

RESOLUTION NO. 24-132

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager Or Designee To 1) Enter Into A Cooperative Implementation Agreement Amendment With Caltrans To Receive Grant Funds To Construct The Powell Street Hydrodynamic Separator Project, And 2) Accept And Appropriate Funding From Caltrans For This Project In An Amount Up To Two Million Dollars (\$2,000,000). CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15301

WHEREAS, the City of Emeryville is subject to stormwater regulations covering removal of trash and pollutants defined in the San Francisco Regional Water Quality Control Board's (RWQCB) Municipal Regional National Pollutant Discharge Elimination System Permit (MRP 3.0, Order No. R2-2022-0018); and

WHEREAS, as a condition of the MRP, all permittees are required to reduce, by July 2025, the amount of trash discharging from their storm drain system by 100% from baseline levels established in 2009; and

WHEREAS, the City has implemented maintenance strategies and installed infrastructure to meet the most recent MRP requirement of a 90% reduction in trash levels by July 2023, but additional work is required to meet the 2025 goal; and

WHEREAS, the City has approved and partially funded three capital improvement projects: Stormwater Management (CIP# ESI-01) and Hydrodynamic Separator Units (CIP# ESI-04) Large Trash Separator in Storm Drain Line (CIP# ST-13) to meet the requirements of the MRP; and

WHEREAS, the State of California Department of Transportation (Caltrans) is also subject to RWQCB permit requirements for trash capture and has developed a grant program to construct Full Trash Capture Devices (FTC) in cooperation with local agencies; and

WHEREAS, in 2021, the City entered into a successful Cooperative Implementation Agreement (CIA) with Caltrans to partially fund the now-completed FTC installed on MacArthur Boulevard; and

WHEREAS, Caltrans and the City of Emeryville staff have identified a project to install a Hydrodynamic Separator (HDS) type FTC on Powell Street that will meet the goals of both agencies ("Project"); and

WHEREAS, the City of Emeryville, pursuant to California Streets and Highways Code Sections 114 and 130, will enter into a CIA for improvements to the State Highway System as a watershed stakeholder within the City's jurisdiction that provides capital and support funding for planning, design, environmental studies, right of way acquisition (easement only) and construction of stormwater facilities, and

WHEREAS, Caltrans will fund up to \$2,000,000 to design and construct the Project with a condition that the City construct and maintain the FTC; and

Resolution No. 24-132
Caltrans Cooperative Agreement - Stormwater
City Council Meeting | November 5, 2024
Page 2 of 3

WHEREAS, the proposed funding from Caltrans will be added to the Project budget to fully fund the design and construction of the Powell Street FTC

New Funding to be received through Caltrans Grant and appropriated into project:

Project	Fund	Amount
24254014	254	Up to \$2,000,000

Total project costs for the Powell Street FTC unit are estimated to be between \$1,750,000 and \$2,000,000. This cost includes design, consultant fees, construction costs and staff costs.

Annual operations and maintenance costs for the unit are estimated at approximately \$1,200 per year and would be required to be included in annual operating budgets starting in fiscal year 2024-25; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville, that the Project is hereby exempt from environmental review pursuant to CEQA Guideline 15301; and be it further

RESOLVED, by the City Council of the City of Emeryville that the City Manager is hereby authorized to execute the Cooperative Implementation Agreement in substantial form to Exhibit A, and to accept and appropriate funding from Caltrans for the Project in an amount up to \$2,000,000.

Resolution No. 24-132
Caltrans Cooperative Agreement - Stormwater
City Council Meeting | November 5, 2024
Page 3 of 3

ADOPTED, by the City Council of the City of Emeryville at a special meeting held Tuesday, November 5, 2024, by the following vote:


AYES:	<u>5</u>	Mayor Welch, Vice Mayor Mourra and Council Members Bauters, Kaur and Priforce
NOES:	<u>0</u>	_____
ABSTAIN:	<u>0</u>	_____
ABSENT:	<u>0</u>	_____

Signed by:


 MAYOR

ATTEST:
 DocuSigned by:


 CITY CLERK

APPROVED AS TO FORM:
 Signed by:


 SPECIAL COUNSEL

ATTACHMENTS

- Exhibit A – Amendment 1 to CIA

**EXHIBIT B:
COOPERATIVE IMPLEMENTATION AGREEMENT
AMENDMENT No. 1**

This AMENDMENT No. 1 ENTERED INTO EFFECTIVE ON October ____ 2024, is between the State of California acting by and through its Department of Transportation, referred to as CALTRANS and the City of Emeryville, referred to as “AGENCY” and together referred to as PARTIES.

RECITALS

1. CALTRANS and AGENCY entered into Cooperative Implementation Agreement No. D43CIAEME0001 (AGREEMENT) on June 18, 2021, defining the terms, covenants and conditions to implement the Emery Street and Macarthur Boulevard, within the regional area under the jurisdiction of AGENCY to comply with the San Francisco Bay Water Board TMDL and Trash Requirements referred to herein as PROJECT.
2. To meet regulatory trash control and TMDL mandates by the final compliance dates, the original scope and cost for the PROJECT had to be revised. The purpose of this AMENDMENT No. 1 is to revise the cost and scope of PROJECT to include the Powell Street trash capture device installation. CALTRANS has agreed to the revision. The amended scope of work for PROJECT is captured in the Attachment II- Scope Summary, which is attached to and made a part of this AMENDMENT No. 1. AGENCY has agreed to implement PROJECT in accordance with ATTACHMENT II-FOR AMENDMENT No. 1 that defines in detail the PROJECT’s scope of work, description, timeline, location and budget.

IT IS MUTUALLY AGREED:

1. The PARTIES hereby amend ATTACHMENT II – Scope of Work, Description, Timeline, Location and Budget by revised attachment, ATTACHMENT II-FOR AMENDMENT No. 1 to include the Powell Street location.
2. Any reference to ATTACHMENT II in the AGREEMENT is deemed to be a reference to revised attachment, ATTACHMENT II-FOR AMENDMENT No. 1.
3. All other terms and conditions of said amended AGREEMENT shall remain in full force and effect.
4. AMENDMENT No. 1 with its attachment(s) is hereby deemed to a part of the AGREEMENT.

ATTACHMENTS

The following attachment is incorporated into and are made a part of this AGREEMENT AMENDMENT No. 1 by this reference and attachment.

ATTACHMENT II-FOR AMENDMENT No. 1 - Amended Scope of Work, Description, Timeline, Location and Budget

SIGNATURES

Signatories may execute this AGREEMENT AMENDMENT No. 1 through individual signature pages provided that each signature is an original. This AGREEMENT AMENDMENT No. 1 is not fully executed until all original signatures are attached. PARTIES are empowered by California Streets and Highways Code (SHC) sections 114 and 130 to enter into this AGREEMENT AMENDMENT No. 1 and have delegated to the undersigned the authority to execute this AGREEMENT AMENDMENT No. 1 on behalf of the respective agencies and covenant to have followed all the necessary legal requirements to validly execute this AGREEMENT AMENDMENT No. 1.

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

CITY OF EMERYVILLE


Signature: _____
Print Name: **KEN JOHANSSON**
Title: **Stormwater Coordinator**

Signature: _____
Print Name: **ADAM POLITZER**
Title: **Interim City Manager**

Date: _____

Date: _____

Signature: _____
Print Name: **HARDEEP TAKHAR**
Title: **Assistant Chief, Division of
Environmental Analysis**

Approved As To Form:
Signature: 
Print Name: **JOHN KENNEDY**
Title: **City Attorney**

Date: _____

Date: **10/10/2024**

Signature: _____
Print Name: **JEREMY KETCHUM**
Title: **Chief, Division of
Environmental Analysis**

Date: _____

ATTACHMENT II-FOR AMENDMENT No. 1
Amended Scope of Work, Description, Timeline, Location and Budget

City of Emeryville Trash Capture Project

Introduction

Caltrans and the City of Emeryville regional partnership projects that will provide multi-pollutant removal of Trash, Polychlorinated Biphenyls (PCB), and Mercury from stormwater before discharging to the San Francisco Bay.

The proposed multi-benefit trash capture project will capture runoff from approximately 91 acres of City of Emeryville and 8.54 acres of Caltrans right-of-way (ROW), all of which are designated as Significant Trash Generating Areas (STGA). The project will control trash and remove Polychlorinated Biphenyls and Mercury total maximum daily load (TMDL) pollutants from stormwater runoff.

