DATE: March 13, 2017

TO: City Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT Green Infrastructure Framework

RECOMMENDATION

That the Committee reviews, comments and recommends approval of the Green Infrastructure Framework by Council.

SUMMARY

This report provides a follow up to the September 12, 2016 report regarding the newly adopted Municipal Regional Permit (MRP 2.0) and its requirements related to green infrastructure. This report provides the CSC with green infrastructure background and the steps City staff has completed to date, including the requirement to draft and approve by Council a green infrastructure framework by June 30, 2017, in order to comply with the MRP 2.0.

BACKGROUND

Municipal Regional Permit – The National Pollutant Discharge Elimination System (NPDES) program was established in 1972 by the Federal Clean Water Act (CWA). In 1986, the NPDES program was amended to regulate stormwater runoff and established a permitting structure for municipal discharge to the waters of the state. In October 2009, the first *regional* stormwater permit, the Municipal Regional Permit (MRP), was adopted by the San Francisco Bay Regional Water Quality Control Board (Water Board). The MRP, adopted as a five-year permit, requires stormwater pollution prevention control measures for both public and private properties and activities including development and specific controls for pollutants of concern identified by the Water Board.

Since 2003, Provision C.3 in the City's stormwater permit required stormwater controls for development projects. Provision C.3 specifically addresses the control of stormwater impacts associated with new development and redevelopment projects. With the adoption of the MRP in 2009, Provision C.3 was expanded to apply to projects that create 10,000 square feet or more of impervious area. The MRP was renewed as MRP 2.0 in November 2015 and included a revised Provision C.3 with increased prescriptive requirements for development and a significant new requirement for Green Infrastructure Planning and Implementation. An example of the green infrastructure required by C.3 is illustrated below:

In the MRP 2.0, Green Infrastructure was also required to reduce both PCBs and mercury pollution to the bay by treating a minimum number of acres of old industrial areas known to contain legacy PCB and mercury contamination. Specifically, it is estimated the City has to treat forty-three acres of industrial area to reduce PCBs and mercury by 2020. It is estimated the City has to treat 797 acres of old industrial areas and 865 acres of urban areas to reduce PCBs and mercury by 2040.

Green Infrastructure Planning and Implementation

MRP 2.0 requires local agencies, including Hayward, in the next five years, to develop and begin to implement a Green Infrastructure Plan. This Plan is intended as a framework, developed by municipalities, to guide development and redevelopment to include the treatment of stormwater (capture for reduction, filtration and absorption or recharging of groundwater). The purpose of this Plan is to, over time, reduce the adverse water quality impacts of urbanization and urban runoff on receiving waters as well as reduce PCBs and mercury from entering the Bay. The intent to green cities is illustrated below as green infrastructure will protect the Bay with treated stormwater:

The requirements for the Plan include a description of how the Permittee will shift impervious surfaces and stormwater drain infrastructure from gray, or traditional storm drain infrastructure where runoff flows directly into the storm drain and then the receiving water, to a green and more sustainable system.

DISCUSSION

To implement the new Green Infrastructure requirements, Water Pollution Source Control (WPSC), a division of Utilities & Environmental Services, has been organizing the effort to draft the required Green Infrastructure (GI) framework, which is due in June of 2017. The longer-term GI Plan due in 2019. A "GI Team" was formed to create the framework, Plan, and implementation of these associated plans. The GI Team includes staff from Planning, Building, Streets and Maintenance, Engineering and Transportation, Fire, and Economic Development. To date, Planning and Engineering and Transportation have participated in a small workgroup to draft the City's GI framework. Other departments will participate with the final draft prior to adoption. WPSC staff is taking the lead to organize and track progress of the GI Team and assist with the process of developing and presenting the framework and Plan to Council and the CSC.

The GI Team has developed a Framework included as Attachment A to this report. The Framework explains the steps the City will follow to develop the longer-term GI Plan as well as list the commitment of the City to comply with the GI goals in the MRP. The GI Team will continue to meet, prepare updates, and solicit input from the Council Sustainability Committee and appropriate City staff who will be tasked with implementing the GI requirements. As required by the MRP 2.0 Green Infrastructure section, the GI Team will conduct outreach to other City staff and the development community involved in planning and constructing infrastructure. The GI Team will also develop training materials to assist City staff who will be involved in designing and overseeing GI projects.

