



DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Adopt Two Resolutions Authorizing the City Manager to: 1) Execute a Cooperative Implementation Agreement with Caltrans for the Arf Avenue and Tennyson Road Trash Capture Devices Not-to-Exceed \$3 Million; and 2) Negotiate and Execute an Agreement with Schaaf & Wheeler for Engineering Design Services Not-to-Exceed \$200,000

RECOMMENDATION

That Council adopts the attached resolutions (Attachments II and III) authorizing the City Manager to:

1. Negotiate and execute a Cooperative Implementation Agreement with Caltrans to fund the design and construction of two large trash capture devices on Arf Avenue and Tennyson Road to remove trash from stormwater with a cost not-to-exceed \$3 million to be funded by Caltrans; and
2. After the Agreement with Caltrans is executed, negotiate and execute a Professional Services Agreement with Schaaf & Wheeler for engineering services related to the installation of the two Trash Capture Devices not-to-exceed \$200,000 to be funded by Caltrans.

SUMMARY

To comply with the trash reduction requirements of the Municipal Regional Stormwater Permit (MRP), the City is collaborating with Caltrans to fund the design and construction of two large trash capture devices within the City’s storm drain system to capture trash before the waters flow to the San Francisco Bay. One device will be located at Arf Avenue near Hesperian Blvd and one at Tennyson Road near I-880. The two projects mutually benefit the City and Caltrans as the area treated by the two large trash capture devices includes City and Caltrans right of way (ROW). The cooperative implementation agreement includes execution of the projects by City staff with the project budget paid by Caltrans. The agreement with Caltrans will be executed prior to spending funds for the design or construction of the projects to ensure Caltrans will reimburse the City for all costs.

