STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of February 13, 2018

TO: Members of the City Council

SUBMITTED BY: Michael Roberts, Public Works Director/City Engineer

SUBJECT: Regional Water Quality Board Permit Requirements for Stormwater Trash Load Reductions in Designated Commercial Areas

RECOMMENDED ACTION:

Receive Report, Discuss, and Provide Direction, if any.

FISCAL IMPACT OF RECOMMENDATION:

There are no fiscal impacts associated with receiving this report. Options to meet Board requirements for trash load reductions are estimated to cost the City from $3,000 to $35,000 to implement. These costs are an unfunded mandate and would have to be funded from the Stormwater Fund which already operates at a deficit; this annual deficit would be exacerbated by the one-time and on-going costs.

DISCUSSION:

The National Pollution Discharge Elimination System (NPDES) permit (No. CAS612008) administered by the San Francisco Regional Water Quality Control Board regulates all discharge from the storm drain systems of 76 jurisdictions in the Bay Area, including the Hercules, into waters of the United States (i.e. the San Francisco Bay). The NPDES Permit currently in effect was issued in November 2015 and is known as Municipal Regional Permit 2.0 (MRP 2.0). Provision C.10 of MRP 2.0 requires each agency, including Hercules, reduce trash loads in "high" and "moderate" designated trash generation areas from a July 1, 2016 60% progress benchmark to a required 70% by July 1, 2017 based upon a 2009 baseline.

In an effort to meet these requirements, in November 2017 the City had 31 full-trash capture devices installed in publicly maintained storm drain inlets on all high and medium trash designated public streets in Hercules; more specifically, located adjacent to three commercial areas in the City and along Refugio Valley Road in front of Hercules Middle and High Schools (Attachment 1). These full trash capture devices collect and retain trash at the storm drain inlets, before they enter the underground piping. The devices provide the City a 66% reduction from 2009 levels, almost to the

required 70% level. The cost for this installation was $22.000 which includes $5,000 in annual, ongoing maintenance.

While this installation was underway, staff along with the City's stormwater consultant Kennedy & Associates met with the Water Quality Control Board to discuss progress towards meeting the 70% reduction requirement as well as the future reduction requirements of 80% by July 1, 2019, and 100% by July 1, 2022. Given all qualifying public streets were being retrofitted with trash capture devices, the discussion focused on designated private commercial properties since these properties are the only remaining areas available to meet the Board trash reduction requirements. MRP 2.0 outlines two (2) options for achieving these reductions:

Option 1 (MRP Section C.10.b.i): Requires commercial property owners in "moderate" and "high" trash generation areas install and maintain full-trash capture devices in all storm drain inlets on their property. These areas (Attachment 2) include the Lucky/McDonalds Center (Park Place Plaza), Rite Aid, Sycamore Place, Market Hall, the Commercial Center at corner of San Pablo & Sycamore (Starbucks/Kinders/Jack In the Box/Shell), the lower half of Creekside Center (Big Lots/Taco Bell/Dragon Terrace) and the Willow Center (76 Gas Station/Starbucks/Burger King). Moving forward with Option 1 would require a modification to the City's stormwater ordinance, implementation of City administered operation and maintenance agreements, inspection, and annual reporting to the Board, which is estimated to cost the City $3,000 - $9,000.

Option 2 (MRP Section C.10.b.ii): Would require private commercial property owners implement other trash management actions including increased number and maintenance of trash receptacles, increased street sweeping, increased on-land cleanups, enhanced business inspections, solid waste haulers/illegal dumping prevention, and other source controls such as product bans. The City would be required to develop and administer an oversight and compliance program including regular inspections, assessments, and potential ongoing enforcement activities, which is estimated to cost the City $17,000 - $35,000.

In discussing these two (2) options with the Water Board, City staff is recommending proceeding with Option 1 given the lower cost and staffing impacts to the City and higher probability of success in meeting the trash reduction requirements once the trash capture devices have been installed. The Water Board was very supportive of this approach, but indicated that the City would most likely be receiving a notice of violation for not achieving the July 1, 2017, 70% reduction and also expressed that timeliness was critical moving forward. With this in mind, City staff is proposing the following implementation schedule:

February 13 (Tonight) – Informational report to the City Council.
Late February/Early March – Conduct informational outreach meeting with affected commercial property owners with vendors of trash capture devices in attendance.
March 13 – First reading of amended stormwater ordinance.
March 27 – Second reading of amended ordinance.
Future – Execution of maintenance and operations agreements and inspection of device installation.

If the City were to move forward as recommended above and receive full cooperation from commercial property owners, Hercules would be well ahead of achieving the future trash reduction requirements of 80% by July 1, 2019, and 100% by July 1, 2022.

ATTACHMENTS:

Attachment 1 – Map of Trash Capture Devices
Attachment 2 – Map of Moderate and High Commercial Trash Generation Areas

Financial Impact

Description:

Funding Source:

Budget Recap:

Total Estimated cost:	$	New Revenue:	$
Amount Budgeted:	$	Lost Revenue:	$
New funding required:	$	New Personnel:	$
Council Policy Change: Yes ☐ No ☒			