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OFFICE OF THE CITY CLERK
OAKLAND

AGENDA REPORT

2016 DEC 28 PM 3:26

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director, Public Works

SUBJECT: EPA Coalition Brownfields Grant

DATE: December 9, 2016

City Administrator
Approval

Date

12/26/16

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate One Hundred Ten Thousand Dollars (\$110,000.00) From A United States Environmental Protection Agency (USEPA) Coalition Grant Under The Brownfields Grant Program For Assessment Of Petroleum Products And Hazardous Substances In Soil And Groundwater In The International Boulevard Corridor And Execute A Memorandum Of Agreement With The East Bay Brownfields Assessment Grant Coalition.

EXECUTIVE SUMMARY

City Council approval will authorize the City Administrator to accept and appropriate \$110,000 in funds from a United States Environmental Protection Agency (EPA) Coalition Brownfields Program petroleum products and hazardous substances assessment grant for the International Boulevard Corridor and adjacent Bay Area Rapid Transit (BART) stations. The Coalition includes Alameda County, the Association of Bay Area Governments (ABAG), and the cities of Oakland, San Leandro, and Hayward. The Coalition members will share \$550,000 in grant funds from USEPA. As required by USEPA coalition grant guidelines, in order to utilize the grant funds the Coalition members must enter into a Memorandum of Agreement (MOA) to document the roles and responsibilities of the Coalition members. Staff requests City Council to authorize the City Administrator to execute the MOA. Grant monies will be used for professional investigations of known or suspected contamination. The results of the investigations will be used to assess properties for acquisition or redevelopment.

BACKGROUND/LEGISLATIVE HISTORY

EPA has made Brownfields Assessment Grants available since 1995 to assist recipients with the identification and characterization of contaminants at sites that are abandoned or underutilized. The City has received 10 prior awards totaling 2 million dollars. The three most recent awards include: a \$200,000 Hazardous Substances Assessment Grant for the Foothill Boulevard-Seminary Avenue Area (Resolution No. 82172 C.M.S.); a \$200,000 Hazardous Substances Assessment Grant for the West Oakland Area (Resolution No. 82173 C.M.S.); and

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January 10, 2017

a \$200,000 Community-Wide Petroleum Substances Assessment Grant for the West Oakland Area (Resolution No. 82174 C.M.S.). The grant funds for the International Boulevard Corridor Site will come from USEPA's annual budget for Brownfields grants.

ANALYSIS AND POLICY ALTERNATIVES

The Department of Economic and Workforce Development has been working closely with ABAG on the East Bay Corridor Initiative (EBCI) as an implementation strategy for realizing sustainable, resilient, equitable growth and development in communities between Pinole and Fremont, with a focus on Priority Development Areas (PDAs). One method for advancing the activities of the EBCI was to apply for EPA Coalition grants. To meet the USEPA's Coalition Grant requirements, ABAG and the cities of Oakland, San Leandro, and Hayward agreed to submit for the grant as a Coalition. The grant awarded to the East Bay Brownfields Grant Coalition is for a three-year period. Grant work will primarily consist of environmental assessments and evaluation of remedial solutions.

Environmental site assessments identify and characterize contaminants, and typically involve an analysis of a site's historical uses, collection of soil and groundwater data, and recommendations for any cleanup necessary. The environmental site assessment is a key initial step toward cleanup and redevelopment of abandoned or underutilized lands. In addition, in order to invoke full liability protection against regulatory action associated with existing contamination, professional environmental site assessments compliant with EPA's "All Appropriate Inquiry" standard must be conducted prior to acquisition of a property.

EPA's annual Brownfields Program allocation is funding a grant for the International Boulevard Corridor Site for a total amount of \$550,000. The Coalition members will share this grant amount. The City's share is estimated to be \$110,000. The City acting through its Public Works, Environmental Services Division (ESD) will receive grant funds as reimbursements for activities completed. The complete area of the Coalition's site includes a 15-mile corridor known as International Boulevard in Oakland, East 14th Street in San Leandro, and Mission Boulevard in unincorporated Alameda County and Hayward, as well as five adjacent BART stations. To evaluate potential sites for acquisition or redevelopment, staff must ascertain the level of contamination and the associated liability.

The Coalition will develop a site selection process based on agreed upon factors and will ensure that a minimum of five sites (at least one per Coalition member) are assessed over the life of the cooperative agreement. Coalition members will each submit a list of priority sites for the areas they represent. Selected sites will also be submitted to the EPA to ensure eligibility. In addition to addressing health and safety concerns, EPA criteria for prioritizing sites typically includes the relative potential for redevelopment. In order to identify potential sites for assessment work in Oakland, the City will seek recommendations from community groups, local non-profit organizations and the City's Office of Economic and Workforce Development.

The grant is a "community-wide" assessment grant, as such, funds from these grants may be used at any site within the International Boulevard grant corridor that is approved by the USEPA Grants Officer and where the City has legal right-of-entry.

