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OAKLAND

2012 APR 26 AM 9:50

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Stormwater Treatment Grant

DATE: March 28, 2012

City Administrator
Approval

Date

4-25-12

COUNCIL DISTRICTS: 3 and 5

RECOMMENDATION

Staff recommends adoption of this resolution authorizing the City Administrator or Her Designee to 1) accept and appropriate up to Five Hundred Thousand Dollars (\$500,000.00) of grant funds and 2) enter into an agreement with the Bay Area Stormwater Management Agencies Association (BASMAA) to use these grant funds to implement stormwater treatment projects to capture and treat Poly Chlorinated Biphenyls.

OUTCOME

Approval of this grant will provide funding of up to \$300,000.00 for the construction of up to eight stormwater treatment tree well units and up to \$200,000.00 for one trash capture device. These stormwater treatment projects are pilot projects designed to help improve understanding of how Poly Chlorinated Biphenyls (PCBs) are transported and what methods provide the most cost-effective capture and treatment of these pollutants. Implementation of these pilot projects will help the City meet the State of California Regional Water Quality Control Board's National Pollution Discharge Elimination System Permit requiring PCB-reduction strategies, including clean up of local, on-land sources and the capture and treatment of polluted runoff by June 1, 2014.

Stormwater treatment tree well units are placed in City sidewalk planting strips and are designed to remove PCBs from stormwater by trapping and treating the polluted stormwater runoff and sediments in the tree well soil media. A diagram showing the design of a typical tree well is shown in *Attachment A*. The proposed locations for the stormwater treatment tree well units (shown in *Attachment B*) were selected due to proximity to existing stormwater inlets, avoidance of utilities, consistency with the City's tree planting policy, and proximity to possible PCB locations.

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The stormwater trash control device will capture polluted sediment as a by-product of slowing the stormwater runoff to capture and remove trash. The location of the proposed trash capture device (shown in *Attachment C*) was chosen due to the surrounding land uses, proximity to possible PCB locations and anticipated volume of trash collected. Matching funds for the construction of the proposed trash capture device comes from an American Recovery and Reinvestment Act of 2009 (ARRA) grant through the State Water Resources Control Board, Resolution No. 82132 C.M.S.

BACKGROUND/LEGISLATIVE HISTORY

Former industrial areas and land near railroad tracks have been identified as areas containing potentially elevated PCB levels. The PCBs attach to local sediments and once stormwater picks up the sediment, any associated PCBs are carried to San Francisco Bay and pose a risk to marine life.

In 2009, the State of California Regional Water Quality Control Board issued a National Pollution Discharge Elimination System Permit requiring cities to implement PCB reduction strategies, including construction of pilot retrofit projects to capture and treat potentially contaminated runoff.

In response to the new stormwater requirements, BASMAA applied for and received \$5 million in funding from the United States Environmental Protection Agency to conduct the Clean Watersheds Project, a multi-year, regional effort to conduct PCB pilot projects. The City of Oakland was selected to participate in the regional effort. In June 2011, the Council accepted and appropriated up to \$200,000.00 in grant monies to fund City staff time to participate in the Clean Watersheds Project (Council Resolution No. 83418 C.M.S.). These grant funds pay for all the staff costs associated with planning, project management and construction oversight of the pilot PCB treatment activities including the proposed pilot PCB projects.

ANALYSIS

The City must meet the regulatory requirements mandated by the State of California Regional Water Quality Control Board to implement pilot PCB treatment activities by June 1, 2014. Acceptance of this agreement provides all the funds to conduct pilot PCB clean-up activities. Without this funding, no pilot PCB treatment projects would occur.

PUBLIC OUTREACH

City staff has discussed the stormwater treatment tree well units project with community groups in West Oakland including Urban Releaf, West Oakland Greening Initiative and San Pablo Community Coalition during the conceptual planning of this project. Further outreach will be conducted to these same neighborhood organizations during the engineering and design of these

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units. Staff will also provide advance notification to the property owners in the construction site area.

COORDINATION

Watershed and Stormwater Management staff within the Department of Engineering and Construction has coordinated with Public Works Storm Drain Operations, Right of Way Management and Tree Services staff during the conceptual planning of the stormwater treatment tree well units and the High Street trash capture device.

COST SUMMARY/FISCAL IMPACT

Up to \$500,000.00 will be accepted in grant funds from BASMAA and funding for this project will be appropriated to the Bay Area Stormwater Management Agency Association Fund (2159); Watershed and Stormwater Organization (30245); Watershed & Stormwater Program (NB34), in Project G444210, Account 92245. In 2015, after the establishment period, annual maintenance of the stormwater treatment tree wells will be incorporated into the ongoing stormwater inlet cleaning and servicing.

