

File No. 100930

Committee Item No. 7  
Board Item No. 11

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Sub-Committee: BUDGET AND FINANCE

Date: August 4, 2010

BOARD OF SUPERVISORS MEETING

Date: 8/10/10

### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Information Form                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

### OTHER

(Use back side if additional space is needed)

- |                                     |                                     |                        |
|-------------------------------------|-------------------------------------|------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Initial Study *</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                  |

Completed by: Andrea S. Ausberry

Date Thursday, July 29, 2010

Completed by: AS

Date 8/5/10

\* An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



1 [Expend Grant - Adopting California Environmental Quality Act Findings and Authorizing Grant  
2 Expenditure for Cesar Chavez Sewer System Improvement Project - \$477,900]

3 **Resolution adopting findings under the California Environmental Quality Act ("CEQA"),**  
4 **CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the**  
5 **adoption of a mitigation monitoring and reporting program, related to the funding of**  
6 **Project No. CENMSCIC11, Cesar Chavez Sewer System Improvement, directing the**  
7 **Clerk of the Board of Supervisors to notify the Controller of this action, and authorizing**  
8 **the San Francisco Public Utilities Commission to expend a grant in the amount of**  
9 **\$477,900 from the U.S. Environmental Protection Agency through the Department of**  
10 **the Interior, Environment, and Related Agencies Appropriation Act of 2006.**

11  
12 WHEREAS, the San Francisco Public Utilities Commission (SFPUC) developed a  
13 project description for Project No. CENMSCIC11, Cesar Chavez Sewer System Improvement,  
14 (the "Project"), and

15 WHEREAS, The United States Government, acting by and through EPA, is authorized  
16 to award Federal Grant Funds under the Department of the Interior, Environment, and Related  
17 Agencies Appropriations Act of 2006; and

18 WHEREAS, The FY 2006 United States Environmental Protection Agency (EPA)  
19 Appropriation included \$500,000 of Federal Grant Funds to the San Francisco Public Utilities  
20 Commission (SFPUC) for water and wastewater infrastructure improvement projects in  
21 California; and,

22 WHEREAS, The final amount of Federal Grant Funds available to the SFPUC was  
23 \$477,900, after reduction for administrative cost of managing the grant and for  
24 Congressionally mandated cut to EPA budget; and

1           WHEREAS, The SFPUC requested \$477,900 in Federal Grant Funds to support  
2 construction of a combined sewer/stormwater system along Cesar Chavez Street, as part of  
3 the Cesar Chavez Sewer System Improvement Project; and

4           WHEREAS, EPA notified the SFPUC on August 9, 2006 that it had approved a grant  
5 award of \$477,000 in Federal Funds; and

6           WHEREAS, Matching funds of 45% of the total project costs (or \$391,009) are required  
7 according to the Appropriations Act which authorized the project; and

8           WHEREAS, Funding for the required project is available from SFPUC Wastewater  
9 Enterprise Capital Improvement Program (CIP); and

10           WHEREAS, The Board of Supervisors on December 18, 2006 adopted Resolution no.  
11 711-06 authorizing the General Manager of the SFPUC to accept \$477,900 in grant funds  
12 through the Department of the Interior, Environment, and Related Agencies Appropriations  
13 Act of 2006, as administered by the EPA; and

14           WHEREAS, The grant budget does not allow for indirect costs; and

15           WHEREAS, The grant does not require an Annual Salary Ordinance (ASO)  
16 Amendment; and

17           WHEREAS, Resolution 711-06 required completion of environmental review prior to  
18 authorizing the expenditure of grant funds; and

19           WHEREAS, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Cesar  
20 Chavez Street Sewer System Improvement Project was prepared and published for public  
21 review on December 2, 2009; and

22           WHEREAS, the Draft IS/MND was available for public comment until January 4, 2010;  
23 and

1           WHEREAS, on January 13, 2010, the Environmental Review Officer (ERO), San  
2 Francisco Planning Department, Major Environmental Analysis Division, reviewed and  
3 considered the Final Mitigated Negative Declaration (FMND) and found that the contents of  
4 said report and the procedures through which the FMND was prepared, publicized, and  
5 reviewed complied with the California Environmental Quality Act (California Public Resources  
6 Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et  
7 seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code  
8 ("Chapter 31"); and

9           WHEREAS, the ERO, San Francisco Planning Department, found the FMND was  
10 adequate, accurate and objective, and reflected the independent analysis and judgment of the  
11 San Francisco Planning Department, and approved the FMND for the Project in compliance  
12 with CEQA, the CEQA Guidelines and Chapter 31; and

13           WHEREAS, the San Francisco Planning Department, is the custodian of records,  
14 located in File No.2009.0276E, at 1650 Mission Street, Fourth Floor, San Francisco,  
15 California; and

16           WHEREAS, No appeals were filed with the City and County of San Francisco regarding  
17 the Project's MND; the January 13, 2010, MND is final, complete, and in accordance with  
18 CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code  
19 (Final IS/MND); and

20           WHEREAS, The SFPUC reviewed and considered the information contained in the  
21 Final IS/MND, all written and oral information provided by the Planning Department, the  
22 public, relevant public agencies, SFPUC and other experts and the administrative files for the  
23 Project and the Final IS/MND; and

1           WHEREAS, On February 23, 2010, the SFPUC (1) adopted Resolution No. 10-0034,  
2 approving Project No. CENMSCIC11, Cesar Chavez Sewer System Improvement, adopting  
3 the FMND, the CEQA Findings, and a Mitigation Monitoring and Reporting Program (MMRP),  
4 which SFPUC Resolution and Attachments are incorporated herein as part of this Resolution  
5 by this reference thereto, and (2) approved the Project and authorized staff to proceed with  
6 actions necessary to implement the Project. SFPUC Resolution No. 10-0034, which is on file  
7 with the Clerk of the Board of Supervisors in File No. 270630, including its findings, is  
8 incorporated herein by reference as though fully set forth; and

9           WHEREAS, The SFPUC CEQA Findings reflected the SFPUC's independent review  
10 and consideration of the relevant environmental information contained in the Final IS/MND,  
11 and the administrative record; and

12           WHEREAS, In August 2009, this Board of Supervisors adopted Ordinance No. 201-09,  
13 approving a supplemental appropriation of \$119,800,000, including funds for the Project,  
14 subject to Controller's reserve; and

