

CONSENT CALENDAR December 11, 2012

To: Honorable Mayor and Members of the City Council

From: () Christine Daniel, City Manager

Submitted by: Andrew Clough, Director, Public Works

Subject: Contract No. R9140 Amendment: Association of Bay Area Governments

for Trash Capture Demonstration Project Grant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to negotiate and execute an amendment to the current grant agreement Contract No. R9140 with the Association of Bay Area Governments (ABAG), increasing the amount from \$65,000 up to \$88,203 for the installation of trash capture devices.

FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts from adoption of the recommended amendment. No matching funds are required to participate in the ABAG Project, and the City does not directly receive or disburse the grant funds.

The contract amendment increases the number of full trash capture devices (FTCs) being installed in existing catch basins from 164 to 198. Installation of the FTCs are a requirement of National Pollutant Discharge Elimination System (NPDES) Permit Number CAS612008 (Municipal Regional Permit (MRP)) adopted by the California Regional Water Quality Control Board (Water Board) San Francisco Bay Region on October 14, 2009.

There will be an estimated increase in annual maintenance costs of approximately \$39,000 for all FTCs, which will be covered by the Clean Stormwater Fund (831). This is an unfunded mandate under the City's MRP.

The CMS number for this amendment is KABRZ.

CURRENT SITUATION AND ITS EFFECTS

The ABAG "Bay Area-wide Trash Capture Demonstration" Project is funded by a \$5 million allocation from the federal American Recovery and Reinvestment Act of 2009 (ARRA) to the San Francisco Estuary Partnership. The funds were distributed to each city, with \$64,200 as Berkeley's original share. As the ABAG project proceeded, some cities and agencies did not use their allotted distribution, and these unused funds became available for redistribution among the other participants. This redistribution will be an additional \$13,203 to \$23,203 in grant funds available to Berkeley.

MRP provision C.10 recognizes trash as a significant pollutant in urban runoff and Provision C.10.a.iii requires the City to install FTC devices to serve a minimum of 55 acres within the City (0.8% of City area east of I-80) by July 1, 2014. This is a new unfunded mandate of the MRP, and Berkeley has joined 15 other jurisdictions in Alameda County subject to the MRP on a test claim seeking reimbursement of funds already expended, and that will need to be expended, to comply with the various activities mandated by the MRP.

The operation and maintenance (O&M) costs of the FTCs will generally include collecting and disposing of the captured trash from the devices, cleaning to ensure proper function and prevent flooding, and any needed repairs. O&M costs for these pilot study FTCs will be tracked and absorbed into existing stormwater operations, and this tracked cost data will be used in support of the City's unfunded mandate test claim before the Commission on State Mandates.

BACKGROUND

The City discharges urban runoff to the San Francisco Bay under provisions of the MRP. The importance of reducing trash carried to San Francisco Bay has increased to the point that the MRP specifically addresses trash reduction, and includes a requirement for the installation, operation, and maintenance of FTCs.

RATIONALE FOR RECOMMENDATION

Participating in the Project enables the City to install 198 FTC devices, which can be used to meet MRP Provision C.10.a.iii requirements. Staff originally anticipated using up to 10 different FTCs from vendors approved by the Water Board. However, upon examining the options and the trash capture requirements in Provision C.10.a.iii, the short term load reduction of 40% by July 2014, and considering the Water Board's intentions of requiring 70% by July 2017, and 100% by July 2022, staff decided to use a larger number of small devices to increase the area covered by these devices.

ALTERNATIVE ACTIONS CONSIDERED

ABAG and the Water Board have done a lot of the groundwork in evaluating the general effectiveness of FTC devices, and negotiating competitive prices with over 12 manufacturers. Staff could have performed many of these functions, but would have expended between 80 to 100 staff hours to do so.

CONTACT PERSON

Jeffrey Egeberg, Manager of Engineering, Public Works, 981-6400 Lorin Jensen, Supervising Civil Engineer, Public Works, 981-6411 Danny Akagi, Associate Civil Engineer, Public Works, 981-6394

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. R9140 AMENDMENT: ASSOCIATION OF BAY AREA GOVERNMENTS FOR TRASH CAPTURE DEMONSTRATION PROJECT GRANT

WHEREAS, the City discharges urban runoff to San Francisco Bay under the National Pollutant Discharge Elimination System (NPDES) Permit Number CAS612008 commonly known as the Municipal Regional Permit (MRP); and

WHEREAS, Provision C.10.a.iii of the MRP requires installing full trash capture (FTC) devices to serve 55 acres of the City of Berkeley, and the MRP requires reducing 40% reduction in the trash load by July 1, 2014; and

WHEREAS, the San Francisco Bay Regional Water Quality Control Board has indicated their desire to impose future trash load reductions of 70% by July 1, 2017, and 100% by July 1, 2022; and

WHEREAS, the San Francisco Estuary Partnership was awarded \$5 million from the federal American Recovery and Reinvestment Act of 2009 for the Bay Area-wide Trash Capture Demonstration Project, for which the City of Berkeley's not-to-exceed allocation is approximately \$65,000; and

WHEREAS, some cities and agencies have not used their allotment of the funding available through the Bay Area-wide Trash Capture Demonstration Project, making this funding available to be redistributed to other cities and agencies increasing Berkeley's allocation by at least an additional \$13,203 and as much as \$23,203; and

WHEREAS, the Association of Bay Area Governments (ABAG) is directly administering payments to contractors for FTCs and the City must amend the contract with ABAG to access the additional Trash Capture Demonstration Project funds, and the contract amendment has been entered as CMS No. KABRZ; and

WHEREAS, operating and maintaining the FTC devices procured under the Trash Capture Demonstration Project will be absorbed into the overall stormwater operations, with FTC devices purchased under this grant funding would be used towards City of Berkeley's compliance with Provision C.10 of the MRP; and

WHEREAS, the Berkeley City Council passed Resolution No. 65,410-N.S. on July 19, 2011 authorizing the City Manager to negotiate and execute an agreement and any amendments with ABAG to participate in and receive up to \$65,000 of FTCs.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to negotiate and execute any amendments to Contract No. R9140 with ABAG to participate in and receive up to a total of \$88,203 for the installation of full trash capture devices (FTCs) through the Bay Area-wide Trash Capture Demonstration Project.