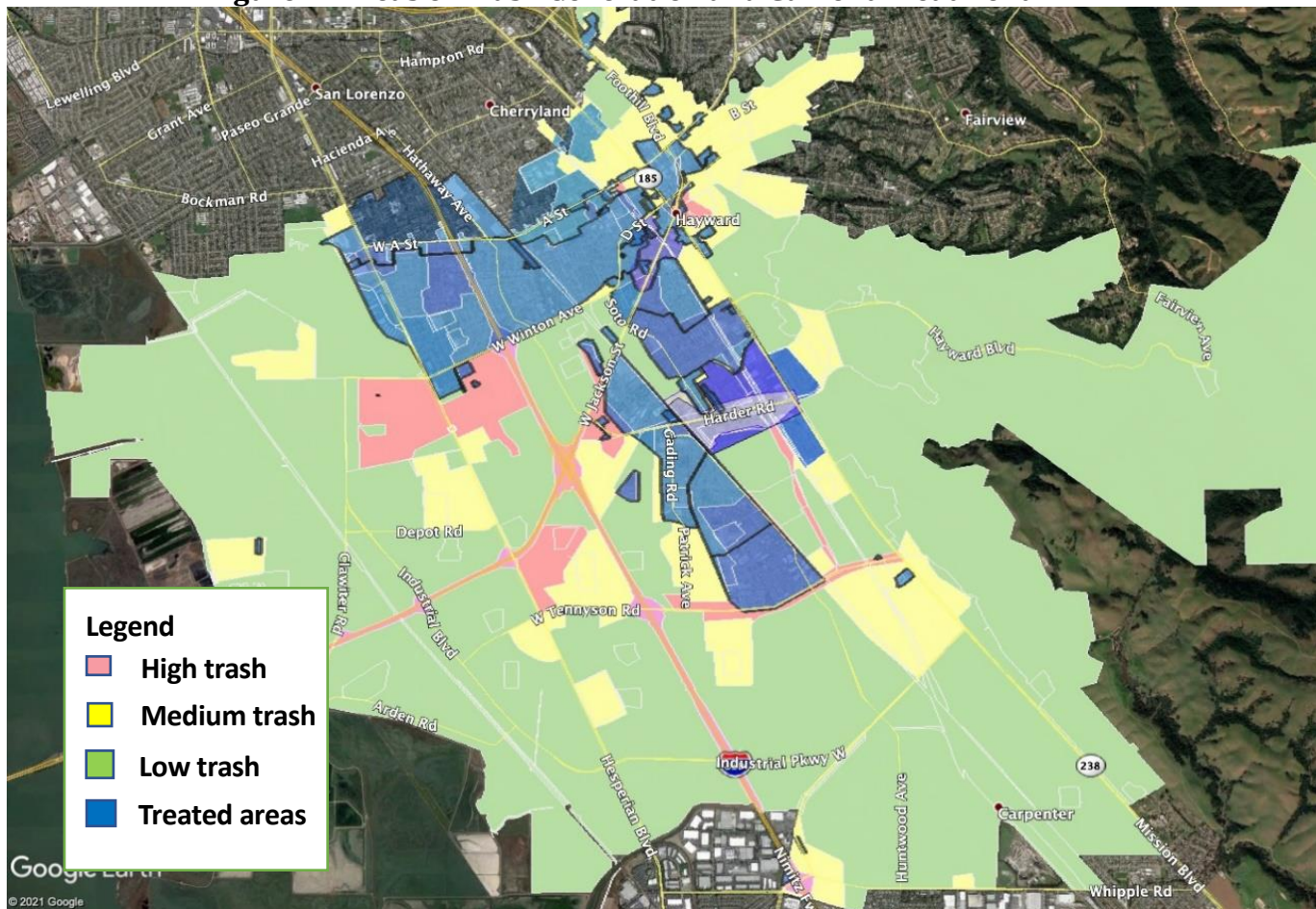
BACKGROUND

The National Pollution Discharge Elimination System (NPDES) program was established in 1972 by the Federal Clean Water Act (CWA). The NPDES program was amended in 1986 to regulate stormwater runoff and established a permitting structure for municipal discharge to the waters of the state. From 1990 to 2009 each municipality in the Bay Area was regulated under countywide stormwater permits with individual requirements specific to each county. On October 14, 2009 the first regional stormwater permit, the Municipal Regional Permit (MRP), was adopted by the San Francisco Bay Regional Water Quality Control Board. The MRP regulated municipalities within the counties of Alameda, Contra Costa, Santa Clara, San Mateo as well as the cities of Fairfield, Suisun, and Vallejo and the Vallejo Sanitation and Flood Control District. Municipalities and local agencies included in the MRP are referred to as 'Permittees'. The MRP is renewed about every five years and is currently on its second cycle (MRP 2.0).

Provision C.10 of the MRP includes the trash reduction requirements for Permittees to reduce all trash from stormwater systems to waters of the state by 100% by the year 2022. The City currently has 62% credit for trash reduction and is behind schedule for compliance. Included in the 62% are credits the City receives for trash reduction from trash capture devices in the storm drain infrastructure, for product bans such as the City's plastic bag and polystyrene bans, and for on-land pick up of trash in creeks and shorelines. Currently, the City owns more than 200 small trash capture devices installed in storm drain catch basins and two large underground trash capture devices installed in storm drainpipes located at Patrick Avenue and Tennyson Road.

Areas currently treated for trash using trash capture devices are highlighted in blue in Figure 1 below.

Figure 1. Areas of Trash Generation and Current Treatment



The yellow and pink highlighted areas are the remaining areas to treat for trash (yellow is medium generating trash areas and pink are high generating trash areas).

The MRP 3.0 draft is projected to be adopted July 1, 2022. As currently drafted, the trash reduction requirements are revised to extend the 100% trash reduction compliance to July 1, 2025, however, the draft also removes credit for product bans (plastic bag and polystyrene), which decreases the City's existing credit.

DISCUSSION

More trash capture devices will need to be installed in the City's storm drain system to make up credit lost from the product ban credit received in the past and to comply with the 100% trash reduction mandate by 2025. The two projects funded by Caltrans are scheduled to be installed in the next three years and will give the City approximately 10% credit toward our trash reduction goal. Table 1 below shows staff's plan to meet the mandate by 2025.