15           WHEREAS, On June 8, 2010, the SFPUC adopted Resolution No. 10-0093,  
16 authorizing the General Manager of the SFPUC to request permission from the Board of  
17 Supervisors to expend the grant funds; now, therefore, be it

18           RESOLVED, That the Board of Supervisors makes and adopts the findings set forth in  
19 San Francisco Public Utilities Commission's Resolution No. 10-0034 for the Project which  
20 reflects this Board's independent review and consideration of the relevant environmental  
21 information contained in the Final IS/MND, and the administrative record; and be it

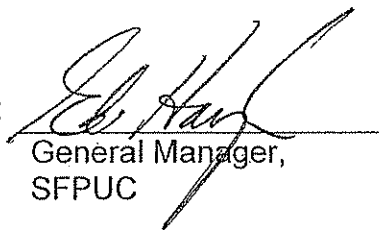
22           FURTHER RESOLVED, That the Board of Supervisors adopts the Final IS/MND.  
23 including the Mitigation Monitoring and Reporting Program; and be it

1 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board  
2 to forward this Resolution to the Controller; and be it

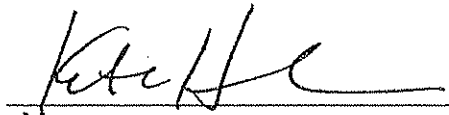
3 FURTHER RESOLVED, That the General Manager of the San Francisco Public  
4 Utilities Commission is authorized to expend \$477,900 in grant funds through the Department  
5 of the Interior, Environment, and Related Agencies Appropriations Act of 2006, as  
6 administered by the EPA, for the aforementioned project; and be it

7 FURTHER RESOLVED, That this Board hereby waives inclusion of indirect costs in the  
8 grant budget.

9  
10  
11 Recommended:

  
General Manager,  
SFPUC

Approved:

  
for Mayor

Approved:

  
Controller

**Item 7**  
**Files 10-0930**

**Department(s):**  
Public Utilities Commission (PUC)

## EXECUTIVE SUMMARY

### Legislative Objective

- Resolution (a) adopting findings under the California Environmental Quality Act (CEQA) for the Public Utilities Commission's (PUC) Cesar Chavez Sewer System Improvement Project, and (b) authorizing the PUC to expend \$477,900 in grant funds from the U.S. Environmental Protection Agency for the Cesar Chavez Sewer System Improvement Project.

### Key Points

- The PUC's Cesar Chavez Sewer System transports wastewater and stormwater from the lower Bernal Heights area to the Southeast Water Treatment Plant. According to PUC Project Manager Ms. Bessie Tam, the Cesar Chavez Sewer System has inadequate capacity to meet drainage needs during significant storms, such that temporary flooding occurs along Cesar Chavez Street. The PUC's Cesar Chavez Sewer System Improvement Project (CCSSIP) is a \$25,900,000 project which would provide an additional 6,000 feet of sewer pipeline to increase the capacity of the Cesar Chavez Sewer System, such that flooding would be prevented or minimized.
- The Board of Supervisors previously appropriated a total of \$25,900,000 from Wastewater Revenue Bond proceeds for the PUC's Cesar Chavez Sewer System Improvement Project, with \$11,650,000 of the previously appropriated amount placed on Controller's reserve (File 10-0339), pending completion of the environmental review required by the California Environmental Quality Act (CEQA). Environmental review was completed on January 13, 2010, and the PUC is now requesting adoption of the CEQA findings, such that the Controller can release the \$11,650,000 of funds on reserve.
- The PUC has received two grants from the U.S. Environmental Protection Agency (EPA) totaling \$1,146,900 to pay for a portion of the CCSSIP's construction costs, including (a) the subject grant of \$477,900 which the PUC is now requesting authority to expend, and (b) a separate \$669,000 grant which the PUC will request authority to expend in separate future legislation. According to Ms. Tam, these grants are reimbursement grants, such that the EPA will provide funds only after the PUC has expended the funds for the Cesar Chavez Sewer System Improvement Project and submitted reimbursement requests to the grantor.

### Fiscal Impacts

- The EPA requires that the subject reimbursement grants represent no more than 55 percent of the project's costs. Ms. Tam noted that the grants totaling \$1,146,900 represent only 4.4 percent of the total project costs of \$25,900,000.
- The proposed resolution to approve the expenditure of a \$477,900 grant would reimburse the PUC for the expenditure of \$477,900 in Wastewater Revenue Bonds, which were previously appropriated by the Board of Supervisors.

### Recommendation

- Approve the proposed resolution.



## MANDATE STATEMENT AND BACKGROUND

### Mandate Statement

According to Section 1.170-1 of the City's Administrative Code, the acceptance and expenditure of Federal, State, or other grant funds is subject to approval by resolution of the Board of Supervisors.

### Background

The PUC's Cesar Chavez Sewer System transports wastewater and stormwater from the lower Bernal Heights area to the Southeast Water Treatment Plant, in the Bayview District. According to PUC Project Manager Ms. Bessie Tam, the Cesar Chavez Sewer System has inadequate capacity to meet drainage needs during significant storms, such that temporary flooding occurs along Cesar Chavez Street. The PUC's Cesar Chavez Sewer System Improvement Project (CCSSIP) is a \$25,900,000 project which would provide an additional 6,000 feet of sewer pipeline to increase the capacity of the Cesar Chavez Sewer System, such that flooding would be prevented or minimized.

Construction of the Cesar Chavez Sewer System Improvement Project is estimated to begin in November of 2010 and be completed in February of 2012. Table 1 below shows the estimated project cost of \$25,900,000.

**Table 1: Estimated Project Cost**

Planning	\$360,000
Environmental Review	870,000
Design	1,860,000
Construction	20,900,000
Construction Management	1,840,000
Project Closeout	70,000
<b>Total</b>	<b>\$25,900,000</b>

## DETAILS OF PROPOSED LEGISLATION

The proposed resolution would (a) adopt findings under the California Environmental Quality Act (CEQA) for the Public Utilities Commission's (PUC) Cesar Chavez Sewer System Improvement Project, and (b) authorize the PUC to expend \$477,900 in grant funds from the U.S. Environmental Protection Agency for the Cesar Chavez Sewer System Improvement Project, in order for such monies to be reimbursed to the PUC for previously expended Wastewater Revenue Bond monies.

