

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION -- DIVISION OF FINANCIAL ASSISTANCE
NOVEMBER 15, 2006**

ITEM 5

SUBJECT

CONSIDERATION OF A RESOLUTION COMMITTING CLEAN BEACHES INITIATIVE (CBI) GRANT FUNDS TO THE PORT OF SAN FRANCISCO (PORT) FOR THE FISHERMAN'S WHARF PIER 45 PROCESS WATER/STORM WATER COLLECTION SYSTEM 10086 (PROJECT) AT AQUATIC PARK BEACH; CBI GRANT PROGRAM; CBI PROJECT NO. 318

DISCUSSION

In accordance with the authority established in the Clean Beaches Program of the *Watershed, Clean Beaches, and Water Quality Act* (Act) (Public Resources Code, §30915, et. seq.), the State Water Resources Control Board (State Water Board) can award grants up to \$5 million per project to local agencies and non-profit organizations to implement projects that restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters. In addition to meeting the objective of the Act, all projects receiving grants from the Clean Beaches Program are required to meet the following criteria:

- (a) projects shall be consistent with California's nonpoint source control program;
- (b) projects shall demonstrate the capability of contributing to sustained, long-term water quality or environmental restoration or protection benefits for a period of 20 years;
- (c) projects shall address the causes of degradation, rather than the symptoms;
- (d) projects shall be consistent with water quality and resource protection plans prepared implemented, or adopted by the State Water Board, the applicable Regional Water Quality Control Board (Regional Water Board), and the State Coastal Conservancy (SCC);
- (e) projects shall be reviewed by the State Water Board in consultation with the SCC and the Clean Beaches Task Force (CBTF) appointed by the State Water Board to review projects and make recommendations for grant funding;
- (f) applicants shall inform the State Water Board of any necessary public agency approvals, entitlements, and permits that may be necessary to implement the Project, and applicants shall certify to the State Water Board at the appropriate time that such approvals, entitlements, and permits have been granted;
- (g) projects shall be consistent with recovery plans for coho salmon, steelhead trout, or other threatened or endangered aquatic species;
- (h) applicants shall be required to submit to the State Water Board a monitoring and reporting plan;
- (i) upon completion of the project, the recipient of the funds shall submit a report to the State Water Board that summarizes the completed activities and indicates whether the purpose of the project has been met;
- (j) the State Water Board must provide opportunity for public review and comment in awarding the funds; and
- (k) grant funds can only be used for the costs of construction or acquisition of capital assets as specified in Section 16727 of the Government Code.

For ease of implementation, the State Water Board divided the funding solicitation into two phases. In the second funding phase, the CBTF recommended, and the State Water Board adopted, a Competitive Location List (CLL) on April 21, 2005 (Resolution No. 2005-0028). The CLL was designed to target specific beaches that are known to have persistent bacterial water quality problems such as a beach that is frequently or permanently posted with signs warning beachgoers of the risks associated with exposure to beach waters. To date, the CBTF has recommended all of the \$22.2 million available for Phase Two projects.

The Project at Aquatic Park Beach involves the installation of a pumping manifold that would allow fishing boats moored along the north end of Pier 45 to tie-in and discharge gurry to a sanitary sewer pump station located between the two Pier 45 fish processing sheds. In addition, a new storm water collection system would be installed along the north deck of Pier 45 to direct all storm water runoff from this area to the City's sewer system through the Pier 45 pump station. Drainage improvements along the Pier 45 north pier deck would provide water quality enhancements year round. The Project includes upgrades to the existing Pier 45 sanitary sewer pump station in order to create capacity for additional flows.

Both Aquatic Park and the Pier 45 Fish Processing Facility are part of a larger harbor complex that is protected by a system of breakwaters. Aquatic Park Beach, San Francisco's only public swimming beach on the San Francisco Bay, is located directly adjacent to the Port of San Francisco's Pier 45 Fish Processing Facility. Two San Francisco swimming clubs, the South End Rowing Club and the Dolphin Club, make year round use of Aquatic Park Beach facility for swimming and oar-powered boating. The general public uses the beach at Aquatic Park for swimming and general recreation.

The primary objective of this project is to reduce postings at Aquatic Park Beach such that water quality objectives are achieved. Secondary objectives include year-round reduction of other pollutants associated with fish waste, including bacteria, biological oxygen demand and taste and odors. Drainage improvements along the pier deck would yield water quality improvements through the year, as the Pier 45 Fish Processing facility is in continuous operation. The effectiveness of the Project will be measured according to an approved Monitoring and Reporting Plan, and the results will be reported in a Final Project Report. The infrastructure will be designed to have a minimum useful life of 20 years, and will be incorporated into the County's maintenance management program.

Aquatic Park Beach is on the State Water Board's approved CLL. The CBTF reviewed the Port's proposal and recommended the Project for funding at the August 30, 2006, meeting. The Port will adopt a Resolution designating an authorized representative for the Project.

The Port will prepare CEQA documentation for the Project as part of the grant agreement. No work identified in the agreement that is subject to CEQA will proceed until the Port has received environmental clearance from Division of Financial Assistance staff.

FISCAL IMPACT

The Act appropriated \$43.7 million to the CBI Program for grants up to \$5 million per project to restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters. This project will be funded by the CBI Program, and will have the following fiscal impact.

Proposition 40 Funding	\$ 43,700,000
Total Previous Commitments	\$ 35,274,268
Funds Available for Current Commitments	\$ 8,425,732

State Water Board Funding Commitments for November 2006:

<u>County of Santa Cruz, CBI Grant #316</u>	<u>\$ 490,000</u>
<u>County of Santa Cruz, CBI Grant #317</u>	<u>\$ 227,843</u>
<u>Port of San Francisco, CBI Grant #318</u>	<u>\$ 1,800,000</u>
<u>County of Los Angeles, CBI Grant #319</u>	<u>\$ 106,800</u>
<u>County of Los Angeles, CBI Grant #320</u>	<u>\$ 106,800</u>

Funds Remaining for Future Commitments	\$ 5,694,289
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REGIONAL WATER BOARD IMPACT

The San Francisco Bay Water Board has reviewed the Project and determined that it is consistent with existing water quality control plans.

POLICY ISSUE

Should the State Water Board approve CBI grant funding for the Port's Proposed Project?

STAFF RECOMMENDATION

That the State Water Board approve a CBI grant commitment of \$1,800,000 for the Port's Project.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 -**

APPROVAL OF A RESOLUTION COMMITTING CLEAN BEACHES INITIATIVE (CBI) GRANT FUNDS TO THE PORT OF SAN FRANCISCO (PORT) FOR THE FISHERMAN'S WHARF PIER 45 PROCESS WATER/STORM WATER COLLECTION SYSTEM 10086 (PROJECT) AT AQUATIC PARK BEACH; CBI GRANT PROGRAM; CBI PROJECT NO. 318

WHEREAS:

1. The *Watershed, Clean Beaches, and Water Quality Act* (Act) (Public Resources Code §30901) was signed into law on September 20, 2002. The Act appropriated \$46 million from Proposition 40 for additional CBI grants to help non-profit organizations and public agencies implement projects that protect and restore California's coastal water;
2. The CBI funds appropriated in the Act are available for encumbrance up to December 31, 2006;
3. The State Water Resources Control Board (State Water Board), on April 21, 2005, adopted the CBI Competitive Location List (CLL), which included Aquatic Park Beach;
4. The Clean Beaches Task Force (CBTF) reviewed the County's proposed Project at Aquatic Park Beach, and recommended it for funding at the August 30, 2006 meeting; and
5. The Port will prepare California Environmental Quality Act (CEQA) documentation for the Project as part of the grant agreement. No work identified in the agreement that is subject to CEQA will proceed until the Port has received environmental clearance from the Division of Financial Assistance staff.

THEREFORE BE IT RESOLVED THAT:

The State Water Board approves a grant for the County's Project not to exceed \$1,800,000 from the *Act*.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on November 15, 2006.

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Clerk to the Board