	87.37
0015857 COUNTY OF SAN MATEO	133366	2/21/2012	152.00
0018331 CSG CONSULTANTS INC.	133367	2/21/2012	759.50
0016960 DAN TILLES	133481	2/21/2012	50.40
0018912 DASH MEDICAL GLOVES INC.	133368	2/21/2012	172.98
0018188 DAU PRODUCTS	133369	2/21/2012	1,494.10
0104693 DEBBIE GRECH	133394	2/21/2012	777.69
0102820 DEBRA HALL	133396	2/21/2012	289.00
0000197 DEMCO SUPPLY INC.	133370	2/21/2012	228.88
0093479 DEPARTMENT OF JUSTICE	133371	2/21/2012	331.00
0017751 DEPT. OF PESTICIDE REGULATION, CASHIER	133444	2/21/2012	50.00
0018092 DISCOVERY COMMUNICATIONS LLC	133373	2/21/2012	2,892.37
0104790 DONALD HOWARD	133401	2/21/2012	65.91
0000198 EBSCO SUBSCRIPTION SVCS.	133374	2/21/2012	2.92
0093314 EDDIE FONSECA	133375	2/21/2012	86.58
0104364 EQUIFAX INFORMATION SVCS LLC	133379	2/21/2012	110.00
0102362 ESPN	133380	2/21/2012	783.44
0000944 FEDEX	133381	2/21/2012	129.95
0000913 FERMA CORPORATION	133382	2/21/2012	1,240.00
0102869 FRANCHISE TAX BOARD	133384	2/21/2012	150.00

Document group:	komalley	Bank: apbank	05507660		
0102354	FS3 FIRE SERVICE SPECIFICATION & SUPPLY	133464	2/21/2012	1,056.60	
0018272	GALE GROUP INC.	133385	2/21/2012	35.84	
0000574	GARY M. OLSON PH.D.	133386	2/21/2012	300.00	
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0104628	GUSTAVO AND IMELDA GOMEZ	133390	2/21/2012	12,500.00	
0000385	HACH COMPANY	133395	2/21/2012	495.25	
0102460	HANI YASER	133499	2/21/2012	101.11	
0095537	HARGENS, INC.	133397	2/21/2012	1,000.00	
0095792	HARRISON & BONINI	133398	2/21/2012	731.19	
0018213	HILLYARD, INC.	133400	2/21/2012	1,222.43	
0103976	HUB TELEVISION NETWORKS, LLC	133402	2/21/2012	777.73	
0018201	ICC PENINSULA CHAPTER	133403	2/21/2012	30.00	
0017880	ICE CENTER @ SAN MATEO	133404	2/21/2012	168.00	
0104700	IMS-AMERICAS, INC.	133405	2/21/2012	23,939.79	
0001786	IN DEMAND-NYC	133406	2/21/2012	1,725.20	
0018050	KAISER FOUNDATION HEALTH PLAN	133407	2/21/2012	2,924.00	
0096379	KAREN OJAKIAN	133434	2/21/2012	556.40	
0096559	KATHRYN CHOW	133357	2/21/2012	12,500.00	
0095540	KE CONSTRUCTION	133408	2/21/2012	1,000.00	
0018728	KONICA MINOLTA BUSINESS SOLUTIONS	133421	2/21/2012	1,437.00	
0000732	KRAFT INDUSTRIAL SUPPLY	133410	2/21/2012	51.42	
0000849	LEAGUE OF CALIFORNIA CITIES	133411	2/21/2012	400.00	
0018777	LEXISNEXIS RISK DATA MANAGEMENT	133456	2/21/2012	50.00	
0001472	LIFETIME ENTERTAINMENT SVC.LLC	133412	2/21/2012	4,998.88	
0016034	LINDA RUSSELL	133459	2/21/2012	395.85	
0018177	LOWE'S	133414	2/21/2012	882.11	
0098074	LUCA MIRANDA	133422	2/21/2012	125.00	
0099033	MASAO AND FUMIE TANAKA	133473	2/21/2012	12,500.00	
0000389	MATRISHA PERSON	133443	2/21/2012	1,236.30	
0095509	MELINA MEDINA	133415	2/21/2012	300.00	
0102770	METLIFE	133416	2/21/2012	1,045.46	
0016863	MIDWEST TAPE, LLC	133417	2/21/2012	129.98	
0093622	MIKE GULDNER	133418	2/21/2012	318.56	
0001709	MILLBRAE LOCK	133419	2/21/2012	228.35	
0014106	MILLS PARK CLEANERS	133420	2/21/2012	44.20	
0103600	MOMENTUM WHOLESAL, INC.	133423	2/21/2012	22,122.55	
0015000	MORRISON SCHOOL SUPPLIES,INC.	133424	2/21/2012	182.16	
0000333	MOSS RUBBER & EQUIP. CORP.	133425	2/21/2012	245.77	
0017289	MUNISERVICES LLC	133426	2/21/2012	1,000.00	
0000357	NATIONAL CABLE TV CO-OP, INC.	133427	2/21/2012	5,003.63	
0018859	NATIONAL DATA & SURVEYING SERV	133428	2/21/2012	135.00	
0018319	NEAL MARTIN & ASSOCIATES	133429	2/21/2012	15,967.87	
0103301	NHL NETWORK US, LP	133430	2/21/2012	4,169.98	
0016172	NOLO PRESS OCCIDENTAL	133431	2/21/2012	54.28	
0018157	OCLC INC	133432	2/21/2012	311.25	
0092263	OFFICE DEPOT INC	133433	2/21/2012	638.56	
0000210	OLE'S CARBURETOR &ELECTRIC INC	133436	2/21/2012	260.15	
0102557	PACIFIC DANCE COMPANY	133437	2/21/2012	214.50	
0000012	PACIFIC GAS & ELECTRIC	133438	2/21/2012	10,736.06	
0104697	PBS KIDS SPROUT	133440	2/21/2012	501.84	
0001154	PENINSULA LIBRARY SYSTEM	133441	2/21/2012	1,068.60	
0018283	PERFORMANCE TOW LLC	133442	2/21/2012	240.00	

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0000294	PITNEY BOWES	133445	2/21/2012	1,869.06	
0018094	PLAYBOY ENTERPRISES, INC.	133446	2/21/2012	32.36	
0102915	PRECISE PRINTING & MAILING	133447	2/21/2012	863.31	
0000285	PREFERRED ALLIANCE, INC.	133448	2/21/2012	355.60	
0000071	R & B COMPANY	133449	2/21/2012	1,853.76	
0017111	RANDOM HOUSE INC	133450	2/21/2012	60.62	
0095447	RAQUEL KONE	133409	2/21/2012	21.00	
0095148	RAY RAZAVI	133451	2/21/2012	10,500.00	
0017712	RECALL SECURE DESTRUCTION SERVICES, INC.	133372	2/21/2012	63.00	
0000175	RECOLOGY SAN BRUNO	133452	2/21/2012	386,497.79	
0104548	RENNE SLOAN HOLTZMAN SAKAI LLP	133453	2/21/2012	22.05	
0099138	RESHMA PRASAD	133454	2/21/2012	540.00	
0016729	RICOH AMERICAS CORPORATION	133455	2/21/2012	389.90	
0018511	ROBERT HOWARD	133457	2/21/2012	150.00	
0000022	ROBERT LOUIE	133413	2/21/2012	187.53	
0104626	ROBERT W. AND NANCY J. HENSEL	133399	2/21/2012	12,500.00	
0013581	ROVI GUIDES, INC.	133458	2/21/2012	9,454.84	
0104798	ROY OKANO	133435	2/21/2012	205.00	
0104789	RUSSELL SICKLEBOWER	133466	2/21/2012	24.18	
0103392	SAN MATEO COUNTY FIRE PREVENTION OFFICERS	133383	2/21/2012	100.00	
0099047	SAN MATEO CTY SHERIFF'S OFFICE	133460	2/21/2012	2,452.00	
0018597	SAN MATEO DAILY JOURNAL	133461	2/21/2012	960.00	
0017145	SAN MATEO LAWN MOWER SHOP	133462	2/21/2012	73.75	
0104792	SEAN CARR	133355	2/21/2012	20.82	
0093872	SHOWCASES	133465	2/21/2012	254.06	
0104787	SINGER ASSOCIATES, INC.	133467	2/21/2012	4,200.00	
0103492	SMITHSONIAN NETWORKS	133468	2/21/2012	310.03	
0104795	SONDRA GENTILE	133388	2/21/2012	37.36	
0017989	SOUTHLAND INDUSTRIES	133469	2/21/2012	1,638.00	
0015875	SPICE DIGITAL NETWORKS	133470	2/21/2012	60.68	
0097079	SPRINT	133471	2/21/2012	484.12	
0018602	STARZ ENTERTAINMENT LLC.	133472	2/21/2012	906.21	
0104794	STEPHEN ZIELINSKI	133501	2/21/2012	89.75	
0095446	STEVE SARANTITIS	133463	2/21/2012	35.65	
0000431	TEAMSTERS LOCAL #856	133328	2/17/2012	319,440.00	
0018073	TEAMSTERS LOCAL 350	133474	2/21/2012	2,176.00	
0002025	TELECOMMUNICATIONS ENGINEERING ASSOCIATE	133378	2/21/2012	2,308.00	
0104788	TEMP HOME SERVICES	133475	2/21/2012	8.44	
0017659	THE CALIFORNIA CHANNEL	133476	2/21/2012	139.38	
0018717	THE E GROUP LLC	133477	2/21/2012	300.00	
0017657	THE FRATELLO MARIONETTES	133478	2/21/2012	325.00	
0103559	THE MLB NETWORK, LLC	133479	2/21/2012	4,152.02	
0104674	THRIVE	133480	2/21/2012	4,205.00	
0090792	TONY GRECH	133482	2/21/2012	100.00	
0018818	TOSHIBA BUSINESS SOLUTIONS CA	133483	2/21/2012	507.22	
0018818	TOSHIBA BUSINESS SOLUTIONS CA	133484	2/21/2012	1.84	
0017932	TRILLIUM USA INC.	133486	2/21/2012	37.24	
0017133	TURBO DATA SYSTEMS INC	133487	2/21/2012	2,133.30	
0102361	TURNER NETWORK SALES, INC.	133488	2/21/2012	292.67	
0095538	TV GUIDE NETWORK, INC.	133489	2/21/2012	774.95	
0000019	U.S. POSTMASTER	133490	2/21/2012	3,800.00	
0104736	UNITED STATES TREASURY	133491	2/21/2012	1,380.00	
0102744	UNIVERSAL BUILDING SERVICES	133492	2/21/2012	489.00	
0099592	UNIVISION COMMUNICATIONS, INC.	133493	2/21/2012	3,820.26	
0098625	UPS	133494	2/21/2012	36.08	
0102988	VANTAGEPOINT TRANSFER AGENTS	133495	2/21/2012	7,809.62	
0018385	WFCB - OSH COMMERCIAL SERVICES	133496	2/21/2012	596.08	
0018585	WRIME INC.	133497	2/21/2012	15,481.95	

Positive Pay Listing
City of San Bruno

Document group:	komalley	Bank:	apbank	05507660		
0102630	XO COMMUNICATIONS, LLC	133498	2/21/2012		3,848.38	
0000578	ZEE MEDICAL INC.	133500	2/21/2012		100.52	
				GrandTotal:	<u>1,039,772.78</u>	
				Total count:		174

02/27/12

CITY OF SAN BRUNO
WARRANT REGISTER
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$66,339.40
132	AGENCY ON AGING	\$2,319.00
133	RESTRICTED DONATIONS	\$22.25
190	EMERGENCY DISASTER FUND	\$5,766.47
201	PARKS AND FACILITIES CAPITAL	\$263.20
203	STREET IMPROVE. PROJECTS	\$33.10
611	WATER FUND	\$14,447.54
621	STORMWATER FUND	\$0.65
631	WASTEWATER FUND	\$5,499.91
641	CABLE TV FUND	\$52,934.85
701	CENTRAL GARAGE	\$9,220.43
702	FACILITY MAINT. FUND	\$14,813.54
703	GENERAL EQUIPMENT REVOLVING	\$449.66
707	TECHNOLOGY DEVELOPMENT	\$410.12
711	SELF INSURANCE	\$6,828.10
891	S.B. GARBAGE CO. TRUST	\$40,000.00
TOTAL FOR APPROVAL		\$219,348.22

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 2 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 133502 THROUGH 133584 INCLUSIVE, TOTALING IN THE AMOUNT OF \$219,348.22 HAVE BEEN CHECKED IN DETAIL AND APPROVED BY THE PROPER OFFICIALS, AND IN MY OPINION REPRESENT FAIR AND JUST CHARGES AGAINST THE CITY IN ACCORDANCE WITH THEIR RESPECTIVE AMOUNTS AS INDICATED THEREON.

RESPECTFULLY SUBMITTED,



FINANCE DIRECTOR

2/29/11

DATE

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0017341 AARONSON DICKERSON, COHN & LANZONE	133527	2/27/2012	787.50
0096852 ABAG PLAN CORPORATION	133502	2/27/2012	315.12
0000858 ADECCO EMPLOYMENT SERVICES	133503	2/27/2012	1,809.19
0017586 AIR EXCHANGE, INC	133504	2/27/2012	115.83
0000163 AIRPORT AUTO PARTS INC.	133505	2/27/2012	10.38
0097137 ALERT DOOR SERVICE INC	133506	2/27/2012	1,375.00
0096700 ANDY'S WHEELS & TIRES	133507	2/27/2012	1,291.59
0001202 ARAMARK UNIFORM SERVICES	133508	2/27/2012	277.96
0016123 AT&T	133509	2/27/2012	471.80
0017191 AT&T	133510	2/27/2012	190.41
0102745 BAY AREA NEWS GROUP	133511	2/27/2012	232.95
0000580 C & L SPORTING GOODS	133513	2/27/2012	1,109.56
0097948 CARDINAL RULES	133515	2/27/2012	3,150.00
0104804 CHERYL ANNE NAPIER	133555	2/27/2012	123.02
0016324 CINTAS CORPORATION #464	133516	2/27/2012	203.76
0017802 CLEANSOURCE, INC.	133517	2/27/2012	2,563.95
0018911 COMCAST CABLE COMMUNICATIONS	133518	2/27/2012	25,050.70
0104508 COMCAST SPORTSNET CALIFORNIA	133519	2/27/2012	21,012.30
0098656 COMPLETE LINEN SERVICE	133520	2/27/2012	95.94
0015857 COUNTY OF SAN MATEO	133522	2/27/2012	3,132.17
0014338 CREST/GOOD MANUFACTURING CO.	133523	2/27/2012	308.71
0098540 CRESTMOOR ELEMENTARY SCHOOL	133524	2/27/2012	298.00
0097934 CWEA-TCP	133525	2/27/2012	1,230.00
0018169 DELL MARKETING L.P.	133526	2/27/2012	310.12
0104448 DIGICOMM INTERNATIONAL, INC.	133528	2/27/2012	489.88
0001646 ECOLAB INC.	133530	2/27/2012	98.88
0000605 EMERGENCY VEHICLE SOLUTIONS	133531	2/27/2012	1,052.23
0000944 FEDEX	133532	2/27/2012	171.65
0017335 FIBER INSTRUMENT SALES INC	133533	2/27/2012	68.90
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	133534	2/27/2012	213.86
0018117 FLYERS ENERGY, LLC	133535	2/27/2012	11,169.38
0018842 GBH POLYGRAPH SERVICES	133536	2/27/2012	225.00
0016969 GOLDEN IDEAS	133537	2/27/2012	100.00
0000182 GRAINGER	133538	2/27/2012	175.82
0095966 GREAT AMERICA LEASING CORP.	133539	2/27/2012	160.88
0096837 GYM DOCTORS	133540	2/27/2012	125.00
0018213 HILLYARD, INC.	133541	2/27/2012	606.07
0091727 ICMA MEMBERSHIP RENEWALS	133542	2/27/2012	200.00
0099664 IEDA	133543	2/27/2012	3,999.00
0015531 INTERSTATE BATTERY SYS. OF SF	133544	2/27/2012	92.48
0099054 INTERSTATE TRS FUND	133545	2/27/2012	347.84
0103317 JILL ROFII	133569	2/27/2012	3,042.98
0000771 JT2 INTEGRATED RESOURCES	133546	2/27/2012	6,512.98
0095466 KD STUCCO	133547	2/27/2012	152.93
0018498 KONICA MINOLTA	133549	2/27/2012	449.66
0000317 L.N. CURTIS & SONS	133550	2/27/2012	389.70
0017570 LEHR AUTO ELECTRIC	133551	2/27/2012	848.86
0104424 LIDIA'S ITALIAN DELICACIES	133552	2/27/2012	2,319.00
0104690 LORI SMILEY KLINGLER	133548	2/27/2012	124.80
0093412 LYNN NIEMIRA	133557	2/27/2012	707.85
0000376 MARILYN BENNETT	133512	2/27/2012	258.70
0000027 MEYERS NAVE PROFESSIONAL LAW	133553	2/27/2012	2,984.58
0096800 MOBILE CALIBRATION SVCS. LLC	133554	2/27/2012	326.02
0000357 NATIONAL CABLE TV CO-OP, INC.	133556	2/27/2012	3,837.68
0092263 OFFICE DEPOT INC	133559	2/27/2012	929.02
0000210 OLE'S CARBURETOR & ELECTRIC INC	133560	2/27/2012	927.36

Document group:	komalley	Bank:	apbank	05507660	
0016188	P & S SALES OF SAN FRANCISCO	133561	2/27/2012	112.30	
0000012	PACIFIC GAS & ELECTRIC	133562	2/27/2012	6,602.41	
0104803	PATRICIA CAMPOS-KIRCHOFF	133514	2/27/2012	114.16	
0018861	PITNEY BOWES	133563	2/27/2012	6,000.00	
0016770	PRAXAIR DISTRIBUTION INC - 19	133564	2/27/2012	535.46	
0000071	R & B COMPANY	133565	2/27/2012	4,978.97	
0095148	RAY RAZAVI	133566	2/27/2012	9,750.00	
0000175	RECOLOGY SAN BRUNO	133567	2/27/2012	40,000.00	
0000569	SAN BRUNO AUTO CENTER, INC.	133570	2/27/2012	65.00	
0017807	SAN MATEO COUNTY CONTROLLER'S OFFICE	133521	2/27/2012	10,933.10	
0018461	SERRAMONTE FORD, INC.	133571	2/27/2012	819.74	
0018546	SO. CITY FIRE PROTECTION	133572	2/27/2012	239.08	
0017989	SOUTHLAND INDUSTRIES	133573	2/27/2012	9,549.00	
0000801	STEWART AUTOMOTIVE GROUP	133574	2/27/2012	20.58	
0017928	THE EDCCO GROUP, INC.	133575	2/27/2012	3,943.13	
0018275	THE REGENTS OF THE UNIVERSITY OF CA	133558	2/27/2012	192.99	
0000036	THOMSON WEST	133576	2/27/2012	465.37	
0096003	TRACI DOS SANTOS	133529	2/27/2012	557.70	
0001362	TV GUIDE MAGAZINE, LLC	133578	2/27/2012	167.68	
0104802	VALERIE TRENNEV	133577	2/27/2012	36.14	
0095749	VERIZON WIRELESS	133579	2/27/2012	2,723.70	
0098917	VOLIKOS ENTERPRISES	133580	2/27/2012	135.31	
0095917	WEST COAST EQUIPMENT	133581	2/27/2012	1,933.29	
0104660	WEST YOST ASSOCIATES, INC.	133582	2/27/2012	9,955.00	
0018580	WILEY PRICE & RADULOVICH LLP	133583	2/27/2012	270.00	
0016286	WINGFOOT COMMERCIAL TIRE, LLC	133584	2/27/2012	11.66	
0018069	WULFSBERG REESE COLVIG & FIRSTMAN	133568	2/27/2012	661.50	
			GrandTotal:	219,348.22	
			Total count:	83	



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: March 13, 2012
TO: Honorable Mayor and Members of the City Council
FROM: Kim Juran, Finance Director
SUBJECT: Payroll Approval

City Council approval of the City payroll distributed March 2, 2012 is recommended. The Labor Summary report reflecting the total payroll amount of \$1,228,160.38 for the bi-weekly pay period ending February 26, 2012 is attached.

LABOR SUMMARY FOR PAY PERIOD ENDING : February 26, 2012

pyLaborDist	03/02/12
Fund: 001 - GENERAL FUND	940,350.47
Fund: 122 - SOLID WASTE/RECYCL.	1,495.53
Fund: 190 - EMERGENCY DISASTER FUND	5,609.78
Fund: 201 - PARKS AND FACILITIES CAPITAL	2,950.31
Fund: 203 - STREET IMPROVE. PROJECTS	4,072.90
Fund: 611 - WATER FUND	76,709.90
Fund: 621 - STORMWATER FUND	9,830.80
Fund: 631 - WASTEWATER FUND	57,959.12
Fund: 641 - CABLE TV FUND	81,244.24
Fund: 701 - CENTRAL GARAGE	8,457.83
Fund: 702 - FACILITY MAINT.FUND	20,912.02
Fund: 707 - TECHNOLOGY DEVELOPMENT	12,373.10
Fund: 711 - SELF INSURANCE	6,194.38
Total	1,228,160.38



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: March 13, 2012
TO: Mayor and City Council
FROM: Marc L. Zafferano, City Attorney
Klara Fabry, Public Services Director
SUBJECT: Waive Second Reading and Adopt Ordinance Repealing and Reenacting Chapter 10.12 of the San Bruno Municipal Code Relating to Wastewater Quality Control

BACKGROUND:

On February 14, 2012, the City Council received a report regarding revision of Chapter 10.12 of the San Bruno Municipal Code relating to wastewater quality control, specifically fats, oils, and grease (FOG).

Following discussion, the City Council directed staff to schedule a Public Hearing to introduce a new ordinance (Attachment 1) that would be consistent with state and federal mandates, the recent Baykeeper Consent Decree, and the South San Francisco ordinance.

On February 28, 2012, the City Council held a Public Hearing and introduced the ordinance.

DISCUSSION:

As noted in the staff reports for the meetings of February 14 and 28, the proposed ordinance would not impose any new requirements on food service establishments (FSEs) than are already in place through the wastewater discharge permits that food service establishments have been required to obtain to operate in San Bruno and across the Peninsula.

South San Francisco would continue to inspect San Bruno FSEs, and San Bruno would be responsible for enforcement. San Bruno would continue to conduct outreach and education in residential neighborhoods to reduce the incidence of FOG in those areas.

Adoption of this ordinance is a necessary and important part of the City's overall plan to reduce sanitary sewer overflows (SSOs).

FISCAL IMPACT:

No new costs are anticipated with adoption of the ordinance. San Bruno's cost-sharing program with South San Francisco for operation of the jointly owned treatment plant already accounts for the existing and ongoing enforcement program.

7.c.

ALTERNATIVES:

1. Direct staff to make changes to the ordinance, which may require re-introduction if the changes are substantive.

RECOMMENDATION:

Waive second reading and adopt ordinance repealing and reenacting Chapter 10.12 of the San Bruno Municipal Code relating to wastewater quality control.

DISTRIBUTION:

None.

ATTACHMENTS:

1. New Chapter 10.12 of the San Bruno Municipal Code

REVIEWED BY:

_____ CM

ORDINANCE OF THE CITY OF SAN BRUNO REPEALING AND REENACTING
CHAPTER 10.12 OF THE SAN BRUNO MUNICIPAL CODE RELATING TO
WASTEWATER QUALITY CONTROL

The City Council of the City of San Bruno ordains as follows:

Section 1. Chapter 10.12 of the San Bruno Municipal Code is repealed and reenacted to read as follows:

Chapter 10.12 WATER QUALITY CONTROL

10.12.010 Purpose and intent.

The cities of San Bruno and South San Francisco jointly own the South San Francisco and San Bruno Water Quality Control Plant, which is operated by the city of South San Francisco. As the operator of the plant, the city of South San Francisco administers, implements and enforces the city of San Bruno's pretreatment program, including but not limited to, the provisions set forth in this chapter.

This chapter sets forth uniform requirements for direct and indirect contributors into the POTW and enables the cities of San Bruno and South San Francisco and the POTW to comply with all applicable state of California laws (Water Code Section 1300 et seq.) and federal laws required by the Clean Water Act of 1977 (33 U.S.C. Section 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the POTW which will upset or interfere with the operation of the POTW or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW;
- (d) To provide for equitable distribution of the cost of the POTW; and
- (e) To prevent the exposure of workers at the POTW to chemical hazards.

This chapter provides for the regulation of direct and indirect dischargers to the POTW through the issuance of permits to certain nondomestic users and through enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's

capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs.