### CEQA Findings

The proposed resolution would adopt findings under the California Environmental Quality Act (CEQA) for the Public Utilities Commission's (PUC) Cesar Chavez Sewer System Improvement Project.

The Board of Supervisors previously appropriated a total of \$25,900,000 for the PUC's Cesar Chavez Sewer System Improvement Project, including (a) \$14,250,000 on August 18, 2009 (File 09-0546) in Wastewater Revenue Bond proceeds, and (b) \$11,650,000 on April 27, 2010 (File 10-0339) from Wastewater Revenue Bond proceeds and State of California grant proceeds<sup>1</sup>, with the entire \$11,650,000 appropriation placed on Controller's reserve pending completion of the environmental review required by the California Environmental Quality Act (CEQA).

Environmental review was completed by the Planning Department on January 13, 2010. According to Ms. Tam, the mitigation measures required by the Planning Department's environmental findings are included in an amount of \$870,000 out of the \$25,900,000 budget shown in Table 1 above. The proposed resolution would approve the findings of that environmental review, and notify the Controller of the authorization to allow the Controller to release the \$11,650,000 of funds on reserve.

### EPA Grant Expenditure

The proposed resolution would also authorize the PUC to expend \$477,900 in grant funds from the U.S. Environmental Protection Agency in order to fund a portion of the \$20,900,000 estimated construction costs (see Table 1 above) of the total cost of the \$25,900,000 Cesar Chavez Sewer System Improvement Project.

In addition to the State of California grants previously appropriated by the Board of Supervisors and discussed above, the PUC has received two grants from the U.S. Environmental Protection Agency (EPA) for the Cesar Chavez Sewer System Improvement Project totaling \$1,146,900, including (a) the subject grant of \$477,900 which the PUC is now requesting authority to expend, and (b) a separate \$669,000 grant which the PUC will request authority from the Board of Supervisors to expend in separate future legislation. According to Ms. Tam, these grants are reimbursement grants, such that the EPA will provide the \$477,900 in funds only after the PUC has expended these funds and submitted reimbursement documentation to the EPA.

---

<sup>1</sup> File 10-0339 appropriated a total of \$348,064,054 to various categories of wastewater capital improvement projects. The subject Cesar Chavez Sewer System Improvement Project was one project included in the Sewer/Collection System category of projects, with that category being appropriated a total of \$69,019,400, including (a) \$30,000,000 in State of California grants, and (b) \$39,019,400 in Wastewater Revenue Bond proceeds. Because File 10-0339 appropriated funds by category, not by individual project, according to PUC Budget Manager Mr. Carlos Jacobo, it is not possible to determine the amount of the \$30,000,000 in grant funds, if any, which were allocated to the Cesar Chavez Sewer System Improvement Project.

**FISCAL IMPACTS**

According to Ms. Tam, the Federal EPA grants totaling \$1,146,900, including (a) the subject grant of \$477,900 which the PUC is now requesting authority to expend, and (b) a separate \$669,000 grant which the PUC will request authority from the Board of Supervisors to expend in separate future legislation, require that the grant represent no more than 55 percent of the project's costs. Ms. Tam noted that the grants totaling \$1,146,900 represent only 4.4 percent of the total project costs of \$25,900,000. The remaining 95.6 percent of project costs, or \$24,753,100 (\$25,900,000 less \$1,146,900) out of the total project costs of \$25,900,000, would be funded from Wastewater Revenue Bond proceeds, the debt service on which is paid from fees paid by wastewater customers, and grants.

The proposed resolution to approve the expenditure of a \$477,900 grant from the EPA would reimburse the PUC for the expenditure of \$477,900 in Wastewater Revenue Bond monies, which were previously appropriated by the Board of Supervisors.

**RECOMMENDATION**

Approve the proposed resolution.



TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: FOV Mayor Gavin Newsom NW  
RE: Adopting CEQA findings and authorizing grant expenditure for Cesar Chavez Sewer System Improvement Project  
DATE: July 13, 2010

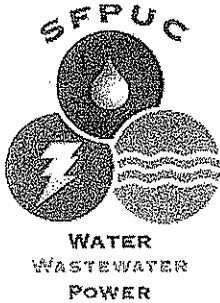
---

Dear Madame Clerk:

Attached for introduction to the Board of Supervisors is the resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of Project No. CENMSCIC11, Cesar Chavez Sewer System Improvement, directing the Clerk of the Board of Supervisors to notify the Controller of this action, and authorizing the San Francisco Public Utilities Commission to expend a grant in the amount of \$477,900 from the U.S. Environmental Protection Agency through the Department of the Interior, Environment, and Related Agencies Appropriation Act of 2006.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Nicole Wheaton at (415) 554-7940.



## SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488



June 23, 2010

The Honorable Ben Rosenfield  
Controller  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 316  
San Francisco, CA 94102

GAVIN NEWSOM  
MAYOR

F.X. CROWLEY  
PRESIDENT

FRANCESCA VIETOR  
VICE PRESIDENT

ANN MOLLER CAEN  
COMMISSIONER

JULIET ELLIS  
COMMISSIONER

ANSON B. MORAN  
COMMISSIONER

ED HARRINGTON  
GENERAL MANAGER

**Subject: Resolution adopting CEQA findings and authorizing grant expenditure for Cesar Chavez Sewer System Improvement Project.**

Dear Controller Rosenfield:

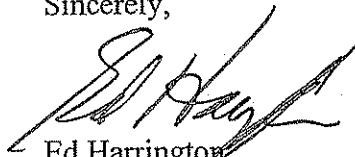
Attached please find an original copy of an resolution that requires your signature. The resolution authorizes the SFPUC to expend a United States Environmental Protection Agency (US EPA) grant in the amount of \$477,900 for funding of the Cesar Chavez Sewer System Improvement Project.

In this packet you will find:

- Red line original copy of the resolution requiring your signature
- Grant information form
- Grant budget
- Grant award letter
- A copy of the Agenda Item from the SFPUC with background information on the US EPA Grant.

When you have signed this resolution, please forward the original copy to the Mayor's Budget Office, City Hall Room 288, for signature by the Mayor and submittal to the Clerk of the Board of Supervisors.