FISCAL/POLICY ALIGNMENT

Acceptance of these grant funds supports the Council goals of implementing sound financial management policies by providing an outside funding source to meet state mandated requirements to reduce PCBs and trash pollution. Installation of PCB treatment projects like the tree well units and trash capture device will provide for cleaner streets and sidewalks and support Council goals to foster livable neighborhoods.

SUSTAINABLE OPPORTUNITIES

Economic: Installing the pilot treatment projects will decrease the City's cost of meeting regulatory mandates and will stimulate the local economy through the construction contracts.

Environmental: Installing the pilot treatment projects will improve the water quality in Oakland and the San Francisco Bay by preventing pollutants from entering the stormwater system and flowing into San Francisco Bay. The projects will also provide tree canopies in the area for rainwater absorption and shade.

Social Equity: Installing the pilot treatment projects will result in a healthier, cleaner, and more attractive experience for Oakland residents and visitors.


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CEQA

Both the trash capture device and the stormwater treatment tree well units are categorically exempt under CEQA Section 15301, minor alterations to existing facilities and Section 15303, small structures.

For questions regarding this report, please contact Lesley Estes, Watershed and Stormwater Management Supervisor, (510) 238-7431.

Respectfully submitted,


VITALY P. TROYAN, P.E.
Director, Public Works Agency

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

Prepared by:
Lesley Estes, Supervisor
Watershed and Stormwater Management

Attachment A: Diagram of Tree Well Treatment Unit

Attachment B: Location of Proposed Stormwater Treatment Tree Well Units

Attachment C: Location of Proposed Trash Capture Device

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STORMWATER TREATMENT TREE WELL UNIT