Background

The City of Emeryville is a member of the Alameda Countywide Clean Water Program (ACCWP), a joint powers agency whose members are the County and the 17 incorporated cities in Alameda County. ACCWP supports its member agencies in complying with requirements contained in the second five-year term of the Municipal Regional Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board (SFRWQCB).

Alameda County permittees are required to reduce trash discharges to the Bay from municipal storm drain systems. This requirement began with the issuance of the first MRP in 2009, with a 40% reduction required in 2014. Under the current MRP term, no adverse impact on receiving waters from trash is required by 2025.

These reductions will largely be accomplished through full trash capture devices and to a smaller extent the implementation of green infrastructure, including stormwater capture and use and/or infiltration to groundwater.

Caltrans is required to prevent the discharge of trash from 8,910 acres in accordance with the San Francisco Bay Water Board issued trash discharge Cease and Desist Order (CDO) (No. R2-2019-0007 as amended by R2-2021-0030) by 2026. Further, Caltrans is required to reduce PCB and Mercury loading from 2,970 acres of ROW tributary to the San Francisco Bay in accordance with Attachment D of the Caltrans NPDES Permit (Order 2022-0033-DWQ).

The Caltrans NPDES Permit allows an acreage credit of three times the credit recognized for Caltrans funded regional partnership projects that reduce PCB and Mercury loading in old industrial areas. Caltrans and Emeryville will work with the San Francisco Bay Water Board individually to determine appropriate PCB and mercury reduction crediting toward their respective stormwater NPDES permit requirements based on the land uses within the treatment shed and removal efficiencies of the installed devices.

Proposed Project

The Project (Figure 1, “Powell Street” area only) is located at the southwest corner of Powell Street and the I-80 on-ramp. The project site is in City of Emeryville ROW on Powell Street and the storm drain pipe is owned by Emeryville. The outfall is owned by Caltrans and located on East Bay Regional Park District (EBRPD) property. A large Hydrodynamic Separator (HDS) or Debris Separating Baffle Box (DSBB) will be retrofitted into the existing storm drain system beneath Powell Street to remove trash, debris, and sediment from stormwater before conveying the stormwater to the Caltrans outfall and into San Francisco Bay.

The project involves initial engineering and geotechnical assessments, detailed final design, environmental compliance, permitting, excavation to install the trash capture device into the existing storm drain system, vegetation clearance at the outfall area, and reconstruction of disturbed portions of the site including restoring the city street.

The City of Emeryville is responsible for the operation and maintenance of the trash capture device in perpetuity and Caltrans, EBRPD, and Emeryville will continue to collaborate on vegetation control efforts at the outfall to ensure the downstream conveyance is clear of obstruction as memorialized in the EBRPD letter of project support dated September 3rd, 2024.

Cost Estimate

The following planning-level cost estimate has been prepared for the project. These estimates consider the costs associated with design, permits, an environmental assessment, construction, construction administration and inspections, contingency, bonding, and mobilization. The cost estimate will be subject to adjustment as more information becomes available during the course of the detailed design.

Preliminary Budget

Planning and Design	\$300,000
Project Management, Permitting	\$200,000
CDS & Related Equipment Purchase	\$400,000
Construction/Installation	\$800,000
Site Prep/EBRPD	\$25,000
Project Total	\$1,725,000

Encumbrance Schedule

Year	Encumbrance	Invoicing Deadline
FY 25/26	Up to \$2.0 million	May 1, 2028

Preliminary Project Schedule

These dates are subject to refinement as the project is developed.

Finalize Funding	December 2024
Award Design Contract	April 2025
Design/Construction Drawings 35%	June 2025
Design/Construction Drawings 60%	August 2025
Design/Construction Drawings Complete	October 2025
Permit Applications	February 2026
Complete Additional Site Investigations	March 2026
RFP for Construction Contract	April 2026
Award Construction Contract	May 2026
Commence Construction	June 2026
*Invoicing Deadline FY 25/26 Funds	May 2028

**City may request adjustments to the schedule line items except for the deadlines to expend Caltrans funding allocations.*