Sincerely,



Ed Harrington  
General Manager

## Grant Information Form

File Number: 100930  
(Provided by Clerk of Board of Supervisors)

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: Cesar Chavez Sewer Improvements Project
2. Department: SFPUC
3. Contact Person: Molly Petrick Telephone: 934-5767
4. Grant Approval Status (check one):  
 Approved by funding agency  Not yet approved
5. Amount of Grant Funding Approved or Applied for: \$ 477,900
6. a. Matching Funds Required: \$ 391,009  
b. Source(s) of matching funds (if applicable):  
Wastewater Enterprise 5-Year CIP-funded Project No. CENMSCIC11, Cesar Chavez Sewer Improvement.
7. a. Grant Source Agency: EPA  
b. Grant Pass-Through Agency (if applicable):
8. Proposed Grant Project Summary:  

This grant will assist in funding construction support of a combined sewer/stormwater system along Cesar Chavez Street, as part of the Cesar Chavez Sewer Improvement. The project will improve the system's capability to convey stormwater and sewage to treatment facilities. The project will reduce flooding in the project area by increasing the sewer system capacity, and improve water quality by preventing the overflow of combined wastewater on to city streets and into the Bay.
9. Grant Project Schedule, as allowed in approval documents, or as proposed:  
Start-Date: 10/01/06 End-Date: 3/31/2012
10. Number of new positions created and funded: 0

**Cover Memo:**

**TO:** Clerk of the Board of Supervisors

**FROM:** Nathan Purkiss

**DATE:** 6/23/10

**SUBJECT:** Expend Resolution for U.S. EPA Grant Funds

**GRANT TITLE:** Cesar Chavez Sewer Improvements Project

Grant application

Grant award letter from funding agency

Other (Explain): Grant Amendment extending deadline; Revised Grant Workplan

**Special Timeline Requirements:**

Departmental representative to receive a copy of the adopted Resolution:

**Name:** Nathan Purkiss

**Phone:** 554-3404

**Interoffice Mail Address:** 1155 Market Street, 11<sup>th</sup> Floor

**Certified copy required**

Yes \_\_\_\_\_ No \_\_\_\_\_

11. If new positions are created, explain the disposition of employees once the grant ends?  
N/A

12. Amount budgeted for contractual services: \$477,900

- a. Will contractual services be put out to bid? Yes
- b. If so, will contract services help to further the goals of the department's MBE/WBE requirements? Yes
- c. Is this likely to be a one-time or ongoing request for contracting out? One Time

13. Does the budget include indirect costs?  Yes  No

- a. If yes, how much? \$
- b. How was the amount calculated?
- c. If no, why are indirect costs not included?

Not allowed by granting agency  To maximize use of grant funds on direct services

Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs?

14. Any other significant grant requirements or comments:

On December 18, 2006 the Board of Supervisors adopted Resolution no. 711-06 authorizing the General Manager of the San Francisco Public Utilities Commission to accept \$477,900 in grant funds through the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2006, as administered by the EPA. Resolution 711-06 required completion of environmental review prior to authorizing the expenditure of grant funds. Environmental review for the proposed project has now been completed. The project was determined to be Categorically Excluded (CATEX) from the need to prepare either an environmental assessment or environmental impact statement in compliance with both the California Environmental Quality Act and the National Environmental Policy Act. The attached Resolution is now requesting the Board of Supervisors to authorize the General Manager of the San Francisco Public Utilities Commission to expend \$477,900 in grant funds through the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2006, as administered by the EPA.



**\*\*Disability Access Checklist\*\***

15. This Grant is intended for activities at (check all that apply):

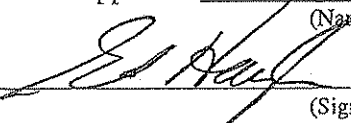
- Existing Site(s)     Existing Structure(s)  
 Existing Program(s) or Service(s)     Rehabilitated Site(s)  
 Rehabilitated Structure(s)     New Program(s) or Service(s)  
 New Site(s)     New Structure(s)

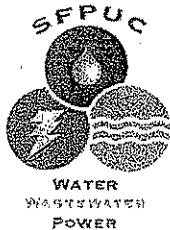
16. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental Disability Reviewer: Nathan Purkiss  
(Name)

Date Reviewed: 6/23/2010

Department Approval: Ed Harrington, General Manager  
(Name) (Title)  
  
(Signature)



**AGENDA ITEM**  
**Public Utilities Commission**  
*City and County of San Francisco*



DEPARTMENT Wastewater Enterprise AGENDA NO. \_\_\_\_\_  
MEETING DATE September 12, 2006

**SUMMARY OF PROPOSED COMMISSION ACTION**

**Authorize the General Manager of the San Francisco Public Utilities Commission to request permission from the Board of Supervisors to accept grant funds** totaling \$477,900 from the U.S. Environmental Protection Agency through the Department of the Interior, Environment, and Related Agencies Appropriation Act of 2006, with required local matching funds of \$391,909 from the Wastewater Enterprise 5-Year CIP-funded Project No. CENMSCIC11, Cesar Chavez Sewer Improvement; **and to execute** all documents required therefore.

**DESCRIPTION OF PROJECT ACTION**

This item will assist in funding construction support of a combined sewer/stormwater system along Cesar Chavez Street, as part of the Cesar Chavez Sewer Improvement. The project will improve the system's capability to convey stormwater and sewage to treatment facilities.

In accepting this grant, the City will not be approving the expenditure of any grant funds. Before expenditure of grant funds is approved, the PUC and City Planning will undertake environmental review of the proposed project pursuant to the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31 and conduct any public review and environmental review determinations required by CEQA. Upon completion of appropriate environmental review, SFPUC staff will recommend to the Commission that the General Manager be authorized to request the Board of Supervisor's approval to expend the grant funds.

Funding

Funding for the required Wastewater Capital Improvement Program matching funding is available from the Wastewater Enterprise 5-Year CIP Program, Project No. CENMSCICSR - Sewer Improvements.

**RECOMMENDATION:**

SFPUC staff recommends that the Commission adopt the attached resolution.

