




# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** G. Harold Duffey  
Director, Oakland Public  
Works

**SUBJECT:** Acceptance and Appropriation of  
Caltrans Funds For Cary Avenue Full  
Trash Capture Project

**DATE:** May 23, 2022

City Administrator Approval 

Date: Jun 6, 2022

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution (1) Authorizing The City Administrator To: (A) Apply For, Accept, And Appropriate Funding From The California Department Of Transportation (Caltrans) For The Cary Avenue Full Trash Capture Project (Project) In An Amount Not To Exceed Three Million, Two Hundred Thousand Dollars (\$3,200,000.00) And (B) Enter Into A Cooperative Implementation Agreement With Caltrans To Implement The Project; And (2) Adopting Appropriate California Environmental Quality Act Findings.**

## **EXECUTIVE SUMMARY**

Approval of the proposed resolution will authorize the City Administrator to apply for, accept, and appropriate funding for the Cary Avenue Full Trash Capture Project (Project) near Edes Avenue in East Oakland, to enter into a Cooperative Implementation Agreement (Cooperative Agreement) with Caltrans (**Attachment A**) to implement the Project, and to adopt the appropriate California Environmental Quality Act (CEQA) Findings. The Project will install a Full Trash Capture (FTC) device known as a hydrodynamic separator unit that will prevent trash from reaching San Leandro Creek and the San Francisco Bay, which will help the City meet water quality trash discharge reduction regulations.

## **BACKGROUND / LEGISLATIVE HISTORY**

The City of Oakland (City) is subject to the San Francisco Bay Regional Water Quality Control Board's (Water Board) National Pollutant Discharge Elimination System (NPDES), Municipal Regional Stormwater Discharge Permit (MRP). A new iteration of the MRP is expected to take effect July 1, 2022. Under the updated MRP, known as MRP 3.0, cities within the MRP jurisdiction will be required to reduce the amount of trash discharging from their storm drain systems by 90 percent by June 30, 2023, and by 100 percent by June 30, 2025, from baseline trash levels established in 2009. MRP 3.0 will phase out compliance credits constituting 35 percent of the City's current trash reduction credit, including the 10 percent credit for existing

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source control (i.e., single-use plastic bag and polystyrene bans), the 10 percent creek and shorelines cleanup credit, and the 15 percent Direct Trash Discharge Control Program credit. Once installed, the Project will recoup a 4.3 percent trash reduction credit by capturing trash in stormwater from 739 acres of land (**Attachment B**). This will prevent significant amounts of trash from entering the San Leandro Creek and the San Francisco Bay and will help the City comply with the more stringent MRP 3.0 requirements. Caltrans will also receive trash reduction credits from the Water Board for funding the Project under their similar NPDES stormwater permit that requires Caltrans to reduce trash in their right-of-way areas.

The Project is listed as project number 256, Large Trash Capture Installation in East Oakland, on page 133 (page 138 of the pdf) of the unfunded section of the fiscal years 21-23 Capital Improvement Program report (see <https://cao-94612.s3.amazonaws.com/documents/FY-21-23-Adopted-CIP-Book-9.29.21.pdf>).

### **ANALYSIS AND POLICY ALTERNATIVES**

Implementing the Project will advance Oakland's citywide priority of vibrant, sustainable infrastructure by funding the \$3,200,000.00 costs to purchase and install a large FTC device to help achieve clean water environmental protections and compliance with MRP requirements. The new FTC device will prevent significant amounts of trash from entering San Leandro Creek and the San Francisco Bay.

Meeting the trash reduction requirements set forth by the Water Board in the MRP requires a significant financial investment and becomes increasingly challenging and costly as the easier projects and programs that provide reduction credit have already been implemented. The City has limited funds for implementing projects that meet these regulatory requirements and is therefore seeking opportunities for collaborations or grants to defray these costs.

Where feasible, it is effective to meet the required trash reduction targets by installing FTC devices. After installation, an FTC device will capture trash from a specific area of the City which is mapped to quantify the associated trash load reduction credit. As long as the device is maintained and operational, the MRP compliance credit remains in effect. FTC devices include storm drain inlet screens, hydrodynamic separator units, and properly designed green stormwater infrastructure facilities.

The Project will utilize a hydrodynamic separator, which is a buried vault in the storm drain line that separates out and captures any trash larger than 5 millimeters. The device also traps sediment and oil and grease from stormwater runoff.

The placement of the Project's FTC device will treat stormwater from 739 acres. The one-device-to-many acres-treated approach eliminates the need for siting, installation, and maintenance of many smaller FTC devices and other trash removal methods otherwise required to achieve the same trash removal outcomes.

Once installed, the hydrodynamic separator unit will continually capture trash and prevent it from causing damage downstream. Periodic regular maintenance is required for the ongoing

operation and permit compliance credit from the Water Board. The City has installed 11 such devices throughout the City, including in East Oakland, along the waterfront, and around Lake Merritt. None of the devices have yet required any service other than regular maintenance. For this device, the City will be responsible for vacuuming out the accumulated debris twice yearly, estimated at \$2,400 annually.

