DATE: March 26, 2024

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving Plans and Specifications for the Purchase of Continuous Deflective Separator (CDS) Units, and Calling for Bids for a Trash Capture Device Installation on Arf Avenue, Project No. 07746

RECOMMENDATION

That Council adopts a resolution (Attachment II):

- approving the plans and specifications for one Continuous Deflective Separator (CDS) trash capture device installation in the existing storm drainpipes on Arf Avenue; and
- calling for bids to be received on April 23, 2024; and
- approving a sole source purchase of one CDS unit from Contech an amount not-to-exceed $201,000.

SUMMARY

The proposed project would install a CDS unit in the existing storm drainpipe on a parcel owned by Alameda County Flood Control District off Arf Avenue for trash capture from the storm water system. The project will help the City meet the San Francisco Regional Water Quality Control Board (Water Board) mandate to remove 100% of trash from the stormwater system by July 1, 2025. The CDS unit creates a continuous swirl of stormwater to concentrate and separate trash and debris. This project will be funded by Caltrans. The City and Caltrans entered into a cooperative agreement to complete trash capture projects to mutual trash reduction credit. The cooperative agreement was approved by Council on April 20, 2021.

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 third cycle (MRP 3.0). The MRP 3.0 covers storm water discharges from municipalities and local agencies (also called permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun, and Vallejo.

Provision C.10 of the MRP 3.0 includes the trash reduction requirements for Permittees to reduce all trash from stormwater systems to waters of the state by 100% by the year 2025. The City currently has 97.3% credit for trash reduction. Included in the 97.3% are credits the City receives for trash reduction from trash capture devices in the storm drain infrastructure. The City currently owns 629 small trash capture devices installed in storm drain catch basins and five large underground trash capture devices installed in storm drainpipes. Three are located at Patrick Avenue, Tennyson Road and Cotter Way and two were recently installed in the Caltrans right of way (ROW), off Tennyson Road in 2023.

Under the new MRP 3.0 trash reduction credits from product bans and on-land trash pick-up efforts in creeks and shorelines will expire. In an effort to recover lost credit from this new order under MRP 3.0, staff have plans to install more trash capture devices throughout the City. One such effort is partnering with Caltrans to find drainage areas that include both City ROW and Caltrans ROW. Filtering trash downstream of these areas captures a large area for trash reduction credit that is mutually beneficial for both agencies.

Like the City, Caltrans also has a mandate to eliminate trash from stormwater from its ROW. 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. The collaborative trash capture projects between Hayward and Caltrans will help achieve stormwater compliance for both agencies and will include funding from Caltrans to help carry out Hayward's plan for compliance.

On April 20, 2021[1], after Staff negotiated and finalized plans for trash capture projects that were mutually beneficial with Caltrans, Council approved a cooperative agreement to partner with Caltrans. Caltrans and City staff identified two projects, one located on Arf Avenue and one on Tennyson Road for trash capture. Both locations have large stormwater pipes that are owned by the Alameda County Flood Control District.

[1] https://hayward.legistar.com/LegislationDetail.aspx?ID=4916428&GUID=5A8A9657-693A-48B0-9D7F-7E207950AC98&Options=ID|Text|&Search=april+20

DISCUSSION

This project will install a large trash capture device on Arf Avenue on existing stormwater pipes to treat stormwater to meet MRP 3.0 trash reduction requirements and mutually benefit the City and Caltrans. The trash capture device at this location will capture trash from approximately 436 acres of storm water runoff area and provide approximately 3% trash reduction credit to the City. Caltrans has budgeted sufficient funds to pay for the Arf Avenue project.

Sole Source Purchase – The City currently has five CDS units manufactured by Contech Stormwater Solutions (Contech):

- One unit at the intersection of Tyrrell Avenue and West Tennyson Road, installed in 2012.
- One unit in Patrick Avenue, installed in 2017
- One unit in Cotter Way, installed in 2022
- Two units installed in Tennyson Rd and I-880 interchange, installed in 2023.

Contech is the only company that manufactures this type of device using the CDS technology. Staff's experience with Contech's CDS devices and technical assistance has been successful both for trash capture and for maintenance ease. Staff believes that the Contech CDS unit is the most appropriate device to capture the trash from storm water runoff at Arf Avenue. In addition, other municipalities in the Bay Area, including the Cities of Richmond, San Jose, and Oakland have installed Contech CDS devices and maintenance and ease of use have been similar to the City's experience. On October 25, 2022[2], Council approved the sole source purchase of two Contech CDS units for the Tennyson Road project mentioned above.

If approved, staff will purchase the CDS units directly from Contech. The timeframe to complete this project is very short and the need to release the call for competitive bids to contractors to install the unit is an immediate need. Due to the Caltrans requirements, the construction of this project should be complete before end of July 2024. Installation at the Arf Avenue location will entail excavation in the sidewalk on the south side of Arf Avenue on a property owned by the Alameda County Flood Control District, installing a diversion box and CDS unit on the existing storm drainpipe and backfilling the area to pre-construction conditions. Prior to backfilling, the CDS unit will be leak-tested to assure water tightness at all the joints.

Long-term maintenance of the CDS unit on Arf Avenue will include an annual cleaning to remove the trash by City staff. Maintenance will typically be scheduled in the spring or summer months prior to the rainy season for the Arf Avenue unit as well as the City's other CDS units.

The proposed project are categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Minor

[2] https://hayward.legistar.com/LegislationDetail.aspx?ID=5894955&GUID=682A5AFC-DBD2-4B40-9660-7F7F61EA5B17&Options=&Search=

Alteration of Existing Facilities) and Section 15302, Class 2 (Replacement or Reconstruction of Existing Facilities) of the CEQA Guidelines.

ECONOMIC AND FISCAL IMPACT

The estimated project costs are as follows:

Design and Construction Administration - City Staff	$30,000
Testing and Inspection Services (Estimated)	$25,500
Construction Contract (Estimated)	$710,000
Trash Capture Device (Contech)	$201,000
Administrative Change Order (Estimated)	$71,000
Total:	$1,037,500

The cooperative agreement between the City and Caltrans will provide the total funding of $1,037,500 for this project.

SUSTAINABILITY FEATURES

The CDS units, along with the existing trash capture devices in the City's storm drain system will help to limit the pollutants that enter local creeks and the San Francisco Bay.

PUBLIC CONTACT

Prior to and during construction, notices will be provided to affected residents, property, and business owners to inform them of the nature and purpose of the work, potential impacts, work schedule and City contact for additional information. In addition, staff will work closely with residents and businesses close to the project site, to minimize potential impacts.

NEXT STEPS

If Council approve this project, staff will purchase the CDS units from Contech and advertise the construction project for public bidding. Staff will return to Council for award of the construction contract after bids have been received and reviewed. The following schedule has been developed for this project:

Receive Bids	April 23, 2024
Award Construction Contract	May 21, 2024
Start Construction Contract	June 2024
Complete Construction	July 2024

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