**APPROVAL:**

PERFORMING ORGANISATION \_\_\_\_\_

FINANCE Scott MacDonald

COMMISSION SECRETARY Mary Y. Jung

GENERAL MANAGER Susan Leal

---

**Department:**

---

**Project:** EPA Grant, Cesar Chavez Sewer Improvement

---

**CONTEXT OF THIS ACTION:**

In March 2006, the SFPUC received notice that the FY 2006 United States Environmental Protection Agency (EPA) Appropriation included \$500,000 of funding to the SFPUC for water and wastewater infrastructure improvement projects in California. Congress instructed EPA to reduce each Appropriations Grant by 3% to cover the administrative cost of managing the grant. The grant amount was further reduced by an across the board, Congressionally-mandated cut to the EPA budget. The final amount of funding available to the SFPUC was \$477,900. Matching funds of 45% of the total project costs (or \$391,009) were also required according to the Appropriations Act, which authorized the project.

In May 2006, SFPUC staff submitted a grant application for Wastewater Enterprise 5-Year CIP funded project, Cesar Chavez Sewer Improvement, which focuses on collection system improvements along Cesar Chavez Blvd. The goal of the project is to improve the capability of the sewer system to collect and convey stormwater and sewage to treatment facilities.

Section 10.170 of the San Francisco Administrative Code permits the application for federal, state, or other grants upon the approval of the department head. Section of 10.170-1 of the San Francisco Administrative Code further states that the acceptance and expenditure of Federal, State or other grant funds is subject to the approval by resolution of the Board of Supervisors.

The application for this grant was submitted on May 30, 2006. On August 9, 2006, EPA notified SFPUC staff that Cesar Chavez Sewer Improvement construction work had been approved for \$477,900 in grant funds, and required local matching funds of \$391,009.

**PROS/CONS:**PROS

- The FY 2006 EPA appropriation provides funds to the SFPUC for water and wastewater infrastructure improvement projects in California.
- Cesar Chavez Sewer Improvement will provide significant improvements to sewage and stormwater collection capabilities in the project area.
- Grant funding will allow for the reallocation of funds to other Wastewater projects as needed.

CONS

- None identified.

**Department:**

**Project:** EPA Grant, Cesar Chavez Sewer Improvement

**ATTACHMENTS:**

1. Resolution
2. SFPUC EPA (Department of the Interior, Environment, and Related Agencies Appropriations Act of 2006) Grant Application
3. Notice of Award and pending Grant Agreement
4. Draft Board of Supervisors Resolution

Project Manager: Bessie Tam

# PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 06-0144

WHEREAS, The United States Government, acting by and through Environmental Protection Agency (EPA), is authorized to award Federal Grant Funds under the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2006; and,

WHEREAS, The FY 2006 United States EPA Appropriation included \$500,000 of Federal Grant Funds to the San Francisco Public Utilities Commission (SFPUC) for water and wastewater infrastructure improvement projects in California; and,

WHEREAS, The final amount of Federal Grant Funds available to the SFPUC was \$477,900, after reduction for administrative cost of managing the grant and for Congressionally mandated cut to EPA budget; and,

WHEREAS, San Francisco Public Utilities Commission staff filed a timely application, for Cesar Chavez System Improvement construction work, requesting \$477,900 in Federal Grant Funds; and

WHEREAS, EPA notified the SFPUC on August 9, 2006 that it had approved a grant award of \$477,000 in Federal Funds; and

WHEREAS, Matching funds of 45% of the total project costs (or \$391,009) are required according to the Appropriations Act which authorized the project; and,

WHEREAS, Funding for the required Wastewater Capital Improvement Program matching funding is available from Wastewater Enterprise 5-Year CIP Program, Project No. CENMSCICSR – Sewer Improvements;

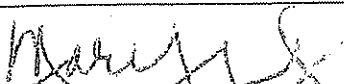
WHEREAS, SFPUC staff are currently completing project planning analyses and preparing environmental review documentation; now, therefore, be it

RESOLVED, That this Commission authorizes the General Manager of the Public Utilities to request permission from the Board of Supervisors to accept grant funds totaling \$477,900 from the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2006, as administered by the EPA, with required local matching funds of \$391,009 from the Wastewater Enterprise 5-Year Capital Improvement Program, for Cesar Chavez Sewer Improvement; and to execute all documents required therefore; and, be it

FURTHER RESOLVED, In accepting this grant, the Commission is not approving the expenditure of any grant funds. Before the Commission determines whether to approve the expenditure of grant funds, the Commission will undertake environmental review of the proposed project pursuant to the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31 and conduct any public review and environmental review determinations required by CEQA. The Commission retains absolute discretion to modify the proposed project as it deems necessary to mitigate any significant environmental effects, to select other feasible alternatives to the project to avoid significant effects, to balance the benefits of the project against unavoidable significant impacts, if any, and to determine not to proceed with the proposed project based upon information generated by the enviro

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of*

September 12, 2006



*Secretary, Public Utilities Commission*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

AUG 09 2006

Certified Mail -Return Receipt

Tom Franza  
AGM Wastewater Enterprise  
San Francisco Public Utilities Commission  
1155 Market Street 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Grant ID # XP-96981301-0  
Water Infrastructure – Cesar Chavez Sewer Improvements

Dear Mr. Franza:

The United States Environmental Protection Agency (EPA) is pleased to approve the program described in the enclosed agreement. **If you wish to accept this offer, please sign and date both enclosed agreements and return one signed original to the Grants Management Office, MTS-7, within three weeks.** The agreement which is marked *Recipient's Copy* should be retained for your records.

Please read the enclosed Agreement and the conditions prior to your acceptance. If you or your staff have any questions of a programmatic nature, please contact your EPA Project Officer. Questions relating to administrative or fiscal matters should be directed to your EPA Grant Specialist.


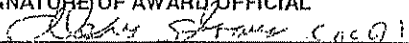
Sincerely,

A handwritten signature in cursive script, appearing to read "Alexis Strauss".

