

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA) LOAN FOR THE WATER RESOURCE RECOVERY FACILITY (WRRF) IMPROVEMENTS – PHASE II PROJECT, THE WRRF ADMINISTRATION AND LAB PROJECT AND THE PRIMARY EFFLUENT EQUALIZATION FACILITY PROJECT

WHEREAS, the City of Hayward (City) owns and operates a wastewater collection, treatment and disposal system, including the Water Resource Recovery Facility (WRRF), which treats an average flow of approximately eleven million gallons per day; and

WHEREAS, increasing nutrient (nitrogen) loadings in the Bay is a growing concern for the Bay Area water quality community, which has been discussed in both the first Nutrients Watershed Permit (issued 2014) and the Second Nutrients Watershed Permit (issued 2019); and

WHEREAS, in June 2020, the City completed a comprehensive Master Plan update, the WRRF Phase II Facilities Plan, to identify improvements required for the WRRF to upgrade its treatment process to incorporate nutrient reduction in the treated effluent to meet the upcoming regulatory requirements (Phase II Project); and

WHEREAS, on February 15, 2024, the Water Board issued a draft of the 3rd Nutrients Watershed Permit, which will be finalized and implemented by August 1, 2024, which would require the City to reduce nutrient loading to the Bay by 50% by May 1, 2034; and

WHEREAS, the main goal of the Phase II Project is to construct improvements necessary for nutrient removal in compliance with the Water Board's anticipated requirements in the 3rd Nutrients Permit; and

WHEREAS, in accordance with the Master Plan update, the City will also construct (i) a 21,800 square foot building housing a centralized administration building, main control room for WRRF operations, expanded laboratory facilities, SCADA and staff facilities (WRRF Administration and Lab Project) and (ii) a 3 MG primary effluent equalization facility and pump station (Primary Effluent Equalization Facility Project) at a new location in the WRRF, to improve the WRRF's hydraulic capacity and operability, and to clear space for the Phase II Project; and

WHEREAS, on July 19, 2022, the City entered into an agreement with Brown and Caldwell to design the Phase II Project, the WRRF Administration and Lab Project and the Primary Effluent Equalization Facility Project (Projects);; and

WHEREAS, the City will pursue financing for the Projects under the U.S. Environmental Protection Agency (USEPA) Water Infrastructure Finance and Innovation Act (WIFIA) program and may pursue financing under the California Clean Water State Revolving Fund (CWSRF) loan program, and also expects to issue revenue bonds, among other available financing vehicles; and

WHEREAS, as required by the USEPA WIFIA loan application, the Authorized Representative, or designee, must sign and file, for an on behalf of the City, a Financial Assistance Application, for a financing agreement from the USEPA for the planning, design, and construction of the Projects; and

WHEREAS, the Authorized Representative, or designee, is designated to provide assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the USEPA and any amendments or changes thereto; and

WHEREAS, the Authorized Representative, or designee, is designated to represent the City in carrying out the City's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City and compliance with applicable state and federal laws; and

WHEREAS, on December 12, 2023, Council authorized the City Manager to apply for the USEPA WIFIA Loan, in the amount up to \$200 million, for the Projects; and

WHEREAS, the total estimated costs of the Projects have been further refined and increased from \$410 million to \$530 million, which increases the total 49% eligible cost for WIFIA funding from \$200 million to \$260 million.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager, as the Authorized Representative, is hereby authorized to apply for the USEPA WIFIA Loan, in the amount up to \$260 million, for the Projects.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2024

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward