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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2011 JUN -1 PM 1:14

TO: Office of the City Administrator
ATTN: P. Lamont Ewell
FROM: Public Works Agency
DATE: June 14, 2011

RE: **A Report and Resolution Authorizing the City Administrator or His Designee to Accept and Appropriate up to Two Hundred Thousand Dollars (\$200,000.00) from, and to Enter into an Agreement with the Bay Area Stormwater Management Agencies Association To Reimburse The City For Staff Costs Expended On the Clean Watersheds for a Clean Bay Project**

SUMMARY

A resolution has been prepared for City Council to authorize the City Administrator, or his designee, to enter into a contracting agreement with the Bay Area Stormwater Management Agencies Association (BASMAA) to accept and appropriate up to two hundred thousand dollars (\$200,000) to fund City staff to participate in a region-wide effort to identify, reduce and treat Poly Chlorinated Biphenyls (PCBs). This project is part of the Clean Watersheds for a Clean Bay Project (Clean Watersheds Project) and is funded through BASMAA by a United States Environmental Protection Agency (EPA) grant. The term of the contracting agreement with BASMAA is through July 2014 and corresponds with the grant timeline. Council approval to enter into a contracting agreement with BASMAA is necessary in order to receive reimbursement for the City staff time in assisting this project.

FISCAL IMPACT

The City of Oakland will incur no project costs other than staff time, which is estimated to be minimal. This agreement will provide reimbursement for those staff costs.

BACKGROUND

The Ettie Street Watershed in the City of Oakland has been identified as an area containing elevated PCBs. The PCBs are attached to the local sediments and while the concentrations are low enough that they pose little human health risk, they do pose a risk to marine life once stormwater picks up the sediment laden with PCBs and carries them to the Bay. Further, PCBs in the Bay concentrate in fish and those fish become harmful for human consumption.

In 2001, the City of Oakland received a grant from the State Water Quality Control Board that funded inspections and sampling to identify PCB sources in the Ettie Street watershed as well as identification of potential mitigation efforts. Additionally, before the grant was completed the City of Oakland completed several pilot mitigation efforts including enforcement activities on private properties, power street washing, and inlet cleaning to collect and remove the PCBs.

Item: _____
Public Works Committee
June 14, 2011

In October 2009, the Regional Water Quality Control Board issued a new Municipal Regional Stormwater NPDES Permit that requires the implementation of PCB reduction strategies, including clean up of local on-land PCB sources and the capture and treatment of PCB-contaminated runoff. In response to the new requirements, BASMAA applied for and received \$5 million in EPA funding to conduct the Clean Watersheds Project, a multi-year, regional effort to reduce PCBs in San Francisco Bay.

The City of Oakland needs to continue implementing PCB reduction efforts in order to meet the new regulatory requirements.

KEY ISSUES AND IMPACTS

Participation in the Clean Watersheds Project will help the City comply with the new regulatory requirements and as a participating municipality, grant funds have been allocated to reimburse City staff for their time. The amount of grant funds allocated for the reimbursement of staff time is likely to vary based on the specific activities and projects that are implemented as part of the Clean Watersheds project. The City of Oakland has been initially allocated a total of \$100,000.00. However, additional funds may be provided if additional City staff time is required. Approval of this contracting agreement will allow the City to receive reimbursement for City staff time for up to \$200,000.00.

PROJECT DESCRIPTION

As a participating municipality in the Clean Watersheds Project, the City of Oakland will be reimbursed for the following activities:

- assistance with the identification and soil sampling of parcels in the Ettie Street area that have potential for elevated PCB levels and subsequent referral to the Water Quality Control Board and other state agencies for regulatory action; and
- supplemental maintenance activities (beyond what is the customary level for permit compliance or city standards) associated with managing of sediment in the Ettie Street watershed such as supplemental street sweeping, power washing, clearing of sediment in detention basins, etc.

Under the current funding allocation, the BASMAA contract would reimburse for City staff expenditures up to \$100,000.00. More funds may become available as the specific project sites and types are selected.

SUSTAINABLE OPPORTUNITIES

- **Economic** – Reduction in PCBs will create a cleaner, healthier City; attracting new businesses and provide new tax revenues.
- **Environmental** - The agreement will improve water quality and habitat values throughout Oakland and the San Francisco Bay by preventing PCBs from entering the waterways.