Alexis Strauss  
Director  
Water Division

Enclosures

cc: Molly Petrick, SFPUC (w/attach)  
Bessie Tam, SFPUC (w/attach)  
Carlos Jacobo, SFPUC (w/attach)

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>		ASSISTANCE IF		DATE OF AWARD AUG 02 2006
			PRG	DOC ID	
				XP - 96981301 - 0	
				TYPE OF ACTION New	MAILING DATE AUG 09 2006
			PAYMENT METHOD: Reimbursement	ACH#	
RECIPIENT TYPE: Municipal			Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423		
RECIPIENT: San Francisco Public Utilities Commission 1155 Market Street 4th Floor San Francisco, CA 94103 EIN: 94-3248335			PAYEE: SFPUC-San Francisco Public Utilities Commission 1155 Market Street 4th Floor San Francisco, CA 94103		
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST	
Molly Petrick 1155 Market Street 4th Floor San Francisco, CA 94103 E-Mail: mpetrick@sfgwater.org Phone: 415-934-5767		Luisa Valiela 75 Hawthorne Street, WTR-3 San Francisco, CA 94105 E-Mail: Valiela.Luisa@epamail.epa.gov Phone: 415-972-3400		Elizabeth Armour Grants Management Office, MTS-7 E-Mail: Armour.Elizabeth@epamail.epa.gov Phone: 415-947-4264	
PROJECT TITLE AND DESCRIPTION					
Water Infrastructure - Cesar Chavez Sewer Improvements					
This assistance agreement provides full EPA funding in the amount of \$477,900. Total approved project cost is \$868,909. The goal will support construction of a combined sewer/stormwater system along Cesar Chavez Blvd between Guerrero and Kansas Streets. See Terms and Conditions.					
BUDGET PERIOD 08/01/2006 - 03/31/2009		PROJECT PERIOD 08/01/2006 - 03/31/2009		TOTAL BUDGET PERIOD COST \$868,909.00	TOTAL PROJECT PERIOD COST \$868,909.00
NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.					
OFFER AND ACCEPTANCE					
The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the <u>San Francisco Public Utilities Commission</u> for <u>55.00</u> % of all approved costs incurred up to and not exceeding <u>\$477,900</u> for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed <u>05/26/2009</u> included herein by reference.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			ORGANIZATION / ADDRESS U.S. EPA, Region 9 Water Division 75 Hawthorne Street San Francisco, CA 94105		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL 		TYPED NAME AND TITLE Alexis Strauss, Director - Water Division		DATE AUG 02 2006	
This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE		TYPED NAME AND TITLE Tom Franza, AGM Wastewater Enterprise		DATE	



EP Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 477,900	\$ 477,900
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 391,009	\$ 391,009
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 868,909	\$ 868,909

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	Consolidated Appropriations Act of 2006	40 CFR PART 31

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	W3E043	2006	E4	09LOGYN	202B51E	4183			477,900
									477,900

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$868,909
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$868,909
10. Indirect Costs: % Base <u>See Term and Condition #5</u>	\$0
11. Total (Share: Recipient 45.00 % Federal 55.00 %.)	\$868,909
12. Total Approved Assistance Amount	\$477,900
13. Program Income	\$0

### Administrative Conditions

1. An interim Financial Status Report (FSR), Standard Form 269A (Rev. 7/97), covering the period from "project/budget period start date" to September 30 of each calendar year shall be submitted to the Grants Management Office, MTS-7, no later than December 31 of the same calendar year. **The initial FSR is due December 31, 2007.** The final FSR covering the entire project period shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 31.23(b) or Part 30.52(a)(1)(iv).
2. The recipient shall comply with the Single Audit Act and the reporting requirements set forth in OMB Circular A-133.
3. The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of the Federal fiscal year, i.e., by October 30 of each calendar year. Negative reports are required.
4. In accordance with EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under Federal assistance programs, the recipient agrees to:

- a) Accept the applicable "fair share" goals negotiated with EPA by the **CA State Water Resources Control Board**, as follows:

	<u>MBE</u>	<u>WBE</u>
Construction	8%	10%
Supplies	11%	15%
Services	14%	19%
Equipment	9%	12%

If the recipient does not want to rely on the applicable State's MBE/WBE "fair share" goals, the recipient agrees to submit proposed MBE/WBE "fair share" goals based on availability of qualified minority and women-owned businesses to do work in the relevant market for construction, services, supplies, and equipment.

"Fair share" objectives must be submitted to Joe Ochab, MTS-1, within 30 days of award and approved by EPA no later than 30 days thereafter.

- b) Ensure to the fullest extent possible that at least the applicable "fair share" objective {see a) above} of Federal funds for prime contracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and historically black colleges and universities.
- c) Include in its bid documents applicable "fair share" objectives {see a) above} and require all of its prime contractors to include in their bid documents for subcontracts the negotiated fair share percentages.
- d) Follow the six affirmative steps stated in 40 CFR Section 30.44(b), Section 31.36(e), Section 35.3145(d), or Section 35.6580(a), as appropriate.
- e) In the event race and/or gender neutral efforts prove to be inadequate to achieve

a fair share objective for MBE/WBEs, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the fair share objective.

f) Until the recipient has completed its fair share negotiations with EPA, it agrees to apply the main State agency's fair share objectives. Once the recipient has completed its fair share negotiations with EPA, it will apply those objectives. The recipient also agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the applicable "fair share" percentages and to comply with paragraphs (c) through (e) above.

5. The cost principles of OMB Circular A-87 are applicable to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

6. When procuring services, equipment, and/or supplies under this assistance agreement, the recipient will follow the same policies and procedures it uses for procurements from its non-Federal funds. The recipient will follow their own procurement policies and procedures provided that the policies and procedures conform with EPA regulations 40 CFR Part 31.36 or 30.44 (as applicable) which state that all procurement transactions will be conducted in a manner providing full and open competition.

7. The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

8. Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, or in a written statement. The Lobbying and Litigation certification and final Financial Status Report shall be submitted within 90 days after the end of project period.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

9. Pursuant to EPA Order 1000.25 and Executive Order 13101, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration. Recipient shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price

exceeds \$10,000 or when the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

10. Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.

11. Payment to consultants. Per 40 CFR Part 31.36(j), EPA's participation in the salary rate (excluding overhead and travel) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills and if the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. As of January 1, 2006, the rate is \$548.08 per day and \$68.51 per hour. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

Subagreements with firms or individuals for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2) or Part 30.27(b).

12. The recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." The recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

The recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

### **Programmatic Conditions**

P1. In accordance with 40 C.F.R. §31.40, the recipient agrees to submit its quarterly reports with brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement workplan for the period; 2) the reasons for slippage if established outputs/outcomes were not met; and 3) additional pertinent information, including, when appropriate, analysis and formation of cost overruns or high unit costs.

