



Community Advisory Group Meeting
San Jose/Santa Clara Water Pollution Control Plant
November 18, 2010
6:00 – 8:00 p.m.

About the Community Advisory Group

The Community Advisory Group (CAG) was formed in fall 2008 to provide ongoing feedback and a community perspective throughout the three-year Plant Master Plan process. CAG members were appointed by the Plant’s Technical Advisory Committee and are representative of all Plant service area cities – San José, Santa Clara, Milpitas, Cupertino, Campbell, Los Gatos, Monte Sereno, and Saratoga. Members were selected to reflect a range of backgrounds in education, environment, business, recreation, and community activism.

Minutes - DRAFT

Attendees

Member	Representation	Present	Absent
David Zwack	CAG Member, City of Campbell	X	
Bob Power	CAG Member, City of Cupertino	X	
Richard Yanda	CAG Member, Town of Los Gatos	X	
Dolores Hovey	CAG Member, City of Milpitas		X
Patrick Wong	CAG Member, City of Milpitas	X	
Dave Baxter	CAG Member, City of Monte Sereno		X
Carrie Jensen	CAG Member, City of San José	X	
Diana Foss	CAG Member, City of San José	X	
Robert Levy	CAG Member, City of San José	X	
Tony Santos	CAG Member, City of San José	X	
Gina Marin	CAG Member, City of Santa Clara	X	
Jim Alves	CAG Member, City of Santa Clara		X
<i>Vacant</i>	CAG Member, City of Saratoga		
Larry Ames	CAG Member, At-large	X	
Carl Cilker	CAG Member, At-large	X	
Donald Peoples	CAG Member, At-large	X	
Eileen McLaughlin	CAG Member, At-large	X	
Joseph McCarthy, Jr.	CAG Member, At-large	X	
Michael Gross	CAG Member, At-large	X	

Other Attendees	Representation
Wayne Kino	Bay Area Air Quality Management District
Jamel Demir	Carollo Engineers
Steve McDonald	Carollo Engineers
Jennifer Kincaid	CirclePoint, Facilitator
Kathleen Phalen	City of Milpitas
Leslie Stobbe	City of Milpitas
Kristen Yasukawa	City of San José, CAG Liaison
Jennifer Garnett	City of San José, Communications Manager
Kerrie Romanow	City of San José, Environmental Services Assistant Director
John Stufflebean	City of San José, Environmental Services Director
Rosa Santiago	City of San José, Office of Councilmember Chu
Dale Ihrke	City of San José, Plant Manager
Kirsten Struve	City of San José, Project Manager
Matt Krupp	City of San José, Project Planner
Bhavani Yerrapotu	City of San José, Technical Services Manager
Nichol Bowersox	Cupertino Sanitary District
Steve Machida	Cupertino Sanitary District
Nicholas Dewar	Public Policy Collaboration, Facilitator
Mike Rodriguez	Santa Clara Valley Water District
Betty Brown	Member of the public
Dean Stanford	Member of the public
Dr. Bob Gross	Member of the public
Jim Sweet	Member of the public
Jonathan Neumann	Member of the public
Larry Stites	Member of the public
Linda Nguyen	Member of the public
Lonnie Gross	Member of the public
Mark Walter	Member of the public
Melanie Carrido	Member of the public
Robert Brown	Member of the public
Wendell Kerr	Member of the public
Will Sievert	Member of the public

The purpose of this meeting was to present, discuss and understand the draft recommended land use alternative.

Introductions

Facilitator Nicholas Dewar was introduced. Nicholas led a brief discussion of the meeting outline and format.

Outcomes

- The group agreed to the ground rules as necessary.

Agenda Review

The group reviewed the November 18, 2010 meeting agenda and agreed to move forward without changes. However, during the meeting the group reached consensus to add 25 minutes to the discussion of the draft recommended land use alternative.

Outcomes

- The group agreed to add 25 minutes to the discussion of the draft recommended land use alternative. The meeting concluded at 8:25 p.m.