The Caltrans Project funding is only available to the City if the Cooperative Agreement is executed by June 30, 2022. The Caltrans funding will pay for City staff time to manage the Project. Pursuant to the Cooperative Agreement, Caltrans will be funding the design and construction of the Project in an amount not-to-exceed \$3,200,000.00. Caltrans will reimburse the City for eligible Project expenditures as follows: 1) \$2,200,000.00 must be spent by the City by June 30, 2024, and 2) \$1,000,000 must be spent by June 30, 2025.

By entering into a Cooperative Agreement with Caltrans, \$3,200,000.00 in capital funding will be provided for the Project's design and construction costs and the City will receive 4.3 percent trash load reduction credit. The City and Caltrans selected the Project location on Cary Avenue near Edes Avenue as the site that will provide the most trash capture reduction credit in an area of mutual benefit. The Project is estimated to be constructed by September 2024.

The Project will help the City comply with the MRP. Failure to comply with the MRP raises the risk of fines and violations and third-party lawsuits.

### **FISCAL IMPACT**

Funds for this Project will be accepted and appropriated as follows: \$3,200,000.00 into California Department of Transportation Fund (2140), Storm Drainage Account (57414), Watershed Engineering and Design Organization (92245), Project number to be determined.

The City will assume the operations and maintenance for the device. Annual operations and maintenance costs are estimated at approximately \$2,400 per year. The funds for this component of the project are budgeted and available in Storm Drainage Maintenance Organization (30532).

### **PUBLIC OUTREACH / INTEREST**

The construction of the Project will include notifying adjacent properties of pending construction. Public outreach will be conducted in accordance with City language access policies. Public outreach will include information about Oakland's multi-pronged approach to a clean City, both with engineering solutions that are largely unseen in the storm drain system such as the proposed hydrodynamic separator FTC device, and with Oaktown PROUD on-land trash reduction measures such as illegal dumping removal, street sweeping, environmental education campaigns, business inspections and enforcement, and volunteer cleanups.

Staff will share project progress with interested parties and promote the project on the City of Oakland website and social media channels.

## **COORDINATION**

The Project has been coordinated with Caltrans and Oakland Public Works Storm Drainage Maintenance. This report and resolution have been reviewed by the Office of the City Attorney and the Budget Bureau.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** Funding from Caltrans will fully cover the cost of design and installation of a new stormwater FTC device. The implementation of this cooperative project will facilitate the City meeting regulatory requirements with a much lower financial commitment than if the City were to implement a similar project on its own. Compliance with regulations also mitigates risk of penalty fines and legal action for violation.

**Environmental:** The project will prevent a significant amount of trash and other water quality pollutants from entering San Francisco Bay by removing them from the storm drain system. In particular, this Project will improve water quality and shoreline conditions of San Leandro Creek and Bay and along Martin Luther King Jr. Regional Park, home to one of the largest populations of ridgeway rail, a federally endangered bird species. San Leandro Bay's wetlands and open water areas are habitat to myriad birds, fish, and other wildlife and are part of the internationally recognized San Francisco Bay Wetlands of International Importance (see <https://rsis.ramsar.org/ris/2097>).

**Race & Equity:** The Project is within a neighborhood mapped as the highest priority for investment by the City of Oakland to achieve racial equity (see the OakDOT Geographic Equity Toolbox, <https://www.oaklandca.gov/resources/oakdot-geographic-equity-toolbox>). Reduced trash flows from the storm drain system will improve water quality, aesthetics, and health of nearby downstream water bodies and shorelines within the Coliseum Airport Planning Area, mapped as having one of the highest percentages of pollution burden by the CalEnviroScreen and within high priority racial equity investment areas for the City of Oakland. Reducing trash and water pollutant inputs to nearby and neighborhood visited San Leandro Creek and Bay and the Martin Luther King Regional Shoreline Park will contribute to the enjoyment and health for people visiting, recreating, and/or fishing in those places.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The Project is exempt from CEQA, pursuant to CEQA Guidelines Section 15301 (Alteration/Minor Addition to Existing Facilities) because it is a minor alteration project to existing, publicly-owned utilities involving negligible or no expansion of an existing use.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution (1) Authorizing The City Administrator To: (A) Apply For, Accept, And Appropriate Funding From The California Department Of Transportation (Caltrans) For The Cary Avenue Full Trash Capture Project (Project) In An Amount Not To Exceed Three Million, Two Hundred Thousand Dollars (\$3,200,000.00) And (B) Enter Into A Cooperative Implementation Agreement With Caltrans To Implement The Project; And (2) Adopting Appropriate California Environmental Quality Act Findings.

For questions regarding the Cary Avenue Full Trash Capture Project, please contact Terri Fashing, Acting Watershed and Stormwater Management Division and DD Program Manager, at (510) 238-7276.

Respectfully submitted,



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G. HAROLD DUFFEY  
Director, Public Works

Reviewed by:

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of Design & Construction

Prepared by:

Terri Fashing, Acting Watershed and  
Stormwater Division and DD Program Manager  
Watershed and Stormwater Management  
Division

Attachments (2):

- A: Draft Cooperative Agreement between Caltrans and City
- B: Map of Project location and stormwater treatment area