This chapter shall apply throughout the city and to persons outside the city who are, by contract or agreement with the city, users of the POTW. Except as otherwise provided herein, both the city of San Bruno and the city of South San Francisco shall have the authority to administer, implement, and enforce the provisions of this chapter.

10.12.020 Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD – Biochemical Oxygen Demand

BMP – Best Management Practice

BMR – Baseline Monitoring Report

CFR – Code of Federal Regulations

CIU – Categorical Industrial User

COD – Chemical Oxygen Demand

EPA – U.S. Environmental Protection Agency

gpd – gallons per day

IU – Industrial User

mg/l – milligrams per liter

NPDES – National Pollutant Discharge Elimination System

NSCIU – Non-Significant Categorical Industrial User

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

SIU – Significant Industrial User

SNC – Significant Noncompliance

TSS – Total Suspended Solids

U.S.C. – United States Code

10.12.030 Definitions.

“Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. Section 1251 et seq., as amended.

“Authorized representative” means:

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or designee.

(4) The individuals described in subsections (1) through (3) may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the POTW.

“Best management practices” mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States and to implement the discharge prohibitions set forth in Section 10.12.150. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty degrees centigrade expressed in terms of weight and concentration as milligrams per liter.

“Categorical industrial user” means an industrial user subject to a categorical pretreatment standard or categorical standard.

“Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Chemical oxygen demand (COD)” means the equivalent quantity of oxygen utilized during oxidation of organic and inorganic matter in wastewater under the conditions of the COD test described in standard methods, expressed in milligrams per liter.

“City” means the city of San Bruno.

“Contamination” means impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

“Cooling water” means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

“Daily maximum” means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

“Daily maximum limit” means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

“Department of environmental services” means the San Mateo County department of environmental services, or any successor.

“Discharge” means the direct or indirect introduction of pollutants or wastewater into the POTW or the waters of the state.

“Domestic or residential premises” means a single-family, duplex or multiple-family dwelling.

“Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency, or one of its duly authorized officials.

“Existing source” means any source of discharge that is not a new source.

"Food service establishment" means a facility operating in a permanently constructed structure such as a room, building or place, or portion thereof, maintained, used or operated for the purpose of storing, preparing, serving or manufacturing, packaging or otherwise handling food and/or beverage for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces grease, or grease vapors, steam, fumes, smoke or odors that are required to be removed by an exhaust hood pursuant to California Health and Safety Code section 114149.1 or in accordance with the California Retail Food Code (California Health and Safety Code sections 113700 et seq.).

"Garbage" means solid wastes from the preparation, cooking and dispensing of foods, and from the handling, storage and sale of produce. "Properly ground garbage" is the waste from the preparation, cooking and dispensing of foods which have been ground to such a degree that all particles may be carried freely under the flow conditions normally prevailing in public sewers.

"Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen minutes.

"Grease" means greases, oils, fats, fatty acids, waxes, soaps or other matter which is so determined in accordance with the standard methods examination for grease in polluted waters. Grease includes any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

"Grease interceptor" means a multi-compartment device that is generally required, according to the California Plumbing Code, to be located underground between a food service establishment and the connection to the public sewer. These devices primarily use gravity to separate grease from the wastewater as it moves from one compartment to the next. To be effective, these devices must be cleaned, maintained and have the grease removed and disposed of in a proper manner, at regular intervals.

"Grease removal device" means any grease interceptor, grease trap or other mechanism or device which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat grease prior to it being discharged into the POTW.

"Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

"Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b), (c) or (d) of the Act, into the POTW (including holding tank waste discharged into the system).

"Industrial user" means a source of indirect discharge.

"Industrial waste" means the gaseous, liquid and solid wastes from any producing, manufacturing or personal service industries, or from any processing operation of whatever nature, including the washing of vehicles, machines and equipment.

"Inflow" means water other than wastewater that enters a sewer system from sources, such as but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, for drainage. Inflow does not include, and is distinguished from, infiltration as defined in 40 CFR § 35.2005.

"Instantaneous limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore, causes or threatens to cause a violation of the POTW's NPDES permit or prevents sewage sludge use or disposal in compliance with Section 405 of the Act, the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

"Local limit" means specific discharge limits developed and enforced by the POTW upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and Section 10.12.150.

"Mass emission rates" means pounds per day in waste or waste discharge of designated materials.

"Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

"Moderate industrial user" means an industrial user who is not a significant industrial user yet requires periodic inspection and/or monitoring to verify compliance with current local limits.

"Monthly average" means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

"Monthly average limit" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

“National pollution discharge elimination system (NPDES) permit” means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake, bay, ocean or other body of surface water, or into the groundwater.

“New source” means any building, structure, facility or installation from which there is, or may be, a discharge of pollutants, the construction of which began after the publication of proposed pretreatment standards pursuant to Section 307(c) of the Act which will be applicable to such source if such standards are promulgated, provided that:

(1) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (2) or (3) but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous onsite construction program: (A) any placement, assembly or installation of facilities or equipment; or (B) significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

“Noncontact cooling water” means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"Pass through" means discharge through the POTW to waters of the United States which, alone or in conjunction with discharges from other sources, causes or threatens to cause a violation of the POTW's NPDES permit.

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

"pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial wastes, municipal wastes or agricultural wastes discharged into water.

"Pollution" means the manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

"Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).

"Pretreatment program" means a program to protect the POTW, its workers and the environment from adverse impacts that may occur when hazardous or toxic wastes are discharged into the POTW.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

"Pretreatment standards" includes categorical pretreatment standards, prohibited discharge standards, and local limits.

"Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances which are set forth in Section 10.12.150.

"Publicly owned treatment work (POTW)" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the cities of South San Francisco and San Bruno and operated by the city of South San Francisco. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any sewers, pipes and other conveyances that convey wastewater to a treatment plant. For

the purposes of this chapter, POTW shall also include any sewers that convey wastewaters to the plant from persons outside the city, who are, by contract or agreement with the city, users of the POTW.

"Sanitary sewage" means domestic or domestic-like sewage.

"Sewage" (see wastewater) means water-carried and liquid wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters, and stormwaters as may be present, or any combination of such wastes and waters.

"Sewer" means a pipe or conduit for carrying water, sewage and/or wastewater; and the following:

(1) "Building sewer" means a sewer conveying wastewater from the premises of a user to a public sewer.

(2) "Public sewer" means a sewer which is controlled by the city or other public agency.

(3) "Sanitary sewer" means a sewer for domestic, commercial and industrial waste to which stormwaters, surface waters and groundwaters are not intentionally admitted.

(4) "Side sewer" means a sewer conveying the wastewater of a discharge from a residence, building or other structure to a public sewer, including direct connections where permitted.

(5) "Storm sewer" means a sewer which carries storm and surface waters but from which sewage and polluted industrial, commercial and institutional wastes are required to be excluded.

"Significant industrial user" means:

(1) All categorical industrial users;

(2) Any noncategorical industrial user that: (A) discharges an average of twenty-five thousand gallons or more per day of process wastewater to the POTW; or (B) contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (C) has a reasonable potential, in the opinion of the superintendent, to adversely affect the POTW's operation (i.e., inhibition, pass through of pollutants, sludge contamination, or endangerment of POTW and collection system workers) or for violating any pretreatment standard or requirement.

(3) The superintendent may determine that a categorical industrial user is a nonsignificant categorical industrial user rather than a SIU on a finding that the industrial user never discharges more than one hundred gallons per day (gpd) of total categorical

wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(1) The industrial user, prior to the superintendent's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(2) The industrial user annually submits the certification statement required in Section 10.12.140(e)(2), together with any additional information necessary to support the certification statement; and

(3) The industrial user never discharges any untreated concentrated wastewater.

"Slug load" or "slug discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 10.12.150 of this chapter. A slug discharge is any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

"Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or any successor.

"Standard methods" means the latest EPA-approved edition of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by American Public Health Association, American Water Works Association, and the Water Pollution Control Federation on methods deemed equivalent by the superintendent and the Regional Water Quality Control Board, San Francisco Bay Region, herein referred to for definitions, laboratory procedures of analysis, tests (including test samples) and measurements.

"Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Superintendent" means the superintendent of the POTW or the superintendent's authorized representative. The superintendent is an employee of the city of South San Francisco, and except as otherwise provided, has the authority to administer, implement and enforce the provisions of this chapter on behalf of the city of San Bruno.

"Total suspended solids" or "suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

"Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provision of Section 307(a) of the Act (33 U.S.C. 1317) or other acts.

"Upset" means an incident in which one or more pollutants cause the removal efficiency for a treatment process at the POTW to be dramatically reduced.

"User" means any person who discharges, or causes or permits the discharge of, wastewater into the POTW, including, but not limited to, industrial users.

"Waste" means all waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, personal service industry, or processing operation of whatever nature.

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

"Wastewater discharge permit" or "permit" means an SIU permit, a moderate industrial user permit or other permit issued to a user pursuant to this chapter.

"Water quality control plant" means that portion of the POTW which is designed to provide treatment of wastewater.

"Waters of the state" or "watercourse" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

10.12.040 Wastewater discharge permits.

(a) It is unlawful to discharge without a permit into any natural outlet within the city or into the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter.

(b) All significant industrial users proposing to discharge wastewater to the POTW shall obtain a wastewater discharge permit from the superintendent before discharging to any public sewer. Moderate industrial users may be required to obtain a permit as deemed necessary by the superintendent.

(c) Users required to obtain a wastewater discharge permit shall complete and file with the POTW an application in the form prescribed by the POTW, accompanied by a fee as set forth in the POTW's master fee schedule. Proposed new users shall apply for a permit at least ninety days prior to the date upon which any discharge will begin. Users shall be classified as either residential, institutional, commercial, or industrial. In support of the application, the users shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, mailing address, and location of use (if different from the address), business license number and expiration date;

(2) SIC number according to the Standard Industrial Classification Manual;

(3) Wastewater constituents and characteristics as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act (33 U.S.C. 1314) and contained in 40 CFR, Part 136;

(4) Time and duration of discharge;

(5) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are subject to any pretreatment standards, and a statement, signed by an authorized representative of the user and certified to be a qualified professional, regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance or additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) If additional pretreatment operation and maintenance will be required to meet the pretreatment standards the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.),

(B) No increment referred to in subsection (c)(9)(A) shall exceed nine months,

(C) Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment

of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent;

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) A baseline monitoring report (BMR) must be submitted, in compliance with, and containing all the information required by, 40 CFR 403.12 (b); and

(14) Such other information as may be deemed by the superintendent to be necessary to evaluate the permit application.

The BMR, ninety-day compliance reports, and periodic compliance reports for categorical industrial users must be signed by the appropriate official as specified in 40 CFR 403.12(1), and contain the certification statement in 40 CFR 403.6(a)(2)(ii).

10.12.050 Sewer design and construction.

All new sewers and connections to new and existing sewers shall be properly designed and constructed to prevent inflow and in accordance with the Uniform Building Code then in effect and other applicable city ordinances. Any new connections from inflow sources into the POTW are prohibited. The applicant for a permit to construct sewers or connections shall furnish the chief building inspector with a copy of the wastewater discharge permit.

10.12.060 Permit modifications.

Wastewater discharge permits subject to the categorical pretreatment standards will be modified by the POTW, as soon as possible, subsequent to a change in federal standards. Where a categorical user has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within one hundred eighty days after the promulgation of the applicable categorical pretreatment standard. In addition, a user with an existing wastewater discharge permit shall submit to the superintendent within one hundred eighty days after the promulgation of an applicable federal categorical pretreatment standard the information required by Section 10.12.040.

10.12.070 Permit conditions.

(a) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established

by the city or the POTW. Commercial and industrial users must maintain a current city business license.

(b) Permits must contain the following provisions:

(1) Effluent limits, including best management practices, based on applicable pretreatment standards;

(2) The duration of the permit;

(3) A statement that the permit is nontransferable without prior notification to the POTW and provision of a copy of the permit to the new owner or operator;

(4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, sampling type based on federal, state and local law;

(5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 10.12.130(d);

(6) Requirements to control slug discharge, if determined by the superintendent to be necessary;

(7) A statement of applicable civil and criminal penalties for violation of pretreatment standards; and

(8) Any applicable compliance schedules.

(c) Permits may contain additional provisions, including, but not limited to:

(1) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the POTW;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges;

(4) Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection, monitoring and sampling facilities and monitoring equipment;

(7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with applicable pretreatment standards, including those that become applicable during the term of the individual wastewater discharge permit;

(8) Requirements for notification to the POTW of any increased contributions of pollutants, changes in the nature of pollutants, or of any introduction of new wastewater constituents where such contributions would cause the POTW to violate its NPDES permit. In compliance with 40 CFR 403.12(j), all industrial users must notify the POTW prior to any increased contributions of pollutants, or changes in the character of pollutants in their discharges, including hazardous wastes; and

(9) Other conditions as deemed appropriate by the superintendent to ensure compliance with this chapter, and state and federal laws, rules and regulations.

(d) The superintendent or the superintendent's designee may amend the terms and conditions of a wastewater discharge permit or add new and different terms and conditions to meet the requirements of applicable federal and state statutes, city ordinances and administration orders issued pursuant thereto.

10.12.080 Permit duration.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the POTW during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in a permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

10.12.090 Permit transfer.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the POTW. Any succeeding owner or users shall also comply with the terms and conditions of the existing permit.

10.12.100 Permit classifications.

Waste discharge permits shall be issued to applicable users and levied applicable fees as provided for in this chapter and shall be classified as follows:

(a) SIU Permit. An SIU permit shall be issued to all significant industrial users. SIU permit holders are regulated in accordance with the requirements specified in the pretreatment regulations, 40 CFR Part 403 and 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as amended, and this chapter.

(b) Moderate Industrial Users Discharge Permit. A moderate industrial user permit shall be issued, at the discretion of the superintendent, to any user who is not a significant industrial user, yet requires periodic inspection and/or monitoring to verify compliance with this chapter. A moderate industrial user permit may be required for discharge of industrial waste from stationary sources, trucked wastes, contaminated groundwater, and other industrial wastes approved by the superintendent for discharge to the sanitary sewer.

10.12.110 Reporting and recordkeeping requirements for permittee.

(a) In order to effectively administer and enforce the provisions of this chapter, the superintendent may require any discharger to comply with any or all the following requirements:

(1) Discharge Reports. The superintendent may require a user to submit discharge reports, including, but not limited to, questionnaires, technical reports, sampling reports, and test analyses, and periodic reports of wastewater discharge. When a report filed by a person pursuant to this section is not adequate in the judgment of the superintendent, he or she may require such person to supply such additional information as the superintendent deems necessary. The discharge report may include, but is not limited to, the nature of the process, volume and rates of wastewater flow, elements, constituents, and characteristics of the wastewater, together with any information required in an application for wastewater discharge permit.

(2) Baseline Monitoring Report. Within either one hundred eighty days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, each categorical industrial user currently discharging or scheduled to discharge to the POTW shall submit a baseline monitoring report (BMR) to the superintendent that complies with the requirements set forth in 40 CFR 403.12(b), which is incorporated by reference into this chapter. At least ninety days prior to commencement of discharge, new sources and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard shall submit to the superintendent a BMR that complies with the requirements set forth in 40 CFR 403.12(b).

(3) Periodic Compliance Reports. All significant industrial users must submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge. At the discretion of the superintendent and in consideration of such

factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are submitted. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 10.12.140(e) of this chapter.

(4) Compliance Schedule for the Installation of Technology. The superintendent may require each user to develop a compliance schedule for the installation of technology to meet applicable pretreatment standards or requirements that complies with the requirements set forth in 40 CFR 403.12(c). The compliance schedule for the installation of technology is not conditioned on the determination of violations. Any user required to submit a compliance schedule to the superintendent shall submit progress reports to the superintendent in accordance with 40 CFR 403.12(c)(3).

(5) Report on Compliance with Categorical Deadline. Within ninety days after the final date for compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the discharge, all categorical industrial users shall submit to the superintendent a report containing the information set forth in paragraphs b(4) through (6) of 40 CFR 403.12. For categorical industrial users subject to equivalent mass or concentration limits established by the superintendent, the report shall contain a reasonable measure of the user's long-term production rate. For categorical industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual production during the appropriate sampling period.

(6) Notice of Violation/Resampling Report. If sampling by a user indicates a violation, the user shall notify the POTW within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis (following the guidelines in the enforcement response plan) and submit the results of the repeat analysis to the POTW within thirty days of becoming aware of the violation. Resampling by the industrial user is not required if the POTW performs sampling at the industrial user's facility at least once per month or the POTW performs sampling at the industrial user's facility between the time when the initial sampling was conducted and the time when the user or the POTW receives the results of this sampling. Within forty-five days of detecting such violation, the user shall, unless waived by the POTW, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(7) Slug Control Plan. The superintendent shall determine whether each significant industrial user needs a plan to control slug discharges. If the superintendent determines such a plan is required, the significant industrial user shall submit a plan containing at a minimum the following elements: (A) description of discharge practices, including nonroutine batch discharges; (B) description of stored chemicals; (C) procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days; and (D) if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage area, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(8) Notice of Potential Problems. All industrial users shall notify the POTW immediately of any discharges that could cause problems to the POTW, including any slug loadings.

(9) Notification of Changed Conditions. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under subsection (a)(10) and any changes affecting the potential for a slug discharge.

(10) Notification of Hazardous Waste Discharge.

(A) All industrial users discharging any substance which, if otherwise disposed of, would be a hazardous or acutely hazardous waste under 40 CFR part 261, must comply with the notification requirements in 40 CFR 403.12(p)(1) and (3) unless exempted under the provisions of 40 CFR 403.12(p)(2). Any written notification required by this subsection shall be provided to the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities.

(B) In the case of any notification made under subsection (A), the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. The POTW may accept a copy of a hazardous waste reduction or minimization plan otherwise required by law, as compliance with this requirement.

(11) Other Reports. The POTW may require any other reports, as deemed necessary by the superintendent, to determine a user's compliance status with this chapter and federal and state laws.

(b) The POTW may reduce the requirement for periodic compliance reports set forth in subsection (a)(3) to a requirement to report no less frequently than once a year, unless required more frequently by a pretreatment standard or by the state, where

the industrial user's total categorical wastewater flow does not exceed any of the following:

(1) 0.01 percent of the POTW's design dry-weather hydraulic capacity or five thousand gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

(2) 0.01 percent of the design dry-weather organic (BOD or TSS) treatment capacity of the POTW; and

(3) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with Section 10.12.160(a) of this chapter.

Reduced reporting is not available to industrial users that have in the last two years been in significant noncompliance, as defined in Section 10.12.140(b) of this chapter. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the superintendent, decreasing the reporting requirement for the industrial user would result in data that are not representative of conditions occurring during the reporting period.

(c) Recordkeeping Requirements. Users subject to the reporting requirements of this section shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW, or where the user has been specifically notified of a longer retention period by the superintendent.

10.12.120 Monitoring facilities and programs.

(a) The superintendent may require users to conduct and maintain monitoring programs as a means of controlling the quantity and quality of the discharge so that discharges comply with the provisions of this chapter. The monitoring program shall consist of test samples and analyses, the frequency and type of which shall be specified by the superintendent. Upon demonstrating to the superintendent that the user has the necessary qualifications and equipment to conduct the monitoring program or that the user has retained the services of a qualified consultant or laboratory so certified by the State Department of Public Health, the user may conduct this monitoring program. The

user shall submit monitoring reports to the superintendent monthly unless the superintendent determines a different frequency for the periodic monitoring reports, in which case the superintendent shall specify the report frequency to the user by written notice, stating the reasons therefor. If the user fails, refuses or neglects to conduct and maintain the required monitoring program, or does not have qualified personnel and equipment therefor, or does not have the services of a qualified consultant or laboratory so certified by the State Department of Public Health, then the superintendent may establish a monitoring program with POTW personnel if available or with services of a qualified consultant or laboratory so certified by the State Department of Public Health, the cost of which shall be charged to the user and/or parcel owner.

(b) The POTW may require, to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the POTW may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed off-premises. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The sampling and monitoring facilities shall be provided in accordance with the city's and POTW's requirements and all applicable local construction shall be completed within ninety days following commencement.

(c) Monitoring and Analysis to Demonstrate Continued Compliance.

(1) Except in the case of nonsignificant categorical users, the reports required by Section 10.12.110(a)(2), (a)(3), (a)(5), (a)(6) and (a)(11) shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the POTW in lieu of the industrial user. Where the POTW performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required under Section 10.12.140(e). In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

(2) The reports required in Section 10.12.110(a)(2), (a)(3), (a)(5), (a)(6) and (a)(11) must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized by the

superintendent, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the superintendent, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(3) For sampling required in support of baseline monitoring reports and ninety-day compliance reports required by Section 10.12.110(a)(2) and (a)(5), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by Section 10.12.110(a)(3), (a)(6) and (a)(11), the user shall collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(4) All analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the superintendent or other parties, approved by the EPA.

(5) If an industrial user subject to the reporting requirement in Section 10.12.110(a)(3) monitors any regulated pollutant at the appropriate sampling location more frequently than required by the POTW, using the procedures prescribed in subsection (c)(4) of this section, the results of this monitoring shall be included in the report.

10.12.130 Inspection and sampling.

(a) The POTW shall inspect as the superintendent deems necessary, the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the POTW or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any duties.

The POTW and personnel from other governmental agencies shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the POTW and other governmental agencies will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(b) The superintendent may require any nonresidential user to construct, at the user's own expense, a sampling facility or inspection manhole, together with necessary related measuring and sampling equipment, in accordance with construction standards and specifications of the city and the POTW. The sampling facility, or well, or inspection manhole, shall be constructed on the lateral side sewer of the user and installed at a point where the sampling well intercepts all wastes from the discharging source. The well shall also be within a clear easement area at a location which will permit the POTW access to the facility at all times. Construction shall be completed within sixty days of written notification from the superintendent, unless such time is extended by the superintendent for good cause. The superintendent may require the user to install such sampling facilities or inspection manholes on each lateral sewer.

(c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) The POTW may authorize a categorical industrial user to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater

prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed by an authorized representative, and include the certification statement in Section 10.12.140(e) (40 CFR 403.6(a)(2)(ii)).

(5) Nondetectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the superintendent must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the superintendent for three years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the user's permit by the superintendent, the industrial user must certify on each report with the statement in Section 10.12.140(e), that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of Section 10.12.110(a)(3), or other more frequent monitoring requirements imposed by the superintendent, and notify the superintendent.

(9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

10.12.140 Pretreatment compliance.

(a) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all pretreatment standards within the time limitations specified by the EPA, state or the superintendent, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be approved by the POTW before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the POTW under the provisions of this chapter or regulations promulgated by the superintendent in accordance with this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and approved by, the POTW prior to the user's initiation of the changes.

(b) The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements as specified in 40 CFR 403.8 (f)(2)(vii) and additional requirements as specified below. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (b)(1) through (b)(13) of this section) and means:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, longer term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 10.12.310 to halt or prevent such a discharge;

(5) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to accurately report noncompliance;

(7) Failure to provide within forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(8) Prohibited discharges that create a fire or explosion hazard, including waste streams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius);

(9) Prohibited discharges of petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause interference or pass through;

(10) Prohibited discharges that result in toxic gases, fumes, or vapors in a quantity capable of causing worker health and safety problems;

(11) Prohibited discharges having a temperature which inhibits biological activity in the POTW resulting in interference;

(12) Prohibited discharges of wastes or wastewater containing any radioactive material, except in compliance with applicable state and federal regulations;

(13) Any other violation or group of violations that the superintendent determines will adversely affect the operation or implementation of the POTW's pretreatment program.

(c) All records relating to compliance with pretreatment standards shall be made available to city, state and federal officials upon request.

(d) The city may seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements, and may seek additional penalties pursuant to 40 CFR 403.8 (f)(1)(vi)(A).

(e) Certification Statements.

(1) Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 10.12.040; users submitting baseline monitoring reports under Section 10.12.110(a)(2); users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 10.12.110(a)(5); users submitting periodic compliance reports required by Section 10.12.110(a)(3); and users submitting an initial request to forego sampling of a pollutant on the basis of Section 10.12.130(d). The following certification statement must be signed by an authorized representative as defined in Section 10.12.030:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(2) Annual Certification for Nonsignificant Categorical Industrial Users. A facility determined to be a nonsignificant categorical industrial user by the superintendent pursuant to Section 10.12.030 must annually submit the following

certification statement signed by an authorized representative. This certification must accompany an alternative report required by the superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from/to [months, days, year]:

(a) The facility described as [facility name] met the definition of a Nonsignificant Categorical Industrial User as described in Section 10.12.030;

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

(3) Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 10.12.130(d) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 10.12.110(a)(3).

