



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kerrie Romanow

SUBJECT: SEE BELOW

DATE: May 14, 2012

Approved

Date

5/22/12

COUNCIL DISTRICT: 7

SUBJECT: AGREEMENT WITH THE BAY AREA STORMWATER MANAGEMENT AGENCIES ASSOCIATION

RECOMMENDATION

Approve an agreement with the Bay Area Stormwater Management Agencies Association for reimbursement to the City up to \$475,000 for design and construction costs incurred for the installation of a hydrodynamic separator device to treat stormwater in the Leo Avenue drainage area of San José for the retroactive term July 1, 2011 through December 31, 2014.

OUTCOME

Approval of this recommendation will allow the City to accept reimbursement from Bay Area Stormwater Management Agencies Association (BASMAA) in the amount up to \$475,000 for design and construction costs for installing a hydrodynamic separator (HDS) unit in the Leo Avenue stormwater drainage area of San José. Installation of this device will support and partially defray costs of the City's compliance with several provisions of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit ("Stormwater Permit"), which target reduction of trash, and control of mercury and polychlorinated biphenyls (PCBs). These funds will offset budgeted expenditures from the Storm Sewer Operating Fund.

BACKGROUND

In March 2010, BASMAA was awarded a \$5,000,000 grant through the USEPA's Water Quality Improvement Fund Program to carry out a number of projects to support the reduction of PCBs and mercury in stormwater entering San Francisco Bay. These projects were designed to satisfy several provisions of the Stormwater Permit related to removal of these pollutants from San Francisco Bay Area stormwater discharges. Included in these provisions is a requirement to conduct pilot projects to evaluate and quantify the removal of PCBs and mercury through storm sewer system retrofits. Ten such retrofit pilot projects are required Bay Area-wide. Two will be implemented in Santa Clara County, including one in San José.

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In addition, the Stormwater Permit requires a 40 percent reduction of the trash load from the storm sewer system by 2014. Each permittee is required to achieve at least part of this reduction through installation of "full trash capture" devices sufficient to treat an area equivalent to 30% of its retail/wholesale/commercial land area. The hydrodynamic separator unit on 7th Street will be one of seven "large" full trash capture devices installed in the City to meet these requirements.

ANALYSIS

Mercury and PCBs are legacy pollutants that tend to bind strongly to sediment. Control of sediment from areas with known high concentrations of these pollutants is a high priority for stormwater regulators. Whereas mercury is generally widespread, PCBs in particular tend to be concentrated in older urban industrial areas. In San José, the Leo Avenue drainage area has been identified through sampling studies as having high concentrations of PCBs in storm drain sediments. A map of the project location is shown in Attachment A.

BASMAA's Clean Watersheds for a Clean Bay (CW4CB) project has the goal of demonstrating management actions that will reduce the loads of mercury and PCBs to San Francisco Bay. As scoped and designed by staff, the installation of the HDS unit on 7th Street will serve the dual purpose of capturing trash as well as acting as a pilot to test the efficacy of such devices for reducing loads of PCBs and mercury from stormwater through sediment removal.

Reimbursement from BASMAA for design and installation of the device allows the City, through the use of federal water quality improvement funds, to economically implement a pilot study that will provide valuable information needed to meet water quality goals with respect to mercury and PCBs while simultaneously providing stormwater quality improvements through trash reduction. On-going operation and maintenance of the device will be the responsibility of the City.

Monitoring of the effectiveness of the device for removal of mercury and PCB's will be required as a deliverable for the grant project, and for Stormwater Permit compliance purposes. BASMAA has secured contractors to perform the monitoring, but it may be necessary for City staff to provide access to the device after installation, and/or provide limited targeted cleaning of the device for monitoring purposes. Total estimated hours for this support are not expected to exceed 36 through the end of the project in June 2014. These hours are within estimates for those already programmed in the 2012-2013 budget for maintenance of these devices.

Overall project schedule is shown in the following table.

Project Phase	Proposed Timing
Engineering and Design	Spring 2012
Construction Contract Award	Spring 2012
Construction	June – October 2012
Monitoring	Fall 2012 – Spring 2014
Monitoring Plan development and reporting	On-going

EVALUATION AND FOLLOW-UP

Large trash capture devices, such as this one, are expected to be an integral part of a comprehensive approach to stormwater pollution control. Effectiveness monitoring is incorporated into this project, and data will be analyzed and reported per requirements of the EPA grant and Stormwater Permit. This device and others like it will provide information on operation and maintenance needs and effectiveness, to inform future decisions on stormwater treatment retrofit. The results of this project will be reported in the Stormwater program Annual Report which is submitted to Council annually in August.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the criteria listed above, this memorandum will be posted on the City's website as part of the City Council Agenda.

COORDINATION

This memorandum was coordinated with the departments of Transportation and Public Works, and the City Manager's Budget Office and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This item is consistent with the City Council approved Green Vision, and Budget Strategy Memo General Principle #2, "We must focus on protecting our vital core City services." This project supports action item number 21 of the Urban Environmental Accords, which requires the City to "address storm water pollution and reduce the volume of wastewater discharge by 10% in seven years through the expanded use of recycled water and the implementation of a sustainable urban watershed planning process that includes participants of all affected communities and is based on sound economic, social, and environmental principles." Furthermore, this project will help fulfill the "Cities Keep It Clean Resolution," adopted by Council September, 2008.

COST SUMMARY/IMPLICATIONS

BASMAA has budgeted up to \$475,000 in the CW4CB grant budget for reimbursement to the City for implementation of this project. Staff currently estimates the project, including engineering, design, and construction will cost \$322,000, however any additional costs incurred by the City beyond the estimated \$322,000 will be reimbursed up to \$475,000. Of the \$322,000 in estimated costs, \$215,000 will be incurred in 2011-2012 for engineering design and construction of the Leo Avenue HDS unit. These costs are being paid for out of the Storm Sewer Operating Fund, with \$200,000 coming from the Environmental Services Department (ESD) Non-Personal/Equipment appropriation, and \$15,000 coming from the Environmental Services Department Personal Services appropriation. Additional funding of \$107,000 for the installation of this trash capture device is included in the ESD Non-Personal/Equipment appropriation in the Storm Sewer Operating Fund for 2012-2013, subject to Council appropriation. This funding will cover costs of construction for a trash capture pilot project planned for summer 2012. The \$215,000 of costs incurred in 2011-2012, in addition to remaining costs incurred for the project incurred in 2012-2013, up to \$475,000, will be reimbursed to the City in 2012-2013, and recognized in the Storm Sewer Operating Fund to provide for future storm sewer needs.

There are no reimbursable costs planned for 2013-2014. Although the project will require an in-kind contribution from the City in the form of a limited number of additional staff hours from Department of Transportation maintenance crews to facilitate access and provide possible targeted cleanouts, these hours are not expected to exceed those already budgeted for regular maintenance activities associated with these trash capture devices.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	RC #	Total Appn	Amt. for Contract	2011-2012 Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
446	0761	ESD Personal Services	700731	\$5,874,661	\$15,000	XI - 85	02/14/2012 Ord 29036
446	0762	ESD Non Personal	700731	\$5,251,421	\$200,000	X1- 85	06/21/2011 Ord 28928

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CEQA

Mitigated Negative Declaration, File No. PP11-098

/s/

KERRIE ROMANOW

Acting Director, Environmental Services

For questions please contact Elaine Marshall, Stormwater Management Program Manager at (408) 793-5355.

Attachment: Project Area Map

Attachment 1. Project Area Map