Table 1. Plan to Meet 100% Trash Reduction Requirement by 2025.

Year	Compliance Action	Credit
2020	200 small devices in catch basins, 2 large trash capture devices, 4 large screens in creeks	62%
2021	If MRP 3.0 is approved as drafted, credit for product bans will be removed.	-10%
2021-2023	Large Trash Capture Projects at Arf Avenue and Tennyson Road (Collaboration with Caltrans)	+10%
2021	Small trash capture devices throughout City	+30%
2022	Large Trash Capture Project at Industrial Blvd. near Pacific	+5%
2023-2024	Additional Large Trash Capture projects	+2-5%
	Total	100%

Like the City, Caltrans also has a mandate to eliminate trash from stormwater from rights-of-way. Similar to the City, Caltrans has a trash reduction plan, which includes installing trash capture devices to remove trash from stormwater flowing on their ROW. Throughout Caltrans ROW, there are very few opportunities to install large trash capture devices due to space needed for installation and the direction of stormwater flow along freeways. Caltrans and several cities have looked to collaborative projects to install trash capture devices downstream of Caltrans ROW, within city jurisdictions, to capture trash in areas required to be treated for trash. A collaborative trash capture project between Hayward and Caltrans would help achieve stormwater compliance for both agencies and would include funding from Caltrans to help carry out Hayward’s plan for compliance.

After review of Hayward’s remaining areas to treat for trash and Caltrans ROW that overlaps with those areas, staff proposed and Caltrans agreed to fund two projects that will benefit both agencies. Figure 2 below shows the two project areas.