In accordance with 40 C.F.R. § 31.40 (d), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

P2. In accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq., EPA is required to conduct an environmental review on the project funded by this grant. Accordingly, the recipient agrees to provide EPA, in a timely fashion, an environmental information document (EID) containing all the necessary information on the project including a written analysis of the alternatives and the environmental impacts of the project. The EID must be of sufficient scope and detail to enable EPA to perform an environmental review under NEPA and other Federal environmental statutes.

The recipient agrees to cooperate with the EPA project officer to establish the appropriate procedures to be followed to ensure that the NEPA environmental review process is completed in accordance with NEPA and 40 CFR Parts 6 and 1500 et seq. Completion of this review will be evidenced by the issuance of a Categorical Exclusion (CE), the conclusion of the Finding of No Significant Impact (FONSI) process, or the issuance of a Record of Decision (ROD). Furthermore, the recipient agrees to implement reasonable measures to mitigate the environmental impacts of the project.

EPA will not approve or fund any work beyond the conceptual design point until the NEPA requirements and other relevant authorities have been met. Additionally, EPA reserves the right to unilaterally terminate this grant in the event the recipient fails to comply with this condition, in accordance with 40 C.F.R. Section 31.43.

P3. The recipient agrees to provide to EPA Region 9 locational data (i.e. latitude and longitude) for the EPA-funded infrastructure project. The EPA Project Officer will provide further instructions at a later date on how to specifically comply with this requirement.

END OF DOCUMENT

**SFPUC CESAR CHAVEZ SEWER IMPROVEMENTS  
BUDGET DETAIL**

CFDA 66.202


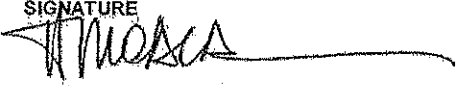
Department of the Interior, Environment, and Related Agencies Appropriations Act of 2006  
R-9 Tracking #: 06-069

- a. PERSONNEL – N/A
- b. FRINGE BENEFITS – N/A
- c. TRAVEL – N/A
- d. EQUIPMENT – N/A
- e. SUPPLIES – N/A
- f. CONTRACTUAL

ITEM	PROCUREMENT METHOD	TOTAL
Construction Contract	Competitive Proposals	\$868,909
<b>f. CONTRACTUAL TOTAL</b>		<b>\$868,909</b>

- g. CONSTRUCTION – N/A
- h. OTHER – N/A

<b>i. TOTAL DIRECT COSTS</b>	<b>\$ 868,909</b>
<b>j. INDIRECT COSTS</b>	
<b>k. TOTAL PROPOSED COSTS</b>	<b>\$ 868,909</b>
<b>FEDERAL FUNDS REQUESTED</b>	<b>\$ 477,900</b>
<b>RECIPIENT SHARE (MATCH)</b>	<b>\$ 391,009</b>
<b>RECIPIENT SHARE OF TOTAL PROPOSED COSTS</b>	<b>45%</b>
<b>FEDERAL SHARE OF TOTAL PROPOSED COSTS</b>	<b>55%</b>

 <p><b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b></p> <p>Assistance Amendment</p>	<b>ASSISTANCE ID NO.</b>			<b>DATE OF AWARD</b> 05/22/2009
	<b>PRG</b> XP	<b>DOC ID</b> 96981301	<b>AMEND#</b> - 1	
	<b>TYPE OF ACTION</b> No Cost Amendment			<b>MAILING DATE</b> 05/22/2009
	<b>PAYMENT METHOD:</b> Reimbursement			<b>ACH#</b>
<b>RECIPIENT TYPE:</b> Municipal		<b>Send Payment Request to:</b> Las Vegas Finance Center, Fax (702) 798-2423		
<b>RECIPIENT:</b> San Francisco Public Utilities Commission 1155 Market Street 4th Floor San Francisco, CA 94103 EIN: 94-6000417		<b>PAYEE:</b> SFPUC-San Francisco Public Utilities Commission 1155 Market Street 4th Floor San Francisco, CA 94103		
<b>PROJECT MANAGER</b> Molly Petrick 1155 Market Street 4th Floor San Francisco, CA 94103 E-Mail: <a href="mailto:mpetrick@sfwater.org">mpetrick@sfwater.org</a> Phone: 415-934-5767	<b>EPA PROJECT OFFICER</b> Luisa Valiela 75 Hawthorne Street, WTR-3 San Francisco, CA 94105 E-Mail: <a href="mailto:Valiela.Luisa@epamail.epa.gov">Valiela.Luisa@epamail.epa.gov</a> Phone: 415-972-3400	<b>EPA GRANT SPECIALIST</b> Danielle Carr Grants Management Office, MTS-7 E-Mail: <a href="mailto:Carr.Danielle@epa.gov">Carr.Danielle@epa.gov</a> Phone: 415-972-3871		
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> WATER INFRASTRUCTURE - Cesar Chavez Sewer Improvements This agreement hereby extends the budget and project period ending dates from March 31, 2009 to March 31, 2011. There is no change in the total federal funding amount of \$477,900 and total project cost of \$868,909. All Terms and Conditions remain in full force and effect.				
<b>BUDGET PERIOD</b> 08/01/2006 - 03/31/2012	<b>PROJECT PERIOD</b> 08/01/2006 - 03/31/2012	<b>TOTAL BUDGET PERIOD COST</b> \$868,909.00	<b>TOTAL PROJECT PERIOD COST</b> \$868,909.00	
<b>NOTICE OF AWARD</b>				
Based on your application dated 05/26/2009, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$. EPA agrees to cost-share 55.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 477,900. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.				
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>		<b>AWARD APPROVAL OFFICE</b>		
<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105		<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 9 Water Division, WTR-1 75 Hawthorne Street San Francisco, CA 94105		
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>				
<b>SIGNATURE OF AWARD OFFICIAL</b> Digital signature applied by EPA Award Official	<b>TYPED NAME AND TITLE</b> Carolyn Truong, Grants Management Officer		<b>DATE</b> 05/22/2009	
<b>AFFIRMATION OF AWARD</b>				
<b>BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION</b>				
<b>SIGNATURE</b> 	<b>TYPED NAME AND TITLE</b> Tommy Moala, AGM Wastewater Enterprise		<b>DATE</b> 4.21.2010	





# SAN FRANCISCO PLANNING DEPARTMENT

## Mitigated Negative Declaration

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**Date:** December 2, 2009; amended on January 13, 2010  
(Amendments to PMND are shown as deletions in ~~striketrough~~;  
additions in double-underline.)