Implementation of the GI requirements will also be organized and managed by the GI Team. To start, the Team has begun reviewing all capital improvement projects to incorporate GI features into the design as feasible. Review of projects and reporting of why or why not GI was incorporated into the projects is part of the GI requirements. Next the GI Team will identify public projects, particularly in older industrial areas of Hayward where GI can be incorporated and develop project descriptions with the idea of submitting projects as proposals for grant funding in the near future. The cost associated with redeveloping old industrial areas is estimated to range from $200,000 to $365,000 per acre. There is great incentive to organize future projects in order to apply for grants to help pay for these costs. For more information on what staff will be and has been implementing towards the GI requirements please refer to the September 12, 2016 report.

ECONOMIC IMPACT

The development community will share in the cost to implement green infrastructure as required by the current C.3 requirements. The development community will also share in the cost of implementing green infrastructure and other control measures to ensure PCBs and mercury do not enter the storm drain system. City staff will be looking at older industrial

areas in Hayward to determine where reduction of PCBs and mercury is possible either through development/redevelopment or through stormwater mitigation measures through our inspection program. The enhanced stormwater inspection enforcement will result in costs to some Hayward businesses. These enhanced enforcement actions will include implementation of routine stormwater inspection requirements with a strong emphasis on operation and maintenance of C.3 facilities as well as PCB and mercury controls. It should be noted that given the regional and statewide network of the GI requirement, the cost impacts will not be unique to Hayward.

FISCAL IMPACT

Implementation of MRP 2.0 will impact staff resources though the exact costs are unknown at this time. The funding for MRP-related activities is currently provided by the stormwater enterprise fund. The City's local stormwater program is funded by property tax revenue; however, expenditures have been and are expected to increase every year without the likelihood of any increase in the tax. The City is challenged with finding innovative tools and other resources to complete the above mentioned tasks. In addition to the requirements described in this report, it will also be a challenge to fund the other provisions in the MRP 2.0, mainly the aggressive trash reduction activities required by Provision C.10 to reach 100% trash reduction by the year 2022. To comply with the MRP 2.0 requirements, WPSC staff has pursued grant funding opportunities both locally and regionally to offset some of these costs. Staff will continue to pursue funding opportunities to meet the MRP requirements, specifically for Provision C.10 (trash) and C.3 (green infrastructure).

Staff will also continue to work collaboratively as a member of the ACCWP to comply with the MRP 2.0 as regional projects can satisfy some of the MRP requirements. Finally, the City will carry the majority of the cost of implementing large scale public projects during the next five years of the MRP 2.0 called for in the Green Infrastructure Plan to meet the PCBs and mercury wasteload allocation limits. The Green Infrastructure Plan will include details about public versus private responsibilities and will include cost estimates for both. However, the timeframe for the pollutant reductions is a municipal requirement. Infrastructure provided by private development will likely help the City comply, but the timing associated with future private development is uncertain.

SUSTAINABILITY FEATURES

The Sustainability features include efficiency and water conservation by creating more green landscape and filtration of stormwater, reduction of air emissions by creating more green landscape, and consistency with the City's Complete Streets Policy by creating more open space.

PUBLIC CONTACT

No public meetings have been scheduled to discuss the new MRP 2.0 requirements. Staff will conduct comprehensive outreach with developers during the development of the Green Infrastructure Plan.

NEXT STEPS

Staff will continue to enhance the current stormwater program to comply with the MRP 2.0 requirements, specifically the C.3 green infrastructure plan, and will continue to proactively pursue funding opportunities. WPSC will continue to engage with other City staff, namely Planning, Building, Streets and Maintenance, Engineering and Transportation, and Economic Development, continue and expand the GI Team, and develop the GI Framework for CSC review and recommendation of approval by City Council by June 30, 2017 as well as implementing control measures specifically for C.3 and GI. WPSC will continue to participate in countywide and regional collaborations to support GI and C.3 compliance.

Following is a summary of the key requirements and deadlines included in the MRP 2.0 Provision C.3:

Develop and Approve a Green Infrastructure Framework (requires Council adoption)	June 30, 2017
Prepare a Green Infrastructure Plan (requires Council adoption)	September 2019

Prepared by: Elisa Wilfong, Water Pollution Control Administrator

Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:

Kelly McAdoo, City Manager