10.12.150 General discharge regulations.

(a) Sanitary sewage shall be discharged only into public sanitary sewers, except as otherwise provided. The discharge of any trucked or hauled waste or pollutant is prohibited, except at points designated by the superintendent. It is unlawful to discharge sewage into any storm sewer.

(b) It is unlawful to discharge or cause to be discharged directly or indirectly, any pollutant or wastewater into any storm sewer or into any sewage facility which will interfere with the operation or performance or pass through of the POTW. These general prohibitions apply to all users whether or not the user is subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. The discharge of the following is prohibited:

(1) Any wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees Celsius (using the test methods specified in 40 CFR 262.21), liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the water quality control plant. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW or pass through the POTW inadequately treated, such as, but not limited to: grease, petroleum oil, nonbiodegradable cutting oil, or products of mineral origin, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;

(3) Any wastewater having a pH less than 5.0 units or greater than 12.0 units or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW;

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act (33 U.S.C. 1317);

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

(6) Any substance which may cause the water quality control plant's effluent or any other product, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to POTW cause the water quality control plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;

(7) Any substance which will cause the water quality control plant to violate its NPDES permit or state disposal system permit or the receiving water quality standards;

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(9) Any wastewater having a temperature which will inhibit biological activity in the water quality control plant resulting in interference, but in no case wastewater with a temperature at the introduction into the water quality control plant which exceeds forty degrees Celsius (one hundred four degrees Fahrenheit);

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen minutes more than five times the average twenty-four hour concentration, quantities or flow during normal operation.

The user shall be in compliance with the POTW's local limit relative to flow rate or pollutant concentration. If the POTW has not established a local limit, then the user must not have changed its discharge from prior discharges when the POTW was in compliance with its NPDES permit;

(11) Wastes or wastewater containing any radioactive materials except in compliance with applicable state and federal regulations;

(12) Any pesticides containing algacides, antibiotics, fungicides, herbicides, insecticides or any similar pesticides in amounts deleterious to any sewage treatment process or to the aquatic life of the waters receiving the effluent;

(13) Any wastewater or pollutant which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker or public health or safety problems.

When the superintendent determines that a user is contributing any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent or the city shall take enforcement action as necessary to get such user to correct the interference. In the event of imminent harm to the public, the superintendent or the city may take whatever action is necessary to correct the interference, and the user shall be responsible for all costs incurred.

(c) Fats, Oils and Grease.

(1) It is unlawful for any person to dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway.

(2) No person shall discharge, or cause to be discharged, any wastewater from a food service establishment directly or indirectly into the public sewer without first obtaining a wastewater discharge permit pursuant to this chapter.

(3) The owner of every newly constructed, remodeled, or converted commercial or industrial facility with one or more grease generating activities, including food service establishments with new or replacement kitchens, shall install or cause to be installed a grease interceptor for each grease generating activity, of a size equal to or greater than the minimum size meeting the definition of "grease interceptor," as defined in the currently adopted edition of the Uniform Plumbing Code. In no case shall any grease interceptor flow less than twenty gallons per minute (gpm). The installation of new garbage disposals in any commercial or industrial facility is prohibited.

(3) The owner of every commercial or industrial generator of grease, including food service establishments, serviced by a sewer collection line found to have a grease blockage, a history of grease blockage, or accelerated line maintenance resulting from grease disposal, shall install or cause to be installed a grease removal device upon notification by the superintendent. If heavy solids accumulate causing a sewer blockage or accelerated line maintenance, the commercial or industrial generator shall remove any garbage disposal upon notification by the superintendent.

(4) All grease removal devices shall be installed on the premises where grease is used or generated and shall be sized in conformance with the then currently adopted edition of the Uniform Plumbing Code. The contents of all grease removal devices shall be removed periodically as necessary to prevent violations of this chapter. At a minimum, the contents shall be removed every six months. All grease removal devices shall be kept in good repair, and shall be maintained in continuous operation. A log of all grease removal activities shall be maintained at the facility showing the date of removal, the amount removed and the disposition of the removed contents. The log shall be retained for a period of three years, and shall be available for inspection by POTW inspectors upon request.

(5) Grease emulsifiers or enzymes are prohibited for use in grease interceptors or traps.

(d) Discharge of Groundwater.

(1) The superintendent may approve the discharge of ground waters to the sanitary sewer only when such source is deemed unacceptable by state and federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. No discharge of such waters shall occur except as specifically authorized in a waste discharge permit or other written authorization.

(2) Groundwater containing petroleum products may be authorized for disposal to the sanitary sewer and shall comply with the requirements of Section 10.12.160.

(3) Groundwater sources may include but are not limited to: (A) construction site dewatering where soil or groundwater contamination is present; (B) groundwater contaminated with organic solvents generated as a result of pump tests in preparation for a groundwater cleanup or water generated during sampling events; (C) aqueous wastes generated by either permanent or mobile hazardous waste treatment units used to treat hazardous waste at the generator's site; and (D) aqueous wastes generated as a result of site cleanup activities. A permit must be obtained prior to commencement of discharge, and request for such permits shall be submitted not less than thirty working days prior to intended discharge.

(4) The superintendent may limit groundwater discharges to an allocation that will protect the hydraulic capacity of the POTW. Real properties of the city shall have priority to said allocation. Allocations for other permit holders may be reduced, but not eliminated, to equitably accommodate the needs of the agencies to discharge treated groundwater to the sanitary sewer. Should such a permit holder discontinue discharging for more than ninety days, the permit holder shall be notified in writing of the superintendent's intention to cancel the permit.

(5) The superintendent may impose upon the user a hydraulic loading charge for discharge of groundwater or other waters in cases where conventional sewer service charges applied by the city do not account for said flows or uses. User discharges which exceed ten thousand gallons per batch discharge or users undertaking long term discharges of groundwater to the sanitary sewer shall be metered and levied a charge based upon the basic sewer service charge rate established by the city, as applicable.

(e) Swimming Pools and Water Features.

(1) The superintendent may approve discharge to the sanitary sewer from swimming pools, spas, whirlpools, fountains and landscape water features on a case-by-case basis. A person who desires to drain such facility to the sanitary sewer system shall first obtain permission from the superintendent prior to the discharge if the discharge volume is greater than one thousand gallons or the flow rate is anticipated to exceed twenty gallons per minute. Permission may be granted if the discharge conforms to discharge standards and will not cause a hydraulic overload condition in the sewer system.

(2) If the user has no connection to the city's sewer system available, these waters may be surface discharged provided the following conditions are met: (A) the discharge of the water shall not contain residues of algaecides, disinfectants or other toxic chemical constituents that may violate any local, state or federal water quality law or regulation; (B) the discharge of the water shall in no way create a public nuisance; (C) the discharge of the water shall in no way damage, destroy, erode, or impair surrounding property; and (D) the user has obtained permission from the superintendent for the discharge.

(3) In the event that permission to discharge to the sanitary sewer and storm drain is denied, the waters must be disposed at a legal disposal site. The person conducting the discharge shall be required to provide proof of disposal upon the POTW's request.

10.12.160 Wastewater concentration of chemicals.

(a) It is unlawful to discharge or cause to be discharged any wastewater into the public sanitary sewers if the concentration of any of the constituents of the wastewater exceeds the local limits established by resolution or ordinance of the city council of the City of South San Francisco. (Maximum permissible concentrations are normally expressed in milligrams per liter.)

(b) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(c) The superintendent may impose quantitative limitations, e.g., pounds per day limits, on discharges or any constituent of the wastewater when the discharge or constituent may unreasonably overload, adversely affect the facilities or have a harmful effect upon the receiving waters. Mass emission rates or other similar techniques having a reasonable relationship to evaluating or measuring waste discharges may be used.

10.12.170 Federal categorical pretreatment standards.

(a) Industrial users must comply with applicable categorical pretreatment standards, prohibited discharge standards, or local limits, whichever are the most stringent.

(b) The categorical pretreatment standards, found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, are hereby incorporated into this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.

10.12.180 Modification of federal categorical pretreatment standards.

Where the water quality control plant achieves consistent removal of pollutants limited by federal pretreatment standards, the POTW may apply for modification of specific limits in the federal pretreatment standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the water quality control plant to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent of the samples taken when measured according to the procedures set forth in 40 CFR, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution." The POTW may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR Section 403.7 are fulfilled and prior approval is obtained.

10.12.190 Excessive discharge.

Except where expressly authorized by an applicable pretreatment standard or requirement, it is unlawful to increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limits contained in the categorical pretreatment standards, or in any other pollutant specific limitation developed by the city, POTW or state. The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 10.12.110(a)(3) shall indicate the mass of pollutants regulated by pretreatment standards in the discharge of the user.

10.12.200 Accidental discharges.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other regulated substances. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the POTW for review, and shall be approved by the POTW before construction of the facility. No user shall be permitted to discharge to the POTW until accidental discharge procedures have been approved by the POTW. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property: nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this code or other applicable laws.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

10.12.210 Bypass of treatment facilities.

A user shall notify the POTW of any upset or unanticipated bypass within twenty-four hours of becoming aware of the upset or unanticipated bypass. The user

shall submit the following information to the POTW: (a) a description of the discharge and the cause of the upset or unanticipated bypass; (b) the period of noncompliance including exact dates and times or, if not corrected, the anticipated time the upset/bypass is expected to continue; and (c) the steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the upset or bypass.

10.12.220 Batch discharges.

Batch discharges to the sanitary sewer of five thousand gallons or more of any regulated constituents or pollutants not consistent with a user's application must receive approval from the environmental compliance office prior to the discharge. The user's request shall indicate the quantity, constituents, and proposed time of the discharge.

10.12.230 Harmful discharges.

(a) The superintendent may suspend the wastewater treatment service or a wastewater discharge permit when such suspension is necessary, in the opinion of the superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or threatens to cause interference to the POTW, or causes or threatens to cause the POTW to violate any condition of its NPDES permit.

(b) Any user notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including a cease and desist order or immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to the POTW or endangerment to any individuals. The city shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen days of the date of occurrence.

10.12.240 Fees and financial guarantees.

(a) The city may adopt fees to provide for the recovery of costs from users of the POTW. Such fees may include, but are not limited to, connection charges, permits, monitoring, inspections and surveillance procedures, accidental discharge matters, appeals, reimbursement of costs incurred by city for removal of pollutants, and any other fees the city deems necessary to carry out the requirements of this chapter. The applicable fees shall be as set forth in the city's master fee schedule.

(b) A sewer connection fee shall be paid by the user or parcel owner for connection to a public sanitary sewer at the time the building permit is issued, or if no building permit is necessary, prior to the time the connection is operational. When a change in use from residential to commercial occurs, the difference in connection charges shall be paid.

(c) Initial applications and renewal applications for a wastewater discharge permit shall be accompanied by a nonrefundable processing fee.

(d) If the imposition of special controls on wastewater discharges become necessary, a corporate surety bond or equivalent guarantee to insure performance may be required of a user.

10.12.250 Confidential information.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, NPDES permit, state disposal system permit or the pretreatment programs. Such a report shall be available for use by the city or state and governmental agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the city as confidential, shall not be transmitted to any governmental agency, with the exception of the EPA, in compliance with 40 CFR 403.8 (f)(1)(vii) and 40 CFR 403.14, or to the general public by the city until and unless a ten day notification is given to the user.

10.12.260 Authority of superintendent and deputy public services director of utilities and operations ("deputy director").

The superintendent and deputy director have the authority to enforce compliance with the provisions of this chapter, and to promulgate regulations designed to assist in achieving compliance.

10.12.270 Warning letters.

Warning letters may be issued to an industrial user for any of the following reasons:

(a) When the result(s) of sampling demonstrates that a violation of local or federal limits has occurred by an industrial user, and when the value of the sampled data is less than a value deemed by technical review criteria (TRC) to be "a significant violation," and the result is not part of a recurring pattern of violations. The warning letter shall direct the industrial user to resample and take appropriate corrective action(s) to abate the violation of its discharge permit by a specific time and shall require the

industrial user to submit a written response describing the corrective action taken to abate the violation.

(b) When conditions are observed during the course of an on-site inspection or routine surveillance which may compromise an industrial user's ability to comply with its wastewater discharge permit.

(c) When a user fails to promptly submit self-monitoring reports or sample test results as required in the industrial user's wastewater discharge permit.

10.12.280 Notice of violation.

Whenever the source control inspector finds that any user has violated or is violating the provisions of this chapter, the inspector may serve upon such user a written notice stating the nature of the violation. Within forty-five days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

10.12.290 Show cause hearing.

(a) Any user who causes or allows an unauthorized discharge to enter the POTW may be ordered to show cause before the deputy director why the proposed enforcement action should not be taken. Notice of the hearing shall be served personally or by registered or certified mail return receipt requested at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(b) After an informal hearing is held the superintendent shall render a decision in writing.

10.12.300 Abatement order.

When the city finds that a discharge of wastewater is taking place or threatening to take place in violation of prohibitions or limits of this chapter, or regulations promulgated by the superintendent in accordance with this chapter, or wastewater source control requirements or the provisions of a wastewater discharge permit, the city may issue an abatement order directing the user to:

(a) Comply forthwith;

(b) Comply in accordance with a reasonable time schedule set by the superintendent; or

(c) In the event of a threatened violation, take appropriate remedial or preventive action.

In cases of imminent harm to the public, the superintendent or city may enter private property if necessary to sever service.

10.12.310 Summary abatement.

Whenever any discharge or potential discharge causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public, the condition or use may be summarily abated by the city without notice or hearing. Summary abatement shall be ordered only by the public services director. Summary abatement shall be limited to those actions necessary to eliminate the immediate threat to the public health and safety. Notice of the summary abatement shall be served personally or by registered or certified mail, return receipt requested. Service may be made on an agent or officer of a corporation. The costs and expenses of a summary abatement may be made a lien on the property and may be collected pursuant to the procedure set forth in Section 10.12.360.

10.12.320 Grounds for revocation or modification of permit.

A wastewater discharge permit may be revoked for good cause, including, but not limited to, the following reasons:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of the discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; and
- (d) Violation of any permit conditions or the requirements of this chapter.

10.12.330 Revocation or modification procedure.

(a) An action to revoke or modify a permit may be initiated in writing by the superintendent or deputy director. The initiating request shall be filed with the public services director and shall set forth grounds for revocation or modification.

(b) Within thirty days after the initiating request is filed, the public services director shall hold a hearing. Notice of the hearing shall be served personally or by registered or certified mail return receipt requested at least ten days before the hearing. Service may be made upon any agent or officer of a corporation. At the time and place designated in the notice, the public services director shall hear and consider all relevant evidence. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely on in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining direct evidence, but hearsay evidence shall not be sufficient by itself to support a finding unless it would be admissible over objections in civil actions in courts of competent jurisdiction in this state. The discharger may represent itself or be represented by anyone of its choice. The hearing may be continued from time to time.

(c) Within ten days of the conclusion of the hearing, the public services director shall render a written decision setting forth the factual findings. The public services director may revoke or modify the terms of the permit. The decision of the public services director is final.

10.12.340 Appeals.

(a) Review by deputy director. Any discharger affected by any decision, action, or determination, including abatement orders, made by the superintendent or deputy director in interpreting or implementing the provisions of this chapter, or any permit issued hereunder, may file with the deputy director a written request for review within ten days of such decision, action, or determination, setting forth in detail the facts supporting the request. The deputy director shall complete the review and issue a written determination within ten days after receipt of the request, unless the public services director reasonably extends the time thereof.

(b) Written appeal to public services director. The deputy director's original decision, action or determination, and action taken after review may be appealed by the discharger to the public services director by filing a written appeal within ten days after notice of the decision. The written appeal shall specify the factual and legal basis of the appeal. Within thirty days after the written appeal is filed, the public services director shall hold a hearing. Notice of the hearing shall be served personally or by registered or certified mail return receipt requested, at least ten days before the hearing. Service may be made upon any agent or officer of a corporation.

(1) At the time and place designated in the notice, the public services director shall hear and consider all relevant evidence. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely on in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but hearsay evidence shall not be sufficient by itself to support a finding unless it would be admissible over objections in civil actions in courts of competent jurisdiction in this state. The discharger may represent itself or be represented by anyone of its choice. The hearing may be continued from time to time.

(2) Within ten days after the conclusion of the hearing, the public services director shall render a written decision and where applicable an order of abatement. This decision shall set forth the factual findings made, the conclusion reached, any abatement required, and the date by which such abatement shall occur. The decision of the public services director is final.

10.12.350 Damage, obstruction or impairment to facilities.

Any person who intentionally or negligently damages, obstructs or otherwise impairs a public sewer, water quality control plant or appurtenance thereto shall be

liable for such action and the city may assess the costs of repair against such person, or seek reimbursement through a court action.

10.12.360 Costs of abatement.

(a) The superintendent shall keep an itemized statement of costs incurred by the city in abating or otherwise responding to violations of this chapter. Once a violation matter is concluded, the superintendent shall provide a copy of this statement to the discharger and to the public services director. The discharger may request a hearing before the public services director to contest the statement of costs. The request for a hearing shall be made within ten days of receipt of the statement or the right to hearing shall be deemed waived. The public services director shall review the statement of costs and any information presented by the discharger, and may make any necessary revisions, corrections or modifications. The decision of the public services director is final.

(b) The procedure for recording the statement of costs as a lien against the property involved shall be as follows:

(1) If payment of the assessed costs and expenses is not received by the finance director within thirty days of the date appearing on the decision of the public services director, the finance director shall send to the city clerk two originals of a declaration that payment was not received. Upon receipt of the declaration of the finance director, the city clerk shall set a notice and hearing before the city council for the purpose of adopting a resolution confirming the statement of costs.

(2) After holding a hearing the city council may adopt a resolution. The city clerk shall forward to the office of the recorder of the county of San Mateo one original certification by the finance director that payment was not received and one certified true copy of the resolution of the city council confirming the statement of costs with the statement of costs attached as an exhibit.

10.12.370 Criminal prosecution.

Any user who is found to have willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, may be charged with a misdemeanor for each offense and, upon conviction, shall be punished in accord with Chapter 1.28 of this code, unless otherwise specified. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

10.12.380 Falsifying information.

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall be subject to misdemeanor

prosecution and upon conviction, shall be punished in accord with the provisions of Chapter 1.28 of this code.

10.12.390 Civil damages.

Any person who violates any provision of this chapter, any wastewater discharge permit, or any order issued pursuant to this chapter or who creates a condition of pollution is hereby deemed to have created a public nuisance. Such person(s) shall be strictly liable for the sum of ten thousand dollars for each day, or portion thereof, during which the violation occurs.

In addition, a user may be liable for up to twenty-five thousand dollars a day for each violation, as set forth in California Government Code Section 54740. In lieu of the civil penalties, the city may impose administrative penalties in the following amounts, as set forth in California Government Code Section 54740.5: (a) up to two thousand dollars for each day for failing or refusing to furnish technical or monitoring reports; (b) up to three thousand dollars for each day for failing or refusing to timely comply with any compliance schedule established by the city; (c) up to five thousand dollars per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the city; (d) up to ten dollars per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the city. Furthermore, the amount of such civil administrative penalties that have remained delinquent for a period of sixty days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty.

10.12.400 Injunction.

Whenever a discharge of wastewater is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, an injunction may be sought to restrain the continuance of such discharge. The city may petition the Superior Court for the issuance of a temporary or permanent injunction, or both, as the case may be, restraining the continuance of such discharge. The city may also seek an injunction against nondischarge violation of pretreatment standards or requirements, or any other violation of this chapter.

10.12.410 Cost recovery by city.

In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

10.12.420 Remedies cumulative.

The remedies identified in this chapter are in addition to and do not supersede or limit any other civil or criminal remedies.

Section 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions or sections of this Ordinance. The City Council of San Bruno hereby declares that it would have adopted this Ordinance, and each section, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 3. This Ordinance shall take effect and be in force 30 days after its adoption.

Section 4. The City Clerk shall publish this Ordinance according to law.

APPROVED:

By: _____
Mayor

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

I hereby certify that the foregoing Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of San Bruno on the ____ day of _____, 2012, and was passed and adopted at a regular meeting of said City Council held on the _____ day of _____, 2012, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

By: _____
City Clerk

1786497.1



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: March 13, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Aknin, Community Development Director

SUBJECT: Accept the Housing Element Annual Progress Report for Calendar Year 2011 and Direct Staff to Forward to the California State Office of Planning and Research and the California Department of Housing and Community Development

BACKGROUND

State law requires each jurisdiction to prepare an annual report on the status and progress in implementing the jurisdiction's housing element, called the Housing Element Annual Progress Report. San Bruno's Housing Element (2009-2014) was adopted by the City Council on March 23, 2010 and certified by the California Department of Housing and Community Development (HCD) on June 15, 2010. The Annual Progress Report is an important tool to facilitate implementation of the Housing Element and in tracking and monitoring progress in addressing the City's housing needs and goals. The report includes information on the City's progress in addressing its Regional Housing Need Allocation (RHNA), including the number of new housing units by income level, the status of Housing Element programs, and efforts to remove governmental constraints on the development housing. The Annual Progress Report must be submitted to HCD and the state Office of Planning and Research by April 1, 2012.

DISCUSSION

The attached Housing Element Annual Progress Report was prepared using forms and definitions provided by the California HCD. The report is organized as follows:

Tables A, A2 and A3: Annual Building Report Summary provide information on new residential construction and affordability based on building permits issued during 2011. Building permits were issued for a total of 323 units in three categories in 2011:

- Crestmoor Rebuilding. On September 9, 2010, the Glenview fire destroyed 38 homes and caused major damage to many more in the Crestmoor neighborhood of San Bruno. In 2011, building permits to rebuild thirteen (13) homes were issued using a simplified and expedited development review process.
- Cedar Mills. A Planned Unit Permit was approved for the development of 14 single family homes at 599 Cedar Avenue in April 2011. In 2011, building permits for the first two (2) new homes.

J.d.

- Pacific Bay Vistas. In December 2011, a building permit was issued for the renovation of the 308 existing apartment units at the vacant former Treetops apartment complex at 4300 Susan Drive.

Table B: Regional Housing Needs Allocation (RHNA) Progress provides information about the City's progress in meeting its share of the RHNA. San Bruno has a total RHNA obligation of 973 units between 2007 and 2014. A total of 717 building permits for new housing units were issued to meet the City's share of its regional housing during the first five years through 2011. The remaining RHNA need is 256 units.

Table B also shows progress in meeting the RHNA housing need by income level. The City is meeting the need at all income levels except units affordable to very low income (VLI) households with a remaining RHNA need of 219 units. However, the City has met the state housing element law requirement that sufficient sites be made available for housing affordable at all income levels. Because rents or sales prices must be significantly below market rate for very low income units, significant subsidies and deed restrictions are required in order for a unit to qualify. The City seeks opportunities to encourage development of affordable units as described in Table C: Program Implementation Status. The City has a strong track record in producing VLI units, with 325 VLI unit produced at The Crossing in the previous (RHNA-3) period.

Table C: Program Implementation Status details the City's progress in implementing specific programs and policies listed in the Housing Element, including local efforts to remove governmental constraints to the maintenance, improvement, and development of affordable housing. The two greatest constraints are (1) Ordinance 1284, adopted in 1977, which limits building heights and (2) restrictions due to noise impacts from the San Francisco International Airport (SFO), and (3) the Palmer decision which found that restricting rents in new developments violates state rent control laws.

Among other provisions, Ordinance 1284 imposes height limits on buildings at the lesser of three stories or 50 feet, and limits density in residential districts. The City is exploring the possibility of increasing building height limits within the Transit Corridors Area, as recommended by the Transit Corridors Plan Steering Committee, in order to encourage new or different housing products or arrangements (e.g., shared housing, cube housing, co-housing, etc.) and mixed use development with residential uses over commercial uses, that better meet future housing needs. Amending Ordinance 1284 would require approval by a majority of San Bruno voters in a citywide election. Adoption of the Transit Corridors Plan will also help to streamline the project review process (including preparation of a program level Environmental Impact Report).

The City promotes noise mitigation from SFO to the fullest extent possible through the SFO/Community roundtable and ongoing coordination with the County Airport Land Use Commission. The City seeks to reduce the area in San Bruno impacted by airport noise in order to meet its housing responsibilities while complying with the SFO noise and land use requirements of the Airport Land Use Plan. The Transit Corridors Plan and

zoning code update will allow new residential development within the 65 decibel CNEL noise contour and define standards as outlined in the 2009 General Plan.

The 1999 *Palmer v. City of Los Angeles* California Court decision could hinder San Bruno's ability to require affordable rental housing through the City's Below Market Rate Housing Program. The court ruled that local inclusionary housing programs cannot mandate rent restrictions in new rental housing developments or require payment of in-lieu fees as an alternative. City staff is monitoring the results of the Palmer decision to determine what actions, if any, the City should consider.

As the report demonstrates, San Bruno has made significant progress in implementing its Housing Element and has seen significant results from its commitment to the development of affordable housing. However, the loss of redevelopment funding for affordable housing as result of the California Supreme Court decision upholding AB 26 will reduce the City's ability to provide assistance to create new deed-restricted affordable housing and creates in the future. The City will continue to seek opportunities to create affordable housing through use of the City's BMR In-Lieu Fee Fund and other funding sources such as Federal and State Tax Credits grant opportunities.

FISCAL IMPACT

None

ALTERNATIVES

1. Direct revisions to the Housing Element Annual Progress Report for incorporation prior to submittal to the required state agencies

RECOMMENDATION

Accept the Housing Element Annual Progress Report for Calendar Year 2011 and Direct Staff to Forward to the California State Office of Planning and Research and the California Department of Housing and Community Development.

DISTRIBUTION

None.

ATTACHMENTS

1. 2011 San Bruno Housing Element Annual Progress Report

DATE PREPARED

March 7, 2012

REVIEWED BY

_____ CM

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of San Bruno
Reporting Period 1-Jan-11 - 31-Dec-11

**Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant
to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in G

Activity Type	Affordability by Household Incomes				(4) Description of Activity Including Housing Element Program Reference
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity	0	0	0	0	
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

**Table A3
Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)**

	Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)						7. Number of Infill units*
	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	
No. of Units Permitted for Moderate	0	0	0	0	0	0	
No. of Units Permitted for Above Moderate	15	0	0	0	0	15	15

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of San Bruno
Reporting Period 1-Jan-11 - 31-Dec-11

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Income Level	RHNA Allocation by Income Level	2007	2008	2009	2010	2011	2012	2013	2014	Total Units to Date (all years)	Total Remaining RHNA by Income Level
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8		
Very Low	Deed Restricted	0	0	0	0	0					219
	Non-deed restricted	0	3	0	0	0				3	
Low	Deed Restricted	0	0	0	0	0					-139
	Non-deed restricted	0	145	0	0	154				299	
Moderate	Deed Restricted	0	0	0	0	0					-93
	Non-deed restricted	0	127	0	0	154				281	
Above Moderate		50	83	24	-38	15				134	269
Total RHNA by COG:											
Enter allocation number:		50	358	24	-38	323				717	256
Total Units											
Remaining Need for RHNA Period											

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

SAN BRUNO HOUSING ELEMENT - ANNUAL PROGRESS REPORT - 2011
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction: City of San Bruno Reporting Period 1/1/2011 - 12/31/2011

Table C
Program Implementation Status

Housing Element Progress Report - Government Code Section 65583.
 Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Program 1-A: Support infrastructure upgrades.	Continue to seek funding to upgrade and maintain infrastructure needed by San Bruno's housing supply.	Ongoing	<ul style="list-style-type: none"> City is identifying infrastructure funding through the City's Capital Improvement Program and the Transit Corridors Specific Plan, on a project-by-project basis. The City continues to work with PG&E to rebuild the infrastructure destroyed in the Glenview explosion and fire on 9/9/10. A project manager was hired to coordinate the rebuilding effort. The RDA ceased operations on 2/1/12 with the passage of AB 26, and tax increment is no longer a source of funding for infrastructure projects. In 2011, the RDA reduced its commitment to take on new projects pending the ruling of the state supreme court in CRA vs Matosantos case. The zone code allows development of small, flexible parcels (e.g. zero lot-line) with a Planned Unit Permit. The Municipal Code allows at least one (1) housing unit on any sub-standard parcel, provided that it is at least 25 ft wide.
Program 1-B: Maintain and expand the supply of small lots.	Conserve and expand the city's supply of small residential lots, where compatible with surrounding neighborhood character.	Ongoing	<ul style="list-style-type: none"> The City provides information to the public on how to legalize second units on the City website, at the Planning Counter and the Public Library. The City is considering a strategy to legalize second units constructed between 1977 and 2003, as part of the zone code update.
Program 1-C: Conserve second units in R-1 and R-2 zones.	Continue to legalize second units in R-1 and R-2 zones that were constructed prior to June 30, 1977 and that met the Uniform Building Code at time of construction.	Ongoing	<ul style="list-style-type: none"> The City works with the County Department of Housing to offer low-interest loans for the repair of owner-occupied, single-family residences. The RDA allocated up to \$100,000 per year for rehabilitation loans. No loans were issued in 2011. The program ended on 2/1/12 with the dissolution of the RDA.
Program 1-D: Promote the Redevelopment Residential Rehabilitation Loan Program (RRRLP).	The RRRLP provides technical and/or financial assistance to low-income homeowners whose homes are not meeting health and safety standards.	Ongoing	<ul style="list-style-type: none"> The City publicized the RRRLP on its website and through handouts at City Hall. The also RDA provided funding to North Peninsula Neighborhood Services Center, a non-profit that assists low-income homeowners with housing repairs. The City works with PG&E on an ongoing basis to ensure that homeowners whose homes were damaged in the Glenview fire are provided the assistance they need to rebuild.
Program 1-E: Pursue and promote resources for preservation and rehabilitation.	Publicize federal, State, and local resources, both financial and programmatic, to assist homeowners in preventative maintenance and to preserve and rehabilitate the City's existing housing supply.	Ongoing	<ul style="list-style-type: none"> The City Council approved an expedited and streamlined planning and permitting process for rebuilding the Crestmoor neighborhood following the 9/9/10 Glenview explosion and fire, which destroyed 38 homes, severely damaged 17, and left about 50 with minor damage. As part of zoning code update currently in progress, City will require replacement of demolished legal housing units in all areas of the city.
Program 1-F: Ensure replacement housing.	Require replacement of any legal housing unit that is demolished within San Bruno.	Within 1 year after adoption of the H.E.	

SAN BRUNO HOUSING ELEMENT - ANNUAL PROGRESS REPORT – 2011
Housing Element Implementation
 (CCR Title 25 §6202)

Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Program 1-G: Improve legally non-conforming residential uses.	Work to facilitate improvement and expansion of existing legal non-conforming residential uses if compatible with adjacent uses.	Within 1 year after adoption of the H.E.	As part of the zoning code update, the City is studying options for legalizing non-conforming units to ensure that they are maintained in good condition and clarifying permissible reconstruction/expansion of non-conforming uses.
* Program 1-H: Support historic preservation.	Support preservation and reuse of properties with historic character.	Ongoing	The City promotes preservation of historic structures and resources listed in the 2003 Historic Building Survey on a case-by-case basis. There were no new cases in 2011.
Program 1-I: Allow fee waivers for affordable rehabilitation.	Waive permit fees for affordable housing rehabilitation achieved through the Community Development Block Grant (CDBG) program as well as through other San Mateo County or Redevelopment Agency programs or through non-profit agencies.	Ongoing	<ul style="list-style-type: none"> City maintains its policy to waive permit fees for housing rehabilitation conducted through CDBG and other San Mateo County or Redevelopment Agency programs or through non-profit agencies. No new affordable housing projects sought fee waivers in 2011. The City is waiving building permit fees for rebuilding of 55 homes destroyed or damaged in the Glenview Fire. In 2011, the City issued 13 permits for complete rebuilds of demolished homes and 17 permits for repair of substantially damaged homes.
Program 1-J: Continue lead-based paint abatement.	Provide information on local lead-based paint abatement programs to ensure safe and healthy living environments for all residents.	Ongoing	The City distributes information on local lead-based paint abatement programs at City Hall and the Public Library, and on the City website.
* Program 1-K: Ensure renovations are compatible with neighborhood character.	Maintain design standards to ensure that residential additions and renovations are compatible with overall neighborhood character. (See Program 2-F regarding new housing development.)	Within 1 year after adoption of the H.E.	<ul style="list-style-type: none"> The City requires residential additions and renovations to comply with the 2009 Residential Design Guidelines, and provides informational handouts at the Planning counter and on the City website. The City adopted an expedited permit process for rebuilding homes destroyed or damaged in the Glenview fire. If the design is consistent with the Residential Design Guidelines and does not exceed any threshold requirements, it can be approved administratively, bypassing the usual architectural review process. Projects that exceed thresholds can be approved by the architectural review committee and do not require Planning Commission approval.
* Program 2-A: Update the Zoning Ordinance to be consistent with the new General Plan.	Revise the Zoning Ordinance to reflect the San Bruno 2025 General Plan, including land use designations allowing mixed-use development.	Within 1 year after adoption of the H.E.	<ul style="list-style-type: none"> The zone code update began in 2011 and is expected to be completed in 2012. Consistent with the 2009 General Plan and draft Transit Corridors Plan, the updated zoning code City will create new Transit Oriented Development and Multi Use-Residential Focus zoning districts that promote high-intensity mixed-use development, including retail, office, services, and housing. Prior to adoption of the zone code update, City is encouraging applicants to follow the new General Plan land uses and densities/intensities.
* Program 2-B: Complete Downtown and Transit Corridors Plan.	Complete and adopt a Downtown and Transit Corridors Plan with the goal, amongst others, of increasing residential options in Downtown and transit corridors of El Camino Real and San Bruno Avenue in the vicinity of the future Caltrain Station.	Within 1 year after adoption of the H.E.	<ul style="list-style-type: none"> The draft Transit Corridors Plan (TCP) proposes to allow housing products or arrangements that better meet current housing needs (e.g., shared housing, cube housing, co-housing, etc.) and mixed use development with residential over commercial uses. The TCP will streamline the project review process (including preparation of a Program level EIR), and proposes to increase height limits above Ordinance 1284 requirements (requires approval by a majority of San Bruno voters).
* Program 2-C: Support identified	Work with property owners and the	Ongoing	As part of the development of the Transit Corridors Plan, staff actively engages

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Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
housing opportunities.	community to support and encourage the redevelopment of identified opportunity sites into mixed uses with affordable housing components.		the community and real estate professionals about options to redevelop the proposed housing opportunity sites listed in the Housing Element.
* Program 2-D: Reuse former school sites.	Facilitate the reuse of former school sites to accommodate affordable housing.	Initiate actions within 2 years after adoption of the H.E.	<ul style="list-style-type: none"> The San Mateo County High School District is considering its options for the former Crestmoor High School site. If the School District recommends a long term lease or sale of the excess, the city will work with the District to encourage the development of a variety of housing types to address the needs of all incomes while preserving open space and recreational facilities. The City is also keeping track of the former Willard Engvall and Edgemont School sites.
* Program 2-E: Consolidate Lots.	Use City funds to facilitate lot consolidation in support of the redevelopment of housing opportunity sites with affordable housing.	Initiate actions within 2 years after adoption of the H.E.	<ul style="list-style-type: none"> The City works with property owners and developers to encourage parcel consolidation to facilitate affordable housing development, with a focus on the Housing Opportunity Sites in Program 2-C. The Zoning Update and Transit Corridors Plan, currently in progress, will implement the General Plan density and intensity standards, which allow development density to increase with the size of the development site. Because of the Supreme Court ruling upholding AB 26, the City no longer receives tax increment funds that could be used for land assembly.
Program 2-F: Ensure compatibility of new housing with neighborhood character.	Use Residential Design Guidelines to ensure that new housing development proposals are compatible with existing neighborhood character. (See Program 1-K regarding additions and renovations to existing homes.)	Within 1 year after adoption of the H.E., ongoing	<ul style="list-style-type: none"> The City requires applications for new single-family housing to comply with the Residential Design Guidelines to ensure that the design, scale, and buffering retains existing neighborhood character. The draft Transit Corridors Plan and Zoning Code Update, currently in progress, will establish development standards and design guidelines for new multi-family residential and mixed-use development, as provided in the General Plan, to ensure compatibility of design and scale with surrounding uses.
* Program 2-G: Provide senior housing for a range of income levels.	Identify opportunities for the creation of affordable units for seniors who do not qualify for deed-restricted units due to equity in their current homes.	Ongoing	The draft Transit Corridors Plan, currently in progress, encourages development of small rental and for-sale units close to transit and services, which would appeal to and be affordable to seniors on fixed incomes.
* Program 2-H: Encourage moderate-income for-sale housing.	Encourage moderate-income for-sale housing within the Multi Use-Residential Focus area along El Camino Real.	Ongoing	City staff informs developers about the need for moderately-priced for-sale housing along the transit corridors, potentially in the form of multi-family condominiums, including options for using density bonuses and smaller unit sizes to increase affordability.
Program 2-I: Provide affordable housing education.	Develop and implement an ongoing voter education program to inform residents of the need for affordable housing and ways the electorate can support its development.	Within 2 years after adoption of the H.E.	City staff educates the public about the need for affordable housing using a variety of means, including community workshops during the development of the Transit Corridors Plan, articles in the City's Focus Newsletter and the City website.
Program 2-J: Conduct annual performance evaluations and ensure consistency with the General Plan.	During annual review of the General Plan, monitor, evaluate, and document housing program performance and consistency with General Plan goals and policies.	Ongoing	The City annually prepares the Housing Element Annual Progress Report to evaluate and document housing program performance. Community Development Department staff meet regularly to discuss housing issues.

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Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Program 3-A: Publicize affordable housing financing strategies.	Publicize the various financing strategies for development and expansion of affordable housing.	Ongoing	City staff keep up with available financing strategies for the development of new affordable housing, and discuss with property-owners, and for-profit and non-profit developers.
Program 3-B: Support the Housing Choices Voucher Program.	Continue to participate in San Mateo County Housing Authority's Housing Choices Voucher program (formerly Section 8).	Ongoing	City staff encourages housing developers to consider the Housing Choices Voucher program.
* Program 3-C: Monitor compliance with financing terms.	Ensure that units built with long-term affordability requirements are actually occupied by lower-income households. (See also Program 5-E)	Ongoing	The City has 325 affordable units within three multifamily residential developments, which have Affordable Housing Agreements that require annual certificates of program compliance. Staff monitors compliance on an ongoing basis and reviews the annual certificates of reviewed.
* Program 3-D: Preserve affordable units at Pacific Bay Vistas (formerly Tree Tops).	The City will strive to preserve the original 62 very-low and low-income assisted housing units at Pacific Bay Vistas Apartments to ensure the full term of the deed restriction is met, regardless of delays in the redevelopment of the site.	Ongoing	In response to real estate market conditions, the developer, AIMCO, applied for a modified project to allow a renovation alternative for the existing 308 apartment units, which was approved in June 2010. The affordability requirement was a condition of the original financing (1986) for the project. The developer paid off the original loan, which ended the affordability requirement. The renovation project began construction in December 2011. The project will include no affordable units.
Program 3-E: Promote the Mortgage Credit Certificate Program.	The City will continue to participate in and promote San Mateo County's Mortgage Credit Certificate (MCC) program for first-time homebuyers.	Ongoing	The availability of MCCs is contingent on the funding availability, which varies from year to year.
Program 3-F: Facilitate reasonable accommodations.	Facilitate the development, maintenance and improvement of housing for persons with disabilities by establishing a procedure that would reduce processing time for reasonable accommodation requests.	Within 1 year after adoption of the H.E.	The City's Zoning Code Update will include written reasonable accommodations procedure based on fair housing laws. The Zoning Code Update was in progress in 2011, and is expected to be completed in 2012.
Program 3-G: Accommodate manufactured housing.	Continue to permit manufactured housing in single family zones.	Within 1 year after adoption of the H.E.	The City allows manufactured housing on permanent foundation systems in all single family zones provided that applications comply with the Residential Design Guidelines. No special restrictions on manufactured housing are included in the Zoning Update beyond those that apply to regular single family construction.
* Program 3-H: Permit child care by right in residential areas.	Ensure that land use regulations consistently allow childcare services by right in all residential zones in accordance with State law.	Within 1 year after adoption of the H.E.	The Zoning Code Update will be consistent with streamlined definitions of small and large child care facilities in accordance with San Bruno 2025 General Plan Policy LUD-10 and the California Child Day Care Act
* Program 3-I: Reduce parking requirements.	Reduce parking requirements for new or reuse housing projects along transit corridors and adjacent to transit stations, as well as within the Medium Density (R-3) and High Density (R-4) zones.	Within 1 year after adoption of the H.E.	The City is considering ways to reduce parking requirements as part of the Transit Corridors and Zoning Ordinance Update. Reduced parking requirements will be considered for housing near transit and units for residents with reduced automobile use, such as seniors and persons with disabilities. Parking requirements will take into consideration state density bonus law, unbundled parking, tandem parking for second units, and enforcement measures for homeowners that use garage space for storage.

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Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
<p>* Program 3-J: Support condominium conversions, cooperatives, and other affordable housing ownership options.</p> <p>Program 4-A: Promote energy conservation.</p>	<p>Facilitate condominium conversions, limited equity stock cooperatives, and community apartments to ensure affordable ownership choices within the housing supply.</p> <p>Continue to publicize and encourage energy conservation programs, including weatherization programs.</p>	<p>Within 1 year after adoption of the H.E.</p> <p>Within 2 years after adoption of the H.E.</p>	<ul style="list-style-type: none"> The municipal code requires an apartment owner proposing to convert to condominiums to offer existing tenants the first opportunity to buy their unit. There were no applications for condominium conversions in 2011. In 2011, the City adopted the new CalGreen building code at a "Tier 1" level, which promotes higher green building standards. Tier 1 requires new homes to perform 15% more efficient than the standard CalGreen home. The building division promotes energy conservation programs on its website and through an information brochure. The City adopted the Rebuild It Green Grant Program to encourage homeowners with homes destroyed or damaged in the Glenview fire to apply for grants to rebuild green beyond code requirements. Upgrades include insulation with higher heat retention values, window and heating system modifications, and solar photovoltaic for the home's energy or hot water needs.
<p>* Program 4-B: Support household and business participation in energy conservation and efficiency programs through PG&E and the State.</p>	<p>City Staff will work to promote and support participation energy efficiency and conservation programs described in Chapter 2 in order to help reduce long-term housing costs for residents (including low-income residents), help meet local greenhouse gas reduction targets under AB 32, and increase the sustainability of the local energy supply.</p>	<p>Within 1 year after adoption of the H.E., ongoing</p>	<p>Energy Upgrade is a statewide program consolidating rebates for homeowners to construct energy efficiency improvements in single-family homes. Through this program PG&E offers two rebates to improve energy efficiency. For San Bruno residents, the City will match PG&E rebates, pay half of the cost of home energy audits, waive all permit fees, and provide a standalone rebate for the installation of solar panels. San Mateo County will also match PG&E's rebates. San Bruno residents are now eligible to receive a maximum of \$12,000 in rebates for energy efficiency upgrades!</p>
<p>Program 4-C: Facilitate noise insulation retrofits.</p>	<p>Continue to pursue funding for noise insulation from the San Francisco International Airport and educate residents about program benefits.</p>	<p>Within 4 years after adoption of the Housing Element, ongoing</p>	<ul style="list-style-type: none"> The City reviews the Plans and Specifications and issues permits for houses participating in the Aircraft Noise Insulation Program sponsored by the San Francisco International Airport (SFO). SFO is reaching out to property owners that have purchased homes in the qualifying Federal Aviation Administration (FAA) noise contour where the previous property owner declined to participate. There are 47 potential properties that are eligible under the current criteria and 12 are participating in Phase 1 and will be completed in 2012. The City works with the SFO to encourage adoption of noise insulation standards to mitigate impacts from airplane backblast, and expand the CNEL threshold level for insulation from 65 CNEL to 60 CNEL.
<p>* Program 4-D: Ensure adequate water and sewer service and reduce water waste.</p>	<p>Work with the San Francisco Public Utilities Commission (SFPUC) and local departments to ensure that there are adequate water and sewer services for new development, affordable housing receives priority for these services, and new development uses best management practices to reduce water waste.</p>	<p>Within 1 month to 1 year after adoption of the H.E.; ongoing</p>	<ul style="list-style-type: none"> The Housing Element was submitted to the SFPUC and Water and Wastewater Divisions of the Public Services Department. The Water and Wastewater Master plan updates will be completed in 2012. The Transit Corridors Plan EIR and Water Supply Assessment analyzed the availability of water for residential development. The draft Transit Corridors Plan includes standards and guidelines to minimize surface water run-off and pollution, increase water conservation during construction and operation phases of new residential development, and make recycled water available for appropriate uses.

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Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Program 4-E: Encourage drought-resistant landscaping.	Implement water conservation and drought-resistant landscaping guidelines and standards.	Within 1 year after adoption of the H.E.; ongoing	<ul style="list-style-type: none"> Water service to the Glenview fire area requires larger meters (1.5") to each home, where smaller shared meters were often used previously. The Sustainability Audit for the Zoning Code Update was completed in 2011, which recommends standards for water conservation and drought-resistant landscaping. The City reviews each application for residential landscape plans for consistency with the City's Water Efficiency, Landscape and Irrigation Guidelines and Municipal Code Section 10.16, Water Conservation.
* Program 5-A: Support the Below Market Rate Housing (BMR) Ordinance.	Through education and enforcement of the Below Market Rate Housing Ordinance (adopted 2008), provide guidelines for developers to comply with the City's inclusionary housing requirements.	Ongoing	<ul style="list-style-type: none"> The City's BMR Ordinance requires new residential projects with 10 or more housing units to provide a minimum of 15 percent of total housing units affordable to very-low, low-, and moderate-income households through construction, donation of land, and/or payment of in-lieu fees. No new affordable housing projects were approved in 2011. Affordable housing developers continued to express interest in two sites, 406 San Mateo Ave. (former downtown cinema site) and 850 El Camino Real (Budget Motel site) The City continues to monitor the legal status of the BMR ordinance with respect to challenges in the Palmer and Patterson court decisions. The City has collected approximately \$2.5 million in BMR in-lieu fees, which will be used to facilitate development of new affordable housing.
* Program 5-B: Implement State density bonus regulations.	Offer a density bonus of up to 35 percent and incentives or concessions based on the number of affordable units in the development and a flat density bonus of 20 percent for all senior housing in accordance with State density bonus regulations (Government Code 65915).	Within 1 year after adoption of the H.E.; ongoing	<ul style="list-style-type: none"> The City encourages developers to review the density bonus law at the earliest stages in pre-development review and consultation process. Provisions for density bonuses for residential developments will be incorporated into the Zoning Ordinance Update and Transit Corridors Plan, including defining incentives such as reductions in parking, open space, setbacks, etc.
* Program 5-C: Provide financial incentives for affordable condominium conversions.	Create incentives for condominium conversions that provide affordable housing.	Within 1 year after adoption of the H.E.	The City received no applications for condominium conversions in 2011.
* Program 5-D: Ensure affordability in the Redevelopment Area.	Continue to administer Redevelopment Project Area requirements for development of 15 percent affordable housing.	Ongoing	<ul style="list-style-type: none"> The City administered Redevelopment affordability requirements until the Agency was dissolved on 1/1/12, pursuant to AB 26, which was upheld by the California Supreme Court on 12/29/11. On 1/13/12, the City elected to take on the housing assets and functions previously performed by the RDA.
* Program 5-E: Provide financial assistance to facilitate affordable housing development.	Use the Redevelopment Low- and Moderate-Income Housing Fund to increase, improve, and preserve the community's supply of low- and moderate-income housing in the Redevelopment Area.	Ongoing	<ul style="list-style-type: none"> See Program 5-D for an explanation on the status of the LMIH fund. The City reviews requests for financial assistance on a case-by-case basis where necessary and appropriate to facilitate affordable housing development, based on diligent analysis of a project's financial feasibility and desirability. The unencumbered balance of the LMIH fund (approx. \$2.5 million) is not considered an enforceable obligation, and would be distributed to the taxing entities under AB 26. The City is following two bills, SB 654 (Steinberg) and AB 1285 (Fuentes) that would allow the city to retain the funds on deposit in the

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Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Program 5-F: Increase the supply of housing for large families.	Encourage diversity in unit size to ensure that 3- and 4-bedroom affordable rental housing units are provided for large families.	Ongoing	agency's LMH. • Affordable housing developers continue to express interest in two sites, 406 San Mateo Ave. (former downtown cinema site) and 850 El Camino Real (Budget Motel site). • The City encourages developers of multifamily affordable housing to incorporate larger units in the building plans.
Program 5-G: Expedite review and waive fees for affordable housing.	Continue to expedite review and waive planning and building fees for developers of affordable housing and housing for seniors and persons with disabilities.	Ongoing	• City staff works with housing developers to expedite the review of affordable housing projects. • City has a policy to waive building fees related to the percentage of affordable units.
Program 5-H: Modify regulations to encourage affordable housing.	Modify development regulations in specific zoning districts to encourage housing affordable to very-low, low-, and moderate-income households.	Within 1 year after adoption of the H.E., ongoing	The Transit Corridors Plan will allow higher density multifamily housing development to encourage affordable housing.
Program 5-I: Facilitate home equity conversions.	Continue to make information regarding home equity conversion programs available to elderly homeowners.	Ongoing	The City provided an annual grant of \$30,000 through the RDA LMH funds to HIP Housing which administers a program to educate elderly homeowners about home equity conversion. Funding could be reduced due to the loss of redevelopment tax increment revenues.
* Program 5-J: Promote the Second Unit Ordinance.	Continue to inform homeowners about the Second Unit Ordinance which permits second units by-right on appropriate residential sites.	Ongoing	• Planning and Building staff inform homeowners about the second unit ordinance and information is available on the City website. • Two second units were approved in 2011.
* Program 6-A: Promote fair housing.	Continue to adhere to State and federal fair housing and non-discrimination laws to ensure that housing opportunities are provided for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, family status, or disability.	Within 1 year after adoption of the H.E., ongoing	• City provides referrals to fair housing services during code enforcement. City will continue to inform realtors, builders, city staff, and the community at large of the fair housing law and policies, through the City website. • City will ensure that fair housing laws are adequately reflected in the Zoning Ordinance Update, including additions and revisions to definitions as necessary. • Need to improve informational handouts about fair housing services available at City Hall, the Senior Center, and on the City's website.
Program 6-B: Support organizations that provide housing services.	Cooperate with and support organizations providing housing information, counseling, and referral services, and handling complaints of housing discrimination.	Ongoing	• City provides about \$43,500 in financial assistance annually through the RDA LMH fund to support three non-profit housing agencies (HIP Housing, North Peninsula Neighborhood Services Center and Shelter Network). These organizations provide housing services for home repair, painting, case management, emergency food and shelter, crisis intervention, and assistance with rent and utility bill payments to low-income homeowners. • See Program 5-D for an explanation on the status of the RDA LMH fund.
Program 6-C: Support shared housing programs.	Continue to support shared housing programs and to promote such programs through the Senior Center and other local	Ongoing	• City provides support through the RDA LMH fund to HIP Housing which coordinates a shared housing program. • See Program 5-D for an explanation on the status of the RDA LMH fund.

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Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
* Program 6-D: Accommodate city's share of emergency (homeless) shelter need.	Amend the Zoning Ordinance to identify the Transit Oriented Development Area designated under the San Bruno 2025 General Plan as an appropriate zone or zones within which emergency shelters are permitted by right, in accordance with State law.	Within 1 year after adoption of the H.E.	<ul style="list-style-type: none"> The Zoning Code Update and Transit Corridors Plan, currently in progress, will permit emergency (homeless) shelter facilities by right (as a permitted use, without requiring a conditional use permit) within the General Plan TOD land use district, subject to reasonable and objective standards permissible by law. The designated area has sufficient and reasonably available acreage (vacant or underutilized) to meet the city's identified need (32 beds) within the planning period, including the potential for reuse or conversion of existing buildings. The City continues to support the 10-bed shelter run by St. Bruno's Church, and will support future faith-based efforts to supply emergency and transitional housing to those in need.
* Program 6-E: Address identified need for extremely-low income and supportive housing.	Amend the Zoning Ordinance to permit transitional and supportive housing by right in residential zones, work with nonprofit builders who specialize in building housing for extremely-low income households, and facilitate the creation of supportive housing units in accordance with the City's share of countywide need identified in the HOPE Plan.	Within 2 years after adoption of the H.E.	<ul style="list-style-type: none"> Zoning Ordinance Update will amend the definition of "Special residential care facilities"—already allowed by right in any residential zone—to include transitional and supportive housing uses, including those designated as SROs. This will ensure that transitional and supportive housing is treated as a residential use of property in accordance with SB2. The City works with local or regional agencies and non-profits that specialize in supportive housing development and management to identify opportunities for the development of supportive housing in San Bruno.
Program 6-F: Participate in regional coordination on homelessness.	Work with other cities, agencies, and the County to address needs of the homeless.	Ongoing	City needs to develop an action plan with partners, to identify sites and financial resources, and to streamline the entitlement process.

General Comments

The San Bruno Housing Element 2009-2014 was adopted on March 23, 2010, and certified by HCD on June 15, 2010. The Glenview PG&E gas explosion and fire occurred on September 9, 2010 and destroyed 38 homes, severely damaged 17 homes, and caused damage to over 45 homes in the Crestmoor neighborhood of San Bruno. 13 building permits for new replacement homes were issued in 2011. The City expects that a dozen or so owners will sell to PG&E. The 308-unit Treetops apartment complex was vacated in 2005 due to severe mold problems. The developer, AIMCO, had intended to demolish the existing buildings and replace them with a 510-unit apartment complex, and obtained entitlements for the project in 2008. AIMCO was unable to secure financing for the complete rebuild, but was able to secure HUD financing for a complete remodel of the existing 308 units. The building permit for the complete remodel of all 308 units was approved in 2011 and construction began in December 2011.

Local Efforts To Remove Governmental Constraints

The greatest constraints to the maintenance, improvement, and development of affordable housing are (1) Ordinance 1284, adopted in 1977, which limits building heights; (2) restrictions due to noise impacts from the San Francisco International Airport (SFO), and; (3) the loss of Redevelopment Low-Moderate Income Housing Fund.

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Attachment 1
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Ordinance 1284. Among other provisions, Ordinance 1284 imposes height limits on buildings at the lesser of three stories or 50 feet, and limits density in residential districts. The City is exploring the possibility of increasing building height limits within the Transit Corridors Area, as recommended by the Transit Corridors Plan Steering Committee, in order to encourage new or different housing products or arrangements (e.g., shared housing, co-housing, etc.) and mixed use development with residential uses over commercial uses, that better meet future housing needs. Amending Ordinance 1284 would require approval by a majority of San Bruno voters in a citywide election. Adoption of the Transit Corridors Plan will also help to streamline the project review process (including preparation of a program level Environmental Impact Report).

Airport Noise Constraints. The City promotes the mitigation of noise impacts from San Francisco International Airport (SFO) to the fullest extent possible via the SFO/Community roundtable and ongoing coordination with C/CAG in its role as the County Airport Land Use Commission. The City seeks to reduce the area in San Bruno impacted by airport noise in order to meet its housing responsibilities while complying with the SFO noise and land use requirements of the Airport Land Use Plan. The Transit Corridors Plan and zoning code update will allow new residential development within the 65 decibel CNEL noise contour and define standards as outlined in the 2009 General Plan.

Loss of Redevelopment Funding. With the dissolution of the San Bruno Redevelopment Agency ("RDA") on February 1, 2012, in accordance with AB1X 26, the City will lose redevelopment housing set-aside revenue, which had been targeted to assist in the production of affordable housing. The Agency previously used the Low-Moderate Income Housing fund to subsidize the development of 325 units in three buildings at the Crossing, a master planned development with a total of 1,063 multifamily units. The loss of redevelopment funding will significantly reduce the City's ability to promote affordable housing production in the community. The Agency had an uncumbered fund balance of approximately \$2.6 million that is expected to be returned to County Auditor for distribution to taxing entities unless the legislature acts to allow the Housing Successor to keep this funding for affordable housing development. The City's only remaining source of affordable housing revenue is its Below Market Rate Housing in-lieu fee. The City will continue to seek opportunities to create affordable housing through use of the City's BMR In-Lieu Fee Fund and other funding sources such as Federal and State Tax Credits grant opportunities.

As the report demonstrates, San Bruno has made significant progress in implementing its Housing Element and has seen significant results from its commitment to the development of affordable housing.



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: March 13, 2012
TO: Honorable Mayor and City Council Members
FROM: Dennis Haag, Fire Chief
SUBJECT: Adopt Resolution Amending San Bruno's Local Hazard Mitigation Plan to Include the 2012 Annex

BACKGROUND:

In 2003, the Federal Emergency Management Agency (FEMA) initiated a program that required local governments to submit a hazard mitigation plan in order to qualify for Federal Pre-Disaster Funds. The intent of the plan was for local jurisdictions to identify local hazards that would qualify those hazards for funding. San Bruno's Local Hazard Mitigation Plan was adopted in 2005 by the City Council and it provided the City with the opportunity to apply for federal funding to mitigate identified hazards prior to unexpected disasters. The plan was updated and adopted in 2010 with the agreement that we would revise and update the plan every five years.

DISCUSSION:

In 2007, the Association of Bay Area Governments (ABAG) and the State Office of Emergency (OES) coordinated a joint, nine-county effort to develop a Multi-Jurisdictional Hazard Mitigation Plan. This was timed to coincide with the update of each of the jurisdictional plans. ABAG created a template that was approved by the OES and FEMA for use by local jurisdictions. The template was returned to local agencies for each to determine the best mitigation strategies applicable to their own jurisdictions. City staff reviewed the measures and prioritized the mitigation strategies. When the updated plan was completed, the plan was sent back to ABAG who reviewed the plan and then forwarded it to FEMA for approval and adopted in 2010.

As part of FEMA's approval process, they requested an additional Annex be provided in the 2012 update. The Annex essentially updates information and provides any new priorities in mitigation measures. This update opportunity allowed us to identify gas transmission lines as a local hazard, as this had not been identified in the original document. The 2010 Local Hazard Mitigation Plan includes mitigation strategies that remain unchanged. City staff is recommending the City Council adopt the Annex, which will amend the plan.

FISCAL IMPACT:

No fiscal impact.

T.e.

ALTERNATIVES:

1. Revise the 2012 annex to reflect new priorities.
2. Do not submit plan to ABAG.

RECOMMENDATION:

Adopt a resolution amending San Bruno's Local Hazard Mitigation Plan to include the 2012 Annex

ATTACHMENTS:

1. 2012 Local Hazard Mitigation Plan Annex
2. Resolution

DATE PREPARED:

March 1, 2012

REVIEWED BY:

_____ CM

_____ ACM

_____ FD, Other

2012 Local Hazard Mitigation Plan Annex

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Introduction

- The City of San Bruno, incorporated on December 23, 1914, is located on the San Francisco Peninsula 12 miles south of San Francisco, 14

miles north of Redwood City, the San Mateo County seat, and immediately adjacent to the San Francisco International Airport. The total land area of San Bruno is 6.4 square miles. The elevation of the city is 16 feet, however, San Bruno is hilly. The population is 41,000 - with an operating budget of \$70 million - employing 236 personnel.

- The City of San Bruno has experienced its share of disasters, which include the Loma Prieta Earthquake of 1989, the winter storms of 1998, which caused landslides in the areas of Madison and Glenview. In 2010 the gas transmission pipeline explosion and resulting fires resulted in the death of eight residents and destroyed 38 homes.
- Major Government facilities include the San Bruno Park and Recreation Center, the City Hall complex, which contains City Administration and the City Library, two fire stations, a water treatment and corporation yard as well as a joint BART police station. San Bruno is also home to BART, Caltrain, and Samtrans.

The Regional Planning Process

The City of San Bruno participated in the ABAG workshops in 2005, which developed the original regional plan. The San Bruno City Council formally approved that plan in March of 2007. The City of San Bruno recently participated in various ABAG workshops, conferences, and meetings, including:

- Sewer Smart Summit 10-09-2008
- Critical Facilities Data 05-08-2009
- Strategies Workshop 09-29-2009
- City/County Workshops – various dates

For more information on these meetings and for rosters of attendees, please see Appendix A and H in the ABAG Multi-Jurisdictional Local Hazard Mitigation Plan 2010 (MJ-LHMP). In addition, The City of San Bruno has provided written and oral comments on the multi-jurisdictional plan and provided information on facilities that are defined as "critical" to ABAG.

The Local Planning Process

- Connie Jackson, City Manager, directed staff to form an internal team to undertake the review of The City of San Bruno's 2012 Local Hazard Mitigation Plan (LHMP) Annex.
- Aaron Aknin, Community Development provided input regarding the changes in the city and future development.

- Klara Fabry, Public Works Director, provided input on city facilities, including buildings, roads, public infrastructure, and other facilities potentially impacted by hazards.
- Dennis Haag, Fire Chief, provided input on fire and emergency response issues, including radio interoperability and the operation of the City's Emergency Operating Center.
- Neil Telford, Police Chief, provided input on police department response procedures for a natural disaster.
- Gary Laporì, Building Official, provided information concerning building and community development issues.

The representatives from the above City of San Bruno departments met on several occasions to identify and prioritize appropriate mitigation strategies.

At the first meeting, general priorities and appropriate departments were identified. Subsequent meetings identified mitigation strategies, prioritized said strategies, and reviewed preliminary budgets and potential funding sources for strategies designated as "High" priority for City -owned-and-operated facilities.

No formal meeting agendas, minutes, or sign-in sheets were prepared during this part of the process. City staff met in a collaborative approach to identify and review the various elements of the process.

Process for Updating Plan Sections

A key element in the above process was a review of the 2005 plan. This was done comprehensively as part of the City's review of the 2010 materials, with material updated as needed to reflect the minor changes to City Policies and programs that have occurred since 2005. The updates also incorporated the new ABAG data on hazards susceptibility and the 2010 planning process. The City updated the risk assessment with the new data from ABAG.

Public Meetings

The opportunity for public comments on the DRAFT mitigation strategies was provided at a public meeting at The City of San Bruno, September 23, 2009 and advertised on The City of San Bruno website. The draft mitigation strategies were also published on The City of San Bruno website for public viewing. No public comments were received from either the meeting or the Internet posting. A copy of the Internet posting is included as **Exhibit A** to the City of San Bruno 2012 Annex.

Public meetings and outreach, via our website, were attempted to gather comments regarding the 2012 Annex. Future updates of the plan could include coordination with neighboring cities in a public outreach effort. This

may also allow all cities to make the process more interesting and therefore elicit greater public comment.

The San Bruno City Council will adopt the plan in a public meeting via an official resolution. This resolution will be sent to FEMA for final approval. The mitigation strategies will become an implementation appendix of the Safety Element of The City of San Bruno General Plan.

Plan for Updating Plan Sections

- Planning Process:
- Risk Assessment: The area was reviewed by LHMP group and new maps were updated along with a high pressure gas line assessment.
- Mitigation Strategy: Strategies were reviewed by LHMP group and changes or updates were implemented. The community was allowed input at a community meeting and feedback via Web-site.
- Plan Maintenance: City held a community meeting and allowed input via Web page announcement.

Hazards Assessment

The ABAG Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP), to which this is an annex, lists nine hazards that impact the Bay Area, five related to earthquakes (faulting, shaking, earthquake-induced landslides, liquefaction, and tsunamis) and four related to weather (flooding, landslides, wildfires, and drought). Maps of these hazards and risks are shown on the ABAG website at <http://quake.abag.ca.gov/mitigation/>.

The City of San Bruno has reviewed the hazards identified and ranked the hazards based on past disasters and expected future impacts. The conclusion is that earthquake (particularly shaking), flooding, wildfire, and landslides (including unstable earth) pose a significant risk for potential loss.

The City of San Bruno does not face any natural disasters not listed in the ABAG multi-jurisdictional plan and a new hazard has been identified by the City of San Bruno since the original development of this plan in 2005. Additional hazard identified by the City of San Bruno: High-Pressure Gas Pipelines.

While the City of San Bruno has undertaken a number of general hazards mapping activities since the first Safety Element was prepared by the City of San Bruno, all of these maps are less detailed and are not as current as those shown on the ABAG website at <http://quake.abag.ca.gov/mitigation/>.

Past Occurrences of Disasters (natural and human-induced)

The City of San Bruno has experienced a number of different disasters over the last 50 years, including the natural gas explosion of 2010, numerous earthquakes, flooding, landslides, and severe storms. The City's resources were taxed along with those of the county as a 30 inch high-pressure gas line exploded and the resulting fire caused significant damage to the Glenview neighborhood which resulted in the death of eight, injuring another 60, and destroying 38 homes.

The Loma Prieta Earthquake of 1989 is another example of the kind of large-scale disaster, that can strike the Peninsula. It killed 63 people, injured 3,757, and displaced over 12,000 people. With over 20,000 homes and businesses damaged and over 1,100 destroyed, this quake caused approximately \$6 billion of damage.

More information on State and Federally declared disasters in The City of San Bruno can be found at <http://quake.abag.ca.gov/mitigation/ThePlan-D-Version-December09.pdf>

Locally significant incidents that have also impacted The City of San Bruno in the last several years include:

- Weather, Summer Heat and Winter Cold. During weather extremes San Mateo County OES monitors situation with cities that are affected.
- February 27, 2010 – Chile Earthquake/Tsunami. State EOC activated. San Mateo County EOC monitored situation.
- San Bruno Fire/Explosion – this disaster was a significant event for the City and particularly the Glenview neighborhood. The explosion and resulting fire caused eight deaths, injured 60, and destroyed 38 homes.

Risk Assessment

Urban Land Exposure

The City of San Bruno examined the hazard exposure of the City of San Bruno urban land based on information in ABAG's website at <http://quake.abag.ca.gov/mitigation/pickdbh2.html>. The "2005 Existing Land Use with 2009 Mapping" file was used for this evaluation (in the existing plan, the file used was "Existing Land Use in 2000").

In general, the hazard exposure of the City of San Bruno is status quo. The City of San Bruno's urban land showed a minimal increase in the acres of urban land in the 100 year flood zone over the last 5 years due to changes in the new FEMA flood maps. The following table described the exposure of urban land within the City of San Bruno to the various hazards.

Exposure (acres of urban land)			
Hazard	2005	2010	Change
<i>Total Acres of Urban Land</i>	3,417	3,469	52
Earthquake Faulting (within CGS zone)	363	322	(41)
Earthquake Shaking (within highest two shaking categories) ¹	3,536	3,559	(23)
Earthquake-Induced Landslides (within CGS study zone)	0	0	0
Liquefaction (within moderate, high, or very high liquefaction susceptibility)	133	126	(7)
Flooding (within 100 year floodplain)	0	2	2
Flooding (within 500 year floodplain)	1	2	1
Landslides (within areas of existing landslides)	1,720	1,723	3
Wildfire (subject to high, very high, or extreme wildfire threat) ²	83	59	(24)
Wildland-Urban Interface Fire Threat	2,340	2,281	(59)
Dam Inundation (within inundation zone)	0	0	0
Tsunamis ³ (within inundation area)	not applicable		
Drought ⁴	-	-	

Infrastructure Exposure

The City of San Bruno also examined the hazard exposure of infrastructure within the jurisdiction based on the information on ABAG's website at <http://quake.abag.ca.gov/mitigation/pickdbh2.html>. Of the 1040 miles of roadway in the City of San Bruno the following is exposed to the various hazards analyzed.

Exposure (miles of infrastructure)						
Hazard	Roadway		Transit		Rail	
	2005	2010	2005	2010	2005	2010
<i>Total Miles of Infrastructure</i>	1042	1040			1	2
Earthquake Shaking (within highest two shaking categories)	1042	1040			1	2
Liquefaction Susceptibility (within moderate, high, or very high liquefaction susceptibility)	33	25			1	2

¹ In large part because the San Andreas fault systems run through the County.

² The decrease is due to better and more accurate mapping.

³ Tsunami evacuation planning maps were not available inside the San Francisco Bay in 2005. This map became available in December 2009. Acres of exposed land are not an appropriate analysis for this hazard. It should be noted that this map is not a hazard map and should be used for evacuation planning purposes only. The inundation line represents the highest inundation at any particular location from a suite of tsunami sources. It is not representative of any single tsunami.

⁴ The entire City of Millbrae has limited drought potential.

Liquefaction Hazard (within CGS study zone) ⁵	0	0			0	0
Earthquake-Induced Landslides (within CGS study zone) ¹	0	0			0	0
Earthquake Faulting (within CGS zone)	152	136			0	0
Flooding (within 100 year floodplain)	0	1			0	0
Flooding (within 500 year floodplain)	0	0			0	0
Landslides (within areas of existing landslides)	504	511				
Wildfires (subject to high, very high, or extreme wildfire threat)	22	28			0	0
Wildland-Urban Interface Fire Threat	719	720			1	2
Dam Inundation (within inundation zone)	0	0			0	0
Tsunamis ⁶	not applicable					
Drought ⁷	not applicable					

⁵ 565 acres not yet evaluated by CGS.

⁶ Tsunami evacuation planning maps were not available inside the San Francisco Bay in 2005. This map became available in December 2009. Miles of exposed infrastructure is not an appropriate analysis for this hazard. It should be noted that this map is not a hazard map and should be used for evacuation planning purposes only. The inundation line represents the highest inundation at any particular location from a suite of tsunami sources. It is not representative of any single tsunami.

⁷ Drought is not a hazard for roadways.

Exposure of City of San Bruno-Owned Buildings, Plus Critical Healthcare Facilities and Schools

Finally, the City of San Bruno examined the hazard exposure of critical health care facilities and schools located within The City of San Bruno and City owned buildings based on the information on ABAG's website at <http://quake.abag.ca.gov/mitigation/pickcrit.html>. The City of San Bruno provided a list of the critical facilities it owns to ABAG. ABAG provided a detailed assessment of the hazard exposure of each of its facilities. The following number of facilities is exposed to the various hazards analyzed.

Exposure (number of facility types)								
Hazard	Hospitals		Schools		Locally owned bridges and interchanges		Locally owned critical facilities	
	2005	2010	2005	2010	2005	2010	2005	2010
<i>Total Number of Facilities</i>	0	0	16	16	2	2	7	5
Earthquake Shaking (within highest two	0	0	16	16	2	2	7	5

shaking categories)								
Liquefaction Susceptibility (within moderate, high, or very high liquefaction susceptibility)	0	0	9	2			0	0
Liquefaction Hazard (within CGS study zone) ⁸	0	0	0	0	0	0	0	0
Earthquake-Induced Landslides (within CGS study zone) ⁹	0	0	7	7	0	0	0	0
Earthquake Faulting (within CGS zone)	0	0	7	7	0	0	0	0
Flooding (within 100 year floodplain)	0	0	0	0	0	0	0	0
Flooding (within 500 year floodplain)	0	0	0	0	0	0	0	0
Landslides (within areas of existing landslides)	0	0	149	135	0	0	2	2
Wildfires (subject to high, very high, or extreme wildfire threat)	0	0	0	1	0	0	0	0
Wildland-Urban Interface Fire Threat	0	0	249	246	0	0	1	0
Dam Inundation	0	0	0	0	0	0	0	0
Tsunamis ¹⁰ (within inundation area)	-	-	-	-	-	-	-	-
Drought ¹¹	-	-	-	-	-	-	-	-

⁸ Four Long-term care critical facilities have not been evaluated by CGS for this hazard

¹⁰ Tsunami evacuation planning maps were not available inside the San Francisco Bay in 2005. This map became available in December 2009. It should be noted that this map is not a hazard map and should be used for evacuation planning purposes only. The inundation line represents the highest inundation at any particular location from a suite of tsunami sources. It is not representative of any single tsunami.

¹¹ Drought will not affect locally owned facilities directly.

Repetitive Loss Properties

There are no repetitive loss properties in the City of San Bruno based on the information at

<http://quake.abag.ca.gov/mitigation/pickflood.html>

(Information obtained from ABAG is available at

<http://quake.abag.ca.gov/mitigation/pickflood.html>.)

Other risks



At the present time, there are no known risks or vulnerabilities that differ from the rest of the planning area (9 counties).

The City of San Bruno plans to continue to work with ABAG to improve the risk assessment information being compiled by ABAG, including developing ways to assess how many soft-story buildings are located in the City of San Bruno.

The City of San Bruno plans to work with ABAG to develop specific information about the kind and level of damage to buildings, infrastructure, and critical facilities, which might result from any of the hazards previously noted.

National Flood Insurance Program

FEMA classifies San Bruno (community ID 060326) as an unmapped area, and property owners are not required by federal regulation to purchase flood insurance.

Mitigation Goals

The goal of the ABAG MJ-LHMP is to maintain and enhance a disaster-resistant region by reducing the potential for loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters. This goal is unchanged from the 2005 plan and continues to be the goal of the City of San Bruno in designing its mitigation program.

Mitigation Activities and Priorities

Evaluation of Progress from 2005 Plan

In 2005, mitigation actions and priorities were identified although in the 2005 Plan projects were not identified as clearly as they are in this plan. The attached list indicates each of the strategies identified, along with responsible party, action taken, and current status of progress. The Public Works Department, the Fire Department as well as the Building and Planning Divisions completed the following projects.

- Adopted new Building and Fire Codes. On January 25, 2011 the San Bruno City Council adopted the latest edition of the 2010 California Building and Fire Codes with local



amendments. The city began enforcing these codes on January 1, 2011. (HSG F-1; HSG e-3; ECON d-2)

- In 2010, the Fire Department requested and received from the gas utility more detailed information on transmission line location, pipe size, and pressure of the lines. Also, additional training and public education requests have been made to the utility provider.
- The City of San Bruno currently participates in CERT training. (HSG k-7; INFR g-6)
- In 2009, the City completed a slope stabilization project at Rosewood Drive and Madison Avenue. The cost of the project was \$390,000. The work stabilized the hillside that showed previous signs of earth movement. (INFR e-1).
- In 2010, the City completed a slope stabilization project at Crestmoor Canyon immediately adjacent to the intersection of Earl Avenue and Glenview Drive. The cost of the project was \$247,000. The work stabilized the hillside and improved the erosion control after the PG&E transmission pipeline and explosion. (INFR e-1)
- In 2011, the City completed the Crestmoor Canyon retaining wall reconstruction project. The cost for the construction was \$660,000. Reconstruction of retaining walls supporting certain homes on Glenview and Claremont Drives. (INFR e-1).
- The County of San Mateo has implemented an erosion control program a few years ago, and the City of San Bruno is working with the County on this from a building and public works perspective. This is to try to prevent construction erosion entering into the City storm drain. (INFRA d-5)

Future Mitigation Actions and Priorities

As a participant in the 2010 ABAG multi-jurisdictional planning process, the staff of the City of San Bruno helped in the development and review of the comprehensive list of mitigation strategies in the overall multi-jurisdictional plan. The decision on priority was made based on a variety of criteria, not simply on an economic cost-benefit analysis. These criteria include being technically and administratively feasible, politically acceptable, socially appropriate, legal, economically sound, and not harmful to the environment or our heritage.

Representatives from multiple departments then met on a regular



basis to review progress on the City of San Bruno's 2005 strategies, to identify and prioritize additional mitigation strategies to update the list

These draft priorities were submitted to the City Manager's Office for review. The draft priorities will be provided to the City Council for adoption pending approval of this Local Hazard Mitigation Plan (LHMP) by FEMA.

The City Planning Team also prioritized specific mitigation tasks for the next five years. This list includes implementation process, funding strategy, and approximate time frame.

- Since the utility provider is a proprietary operation and the City has little control of the operation, the City of San Bruno is taking an active role in Federal, State, and Local legislative actions to improve regulatory and safety procedures related to gas pipeline operations.
- The City of San Bruno will replace its number three-water tank on Glenview Drive and Ridgeway Avenue, which is in need of significant seismic retrofit. The two million gallon concrete will be completed in 2012 at a cost of 1.25 to 2.0 million. (INFRA a-1)
- The City of San Bruno's pump-station number four on Skyline Boulevard and College Drive will be reconstructed. The reconstruction of the water pump station that serves residents in San Bruno's upper elevations will cost 1.5 to 2 million and is scheduled for completion in 2013. (INFRA a-1)
- The City of San Bruno worked with the San Francisco Public Utilities Commission in planning for the seismic upgrade of the Hetch Hetchy water line through the City of San Bruno. (INFRA a-7; INFRA b-5)
- The City of San Bruno will be installing pressure-regulating stations on four water turnouts with the SFPUC water system. The cost of the project is projected to be 400,000 to 800,000 and be completed in 2013. (INFR b-5)
- The City of San Bruno will look to replacement other City water tanks or seismically retrofit those tanks. The cost of the project would be four million and is scheduled for completion in 2016. (INFRA a-4)



On-Going Mitigation Strategy Programs

The City of San Bruno has many on-going mitigation programs that help create a more disaster-resistant region. The following list highlights those programs identified as *Existing Programs* in the mitigation strategy spreadsheet. Others are on-going programs that are currently underfunded. It is the City's priority to find additional funding to sustain these on-going programs over time.

- Vulnerability assessments of critical facilities and infrastructure (GOVT-a-1);
- Non-structural mitigation for building contents (GOVT-a-4);
- Retrofit or replace critical facilities that are shown to be vulnerable to damage in natural disasters (GOVT-a-2);
- Establish a framework and process for pre-event planning for post-event recovery that specifies roles, priorities and responsibilities of various departments within in the local government organization, and that outlines a structure and process for police-making involving elected officials and appointed advisory committees; (GOVT-b-1)
- Prepare a basic Recovery Plan that outlines the major issues and tasks that are likely to be key elements of community recovery, as well as integrate this planning into response planning. (GOVT-b-2)
- Development a plan for short-term and intermediate-term sheltering of impacted residence. (GOVT-b-4);
- Maintain the local government's emergency operations center in a fully functional state of readiness. (GOVT-b-10);
- Maintain and update as necessary the local government's Standardized Emergency Management System Plan. (GOVT-b-12)
- Encourage the cooperation of the utility system providers and cities, counties, and other special districts to develop strong and effective mitigation strategies for infrastructure systems and facilities. (INFR-a-3)
- Work for better cooperation among the patchwork of agencies managing flood control issues. (INFR-b-16)
- Include "areas subject to ground failure" in the list of criteria used to determining a replacement schedule (along with importance, age, type of construction material, size, condition, and maintenance or repair history) for pipelines. (INFR-f-1)



- Provide materials to the public related to coping with reductions in water supply or contamination of the supply. (INFR-g-3)
- Develop printed materials, utilize existing materials (such as developed by FEMA and the American Red Cross), conduct workshops, and/or provide outreach encouraging employees of these critical health care facilities to have family disaster plans and conduct mitigation activities in their own homes (HEAL-a-7);
- Sponsor the formation and training of Community Emergency Response Teams (CERT) through partnerships with local businesses (HSNG-j-6,ECON-j-5);
- Encourage regulatory agencies to work collaboratively with safety professionals to develop creative mitigation strategies that effectively balance environmental and safety needs, particularly to meet critical wildfire, flood, and earthquake safety levels. (ENVI-a-2);
- Increase efforts to reduce landslides and erosion in existing and future development through continuing education of design professionals on mitigation strategies (LAND-d-4);

Incorporation into Existing Planning Mechanisms

The City of San Bruno has several planning mechanisms which

- ◆ General Plan safety Element
- ◆ Capital Improvement Plan

The City of San Bruno has a Safety Element in its General Plan that includes a discussion of fire, earthquake, flooding, and landslide hazards. This plan was adopted as an implementation appendix to the Safety Element. In addition, the City of San Bruno enforces the requirements of the California Environmental Quality Act (CEQA), which, since 1988, requires mitigation for identified natural hazards. The City of San Bruno has used these pre-existing programs as a basis for identifying gaps that may lead to disaster vulnerabilities in order to work on ways to address these risks through mitigation.

Plan Update Process

As required by the Disaster Mitigation Act of 2000, the City of San Bruno will update this plan annex at least once every five years, by participating in a multi-agency effort with ABAG and other agencies to develop a multi-jurisdictional plan.



The City of San Bruno will ensure that monitoring of this annex will occur. The plan will be monitored on an on-going basis. However, the major disasters affecting the City of San Bruno, legal changes, notices from ABAG as the lead agency in this process, and other triggers will be used. Finally, the annex will be a discussion item on the agenda of the meeting of department leaders at least once a year in April. At that meeting, the department heads will focus on evaluating the annex in light of technological and political changes during the past year or other significant events. The department leaders will be responsible for determining if the plan should be updated.

The City of San Bruno is committed to reviewing and updating this plan annex at least once every five years, as required by the Disaster Mitigation Act of 2000. The City of San Bruno's Emergency Coordinator (Fire Chief or Designee) will contact ABAG four years after this plan is approved to ensure that ABAG plans to undertake the plan update process. If so, the City again plans to participate in the multi-jurisdictional plan. If ABAG is unwilling or unable to act as the lead agency in the multi-jurisdictional effort, other agencies will be contacted, including the San Mateo Office of Emergency Services. Counties should then work together to identify another regional forum for developing a multi-jurisdictional plan.

The public will continue to be involved whenever the plan is updated and as appropriate during the monitoring and evaluation process. Prior to adoption of updates, the City will provide the opportunity for the public to comment on the updates. A public notice will be posted prior to the meeting to announce the comment period and meeting logistics.

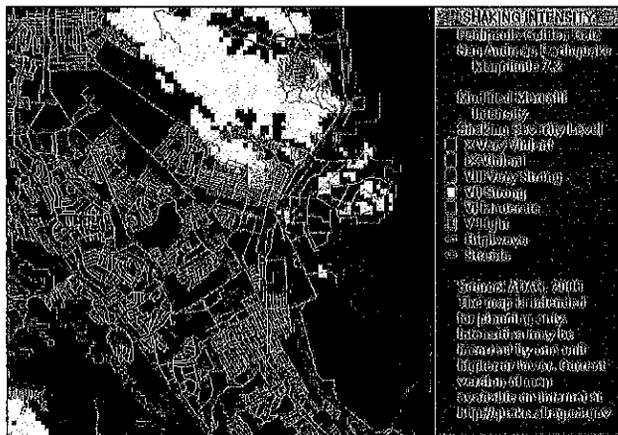


Exhibit A - Public Meeting Announcements

Public Notice

2005 Local Hazard Mitigation Plan Update

You are invited to a **Public Participation Session** to provide comments on the update of the multi-jurisdictional **2005 Local Hazard Mitigation Plan for the City of San Bruno.**



Wednesday, September 23rd, 2009
06:00 p.m. noon until 7:00 p.m.
Sister City Conference Room #115
San Bruno City Hall
567 El Camino Real
San Bruno, CA 94066

RESOLUTION NO. 2007-_____

**RESOLUTION OF THE SAN BRUNO CITY COUNCIL
ADOPTING A LOCAL HAZARD MITIGATION PLAN**

WHEREAS, the Bay Area is subject to various earthquake-related hazards such as ground shaking, liquefaction, land sliding, fault surface rupture, and tsunamis; and

WHEREAS, the Bay Area is subject to various weather-related hazards including wildfires, floods, and landslides; and

WHEREAS, the City of San Bruno recognizes that disasters do not recognize city, county, or special district boundaries; and

WHEREAS, as a result of the September 9, 2010 PG&E gas Pipeline explosion, the City of San Bruno further recognizes that the safety of gas utility infrastructure is a critical public safety priority.

WHEREAS, the City of San Bruno seeks to maintain and enhance both a disaster-resistant City of San Bruno and region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters; and

WHEREAS, the City of San Bruno is committed to increasing the disaster resistance of the infrastructure, health, housing, economy, government services, education, environment, and land use systems in the City of San Bruno, as well as in the Bay Area as a whole; and

WHEREAS, the federal Disaster Mitigation Act of 2000 requires all cities, counties, and special districts to have adopted a Local Hazard Mitigation Plan to receive disaster mitigation funding from FEMA; and

WHEREAS, ABAG has approved and adopted the ABAG report "Taming Natural Disasters" as the multi-jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area;

NOW THEREFORE, be it resolved that the City Council of the City of San Bruno adopts, and adapts with it's local annex, this multi-jurisdictional plan as its Local Hazard Mitigation Plan.

NOW THEREFORE, be it further resolved that the City of San Bruno commits to continuing to take those actions and initiating further actions, as appropriate, as identified in the City of San Bruno Annex of that multi-jurisdictional Local Hazard Mitigation Plan.

AYES:

NOES:

ABSENT:

CAROL BONNER, CITY CLERK



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 13, 2012

TO: Honorable Mayor and City Council Members

FROM: Randy Schwartz, Community Services Director

SUBJECT: Adopt Resolution Adopting the San Mateo Countywide Water Pollution Prevention Program Model Integrated Pest Management (IPM) Policy

BACKGROUND:

In 2003, the City of San Bruno adopted an integrated pest management (IPM) policy in accordance with the State's 1999 stormwater requirements to develop performance standards for municipal pest management. The 2003 policy was based on a template developed by the San Mateo Countywide Water Pollution Prevention Program (Countywide Program) and was adopted by most jurisdictions in the county.

The San Francisco Bay Regional Water Quality Control Board (Water Board) adopted a municipal regional stormwater permit (MRP) in October 2009, requiring San Bruno and each of the other 75 public agencies covered by the MRP to implement pesticide control programs to minimize reliance on pesticides that pose a threat to water quality and require IPM in municipal operations and on municipal property.

The City was required to submit its existing IPM policy to the Water Board as part of its annual stormwater report in September 2010. Water Board staff indicated in a February 10, 2011 memorandum that the policy adopted by San Mateo jurisdictions did not meet the MRP's requirements because it was expressed as recommendations and not requirements. In addition, the existing 2003 version of the IPM policy lacked specificity about the hierarchical decision-making process and multi-step approach that should be used to control pests, only where and when needed, and address problems using the least toxic pesticides. In May 2011, Water Board staff expressed its intent to issue Notices of Violation to municipalities that did not adopt updated IPM policies.

In response to these reported deficiencies, the Countywide Program's Parks Maintenance and IPM Work Group developed an updated version of the model IPM policy, incorporating input from both the San Mateo County Agricultural Commissioner and Water Board staff.

DISCUSSION

The primary changes to the 2003 version of the IPM policy were to incorporate more specificity and clarify that IPM is not a recommended activity, but a description of the City's commitment to minimize the use of pesticides that threaten water quality.

7.6.

More specificity was incorporated into the updated IPM policy by incorporating ten steps that will be followed to control pests through a process that includes pest prevention, biological and habitat controls, and chemical controls when needed using reduced risk pesticides at the minimum amounts needed to be effective.

In addition, the MRP's requirements that are included in the updated version of the IPM policy include the following:

1. Clarify that the pesticides of concern are those that threaten water quality. The MRP contains a list of these pesticides.
2. Commit the City to establishing written standard operating procedures for pesticide use to ensure implementation of the IPM policy and to require employees and pest control contractors to comply with the standard operating procedures. While the City currently complies with these procedures, pest control contractors are not obligated to follow the same procedures under the 2003 version of the policy.
3. Track the use of pesticides and summarize this information in the annual municipal stormwater report consistent with the MRP's requirements. While the City currently tracks the use of pesticides in accordance with the requirements, pest control contractors are not obligated to do likewise under the 2003 version of the policy.
4. Review purchasing procedures and service agreements with pest control contractors to determine what changes, if any, may be needed to support the implementation of the IPM policy.

In accordance with Item 2, above, the Countywide Program's Parks Maintenance and IPM Workgroup developed written standard operating procedures for pesticide use that can be customized for utilization by each agency. The City is already implementing those procedures. Also, at the suggestion of Water Board staff and similar to other IPM policies adopted in the Bay Area, the IPM policy states that each department that performs pest management activities will identify an IPM coordinator who will be responsible for assisting staff to implement the City's IPM policy.

FISCAL IMPACT

The costs associated with adopting and implementing the updated IPM policy are considered to be negligible because the City has an existing IPM policy. The updated policy mainly adds specificity to the existing IPM policy so that the City's hierarchical pest control decision-making process is clear and consistent with the MRP requirements. In addition, by adopting an updated policy meeting MRP requirements, the City will likely avoid future enforcement actions that could include financial penalties based on Water Board staff's determination that the 2003 version of the IPM policy was inadequate.

RECOMMENDATION:

Adopt Resolution Adopting the San Mateo Countywide Water Pollution Prevention Program Model Integrated Pest Management (IPM) Policy

ALTERNATIVES:

1. Do not adopt the resolution

DISTRIBUTION:

None

ATTACHMENTS:

1. Resolution
2. Updated San Mateo Countywide Water Pollution Prevention Program Model
Integrated Pest Management (IPM) Policy
3. 2003 IPM Policy

DATE PREPARED:

February 17, 2012

REVIEWED BY:

_____ CM

RESOLUTION NO. 2012 - _____

RESOLUTION ADOPTING THE SAN MATEO COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM MODEL INTEGRATED PEST MANAGEMENT (IPM) POLICY

WHEREAS, the Environmental Protection Agency, under the 1987 amendments to the Federal Clean Water Act, imposed regulations mandating local governments control and reduce the amount of stormwater pollutant runoff into receiving waters through compliance with municipal stormwater permits issued under the National Pollutant Discharge Elimination System (NPDES); and

WHEREAS, under the authority of California Porter-Cologne Water Quality Control Act, the State Water Resources Control Board delegated authority to the Regional Water Quality Control Boards to issue NPDES permitting requirements upon counties and cities; and

WHEREAS, in October 2009, the San Francisco Bay Regional Water Quality Control Board adopted a Municipal Regional Stormwater Permit (MRP) under the NPDES program; and

WHEREAS, the MRP includes specific requirements mandating municipalities adopt Integrated Pest Management policies to limit water quality impacts from municipal pest management activities; and

WHEREAS, the City of San Bruno seeks to protect the health and safety of its employees and the general public, the environment and water quality, as well as provide sustainable solutions for pest control, through the reduced use of pesticides on property owned or managed by the City to the maximum extent practicable;

NOW, THEREFORE, BE IT RESOLVED that the San Bruno City Council hereby adopts this resolution adopting the San Mateo Countywide Water Pollution Prevention Program Model Integrated Pest Management (IPM) Policy.

-oOo-

I hereby certify that foregoing Resolution No. 2012 - _____ was introduced and adopted by the San Bruno City Council at a regular meeting on March 13, 2012 by the following vote:

AYES:

NOES:

ABSENT:

CITY CLERK

ATTACHMENT 1



Proposed Final Version

San Mateo Countywide Water Pollution Prevention Program Model Integrated Pest Management (IPM) Policy

GOAL

The City of San Bruno (City) seeks to protect the health and safety of its employees and the general public, the environment and water quality, as well as to provide sustainable solutions for pest control through the reduced use of pesticides on property including buildings owned or managed by the City by applying Integrated Pesticide Management principles and techniques. The municipal regional stormwater permit requires that the City minimize reliance on pesticides that threaten water quality.

REQUIRED USE OF INTEGRATED PEST MANAGEMENT

Employees implementing pest management controls will use Integrated Pest Management (IPM) techniques that emphasize non-pesticide alternatives. Pesticides will only be used after careful consideration of non-chemical alternatives and then the least toxic chemicals that are effective shall be used. Pest control contractors hired by the City are required to implement IPM to control pests. This will be achieved by hiring only IPM-certified pest control contractors or by including contract specifications requiring contractors to implement IPM methods.

The City will establish written standard operating procedures for pesticide use to ensure implementation of this IPM policy and to require municipal employees and pest control contractors to comply with the standard operating procedures.

The City will track employee and contractor pesticide use and prepare an annual report summarizing pesticide use and evaluating pest control activities performed consistent with the municipal regional stormwater permit's requirements.

The City will review its purchasing procedures, contracts or service agreements with pest control contractors and employee training practices to determine what changes, if any, need to be made to support the implementation of this IPM Policy.

The City will perform educational outreach and/or support Countywide or regional efforts to educate residential and commercial pesticide users on a) goals and techniques of IPM, and b) pesticide related water quality issues consistent with the municipal regional stormwater permit's requirements.

The IPM-based hierarchical decision making process that will be used to control pests will include the following:

1. Based on field observations evaluate locations and sites where pest problems commonly occur to determine pest population, size, occurrence, and natural enemy population, if present. Identify conditions that contribute to the development of pest populations, and decisions and practices that could be employed to manage pest populations

2. Design, construct, and maintain landscapes and buildings to reduce and eliminate pest habitats;
3. Modify management practices including watering, mulching, waste management, and food storage to discourage the development of pest population;
4. Modify pest ecosystems to reduce food, water sources, and harborage;
5. Prioritize the use of physical controls such as mowing weeds, using traps, and installing barriers;
6. Use biological controls to introduce or enhance a pests' natural enemies;
7. When pest populations reach treatment thresholds (based on how much biological, aesthetic, economic or other damage is tolerable) non-pesticide management activities will be evaluated before considering the use of pesticides;
8. When pesticides are necessary, select reduced risk pesticides and use the minimum amounts needed to be effective;
9. Apply pesticides at the most effective treatment time, based on pest biology, monitoring, and other variables, such as weather, seasonal changes in wildlife use, and local conditions; and
10. Whenever possible, use pesticide application methods, such as containerized baits, that minimize opportunities for mobilization of the pesticide in stormwater runoff.

Departments performing pest management activities will identify an IPM coordinator who is responsible for assisting staff with implementation of this IPM policy.

BACKGROUND

Pesticides are defined as: any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Pests can be insects, rodents and other animals, unwanted plants (weeds), bacteria or fungi. The term pesticide applies to herbicides, fungicides, insecticides, rodenticides, molluscicides and other substances used to control pests.

Integrated Pest Management (IPM) is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

IPM techniques could include biological controls (e.g., ladybugs and other natural enemies or predators); physical or mechanical controls (e.g., hand labor or mowing, caulking entry points to buildings); cultural controls (e.g., mulching, alternative plant type selection, and enhanced cleaning and containment of food sources in buildings); and reduced risk chemical controls (e.g., soaps or oils).

City owned or managed property/facility includes but is not limited to parks and open space, golf courses, roadsides, landscaped medians, flood control channels and other outdoor areas, as well as municipal buildings and structures.

City of San Bruno
Integrated Pest Management (IPM) Policy
(Adopted November 2003)

GOAL

The City of San Bruno seeks to protect the health and safety of its employees and the general public, the environment and water quality, as well as to provide sustainable solutions for pest control, through the reduced use of pesticides on property owned or managed by the City to the maximum extent practicable.

RECOMMENDATIONS

Employees implementing pest management operations will use Integrated Pest Management (IPM) techniques that emphasize non-pesticide alternatives and, when necessary, employ the least toxic chemicals. Preference will be given to contractors who implement IPM. City of San Bruno departments and their contractors that apply pesticides will develop and maintain an active IPM Plan to ensure the long-term prevention and suppression of pest problems with minimum negative impacts on the health and safety of the community and environment. The City of San Bruno will track employee and contractor pesticide use and prepare an annual report summarizing pesticide use and evaluating pest control activities performed.

The City of San Bruno shall encourage pilot projects to demonstrate landscape and structural pest control alternatives, seeking to use the most recent technology, best management practices and least toxic methods for all pest control measures. Pilot projects should include an objective analysis of the effectiveness of the alternative techniques applied.

The City of San Bruno will review its purchasing procedures, contracts or service agreements with pesticide applicators and employee training practices to determine what changes can be made to support the goal of pesticide reduction and promote the purchase and use of the least harmful chemicals.

The City of San Bruno will perform educational outreach and/or support Countywide or regional efforts to educate residential and commercial pesticide users on a) goals and techniques of IPM, and b) pesticide related water quality issues.

BACKGROUND

Pesticides are defined as: any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Pests can be insects, rodents and other animals, unwanted plants (weeds), bacteria or fungi. The term pesticide applies to herbicides, fungicides, insecticides, rodenticides, molluscicides and other substances used to control pests. Antimicrobial agents are not included in this definition of pesticides. In general, the intent of antimicrobial agents is to reduce or mitigate the growth or development of microbial organisms. They are used to avoid health hazards and include in-door cleaning, spa and swimming pools, medical sterilizer and sanitizer products.

Integrated Pest Management (IPM) is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

IPM techniques could include biological controls (e.g., ladybugs and other natural enemies or predators); physical or mechanical controls (e.g., hand labor or mowing); cultural controls (e.g., mulching, discing, or alternative plant type selection); and reduced risk chemical controls (e.g., soaps or oils).

City owned or managed property includes but is not limited to parks and open space, golf courses, roadsides, landscaped medians, flood control channels and other outdoor areas, as well as municipal buildings and structures.



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 13, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Kim Juran, Finance Director

SUBJECT: Adopt Resolution Approving Property Owner Notice and Protest Process for 2012-13 Garbage Rate Increase Proposed by Recology San Bruno

BACKGROUND

The existing franchise agreement with Recology San Bruno became effective on July 1, 1998. In accordance with the agreement, Recology is entitled to rate adjustments based on a detailed rate analysis every three years and interim rate year adjustments for other years.

On January 26, 2012 Recology San Bruno requested an Interim Rate Year adjustment in accordance with their franchise agreement with the City. Recology has requested a change in rate limited to 80% of the CPI change for wage earners in the San Francisco area and the percentage increase for the pass-through disposal fee increases. The net result of these two adjustments is 2.341%.

In addition, on February 9, 2012 Recology San Bruno provided a supplemental proposal to initiate a new Organics Program in San Bruno effective July 1, 2012. To implement an Organics Program citywide, the current schedule of bi-weekly pickup of green waste toters would change to weekly service. To accommodate this service increase, Recology would need to purchase three additional collection vehicles and add three new drivers, as well as incur additional cost increases related to the disposal of the organics waste. These cost increases result in an effective 9.37% increase in garbage rates, which are in addition to the proposed 2.341% interim rate adjustment. This type of program has been successfully implemented in several other communities in San Mateo County and offers a beneficial way to reduce solid waste disposed at the landfill.

At the meeting on February 28, 2012, the City Council received a presentation on the interim rate adjustment and the supplemental proposal from Recology to initiate a new Organics Program in San Bruno. At this meeting, City Council signaled their interest in an Organics Program and voted to proceed with a Property Owner Notice and Protest Process notifying residents of the new rate that would include the 2.341% interim rate

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adjustment and the 9.37% supplemental proposal for an Organics Program. This notification process is being used to assure broad-based information to property owners on the proposed rates and to ensure compliance with the protest provisions of Proposition 218, which establishes legal requirements for imposing or increasing property-related taxes, assessments, fees, and charges.

DISCUSSION

Following the February 28, 2012 meeting, Recology completed additional analysis of the approach and schedule for possible implementation of an Organics Program and determined that there were several obstacles to making a July 1, 2012 implementation date possible. Recology has provided a revised proposal for implementation of an Organics Program on January 1, 2013. The revised proposal for implementation of an Organics Program on January 1, 2013 results in an increase of 4.69% in 2012-13, in addition to the 2.341% interim rate adjustment, for a total rate increase of 7.14% (1.02341 x 1.0469). Based on the proposed rate adjustment that includes the interim rate adjustment and the Organics Program, a 32-gallon residential toter will increase by \$1.70, from \$23.78 to \$25.48. Examples of the proposed rate change for other services include:

	Existing Rate	Proposed Rate	Change
Residential			
20-gallon toter	\$18.44	\$19.76	\$1.32
64-gallon toter	\$47.56	\$50.96	\$3.40
96-gallon toter	\$71.34	\$76.43	\$5.09
Commercial			
64-gallon toter, 1 per wk	\$60.46	\$64.78	\$4.32
1-yard container, 1 per wk	\$126.88	\$135.94	\$9.06

This increase would be effective for bills produced after July 1, 2012; however, the implementation of the Organics program would not occur until January 1, 2013.

In addition to the increase, a new set of rates would need to be established for commercial/multi-family properties interested in participating in the Organics Program. Commercial/multi-family customers pay rates based on the size of container and the number of pickups per week. With the implementation of an Organics Program, these customers would be able to separate their garbage from organic material, which would potentially allow them to downsize to a smaller garbage container and/or less frequent service. The recommended rate structure for a commercial/multi-family Organics Program is to charge a rate that is equal to 75% of the same size garbage container. The proposed rate schedule for the Organics Program for commercial/multi-family customers is included in Attachment 1 to this report. In this proposed rate structure, a commercial/multi-family property with a two-yard container with one pickup per week would pay \$271.76 per month; this same customer can potentially downsize to a one-yard container for garbage at a rate of \$135.94 and a one-yard container for organics at a cost of \$101.96, for a total monthly cost of \$237.90. This same proposed rate structure has been done successfully in neighboring agencies, including Burlingame.

While delaying the implementation of the Organics Program from July 1, 2012 to January 1, 2013 does result in a reduced rate increase in 2012-13, it does not reduce the overall percentage increase needed to implement the program. The total percentage increase needed by Recology to cover their annual costs associated with the Organics Program remains at 9.37%. This means that the remaining 4.68% increase must become effective in the 2013-14 rate year in order to sustain the Organics Program.

Solid waste collection and disposal rates vary among San Mateo County cities based on several factors. Costs for service can depend upon the frequency of recycling collection, organics composting, ratio of residential and commercial customers, and unique operational constraints in some jurisdictions. A list of current monthly rates for other agencies in San Mateo County for a residential 32-gallon toter, along with information identifying those agencies that have implemented an Organics Program, is included in Attachment 2.

The notice and protest procedures consistent with Proposition 218 are fairly straightforward and generally provides for notice to be provided to property owners 45 days in advance of a public hearing following which the City Council can act to approve the rate increases. Only if written protests are received from a majority of property owners would the proposed rate increase be disallowed. The following schedule outlines a proposed approach to the City's implementation of the proposed process for the consideration of the proposed rate adjustment.

March 13:	City Council directs staff to include 45-day notice to property owners
March 21:	Notices mailed / start 45-day period
May 8:	City Council holds public hearing, considers any protests, takes action to introduce new rate ordinances for first reading, end of 45-day protest period
May 22:	City Council conducts second reading and takes action to adopt new rates by ordinance
July 1:	New 2012-13 rate increases become effective

The mailing of the Property Owner Notice and Protest Process for garbage rates will be coordinated with the mailing of the notice for the City's proposed water and wastewater utility rates, which will also be presented for City Council review at the March 13, 2012 meeting. The action proposed for consideration at this time is review of the proposed rates and the property owner notice and protest process. No action on the proposed rate increase itself will occur until May when a public hearing on the proposed rates will be scheduled.

FISCAL IMPACT

The amount and explanation of the proposed rate adjustment is detailed in the Discussion section of this report. The proposed rate increase does not have a direct effect on City operations.

ALTERNATIVES

1. Recology San Bruno is entitled to an interim rate year adjustment in 2012-13. The City Council may direct that the proposed adjustment be amended using other factors in its determination.
2. Do not proceed with the process to adopt new rates at this time.

RECOMMENDATION

Adopt Resolution Approving Property Owner Notice and Protest Process for 2012-13 Garbage Rate Increase Proposed by Recology San Bruno

ATTACHMENTS

1. 2012-13 Proposed Garbage, Recycling, and Organics Program Rates
2. Comparison of Residential Garbage Rates in San Mateo County (32 gallon)
3. Resolution

DATE PREPARED

March 6, 2012

REVIEWED BY

_____ CM

2012-13 Proposed Garbage, Recycling, and Organics Program Rates

Residential (1-3 Units)	Monthly Rate	Commercial	Monthly Rate
Weekly Refuse and Recycling Services includes Bi weekly 96 Gallon Toter Waste Service		Weekly Refuse and Specialized Recycling Services Toter Monthly rates: (once per week pick up on weekday)	
Toter - 20 gallon	\$19.76	32 gallon	\$32.39
Toter - 32 gallon	\$25.48	64 gallon	\$64.78
Toter - 64 gallon	\$50.96	96 gallon	\$97.17
Toter - 96 gallon	\$76.43	Debris Boxes	
Low Income 32 gallon	\$19.11	Delivery and pick up included	
Each Additional 32 gallon	\$25.48	4 yard mini (per day)	\$167.65
Additional 96 gallon green waste	\$7.71	6 yard mini (per day)	\$211.77
Extra Bag Service (approximately 32 gallon)	\$11.98	7 yard debris (1-5 business days)	\$405.88
Multi-Unit Residential (4+ units)		16 yard debris (1-5 business days)	\$449.97
Weekly refuse and Specialized Recycling Services		20 yard debris (1-5 business days)	\$445.91
Bins, Cans & Carts (4-99 units)	\$25.48	25 yard debris (1-5 business days)	\$617.62
Bins (100+ Units)	\$24.20	25 yard debris (Recyclables only)	\$352.93
Bin Rental - 1 yard	\$32.05	30 yard debris (1-5 business days)	\$716.45
Bin Rental - 2 yard	\$37.20	Debris Box Hold-overs (after 5th day)	10% of rate/day
Inside Pull-Out Service		Compacted Garbage (per Yard)	\$50.28
0-25 feet	\$8.06	Key/Lock Service	
Excess Disposal/Overflowing Container Penalty		Additional monthly charges of the following will be applied on each use of a key (including key, keypad, combination lock, automatic door opener, or any other entry mechanism) that is required to open a lock or to enter or leave the premises:	
Service charge/penalty for excess disposal/overflowing container per occurrence	\$13.09	1 per week	\$9.21
		2 per week	\$18.43
		3 per week	\$27.64
		4 per week	\$36.86
		5 per week	\$46.07
		Saturday	\$13.81

2012-13 Proposed Garbage, Recycling, and Organics Program Rates

Container Monthly Rates

Pickup/Week	<u>1 YARD</u>	<u>2 YARD</u>	<u>3 YARD</u>	<u>4 YARD</u>	<u>6 YARD</u>	<u>32G</u>	<u>64G</u>	<u>96G</u>
1 x per	\$ 135.94	\$ 271.76	\$ 378.72	\$ 466.33	\$ 641.60	\$ 32.39	\$ 64.78	\$ 97.17
2 x per	271.88	543.53	757.44	932.66	1,283.20			
3 x per	407.82	815.29	1,136.16	1,398.99	1,924.81			
4 x per	543.76	1,087.05	1,514.89	1,865.32	2,566.41			
5 x per	679.70	1,358.81	1,893.61	2,331.65	3,208.01			
Sat. pickups	204.25	407.69	568.08	699.51	962.42			
Extra pickup	31.38	62.70	87.38	107.62	148.05			
Bin Rental	32.05	37.20	40.58	43.54	46.77			

New Rate Structure: Proposed Commercial/Multi-Family Organics Rates (75% of Commercial Garbage Rates)

Pickup/Week	<u>1 YARD</u>	<u>2 YARD</u>	<u>3 YARD</u>	<u>4 YARD</u>	<u>6 YARD</u>	<u>32G</u>	<u>64G</u>	<u>96G</u>
1 x per	\$ 101.96	\$ 203.82	\$ 284.04	\$ 349.75	\$ 481.20	\$ 24.29	\$ 48.58	\$ 72.87
2 x per	203.91	407.64	568.08	699.50	962.40			
3 x per	305.87	611.47	852.12	1,049.24	1,443.60			
4 x per	407.82	815.29	1,136.16	1,398.99	1,924.81			
5 x per	509.78	1,019.11	1,420.20	1,748.74	2,406.01			

Comparison of Residential Garbage Rates in San Mateo County (32 gallon)

	32 gallon today	32 gallon rate with 2.341% rate adjustment (with comparison to City's not offering Organics Collection)	32 gallon rate with additional 4.69% rate adjustment for Organics Collection (with comparison to City's offering Organics Collection)	Provider	Organics Y/N
Foster City	18.92		18.92	Recology San Mateo	Y
Burlingame	19.08		19.08	Recology San Mateo	Y
San Mateo	19.19		19.19	Recology San Mateo	Y
Brisbane	21.94	21.94		SSF Scavenger	N
Menlo Park	23.40		23.40	Recology San Mateo	Y
San Bruno	23.78	24.34	25.48	Recology San Bruno	N
Colma	24.33	24.33		Allied Waste	N
Daly City	24.33	24.33		Allied Waste	N
Portola Valley	24.61		24.61	Greenwaste	Y
South San Francisco	25.52	25.52		SSF Scavenger	N
Millbrae	27.00	27.00		SSF Scavenger	N
Hillsborough	27.50		27.50	Recology San Mateo	Y
Belmont	28.03		28.03	Recology San Mateo	Y
San Carlos	28.84		28.84	Recology San Mateo	Y
Pacifica	35.95		35.95	ROTC	Y
Atherton	55.00		55.00	Recology San Mateo	Y

RESOLUTION NO. 2012_____

**RESOLUTION APPROVING PROPERTY OWNER NOTICE AND PROTEST
PROCESS FOR 2012-13 GARBAGE RATE INCREASE PROPOSED
BY RECOLOGY SAN BRUNO**

WHEREAS, the existing Franchise Agreement for Integrated Waste management Services with Recology San Bruno became effective on July 1, 1998, and

WHEREAS, Recology San Bruno has requested an Interim Rate Year adjustment, and

WHEREAS, the company has requested a change in rate limited to 80% of the CPI change for wage earners in the San Francisco area and the pass-through of solid waste disposal fee increases which calculates to 2.341%, and

WHEREAS, Recology San Bruno has provided a supplemental proposal to initiate a new Organics Program in San Bruno on January 1, 2013 which results in 4.69% increase in garbage rates in addition to the proposed interim rate adjustment, and

WHEREAS, a new Organics Program for commercial/multi-family customers necessitates the creation of new rates set at 75% of the cost of garbage service, and

WHEREAS, in the abundance of legal caution and to assure broad-based information to property owners on the proposed rates, a notice of the rate increase will be distributed to all property owners, and

WHEREAS, the public hearing will be scheduled following circulation of the notice to property owners for a period of not less than 45 days on the garbage rate increase requested by Recology San Bruno as part of the notice and protest process.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of San Bruno approves the property owner notice and protest process for 2012-13 garbage rate Increase proposed by Recology San Bruno.

I hereby certify that foregoing Resolution No. 2012-__ was introduced and adopted by the San Bruno City Council at a regular meeting on March 13, 2012 by the following vote:

AYES:

NOES:

ABSENT:

City Clerk



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: March 13, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Klara A. Fabry, Public Services Director
Kim Juran, Finance Director

SUBJECT: Adopt Resolution Approving Property Owner Notice and Protest Process for Water and Wastewater Rate Increases for 2012-13 through 2016-17

BACKGROUND

Funded solely by ratepayers, the Water and Wastewater Enterprise funds account for all operational and capital expenditures necessary to operate, maintain and improve these critical utility systems. The City Council last adjusted water and wastewater rates on May 26, 2009, setting rates through fiscal year 2011-12. Rates for both enterprise funds were based on a 10-year financial plan to increase rates by the same amount each year for 10 years. The annual rate increase for Water was 11.8%, and the annual rate increase for Wastewater was 10.2%.

To set new rates beginning July 1, 2012, the City Council recently awarded a contract with Bartle Wells Associates to update the City's water and wastewater rate model to ensure that revenues continue to cover operational costs and necessary infrastructure improvements. This model also ensures an equitable distribution of costs among various customer types so that each ratepayer is paying a fair share—a requirement of Proposition 218, the State law governing the approval of utility rates and taxes.

The City Council Utilities Subcommittee met on February 24 and March 6 to review the updated rate model, the proposed rates, and recommend actions for structural changes to the water and wastewater rate calculation. The discussion below gives an overview of the revised rate models, the rate increase, and rate structure changes recommended by the Utilities Subcommittee. In developing a revised rate schedule, the Subcommittee and staff were guided by a series of policy goals and objectives that are summarized in Attachment 2.

Three years ago the City Council reviewed options for rate increases to maintain sufficient revenues for operation, maintenance, and capital repair and replacement to assure continuous delivery of water and wastewater services—adopting an annual, level rate increase each year for the next ten years. Spreading out rate increases over a long term planning horizon allows for more gradual rate increases that minimizes annual impacts to ratepayers and puts a clear focus on the long-term operational and capital needs of the utility systems. For Water, the proposed rates assume a slight decrease in water consumption due to increased conservation efforts, projected increases in the cost of purchased water from the San Francisco Public Utilities Commission, and the continuation of the policy goal to replace the City's mains in 20 years. The proposed Wastewater rates

10.6

also include a decrease in water consumption, ongoing treatment costs for the Water Quality Control Plant, the costs to comply with the San Francisco Baykeeper and Regional Water Quality Control Board settlement agreements, and the continuation of the policy objective to replace sewer mains in 25 years.

While these factors and other operating costs are important in determining rates, the most significant factor impacting both Water and Wastewater utility systems is the age of infrastructure. The average infrastructure age of both systems is over 60 years old; some sections of the city have pipelines over 100 years old. Because of the need to replace San Bruno's aging infrastructure and address certain capacity and seismic deficiencies, the City Council last set rates based on an aggressive capital improvement program over the next two decades, including a 20-year water main replacement schedule and a 25-year sewer main replacement schedule. Early steps toward this goal include recently completed projects like the Mastick Avenue Utility Improvements Project that replaced water and sewer mains along Mastick Ave. from San Felipe Ave. to Artichoke Joe's; as well as current projects rehabilitating water tanks and water and sewer pump stations, and replacing the sewer main along Kains Avenue.

In keeping with the long-term planning horizon for aggressive capital improvement, the existing water and wastewater rate models were updated to develop annual rate increases over a new 10-year time period, 2012-13 through 2021-22.

DISCUSSION

Proposed Annual Water Rate Increase: 9.8%

The revised rate model includes a similar level of capital infrastructure investment and is still on track for a 20-year main replacement schedule. The first ten years will continue to see an investment in the rehabilitation of pump stations and wells, and retrofits and modifications to water storage tanks. In addition, the City will continue with the replacement of water mains based on leak frequency and age. The combined cost of necessary capital improvements in the first ten years is estimated at \$84 million (current dollars). To achieve this level of investment requires annual rate increases of 9.8% per year for 10 years. Below are the projects that will begin construction over the next five years:

- Replacing water mains on Spyglass and Merion Drives
- Replacement of water mains in and around the San Bruno heart and the central portion of the city between Jenevein Avenue and San Bruno Avenue
- Replacing the water well at Commodore Park
- Rehabilitating the Cunningham and Glenview Water Tanks
- Replacing the College Drive Pump Station

Proposed Annual Wastewater Rate Increase: 10.3%

The revised wastewater model also includes a similar level of capital investment and is still on track for a 25-year main replacement schedule, but the City now has more information about planned improvements at the South San Francisco/San Bruno Water Quality Control Plant (Treatment Plant)—\$17.8 million required over the next 10 years. The model also includes the level of capital investment to meet sanitary sewer overflow limits set by the

Regional Water Board and San Francisco Baykeeper. Achieving this level of capital investment for both the collection system and Treatment Plant requires a total cost of \$75 million and annual rate increases of 10.3% per year for 10 years. Below are the projects that will begin construction over the next five years:

- Replacing sewer mains on Kains Avenue
- Addressing problems related to the sewer main behind Trenton Drive
- Replacing sections of other sewer mains in the eastern portion of the city south of I-380
- Rehabilitating Olympic Sewer Pump Station and other neighborhood sewer pump stations

Setting Rates for Five Years

For the upcoming rate setting process the Subcommittee recommends setting rates over a five-year period. This will allow for greater certainty for planning capital projects and reduce the administrative costs of more frequent rate setting. A five-year period also allows for a more gradual phase in for some of the structural rate changes discussed below. Should actual revenues or required expenditures substantially differ from rate model estimates, the City may at any time over the five-year period undertake a Prop 218 process to adjust the rates.

Proposed structural changes to rates

In addition to helping determine annual rate increases, Bartle Wells Associates also identified several rate structure modifications that more equitably assign costs to various ratepayers. The rate structure changes recommended by staff and the Subcommittee are listed below.

Water: Align fixed charges with meter capacity.

Each water customer is charged a fixed amount based on water meter size and a variable amount based on how much water they use. The current fixed charges are not proportional to the capacity of the meter. For example, a 2" meter charge is 3.5 times higher than that paid by a customer with a 3/4" meter, even though the capacity of a 2" meter is 5.3 times greater than that of a 3/4". The Subcommittee recommends aligning the fixed charges according to water meter capacity over a 5-year period. Because a 2" meter has a greater impact on the system than a 3/4" meter, this rate structure change better allocates costs according to impact on the system. Customers with larger meter sizes will feel the impact of this rate change.

Water: Add a third rate tier to single family residential rates.

Variable rates for the quantity of water consumed by single-family homes are currently separated into two tiers, with a higher rate assigned to water consumed in the second tier. Tier 1 rates are applied to the first 18 units of water consumed over a two-month period (1 unit of water is equal to 748 gallons). Anything over 18 units is assigned Tier 2 rates. However, in the current rate structure approximately 85% of single-family homes fall into Tier 1. This provides only limited incentive for conservation and there is a 50% jump in quantity charges from Tier 1 to Tier 2. The Subcommittee recommends adding a third tier

with the following breakdown: 0-10 units assigned to Tier 1 (60% of customers); 10-20 units assigned to Tier 2 (28% of customers); and anything over 20 units assigned to Tier 3 (12% of customers). This structural change is a modest step to increasing conservation incentives, and provides a more gradual change in variable rates—only a 20% jump between new Tiers 1 and 2, and a 33% jump between Tiers 2 and 3.

Wastewater: Minor modifications to wastewater strength of each customer class.

The cost to treat wastewater primarily depends on the volume of wastewater and its strength (i.e. how contaminated the wastewater is). Although the City’s current wastewater rates are assigned by customer class, the estimated strength of each customer class does match the same strengths used by the Treatment Plant. Modifying customer class wastewater strength to align with how the Treatment Plant calculates wastewater strength will result in minor impacts between each customer classes, with residential customers and heavy commercial seeing a slight increase, and medium commercial seeing a slight decrease.

Wastewater: Align fixed service charges with water meter capacity.

The most significant potential structural change is with respect to fixed charges for wastewater. Currently, every wastewater customer—from a single-family home to a large commercial complex—is assessed a flat monthly service fee of \$18.35. The proposed recommendation is to align fixed charges with water meter capacity over a 5-year period. Although this structural change is similar in concept to the water fixed cost rate change, the fiscal impact is more significant on the large meter customers. If this rate change is approved by the City Council, the Subcommittee recommends capping the revised fixed charge at meter sizes of 4” and greater.

Based upon these factors, staff and the Subcommittee recommend the rate schedule included as Attachment 3. These rates would result in the following bi-monthly bills for the average single-family residential customer (a comparison to neighboring jurisdictions can be found in Attachment 4).

Rate impacts for average single-family home with a per month usage of 8 units of water and 6 units of winter water use.

Year	Water		Wastewater	
	Bimonthly Water Bill (\$)	Increase from Prior Yr.	Bimonthly Sewer Bill (\$)	Increase from Prior Yr.
2011-12	105.08	11.09	112.30	10.39
2012-13	117.66	12.58	122.61	10.31
2013-14	128.82	10.66	134.02	11.41
2014-15	140.90	12.08	146.52	12.50
2015-16	154.22	13.32	160.18	13.66
2016-17	168.84	14.62	175.26	15.08

As an alternative, the City Council may choose to adopt the recommended rate increase, but not adopt the recommended changes to the rate structure. The table below gives an example of how the different rate structures would impact different customer classes starting July 1, 2012:

Comparing utility bills for different customers starting July 1, 2012.

Customer Class	Water		Wastewater	
	Rate Increase Only	Increase + Structural Changes	Rate Increase Only	Increase + Structural Changes
Single-Family Home	115.38	117.66	123.88	122.61
Commercial (medium) with a 1" meter (25 units)	164.58	164.86	232.49	194.71
Multifamily with 4" meter (200 units)	1,296.11	1,312.95	1,410.24	1,458.94

For single-family homes, the differences are small for both water and wastewater. A medium strength commercial customer with a 2" water meter pays a smaller amount with the structural changes primarily due to lowering their wastewater strength. Multifamily customers with a 4" water meter will see a more significant increase in both water and sewer due to aligning their fixed service charge with meter capacity.

Migrating Wastewater Charges to the Property Tax Rolls.

An additional discussion that occurred with the Subcommittee regarded the City placing charges for residential wastewater service on the property tax roll, which would result in greatly reduced delinquencies and is consistent with how many nearby jurisdictions collect wastewater charges. This change would shift payment responsibility to the property owner in those cases in which the utility account is the tenant's responsibility. To allow sufficient time to notify property owners of this change, the Subcommittee recommends migrating wastewater charges to the property tax rolls beginning July 1, 2013. In the interim, staff will notify property owners of the pending change.

Proposition 218 Notification Process

Proposition 218 requires that all property owners be notified of increases to water and wastewater utility rates. If a majority of property owners file written protests the proposed rate increase cannot be implemented. The Proposition 218 Notice to property owners is included as Attachment 5. In order to assure establishment of a new rate structure for FY 2012-13 by July 1, 2012, the following schedule will be required:

03/13/12	City Council authorizes mailing 45-day notice to property owners per Proposition 218 in rate adoption process
03/21/12	All notices mailed / start 45-day clock
05/08/12	45-day protest period ends; City Council holds public hearing, considers any protests, takes action to introduce new rate ordinances for 1 st reading
05/22/12	City Council takes action to adopt new rate ordinances
07/01/12	New rate becomes effective

FISCAL IMPACT

The proposed rate structures provide additional revenues to support operational and capital needs for the five-year time period from FY 2012-13 through FY 2016-17. The proposed rates are projected to generate annual billing revenues for FY 2012-13 of \$10,774,000 in Water, an increase of 9.8% over actual estimated 2011-12 revenue, and \$11,917,000 in Wastewater, a 10.3% increase.

Over the 10-year financial planning period, total water capital investment is \$84 million (\$104 million in future dollars) and total wastewater capital investment is \$75 million (\$85 million in future dollars). To allow for gradual rate increases that minimize year-to-year impact on ratepayers, the City anticipates some debt-financing will be necessary to pay capital costs over the 10-year period.

ALTERNATIVES

1. Authorize staff to proceed with the Proposition 218 noticing, but direct staff to disregard the inclusion of one or more of the rate structure changes.
2. Authorize staff to proceed with the Proposition 218 noticing with the recommended structural changes, but provide direction to reduce the amount of rate increases. This will lower the revenue available for operating and capital improvement costs.
3. Do not proceed with the process to adopt new rates at this time. The existing water and wastewater rates would continue in place until new rates are adopted.

RECOMMENDATION

Adopt resolution approving property owner notice and protest process for Water and Wastewater rate increases for 2012-13 through 2016-17.