Approval of November 4, 2010 CAG Meeting Summary

The November 4, 2010 meeting summary was distributed to CAG prior to the meeting for individual review. At the meeting, CAG members were asked to discuss the summary and accept it as a document that accurately reflects the November 4, 2010 meeting.

Outcomes

- The November 4, 2010 meeting summary was approved without changes, and is available at rebuildtheplant.org under Get Involved-Community Advisory Group.

New Business

Communications Manager Jennifer Garnett announced that CAG member Larry Ames was recognized as a "Local Hero" by the Bank of America Neighborhood Builders and Local Hero awards. In addition, Jennifer shared that November 19 is World Toilet Day.

Jennifer reviewed the schedule for upcoming Plant Master Plan public meetings, including city council meetings, the next CAG meeting, and upcoming community workshops. The next CAG meeting is scheduled for March 30, 2011. CAG members are encouraged to continue participation by attending and helping to advertize the January 2011 community workshops.

In response to a question, Jennifer stated that the San José city council meeting agenda will be posted the Friday before the meeting, and clarified that all city council meetings and community workshops are open to the public.

Odor Reporting Process

Bay Area Air Quality Management District (BAAQMD) Air Quality Program Manager Wayne Kino answered questions from CAG members regarding the odor reporting process. He explained that BAAQMD receives approximately 2,000 to 4,000 odor complaints per year in the Bay Area.

Wayne described BAAQMD's rapid notification system, which is based on the premise that the sooner facilities know about an odor issue, the sooner they can resolve it. He said that facilities in the area of the complaint are notified via e-mail when there is a complaint. A

dispatcher then will send out field inspectors to the area to determine the odor source. The identity of complainants is kept confidential so there is no fear of repercussion.

BAAQMD field inspectors try to respond to any complaint within 30 minutes, depending on the urgency of the complaint, and try to identify the odor source as quickly as possible. The inspectors are familiar with the areas in which they are stationed, and because of this knowledge, they are usually able to identify the odor source.

Inspectors then follow a three-step procedure: 1) Notify the suspected odor source to try to stop the operation that is causing the odor, 2) Document any violations, and 3) Update the complainant on the status of the complaint.

Wayne also explained that since odor is subjective (i.e. people smell different odors in different ways) and that sometimes odors may exist only during a certain time period (i.e. wind direction can cause odors to dissipate before a field inspector arrives to investigate the source), confirmation of the odor can be difficult. Because of the tendency of odors to dissipate before a field inspector can reach the area of complaint, Wayne said that BAAQMD has ground-level monitors at fixed locations. If an odor is no longer present by the time an inspector gets to the area, he or she will still investigate. He said that whenever there are complaints, the odor source is usually facilities that have malfunctioning equipment, and it is the inspectors' responsibility to determine what equipment is causing the odor.

In response to a question, Wayne explained that the number of confirmed odor complaints (approximately 15 percent of complaints) is much lower than unconfirmed odor complaints, because odors can be fleeting, depending on wind, weather, and other factors. The odor complaints are confirmed for the purpose of determining whether or not the odor constitutes a public nuisance.

Most facilities cooperate with BAAQMD without receiving an official violation, and when a facility does receive a violation, each one has an associated penalty depending on factors such as the severity of the odor and whether the violation is intentional. He clarified that it is misleading to use confirmed complaints as a baseline for comparison, since odors can still exist without being officially confirmed.

In response to a question, Wayne explained that odor regulations are based on compound chemicals, and that it is BAAQMD's responsibility to determine whether odors exceed levels for specific chemicals such as hydrogen sulfide. BAAQMD enforces health and safety codes that additionally apply when an odor becomes a public nuisance. An odor is considered to be a public nuisance when BAAQMD receives five confirmed complaints within a 24-hour period. In such a case, a violation notice is issued to the source of the odor.

When asked whether public entities are held to different thresholds, Wayne answered no, but also clarified that landfills and wastewater treatment plants sometimes create a necessary occasional nuisance, which has to be tolerated.

When asked whether inspectors are on-call 24/7, Wayne explained that inspectors work during regular business hours and will respond during non-business hours only if there are five or more complaints or in extreme cases.