Figure 2. Arf Avenue and Tennyson Road Trash Capture Project Areas with Caltrans

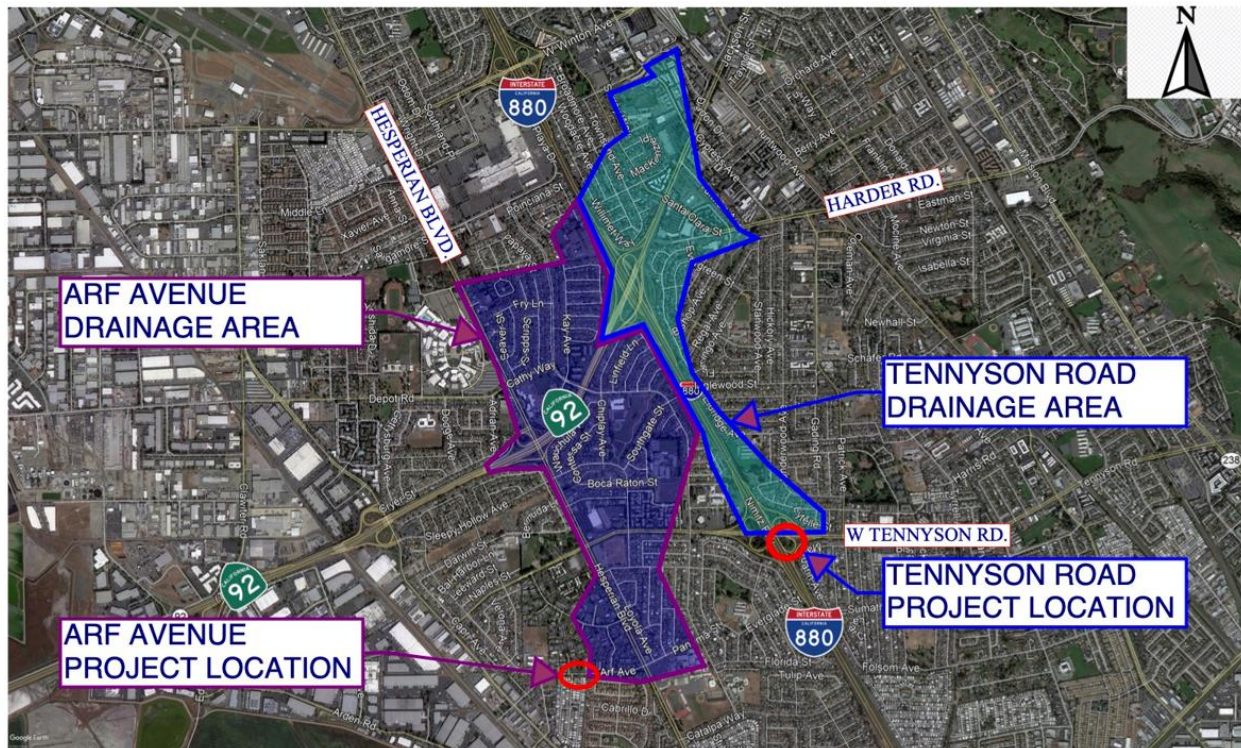
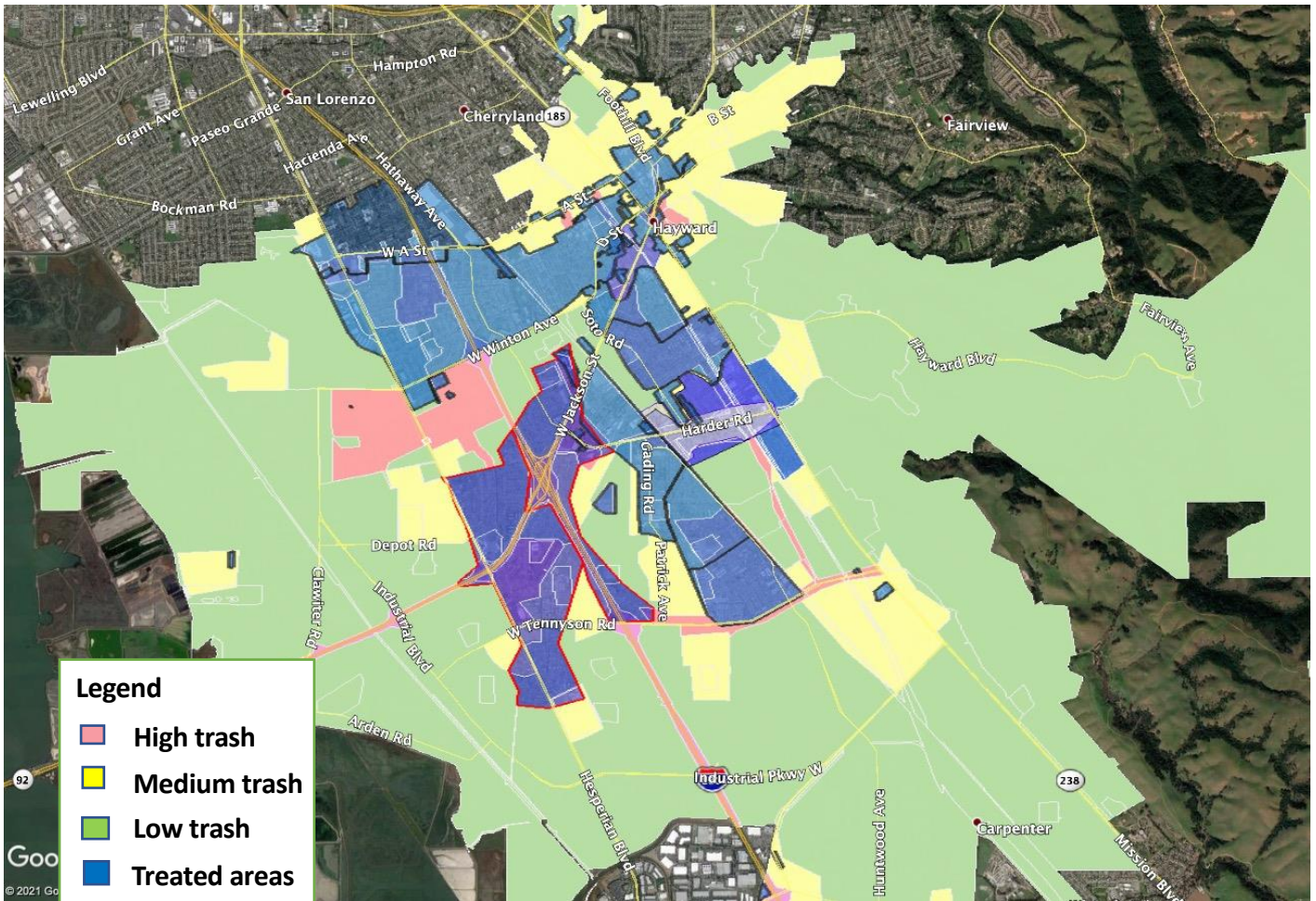