DISTRIBUTION

None

ATTACHMENTS

1. Resolution
2. Policy Goals and Objectives
3. Water Wastewater Rate Schedules and Example Bills
4. Rates of Neighboring Jurisdictions

DATE PREPARED

March 8, 2012

REVIEWED BY

_____CM

RESOLUTION NO. 2012 - ____

**RESOLUTION APPROVING PROPERTY OWNER NOTICE AND PROTEST PROCESS
FOR WATER AND WASTEWATER RATE INCREASES FOR 2012-13
THROUGH 2016-17**

WHEREAS, the Water and Wastewater Enterprise funds account for all operational and capital expenditures necessary to operate, maintain and improve these critical utility systems; and

WHEREAS, the Water and Wastewater Enterprise funds are supported by proceeds collected from ratepayers; and

WHEREAS, the City is required to ensure that revenues fully cover all costs to operate and maintain the utilities; and,

WHEREAS, the City Council last adjusted Water and Wastewater rates on May 26, 2009 that set rates through fiscal year 2011-12; and

WHEREAS, to set new rates beginning July 1, 2012, the City Council has commissioned a rate study to ensure that revenues continue to cover operational costs and necessary infrastructure improvements; and

WHEREAS, the rate study results reveal that rate increases are needed for the Water and Wastewater utilities to cover necessary operating and capital improvement costs; and

WHEREAS, the rate study recommends changes to the rate structure to more accurately assign various costs to San Bruno customers; and

WHEREAS, Proposition 218 requires that property owners receive notice of any rate increases, allowing a 45-day protest period before the City Council takes any action on the matter; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the property owner notice and protest process for Water and Wastewater rate increases for 2012-13 through 2016-17.



City of San Bruno

Water & Sewer Rate Studies

POLICY GOALS & OBJECTIVES

1. Develop water and sewer rates that:
 - a. recover the City's costs of providing service
 - b. are fair and equitable to all customer classes
 - c. are easy to understand and implement
 - d. comply with the legal requirements of Prop. 218 and other California law
 - e. provide adequate funding for capital needs including high-priority near-term projects and long-term infrastructure repairs and replacements
2. Provide adequate capital funding for meeting Water and Sewer Master Plan recommendations and complying with RWQCB CDO and SF Baykeeper consent decree.
3. Provide a clear understanding of future operating and capital funding needs and the nexus with future rate requirements.
4. Recommend rates that maintain long-term financial sustainability while minimizing the impact on customers.
5. Aim for steady, gradual annual rate increases, to the extent possible, to help minimize the annual impact on customers.
6. Use debt only as needed to a) mitigate spikes in capital funding needs, and b) enable the City to fund CIP requirements while rates are gradually phased in.
7. Maintain a prudent level of fund reserves.
8. Maintain the City's 25% low-income discount and ensure appropriate revenue streams support the discount with no rate subsidies from other customers (in accordance with Prop. 218).

Attachment 3

Water Rate Schedules and Example Bill Impacts

Table 22
 San Bruno Water Rate Study
 Water Rate Projections

5-Year Phase in of Meter Capacity Ratios
 & Addition of Third Residential Rate Tier

	Current	Projected				
	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
OVERALL RATE INCREASE		9.8%	9.8%	9.8%	9.8%	9.8%

MONTHLY SERVICE CHARGE

<u>Meter Size</u>	Current	2012/13	2013/14	2014/15	2015/16	2016/17
3/4"	\$14.22	\$15.32	\$16.60	\$17.99	\$19.49	\$21.13
1"	19.43	21.85	24.68	27.82	31.31	35.22
1-1/2"	32.46	38.19	44.87	52.41	60.87	70.43
2"	49.43	58.94	70.04	82.58	96.71	112.69
3"	73.93	94.36	118.18	145.35	176.19	211.30
4"	136.71	168.89	206.42	249.08	297.34	352.17
6"	267.00	332.26	408.35	494.91	592.92	704.33
8"	475.48	573.22	687.17	816.30	961.91	1,126.93
10"	762.13	891.77	1,042.88	1,213.21	1,404.30	1,619.97

QUANTITY CHARGE (PER HCF)

Single-Family Residential

Tier	<u>Bi-Monthly Use</u>		Current	2012/13	2013/14	2014/15	2015/16	2016/17
	0 - 10 hcf	> 10 hcf						
Tier 1	0 - 10 hcf	0-18 hcf 4.79	5.06	5.56	6.10	6.70	7.36	
Tier 2	11 - 20 hcf		6.07	6.67	7.32	8.04	8.83	
Tier 3	> 20 hcf	>18 hcf 7.26	8.10	8.90	9.76	10.72	11.78	
All Other Accounts	All Use		5.22	5.72	6.28	6.90	7.58	8.33

QUANTITY CHARGE (PER 100 GALLONS)

Single-Family Residential

Tier	<u>Bi-Monthly</u>	<u>For Informational Purposes Only</u>					
		Current	2012/13	2013/14	2014/15	2015/16	2016/17
Tier 1	0 - 10 hcf	0.64	0.68	0.74	0.82	0.90	0.98
Tier 2	11 - 20 hcf		0.81	0.89	0.98	1.07	1.18
Tier 3	> 20 hcf	0.97	1.08	1.19	1.30	1.43	1.57
All Other Accounts	All Use	0.70	0.76	0.84	0.92	1.01	1.11

Accounts served by water procured from NCCWD are also charged a Differential Cost of Supply Charge reflecting the higher cost of water procured from this source; the charge is currently \$0.40 per hcf.

Table 25
 San Bruno Water Rate Study
 Water Rate Impacts

Use (hcf)	% of Bills at or Below		Current 2011/12	Proposed					
				2012/13	2013/14	2014/15	2015/16	2016/17	
Overall Rate Increase				9.8%	9.8%	9.8%	9.8%	9.8%	
Single Family Residential, 3/4" Meter (Bi-Monthly Billing)									
	<u>Bi-Monthly Use</u>								
Low	8 hcf	26%	Bi-Monthly Bill	\$66.76	\$71.12	\$77.68	\$84.78	\$92.58	\$101.14
			Monthly Equivalent	33.38	35.56	38.84	42.39	46.29	50.57
			Monthly Increase		2.18	3.28	3.55	3.90	4.28
			% Increase		6.5%	9.2%	9.1%	9.2%	9.2%
Median	13 hcf	50%	Bi-Monthly Bill	\$90.71	\$99.45	\$108.81	\$118.94	\$130.10	\$142.35
			Monthly Equivalent	45.36	49.73	54.41	59.47	65.05	71.18
			Monthly Increase		4.37	4.68	5.07	5.58	6.13
			% Increase		9.6%	9.4%	9.3%	9.4%	9.4%
Moderate	16 hcf	63%	Bi-Monthly Bill	\$105.08	\$117.66	\$128.82	\$140.90	\$154.22	\$168.84
			Monthly Equivalent	52.54	58.83	64.41	70.45	77.11	84.42
			Monthly Increase		6.29	5.58	6.04	6.66	7.31
			% Increase		12.0%	9.5%	9.4%	9.5%	9.5%
Mod-High	20 hcf	80%	Bi-Monthly Bill	\$129.18	\$141.94	\$155.50	\$170.18	\$186.38	\$204.16
			Monthly Equivalent	64.59	70.97	77.75	85.09	93.19	102.08
			Monthly Increase		6.38	6.78	7.34	8.10	8.89
			% Increase		9.9%	9.6%	9.4%	9.5%	9.5%
High	32 hcf	94%	Bi-Monthly Bill	\$216.30	\$239.14	\$262.30	\$287.30	\$315.02	\$345.52
			Monthly Equivalent	108.15	119.57	131.15	143.65	157.51	172.76
			Monthly Increase		11.42	11.58	12.50	13.86	15.25
			% Increase		10.6%	9.7%	9.5%	9.6%	9.7%
Commercial/Multi-Family (Monthly Billing)									
	<u>Monthly Use</u>								
3/4" Meter	10 hcf		Monthly Bill	\$66.42	\$72.52	\$79.44	\$87.01	\$95.31	\$104.41
			Monthly Increase		6.10	6.91	7.58	8.30	9.10
			% Increase		9.2%	9.5%	9.5%	9.5%	9.6%
1" Meter	25 hcf		Monthly Bill	\$149.93	\$164.86	\$181.77	\$200.37	\$220.85	\$243.43
			Monthly Increase		14.93	16.91	18.60	20.48	22.57
			% Increase		10.0%	10.3%	10.2%	10.2%	10.2%
2" Meter	100 hcf		Monthly Bill	\$571.43	\$630.97	\$698.40	\$772.80	\$854.89	\$945.52
			Monthly Increase		59.54	67.43	74.39	82.09	90.63
			% Increase		10.4%	10.7%	10.7%	10.6%	10.6%
4" Meter	200 hcf		Monthly Bill	\$1,180.71	\$1,312.95	\$1,463.15	\$1,629.52	\$1,813.70	\$2,017.83
			Monthly Increase		132.24	150.19	166.37	184.18	204.13
			% Increase		11.2%	11.4%	11.4%	11.3%	11.3%

Attachment 3

Wastewater Rate Schedules and Example Bill Impacts

Table 23
 San Bruno Sewer Rate Study
 Projected Sewer Rates

		Current	Proposed				
		2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
OVERALL RATE INCREASE			10.3%	10.3%	10.3%	10.3%	10.3%
MONTHLY SERVICE CHARGE							
Single Family Residential		\$18.35	\$20.02	\$21.47	\$23.04	\$24.71	\$26.55
All Other (Based on Water Meter Size)							
	3/4"	18.35	20.02	21.47	23.04	24.71	26.55
	1"	18.35	22.69	27.20	32.26	37.89	44.25
	1-1/2"	18.35	29.36	41.51	55.30	70.84	88.50
	2"	18.35	37.37	58.68	82.94	110.37	141.60
	3"	18.35	56.06	98.76	147.46	202.62	265.50
	4" & Larger	18.35	82.75	156.02	239.62	334.41	442.50
QUANTITY CHARGE							
Residential	All	6.30	6.88	7.59	8.37	9.23	10.18
Commercial	C-1	6.44	6.40	7.05	7.78	8.58	9.46
	C-2	7.70	6.88	7.59	8.37	9.23	10.18
	C-3	8.88	9.79	10.80	11.91	13.14	14.49
	C-4	11.84	12.70	14.01	15.45	17.04	18.80
Governmental	G	6.31	6.88	7.59	8.37	9.23	10.18
Industrial	I-1	6.44	6.88	7.59	8.37	9.23	10.18
	I-2	5.63	4.94	5.45	6.01	6.63	7.31
	COD per lb*	0.07	0.38	0.42	0.46	0.51	0.56
	SS per lb	0.25	0.78	0.86	0.95	1.05	1.16

Residential accounts are billed based on average metered water use from two bi-monthly billing periods from December through April. All other accounts are billed based on total metered use.

** Based on South San Francisco WQCP wastewater loadings of COD 728 mg/l and BOD 358 mg/l.*

Table 24
 San Bruno Sewer Rate Study
 Residential Sewer Rate Impacts

% of Bills at or Below			Current 2011/12	Projected					
				2012/13	2013/14	2014/15	2015/16	2016/17	
Overall Sewer Rate Increase				10.3%	10.3%	10.3%	10.3%	10.3%	
Single Family Residential, 3/4" Meter (Bi-Monthly Billing)									
<u>Bi-Monthly Use</u>									
Low	7 hcf	25%	Bi-Monthly Bill	\$80.80	\$88.21	\$96.07	\$104.67	\$114.03	\$124.36
			Monthly Equivalent	40.40	44.10	48.04	52.34	57.02	62.18
			Monthly Increase		3.70	3.93	4.30	4.68	5.16
			% Increase		9.2%	8.9%	9.0%	8.9%	9.1%
Median	12 hcf	50%	Bi-Monthly Bill	\$112.30	\$122.61	\$134.02	\$146.52	\$160.18	\$175.26
			Monthly Equivalent	56.15	61.31	67.01	73.26	80.09	87.63
			Monthly Increase		5.16	5.70	6.25	6.83	7.54
			% Increase		9.2%	9.3%	9.3%	9.3%	9.4%
Average	13 hcf	61%	Bi-Monthly Bill	\$118.60	\$129.49	\$141.61	\$154.89	\$169.41	\$185.44
			Monthly Equivalent	59.30	64.75	70.81	77.45	84.71	92.72
			Monthly Increase		5.45	6.06	6.64	7.26	8.01
			% Increase		9.2%	9.4%	9.4%	9.4%	9.5%
Mod-High	18 hcf	82%	Bi-Monthly Bill	\$150.10	\$163.90	\$179.56	\$196.74	\$215.56	\$236.34
			Monthly Equivalent	75.05	81.95	89.78	98.37	107.78	118.17
			Monthly Increase		6.90	7.83	8.59	9.41	10.39
			% Increase		9.2%	9.6%	9.6%	9.6%	9.6%
High	25 hcf	94%	Bi-Monthly Bill	\$194.20	\$212.06	\$232.69	\$255.33	\$280.17	\$307.60
			Monthly Equivalent	97.10	106.03	116.35	127.67	140.09	153.80
			Monthly Increase		8.93	10.31	11.32	12.42	13.72
			% Increase		9.2%	9.7%	9.7%	9.7%	9.8%
Multi-Family Residential (Monthly Billing)									
<u>Monthly Use</u>									
1" Meter	20 hcf	Monthly Bill	\$144.35	\$160.31	\$179.00	\$199.66	\$222.49	\$247.85	
		Monthly Increase		15.96	18.69	20.66	22.83	25.36	
		% Increase		11.1%	11.7%	11.5%	11.4%	11.4%	
2" Meter	100 hcf	Monthly Bill	\$648.35	\$725.46	\$817.68	\$919.94	\$1,033.37	\$1,159.60	
		Monthly Increase		77.11	92.22	102.26	113.43	126.23	
		% Increase		11.9%	12.7%	12.5%	12.3%	12.2%	
4" Meter	200 hcf	Monthly Bill	\$1,278.35	\$1,458.94	\$1,674.02	\$1,913.62	\$2,180.41	\$2,478.50	
		Monthly Increase		180.59	215.08	239.60	266.79	298.09	
		% Increase		14.1%	14.7%	14.3%	13.9%	13.7%	

Table 25
San Bruno Sewer Rate Study
Commercial Sewer Rate Impacts

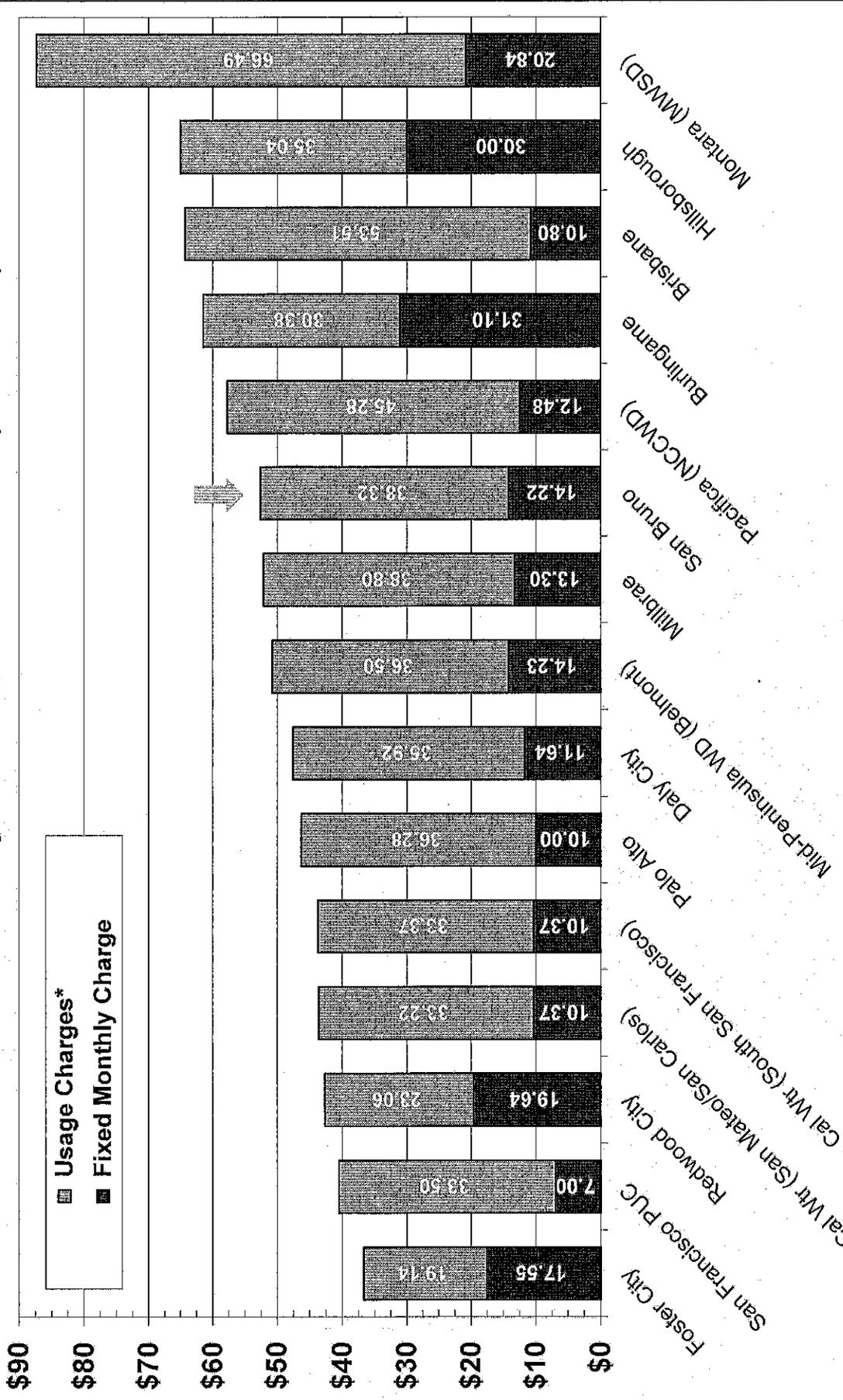
			Current 2011/12	Projected				
				2012/13	2013/14	2014/15	2015/16	2016/17
Overall Sewer Rate Increase				10.3%	10.3%	10.3%	10.3%	10.3%
Commercial Low Strength C-1								
3/4" Meter	10 hcf	Monthly Bill	\$82.75	\$83.98	\$91.97	\$100.84	\$110.51	\$121.15
		Monthly Increase		1.23	7.99	8.87	9.67	10.64
		% Increase		1.5%	9.5%	9.6%	9.6%	9.6%
Commercial Medium Strength C-2								
3/4" Meter	10 hcf	Monthly Bill	\$95.35	\$88.83	\$97.37	\$106.74	\$117.01	\$128.35
		Monthly Increase		(6.52)	8.54	9.37	10.27	11.34
		% Increase		-6.8%	9.6%	9.6%	9.6%	9.7%
1" Meter	25 hcf	Monthly Bill	\$210.85	\$194.71	\$216.95	\$241.51	\$268.64	\$298.75
		Monthly Increase		(16.14)	22.24	24.56	27.13	30.11
		% Increase		-7.7%	11.4%	11.3%	11.2%	11.2%
1-1.2" Meter	50 hcf	Monthly Bill	\$403.35	\$373.41	\$421.01	\$473.80	\$532.34	\$597.50
		Monthly Increase		(29.94)	47.60	52.79	58.54	65.16
		% Increase		-7.4%	12.7%	12.5%	12.4%	12.2%
2" Meter	100 hcf	Monthly Bill	\$788.35	\$725.46	\$817.68	\$919.94	\$1,033.37	\$1,159.60
		Monthly Increase		(62.89)	92.22	102.26	113.43	126.23
		% Increase		-8.0%	12.7%	12.5%	12.3%	12.2%
4" Meter	200 hcf	Monthly Bill	\$1,558.35	\$1,458.94	\$1,674.02	\$1,913.62	\$2,180.41	\$2,478.50
		Monthly Increase		(99.41)	215.08	239.60	266.79	298.09
		% Increase		-6.4%	14.7%	14.3%	13.9%	13.7%
Commercial High Strength C-3								
3/4" Meter	10 hcf	Monthly Bill	\$107.15	\$117.95	\$129.47	\$142.14	\$156.11	\$171.45
		Monthly Increase		10.80	11.52	12.67	13.97	15.34
		% Increase		10.1%	9.8%	9.8%	9.8%	9.8%
1" Meter	25 hcf	Monthly Bill	\$240.35	\$267.51	\$297.20	\$330.01	\$366.39	\$406.50
		Monthly Increase		27.16	29.69	32.81	36.38	40.11
		% Increase		11.3%	11.1%	11.0%	11.0%	10.9%
2" Meter	100 hcf	Monthly Bill	\$906.35	\$1,016.66	\$1,138.68	\$1,273.94	\$1,424.37	\$1,590.60
		Monthly Increase		110.31	122.02	135.26	150.43	166.23
		% Increase		12.2%	12.0%	11.9%	11.8%	11.7%

Attachment 4

Rates of Neighboring Jurisdictions

Monthly Single Family Residential Water Rates, Feb-2012

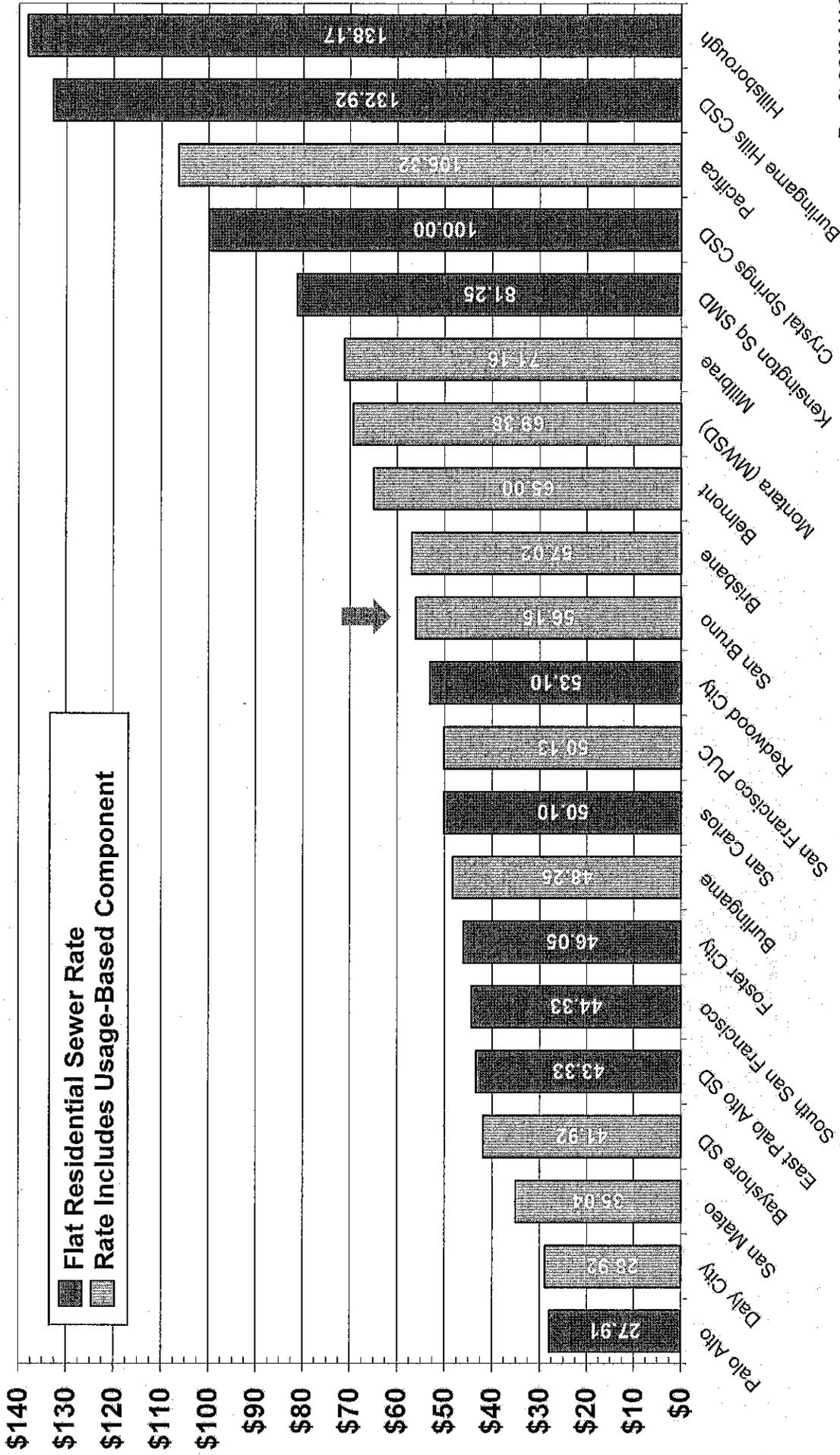
Based on 8 hcf monthly water use, base meter size (5/8" or 3/4")



* Includes miscellaneous surcharges where applicable.

Monthly Single Family Residential Sewer Rate Survey, Feb-2012

Based on flat rate or 6 hcf of monthly winter water use



Draft 02/01/12

ITEM 10.c. will be available on Monday