One CAG member asked whether BAAQMD issues formal reports on odor complaints; Wayne said that BAAQMD is in the process of moving to an electronic system that allows complainants to check the status of their complaints by using an identification number, but at this time, BAAQMD does not issue reports.

In response to a question about the history of complaints in the Plant area, Wayne said that they are periodic and receive approximately one to two complaints per month. When asked when the majority of complaints regarding the Plant occur, he said that BAAQMD mostly receives Plant-related complaints when something is wrong with the ponds or digesters or when sludge is being moved.

Wayne encouraged people to call 1-800-334-ODOR for more information.

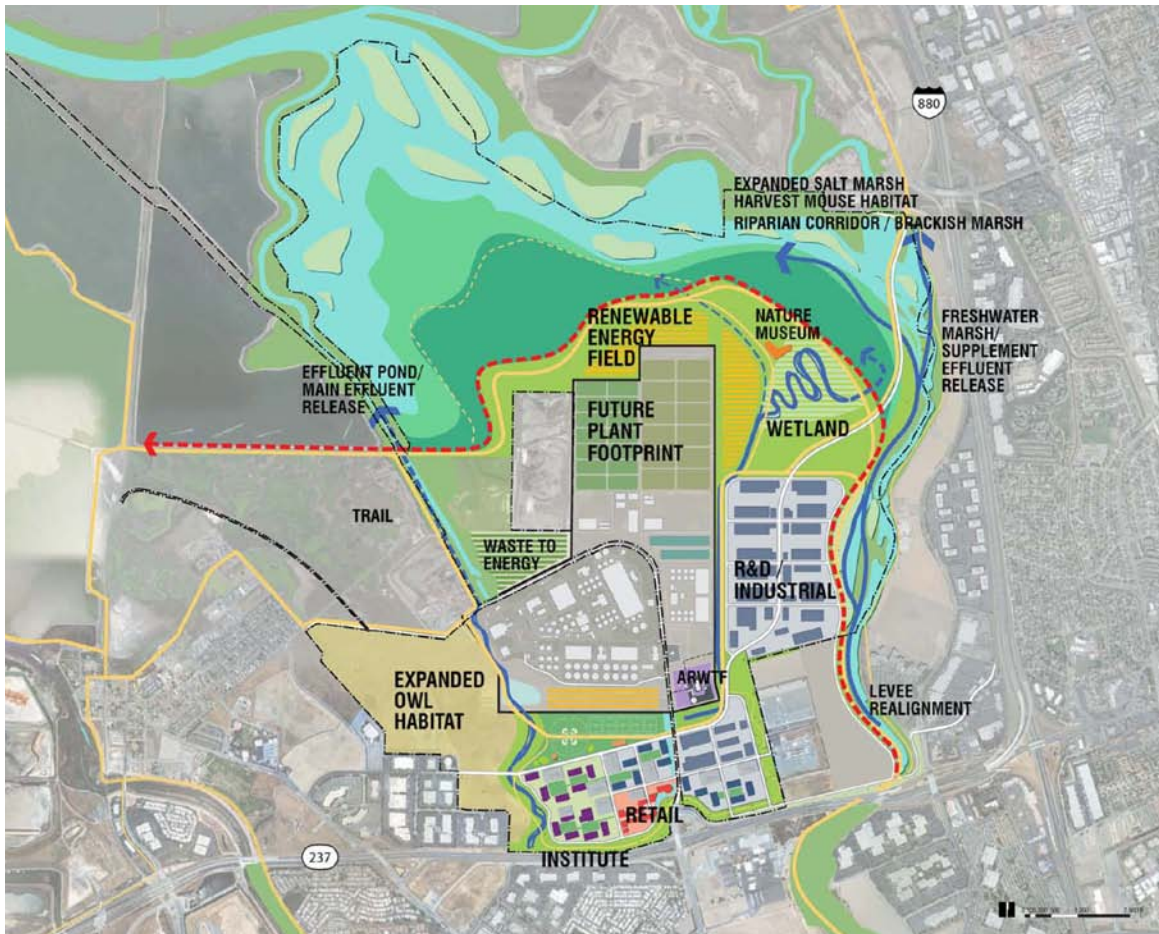
Comparison of the Biosolids Transition Options