Figure 3. Increased Area Treated for Trash with Two Caltrans Projects



The approximate areas treated and the budget for each project is provided in the Table 2 below.

Table 2. Budget and Area Treated for Arf Avenue and Tennyson Road Projects

Project	Total Area (acres)	Total Caltrans Area (acres)	Credit for MRP Trash Reduction	Estimated Cost for device and installation
Arf Avenue	446	35	5%	\$1,400,000
Tennyson Road	436	84	5%	\$1,400,000
Consultant Services				\$200,000
Total Cost				\$3,000,000

Staff worked with Caltrans to develop the project budget, which is included in the Scope of Work and the draft Cooperative Implementation Agreement. The draft Agreement states that Caltrans will fund the design and construction of the two trash capture projects with a cost not-to-exceed \$3 million. The draft Agreement also states that both projects must be completed by 2023.

Staff solicited proposals for design services and four firms responded. Staff recommends Schaaf & Wheeler for their experience with Caltrans and large trash capture projects. The design services budget for the selected firm shall not exceed \$200,000. Council adoption of the attached resolution (Attachment III) would authorize the City Manager to negotiate and execute a professional services agreement with Schaaf & Wheeler.

ENVIRONMENTAL REVIEW

The proposed projects are categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities) and Section 15302, Class 2 (Replacement or Reconstruction of Existing Facilities) of the CEQA Guidelines.

ECONOMIC IMPACT

There will be some benefit to the local economy as installation of the projects will create short-duration construction jobs. While the project cost exceeds \$1 million, this project will not be subject to the City's Community Workforce Agreement because the project is being funded by another agency (Caltrans).

FISCAL IMPACT

The project will not impact the City's funds. The cooperative agreement states that Caltrans will fund the design and construction of the two trash capture projects. The cost of the contract with Schaaf & Wheeler is part of the \$3 million budget referenced in the cooperative agreement. The agreement with Schaaf & Wheeler will be executed after the Cooperative Implementation Agreement is executed with Caltrans to ensure all costs are reimbursed by Caltrans.

The City will be responsible for maintaining the two devices, including cleaning them as with the other trash capture devices the City owns. The annual cost to maintain each device is approximately \$2,000. Maintenance of the devices will be paid for from the Stormwater Fund and will not impact the General Fund. In addition to the maintenance, the City's financial contribution will include staff time associated with management of the design and installation of the devices.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following project(s):

Project 17: Meet regulatory requirements for zero trash in stormwater by installing trash capture devices

Project 17a: Install trash capture devices

SUSTAINABILITY FEATURES

Preventing pollution including trash from entering the waters of the state will benefit aquatic ecosystems and the health of the San Francisco Bay.

PUBLIC CONTACT

No public contact has been made regarding this agenda item. Prior to construction, notices will be provided to residents and businesses surrounding the project areas. Public notices will address any transportation and other relevant information needed during construction.

NEXT STEPS

If approved, staff will complete negotiations with Caltrans to execute the cooperative agreement and finalize the documents. Upon Council approval, staff will also award Schaaf & Wheeler with the consulting contract and begin design of the projects. In the next six months staff will work the consultant to survey the two project locations, finalize the device design, and acquire all permits and approvals for the projects. Staff expects to break ground in spring of 2022 to install the devices.

Prepared by: Elisa Wilfong, Water Pollution Control Administrator
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager