



SAN DIEGO COUNTY BOARD OF SUPERVISORS

LEON L. WILLIAMS, CHAIRMAN

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- COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA
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- SAN DIEGO WATER AUTHORITY WATER RECLAMATION ADVISORY COMMITTEE
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- CITY/COUNTY REINVESTMENT TASK FORCE
- PRIVATE INDUSTRY COUNCIL REGIONAL EMPLOYMENT TRAINING CONSORTIUM POLICY BOARD
- SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

Mayor Maureen O'Connor
 City of San Diego
 202 "C" Street
 San Diego, CA 92101

Dear Mayor O'Connor:

Subject: Comments on Partial Consent Decree, United States and State of California v. City of San Diego, D.J. Ref. No. 90-5-1-1-2987

The Board of Supervisors has reviewed the Partial Consent Decree in the pending federal litigation against the City of San Diego. It has found the document to be very comprehensive and very demanding in that time schedules established for new operational facilities will require expeditious processing during all phases of project development.

The Board of Supervisors has not supported conversion to secondary treatment as necessary or cost effective. The Board generally supports the terms of the consent decree for water reclamation but has serious concerns about some of the specific requirements in the document and related issues of economics and governance not described in the decree. The major areas of concern for the Board of Supervisors are as follows:

1. The City Council should defer major decisions until the new Metro II organizational structure is in place. The formation of the new management organization is not being accomplished soon enough to allow Metro agencies' full participation in key policy and economic decisions. Planning decisions should be deferred until the entire Clean Water Program can be reviewed with particular emphasis on the total capital and operating costs to participating agencies. The implementation of the Metro II system should be deferred until the new governance structure is approved and operating.
2. The Board strongly supports the alternative of extending the Point Loma ocean outfall to achieve compliance with the State's Ocean Plan. The chlorination disinfection option is too costly, is

not needed, and would pose an unnecessary health and safety risk to the residents of the Point Loma community. The outfall extension and an associated schedule should be pursued under the terms in the consent decree.

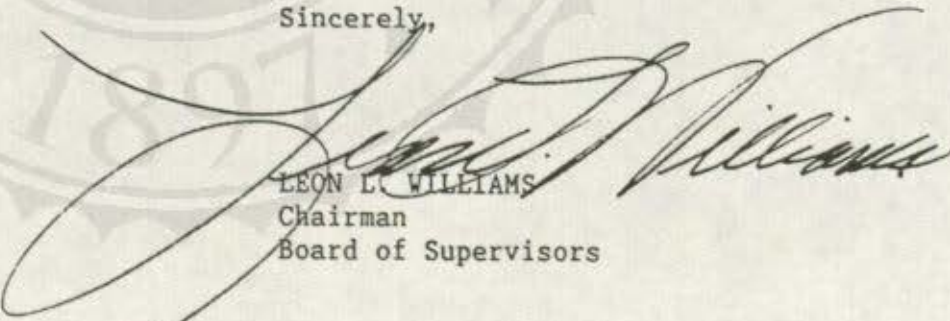
3. The Board enthusiastically supports the water reclamation goals and facilities proposed in the consent decree. However, the consent decree should not require facilities which are beyond current or reasonably expected reclaimed water markets.
4. Any new ocean outfalls must be thoroughly evaluated by all affected agencies and proven to be environmentally sound and in conformance with technical standards. The new outfall(s) should be designed using emerging technology.
5. The ultimate treatment requirement must not violate the fair share formulas of treatment and disposal within the same geographical area in which the wastewater was generated. Each geographic area should receive consistent treatment with regard to the proposed facilities, e.g. ocean outfalls, water reclamation, etc.
6. Flexibility should be built into the consent decree so that, if amendments to the Clean Water Act are enacted for areas like San Diego, new treatment technologies could be utilized and time schedules could be modified accordingly.
7. Sludge management or facilities are not detailed in the consent decree. There will be a substantial increase in the daily volume of sludge produced due to the higher treatment levels at Point Loma and the new water reclamation facilities. The costs for disposing of this material will be significant and should be delineated for all Metro agencies. Also, the siting of sludge processing facilities in the unincorporated territory of the County to serve wastewater generators in the cities is an unfair burden on County constituents. Areas within the City of San Diego should be strongly considered.
8. The reference to the International Boundary and Water Commission Plant in Section IV.E of the consent decree should be deleted. The solution to the untreated Tijuana sewage flow problem is being

worked on at a national level with Mexico and is a separate problem from the Clean Water Program for Greater San Diego. We do not want to threaten Federal funding for the Tijuana sewage problem by unnecessarily associating it with the Metro problem.

9. All Metro agencies and ratepayers must be given complete and accurate information on possible future sewer service charges necessary to pay for the Federally-mandated improvements to the Metro II system (the regional facilities). The consent decree should be modified to include all projected operational and maintenance costs before the consent decree is finalized, e.g. the cost differential on sludge disposal and the cost differential between advance primary and secondary treatment must be included in the information provided to all Metro agencies. Based upon servicing bond issues to pay for needed capital projects, the true cost of Metro II may reach \$4.0 billion to \$5.0 billion, not the \$2.8 billion currently identified as the total cost. The separate costs for upgrading existing facilities to secondary treatment and for adding new expansion capacity must be documented and disclosed before the consent decree is signed.

A copy of this letter is being forwarded to the Assistant Attorney General, Land and Natural Resources Division of the Department of Justice, in accordance with the announcement of the settlement agreement in the April 10, 1990 Federal Register.

Sincerely,



LEON L. WILLIAMS
Chairman
Board of Supervisors

cc: Assistant Attorney General
Land and Natural Resources Division
Department of Justice
Washington, D.C. 20530