FISCAL IMPACT

The City is not required to provide matching funds for the grant; however, of the available money, only the lead Coalition member (ABAG) will be charging staff time to the grants. The staff time will be used for the management of the grant including submittals to the EPA. ABAG will operate as the fiscal agent for receiving reimbursement money from USEPA and distributing it to the Coalition members. The majority of the grant funds will be utilized for the performance of Phase I and II Environmental Assessments within the grant area. Each Coalition member is guaranteed at least one assessment from the grant. Depending on the number of sites assessed per coalition member, the City's portion of the grant may be greater than \$110,000.

ESD will act as the grant manager for the City. Grant monies will be received on a reimbursement basis and deposited into the Environmental Protection Agency Fund (2125), Environmental Compliance and Remediation Organization (30683), in project numbers to be determined.

PUBLIC OUTREACH/INTEREST

ESD will notify the Department of Economic and Workforce Development and the Coalition of the results of the assessment work. The Department of Workforce Development in coordination with ABAG will notify community groups and local non-profit organizations about the assessment work.

COORDINATION

In preparing the grant proposal, the Environmental Services Division coordinated with the Office of Economic and Workforce Development, the City Attorney's Office, the Controller's Bureau and the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: The assessment of potential soil and groundwater contamination will assist in the conversion of contaminated and blighted properties to productive use.

Environmental: Identification of contamination will facilitate cleanup that protects human health and environmental resources.

Social Equity. Projects supporting the redevelopment of contaminated locations will result in cleaner healthier neighborhoods for residents in these neighborhoods. The grant area includes identified communities of concern and will serve neighborhoods in the immediate vicinity by activating retail and commercial uses in neighborhoods that currently have few retail outlets.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution authorizing the City Administrator to accept and appropriate one hundred ten thousand dollars (\$110,000.00) from a United States Environmental Protection Agency coalition grant under the Brownfields grant program for assessment of petroleum products and hazardous substances in soil and groundwater in the International Boulevard Corridor and execute a memorandum of agreement with the East Bay Brownfields Assessment Grant Coalition.

For questions regarding this report, please contact Becky Dowdakin, Environmental Services Manager, at 238-6981.

Respectfully submitted,



BROOKE A. LEVIN
Director, Oakland Public Works

Reviewed by:
Susan Kattchee, Assistant Director
Oakland Public Works

Reviewed by:
Becky Dowdakin, Manager
Environmental Services Division

Prepared by:
Mark Arniola, Environmental Program Supervisor
Environmental Services Division

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OAKLAND

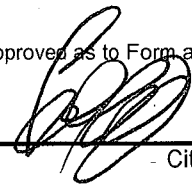
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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

Approved as to Form and Legality



City Attorney

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00) FROM A UNITED STATES ENVIRONMENTAL PROTECTION AGENCY COALITION GRANT UNDER THE BROWNFIELDS GRANT PROGRAM FOR ASSESSMENT OF PETROLEUM PRODUCTS AND HAZARDOUS SUBSTANCES IN SOIL AND GROUNDWATER IN THE INTERNATIONAL BOULEVARD CORRIDOR AND EXECUTE A MEMORANDUM OF AGREEMENT WITH THE EAST BAY BROWNFIELDS ASSESSMENT GRANT COALITION

WHEREAS, the City of Oakland (City) in cooperation with the other members of the East Bay Brownfields Assessment Grant Coalition, comprising the City of Hayward, the City of San Leandro, the County of Alameda, and the Association of Bay Area Governments (ABAG), has solicited financial support from the United States Environmental Protection Agency (USEPA) for environmental assessment work in the International Boulevard Corridor; and

WHEREAS, the EPA has awarded the East Bay Brownfields Assessment Grant Coalition (Coalition) \$550,000 in Brownfields Program funds to assist in the assessment of petroleum substances and hazardous substances (as defined by the federal Comprehensive Environmental Response, Compensation and Liability Act) in soil and groundwater in the International Boulevard Corridor; and

WHEREAS, the proposed environmental assessment work supports the Mayoral and City Council goal of a Sustainable City, and will help strengthen protection of public health while facilitating the cleanup and redevelopment of blighted properties; now, therefore be it

RESOLVED, That the City Council authorizes the City Administrator or her designee to execute an agreement with the USEPA and a Memorandum of Agreement (MOA) with the Coalition for the acceptance of grant funds for assessment of hazardous substances in soil and groundwater in the International Boulevard Corridor, provided that said agreement shall be reviewed and approved by the City Attorney's Office and shall be filed with the City Clerk's Office; and be it

FURTHER RESOLVED, That the City Council authorizes ABAG to act as the fiscal manager for the Coalition in order to receive reimbursement funds from USEPA and pass the funds onto the Coalition members; and be it

FURTHER RESOLVED, That the City Council acknowledges that the grant funds do not cover City staff costs; and be it

FURTHER RESOLVED, That the City Council authorizes the appropriation of grant funds in an amount up to \$110,000, to be received on a reimbursement basis and deposited into the Environmental Protection Agency Fund (2125), Environmental Compliance and Remediation Organization (30683), in a project to be established upon execution of the agreement with the EPA; and be it

FURTHER RESOLVED, That the City Administrator or designee is hereby authorized to approve any subsequent amendments or extensions of said agreement, provided that such amendments or extensions shall be approved by the City Attorney's Office and shall be filed with the City Clerk's Office. Should additional grant funds be received, the City Administrator is hereby authorized to appropriate same for the purposes described above within the three year grant term.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California