**Case No.:** 2009.0276E

**Project Title:** Cesar Chavez Street Sewer System Improvement Project

**BPA Nos.:** not applicable, in public right-of-way

**Zoning:** not applicable, in public right-of-way

**Block/Lot:** not applicable, in public right-of-way

**Lot Size:** not applicable, in public right-of-way

**Project Sponsor:** San Francisco Public Utilities Commission (SFPUC)  
1155 Market Street, 11th Floor, San Francisco, CA 94103  
Debra Lutske – (415) 554-3113

**Lead Agency:** San Francisco Planning Department

**Staff Contact:** Michael Jacinto – (415) 575-9033  
*michael.jacinto@sfgov.org*

### PROJECT DESCRIPTION

The project sponsor, the San Francisco Public Utilities Commission (SFPUC), is proposing the Cesar Chavez Street Sewer System Improvement Project (project). The San Francisco Planning Department is the lead agency under the California Environmental Quality Act (CEQA). The project includes improvements to existing sewer pipelines in the Mission District and lower Bernal Heights area (project area) in the City and County of San Francisco (City) to improve reliability of the combined sewer system and to minimize potential flooding in the project area. The project alignment spans Cesar Chavez Street from Hampshire Street to San Jose Avenue, Harrison Street from Cesar Chavez Street to 26th Street, Valencia Street between Cesar Chavez and Mission Streets, Mission Street at the intersection of Cesar Chavez Street and Fair Avenue, Tiffany Avenue at the intersection of Valencia Street and Duncan Street, Fair Avenue from Mission Street to Coleridge Street, Coleridge Street from Fair Avenue to Coso Avenue, and Coso Avenue from Coleridge Street halfway to Mirabel Avenue. The project would include installation of a new 72-inch to 84-inch diameter auxiliary sewer beneath Cesar Chavez Street, relining of the existing sewer under Cesar Chavez Street, and replacement of the existing sewers along other project streets with larger diameter pipelines to meet a 5-year storm design standard.

The proposed project would be located within the City's street rights-of-way which are under Department of Public Works (DPW) jurisdiction. The overall project construction schedule would be approximately 22 months, from May, 2010 through February, 2012 depending on weather. All new sewer work, with the exception of rehabilitation of existing sewers beneath Cesar Chavez Street, is anticipated to be completed in 14 to 16 months. The sewer lining work that is part of the rehabilitation of the existing brick sewer beneath Cesar Chavez Street between Hampshire Street and Valencia Street is anticipated to be completed in approximately a 4- to 5-month period towards the end of the overall construction schedule.

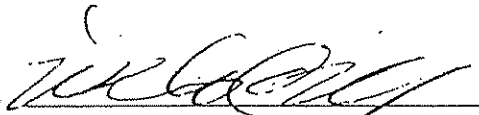
\* To view full document  
Request file # 100930

**FINDING:**

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

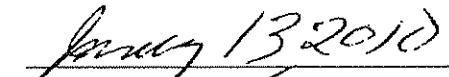
Mitigation measures are included in this project to avoid potentially significant effects. See individual resources sections for mitigation measures.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.



BILL WYCKO  
Environmental Review Officer

For John Rahaim, Director of Planning



Date of adoption of Final Mitigated  
Negative Declaration

cc: Distribution List, Master Decision File and Debra Lutske, SFPUC

**Initial Study**  
**Planning Department Case No. 2009.0276E**  
**Cesar Chavez Street Sewer System Improvement Project**

A.	Project Setting.....	1
B.	Project Description.....	5
C.	Compatibility with Existing Zoning and Plans .....	14
D.	Summary of Environmental Effects .....	17
E.	Evaluation of Environmental Effects .....	17
	E.1 Land Use and Land Use Planning.....	17
	E.2 Aesthetics.....	20
	E.3 Population and Housing.....	24
	E.4 Cultural and Paleontological Resources.....	25
	E.5 Transportation and Circulation .....	39
	E.6 Noise.....	48
	E.7 Air Quality.....	62
	E.8 Wind and Shadow .....	76
	E.9 Recreation .....	76
	E.10 Utilities and Service Systems .....	77
	E.11 Public Services.....	79
	E.12 Biological Resources.....	79
	E.13 Geology and Soils.....	82
	E.14 Hydrology and Water Quality.....	85
	E.15 Hazards and Hazardous Materials .....	90
	E.16 Mineral and Energy Resources .....	99
	E.17 Agricultural Resources.....	100
	E.18 Mandatory Findings of Significance .....	101
F.	Public Notice and Comment .....	112
G.	Determination .....	113
H.	Initial Study Authors and Project Sponsor.....	114
I.	References .....	116

**List of Figures**

Figure 1: Regional Vicinity Map.....	2
Figure 2: SFPUC Cesar Chavez Sewer Improvement Project.....	3
Figure 3: Project Construction Schedule.....	9
Figure 4: Construction Sequence for Open Trench Method .....	10
Figure 5: Land Use Map .....	19
Figure 6: Cesar Chavez Street Photographs.....	21
Figure 6: Cesar Chavez Street Photographs continued.....	22
Figure 7: Noise Measurement Locations .....	53
Figure 8: FEMA 100 Year Flood Map.....	88

## List of Tables

Table 1: Proposed Pipeline Improvements .....	7
Table 2: Estimated Construction Spoil and Truck Trips .....	12
Table 3: Cesar Chavez Street Sewer System Improvement Project Estimated Construction- Related Trip Generation .....	41
Table 4: Typical Noise Levels in the Environment .....	50
Table 5: Reaction of People and Damage to Buildings for Continuous Vibration Levels .....	51
Table 6: Summary of Short-Term Noise Measurement Data – July 17, 2009 .....	54
Table 7: Vibration Source Levels for Construction Equipment .....	56
Table 8: Typical Ranges of Noise Levels at 50 Feet from Public Works Construction Sites (dBA Leq) .....	58
Table 9: Construction Noise Levels at 50 feet .....	59
Table 10: Maximum Project Construction-Related Air Pollutant Emissions in Pounds per Day .....	64
Table 11: GHG Reduction Measures in ARB Scoping Plan .....	71