Project Planner Matt Krupp presented a comparison of the costs and benefits of the biosolids transition options. CAG members asked how rates would change with the additional \$65 million total over 15 years, specified as the extra cost of the “no pilot” option. Environmental Services Director John Stufflebean stated that for San José, a one percent annual rate increase yields approximately \$1.2 million per year in revenue. In this scenario, the \$65 million averaged over 15 years would require an approximate 4% annual rate increase.

Members asked if the “no pilot” option would result in loss of the benefits of significant new technologies now on the horizon. Consultant Jamel Demir answered that there wouldn’t necessarily be significant improvements to relevant technology in the near future. Staff explained that adoption of a “no pilot” option would require different placement of facilities and possibly an additional CEQA process to resolve the disposition of legacy biosolids.

A CAG member emphasized that a collaborative odor control approach with all of the neighboring odor generators is needed to be most effective in the region.

Draft Recommended Land Use Alternative



The draft recommended land use alternative.

Project Manager Kirsten Struve and Project Planner Matt Krupp presented the draft recommended land use alternative, which includes the following features as part of a balanced land use plan that incorporates input received throughout the project:

Economic Development (total 300 acres plus renewable energy field)

- 20-35 acres of retail at the frontage of Highway 237 for maximum visibility.
- 220-235 acres of office and light industrial with a focus on Clean Tech both along the frontage of Highway 237 and in the current biosolids drying area.
- 45 acres along Highway 237 to allow for a Clean Tech and Water Institute that could be an incubator and demonstration facility.
- 60 acres for a renewable energy field, in addition to solar installations near the Plant's operational area, on roof-tops, and the existing 35-acre waste-to-energy site.
- Road connections that would include a link to Dixon Landing Road and a connection from Nortech to Zanker Road.

Environmental Protection and Restoration

- 190 acres of burrowing owl habitat.
- 250 acres of salt marsh habitat and tidal areas, which also benefit flood protection.
- Expanded Coyote Creek delta and connection to the Bay.
- 225 acres of restored Artesian Slough and additional riparian areas.
- 60 acres of freshwater wetlands to further polish the Plant's effluent.
- Multiple Plant discharge areas to diffuse the Plant's freshwater impact on the Bay environment.

Recreational Uses

- 40-acre park with sports fields and connection to restored Artesian Slough, as well as access to retail areas.
- Bay Trail connection, for a total of 16 miles of trails.
- 50 acres of flexible open space with connection to habitat areas.
- Access to the Plant's freshwater wetlands for bird watching and hiking (60 acres).
- Opportunities to locate nature and education centers that complement the existing Don Edwards Refuge Education Center.

In response to a question, staff explained that there is no guarantee that any other odor-emitting facilities in the vicinity of the Plant will take action to limit the odors that they emit. Kirsten also responded that the total development and renewable energy acreage in the recommended alternative is approximately the same as the *Back to the Bay* alternative. Matt explained that the recommended alternative will include a few bridges along with major and minor streets, although the details on location and quantity of each will be determined according to the development types.

CAG members raised the concern that new roads in the recommended alternative may become a thoroughfare for traffic trying to avoid congestion at the Highway 237 and Interstate 880 interchange. Matt explained that any traffic traveling east or west across the area will be forced south, to either Zanker Road or North 1st Street to make it less convenient for traffic trying to cut through the area. CAG members also commented that they want to see "complete streets" used in the area, meaning streets that include bike trails, pedestrian access, and stormwater treatment.

CAG members also felt that the effect of creating an iconic destination feature on the Plant site, such as a gateway or other substantial design feature, at the southern entrance to the area would probably lose much of its impact because of the unattractive truck traffic that regularly passes through there. Matt explained that the details on this topic would be determined once development occurs. He reiterated that the concept of the alternative is to create something that is impactful.