- **Social Equity** - Reduction of PCBs will reduce the risk associated with the recreational and subsistence catching and eating of fish from the Bay.

DISABILITY AND SENIOR CITIZEN ACCESS

State and Federal disability regulations will be implemented in the design and development of these projects.

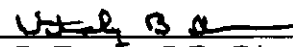
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council authorize the City Administrator, or his designee, to enter into a contracting agreement with BASMAA to allow the acceptance and appropriation of up to two hundred thousand dollars (\$200,000.00) as reimbursement to City staff for providing assistance to the Clean Watersheds project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

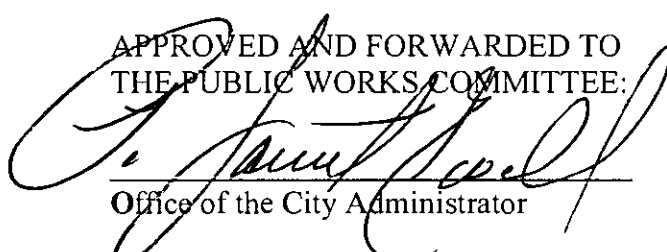


Vitaly B. Troyan, P.E., Director
Public Works Agency

Reviewed by:
Mike Neary, P.E., Assistant Director,
PWA, Department of Engineering and Construction

Prepared by:
Lesley Estes, Supervisor
Watershed and Stormwater Management

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:

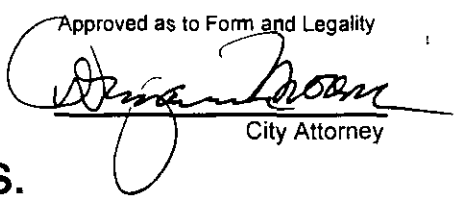


Office of the City Administrator

FILED
OFFICE OF THE CITY CLERK
OAKLAND, CALIF.

2011 JUN -1 PM 1:16

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FROM, AND TO ENTER INTO AN AGREEMENT WITH, THE BAY AREA STORMWATER MANAGEMENT AGENCIES ASSOCIATION TO REIMBURSE THE CITY FOR STAFF COSTS EXPENDED ON THE CLEAN WATERSHEDS FOR A CLEAN BAY PROJECT

WHEREAS, the City of Oakland seeks to enter into an agreement with the Bay Area Stormwater Management Agencies Association; and

WHEREAS, Bay Area Stormwater Management Agencies Association has received a grant from the United States Environmental Protection Agency to conduct the Clean Watersheds for a Clean Bay project, a region-wide effort to identify, reduce and treat Poly Chlorinated Biphenyls (PCBs); and

WHEREAS, the Bay Area Stormwater Management Agencies Association has currently allocated at least one hundred thousand dollars (\$100,000.00) in funding to reimburse City Staff to participate in the Clean Watersheds for a Clean Bay Project; and

WHEREAS, the Bay Area Stormwater Management Agencies Association will increase funding allocations as funding becomes available; and

WHEREAS, the agreement will provide reimbursement for City staff costs expended on the Clean Watersheds for a Clean Bay project; and

WHEREAS, the City of Oakland will incur no project costs other than staff time; and

WHEREAS, the elements in this agreement will help the City of Oakland meet regulatory State and Regional Water Board requirements to implement a PCB reduction effort in San Francisco Bay; and

WHEREAS, the activities in this agreement will help meet Council goals to develop a sustainable city and to foster livable neighborhoods; now, therefore, be it

RESOLVED: That the City Council hereby approves the application and acceptance of up to \$200,000.00 from the Bay Area Stormwater Management Agencies Association to be used to reimburse the City for staff time spent on the Clean Watersheds for a Clean Bay project; and be it

FURTHER RESOLVED: That the City Council hereby approves the acceptance and appropriation of these funds for staff time spent on the region-wide effort to identify, reduce and treat PCBs in the Bay Area; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or his designee to enter into an agreement to accept the staff time reimbursements provided and that said agreement shall be reviewed and approved for form and legality by the City Attorney's Office and shall be filed with the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is authorized to negotiate, execute and amend an agreement with the Bay Area Stormwater Management Agencies Association and any amendments or change orders thereto.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

HOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California