Figure 1. Typical tree well, street view

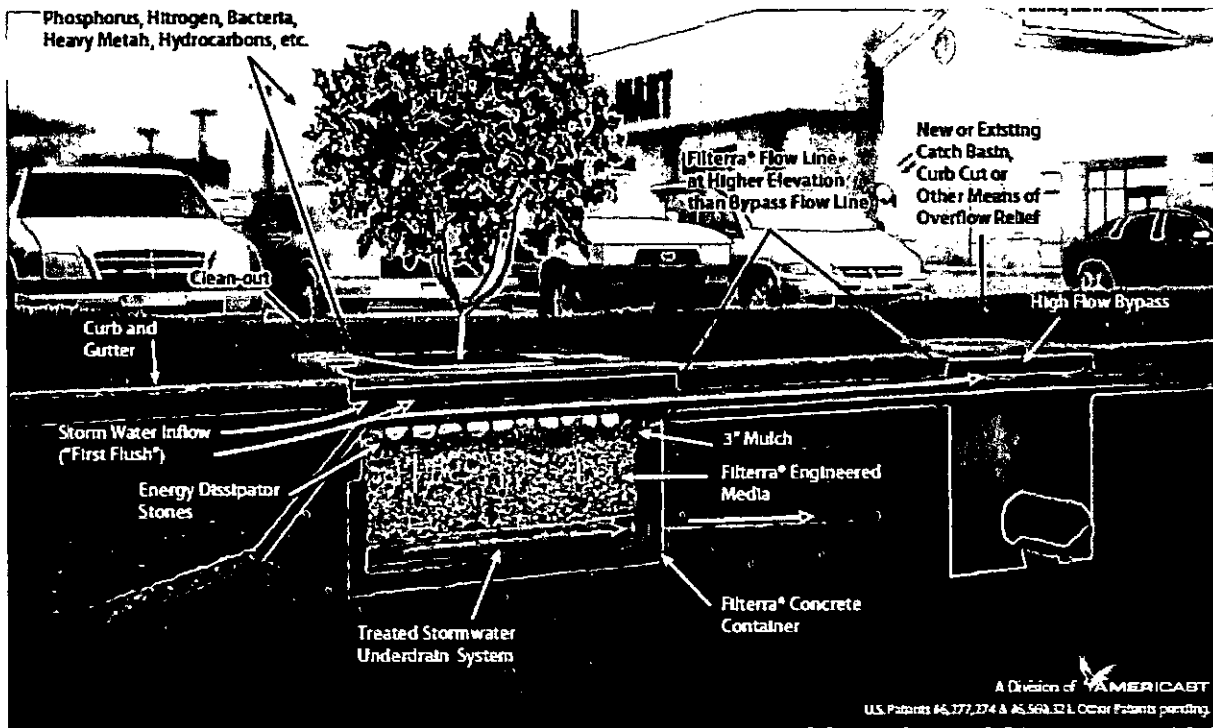
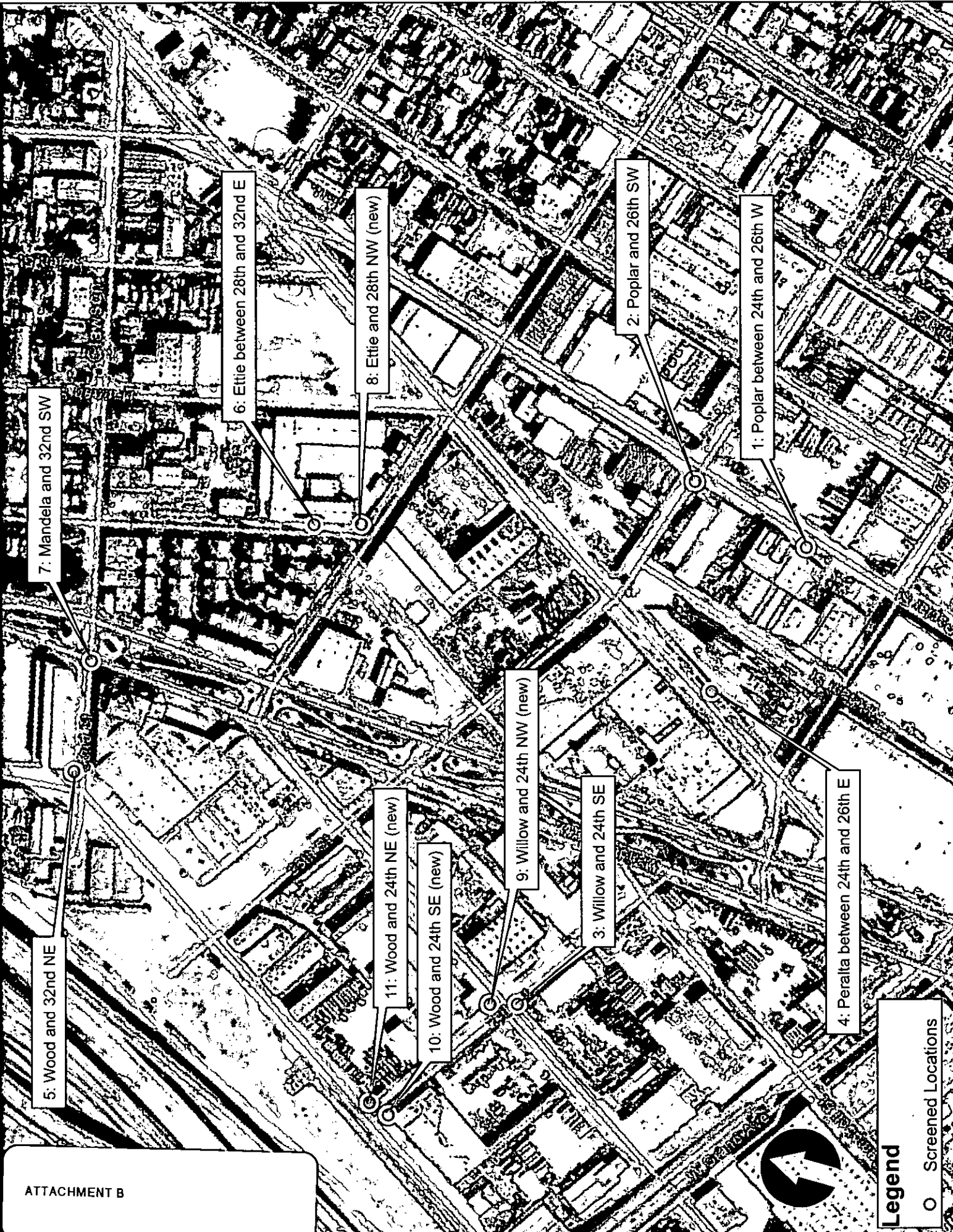


Figure 2. Schematic of Tree Well Treatment Unit

ATTACHMENT A



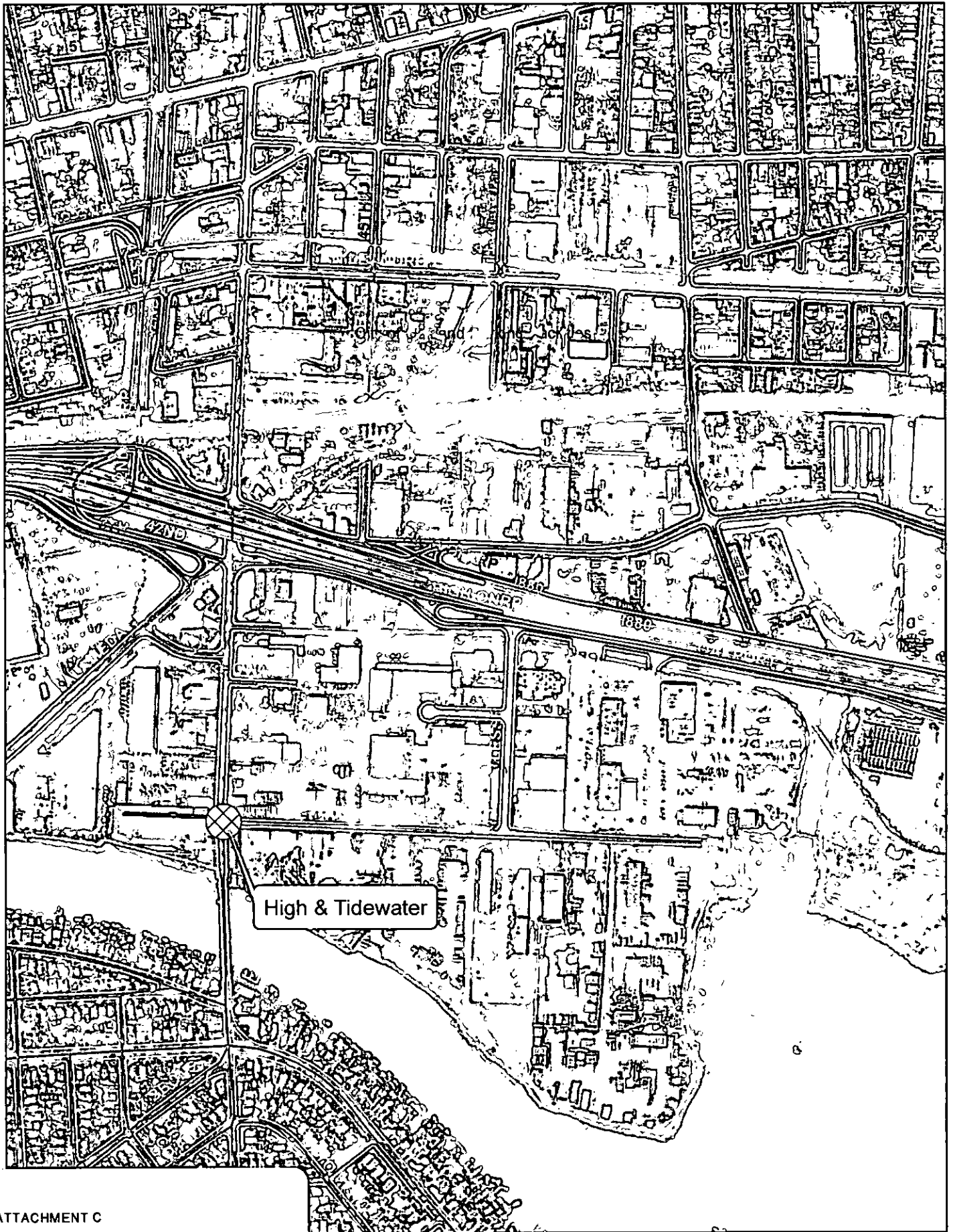
ATTACHMENT B



Legend

- O Screened Locations

High Street Trash Capture Device (proposed)



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OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO 1) ACCEPT AND APPROPRIATE UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) OF GRANT FUNDS AND 2) ENTER INTO AN AGREEMENT WITH THE BAY AREA STORMWATER MANAGEMENT AGENCIES ASSOCIATION (BASMAA) TO USE THESE GRANT FUNDS TO IMPLEMENT STORMWATER TREATMENT PROJECTS TO CAPTURE AND TREAT POLY CHLORINATED BIPHENYLS

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 up to five hundred thousand dollars (\$500,000.00) in funding to the City of Oakland to implement PCB treatment projects; and

WHEREAS, the City of Oakland has no available funds to conduct PCB reduction activities; and

WHEREAS, the Bay Area Stormwater Management Agencies Association funds will cover all costs for the PCB treatment activities; and

WHEREAS, the elements in this agreement will help the City of Oakland meet regulatory State of California and Regional Water Quality Control 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

\$500,000.00 from the Bay Area Stormwater Management Agencies Association to reimburse the City for PCB treatment activities and approves the appropriation of this money to the Bay Area Stormwater Management Agency Association Fund (2159), Watershed and Stormwater Organization (30245), Watershed & Stormwater Program (NB34), in Project G444210; and Account 92245; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or Her Designee to enter into an agreement to accept the funds 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 Her 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, _____, 2012

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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