Members also stated that besides pedestrian, bicycle, and motor vehicle traffic, the alternative also needs to take into account kayakers and trains in the area. A CAG member expressed concern about the viewshed at the Plant and suggested moving development to the back of

the site. However, the CAG member acknowledged that the public input collected showed support for development on the 237 bufferlands.

CAG members asked whether more mixed-use development would better correspond with the San José Envision 2040 General Plan calls for sustainable development. Matt explained that pedestrian-friendly retail development will be located at the front of the area along its southern border, while light industrial, generally considered to be assembly and warehouses, would go at the back. The San José Envision 2040 General Plan has identified the 237 bufferlands as the ideal fit for light industrial uses.

CAG members asked how high the buildings would be when the area is developed. Matt explained that the maximum height of the buildings will be six to eight stories and that this will be limited by the availability of parking structures. He explained that development would be a mixture of heights rather than a series of uniform structures. CAG members asked whether the soil was stable enough to sustain such large structures, and if underground parking would be feasible; Matt responded that the land is “real” land (not bay land or fill), and so the soil is stable; however, the groundwater level in the area is reasonably high, so underground parking is not feasible.

CAG members asked about the green area in the alternative running along beside Highway 237, and Matt explained that this is a temporary trail that is being renovated and that there are high-tension power lines there that cannot be moved. Members also asked what can be done with the Cilker land, which is zoned as agricultural or light industrial. Matt explained that changes to the biosolids area can open up new opportunities for the Cilker property, and that relocating the levee will not impact the Cilker land. In response to a question, he also said that giving the creek more room on the Plant lands will not impact the 100-year flood plain. CAG members asked whether there would be a road connecting McCarthy Ranch Drive and Zanker Road, which Matt answered affirmatively. Members also wanted to know how far development would be set back from Coyote Creek. Matt estimated the distance was approximately the length of a soccer field. John added that it can be difficult to get a sense of the large scale of the Plant lands from the maps. He noted that the recreational area would be big enough for six to seven soccer fields.

CAG members asked how the additional stormwater run-off from new buildings and parking lots to the north of Highway 237 would be managed. Kirsten answered that the slope will carry stormwater run-off towards the restored Artesian Slough and Coyote Creek. Kirsten explained that, because of the likelihood of sea-level rise, it may become necessary to pump Plant discharge and run-off up to sea level in the future.

In response to questions, Kirsten explained that the Plant’s outfall channel in the recommended alternative will discharge into both Coyote Creek upstream from the point at which it becomes brackish or into Artesian Slough. She noted that the draft recommended alternative allows for further development of the advanced water treatment facility. John explained that, the recycled water system could use most of the Plant discharge during the

summer irrigation season, and during the rainy season the recycled water could be used to replenish seasonal wetlands. John added that staff will explore groundwater recharge with recycled water through their agreement with the Santa Clara Valley Water District.

CAG members asked what the acronym "FAR" stood for and Matt defined it as "floor-to-area ratio."

Members also expressed concern over the cost of maintenance of the parks and recreational centers on the Plant's land. Matt explained that the recreational area and parks would be revenue generators, rather than requiring money spent on them, citing the privately owned Twin Creeks softball fields in Sunnyvale as an example. Matt noted that a future park and trail system could be maintained by a nonprofit organization as is the case with New York City's High Line. CAG members encouraged staff to plan for sufficient park maintenance.

CAG members also encouraged staff to allow for educational uses in the open space that are inclusive of a wide variety of uses, citing specific users such as model airplane enthusiasts. Matt explained that there is flexibility in the plan when it is time to develop to that level of detail and that the plan has deliberately set aside open space for future opportunities. CAG members asked which organizations were expected to operate the proposed institute. Staff responded that no universities have been approached about this, and CAG members felt that San José State University might be interested and be a good fit.

In response to questions about additional burrowing owl habitat, Matt stated that currently the Plant bufferlands are not required to provide management of the owl habitat. Therefore, the habitat proposed in the draft land use alternative is a significant improvement to the current conditions.

Members raised concerns about the impact of Plant discharge on the freshwater marshes of Coyote Creek. Kirsten answered that the project consultants have created wetlands before based on discharge from other treatment plants, and expect to be able to direct our Plant discharge to areas up-stream of the brackish and salt water sections of the creek. CAG members encouraged staff to obtain a biologically based opinion on how to do this and noted that sending water to Coyote Creek would be less likely to alter habitats than directing the discharge to Artesian Slough, because the Slough was originally salty.

CAG members commented that the presented alternative was a good compromise and was well thought out; Matt's enthusiasm for the CAG's role in the project was also appreciated. Members also felt that while the recommended alternative was very good, they would like to see explanation of how reclaimed water will benefit people throughout the region. In response to questions, Matt clarified that the recommended alternative assumes that odor issues are mitigated. While CAG members appreciated the design, they noted that an all-environment alternative would have elicited different responses from CAG and community members. CAG members also expressed concern with the aesthetics of the Highway 237 corridor.

One CAG member also commented that a pulse discharge from the Plant at low tides would be a positive thing. He also felt that, at Dixon Landing, Coyote Creek is so close to Interstate 880 that the noise generated by the highway may ruin the experience of the creek. The CAG member also stated that it might be beneficial to extend the transition zone further so people would get an idea of the creek without being right by Interstate 880. It was suggested that a larger buffer area around the creek would set it off, and would create an opportunity if there were a future interest in restoring vegetation there.

Members of the CAG commented that they appreciate that the recommended alternative respects the criteria of the *Back to the Bay* alternative, which had the least amount of development. Members also said that the alignment of the northernmost levee was a very good idea because it allowed for the natural form of the estuary and for the development of islands that would provide valuable bird habitat. CAG members also said that staff did a great job of incorporating CAG feedback into the recommended alternative and that they did an outstanding job taking various inputs into the draft recommended alternative. John commented that the draft recommended alternative is a good opportunity to make the area a real destination, citing Sacramento Regional's bufferlands as an example of this. CAG members noted that the islands planned for the north of the area will provide habitat protected from feral cats.

Matt closed by announcing that the Draft Recommended Land Use Alternative presentation will be posted at rebuildtheplant.org under Get Involved-Community Advisory Group.

Meeting Review

Nicholas asked for feedback on the meeting structure and format so that the team could improve future meetings.

CAG members said that the responsiveness of staff was phenomenal and that the information was good. Some CAG members noted that the time allocated for discussion of the recommended alternative had been shortened by the BAAQMD presentation. Other CAG members appreciated that this change had been made to accommodate the schedule of the BAAQMD representative and that this topic would otherwise have been discussed at the previous meeting.

Outcomes

- The CAG provided feedback for consideration in planning upcoming CAG meetings.

Public Comment

The public also participated in the meeting by submitting comments and questions to project staff. All members of the public who desired to were able to speak.

One member asked whether the owl habitat would be accessible to everyone and if there were other areas for recreation that would blend into nature. He also asked what kind of

timeline would be in place; if anything was possible, when would it happen? Kirsten explained that any development would occur after the CEQA process.

Another member of the public praised the environmental values expressed in the draft recommended alternative and was particularly interested in seeing a nature center built, stating that Silicon Valley needs a nature center that includes a wildlife rehabilitation hospital as well as an educational component.

Other members applauded staff for moving forward the rebuilding of the Plant, citing it as the future of the valley. They also stated that the traffic on Highway 237 is chaotic, and that the Plan needs to concentrate more on how traffic will be handled. They stated that North 1st Street is not a part of the draft recommended alternative and questioned whether the San José Redevelopment Agency would be a part of the Plant Master Plan implementation.

Kirsten stated that the Land Use Input Summary will be presented to the San José and Santa Clara city councils and posted at *rebuilttheplant.org*. Personal information, such as names and contact information, were removed from the records.

Outcomes

- Several members of the public provided feedback and questions.

Adjournment

The CAG meeting adjourned at 8:25 p.m.

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.
www.sanjoseca.gov/clerk/cp_manual/CPM_0_15.pdf