



# City of Chula Vista

## Staff Report

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**File#:** 17-0339, **Item#:** 5.

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CONSIDERATION OF SELECTING A COMPLIANCE TRACK (1 OR 2) FOR THE NEW TRASH AMENDMENT ORDER ISSUED BY THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD AND NOTIFYING THEM OF THE SELECTION

RESOLUTION NO. 2017-158 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NOTIFY THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD OF THE TRACK SELECTED TO COMPLY WITH TRASH AMENDMENT INVESTIGATIVE ORDER NO. R9-2017-0077

### **RECOMMENDED ACTION**

Council adopt the resolution.

### **SUMMARY**

On June 2, 2017, the San Diego Regional Water Quality Control Board (RWQCB) issued Investigative Order (IO) No. R9-2017-0077, directing the Owners and Operators of Phase I Municipal Separate Storm Sewer Systems (MS4 permittee) Draining the Watersheds within the San Diego Region to Submit Reports Pertaining to the Control of Trash in Discharges from Phase I MS4s to Ocean Waters, Inland Surface Waters, Enclosed Bays, and Estuaries in the San Diego Region.

Order No. R9-2017-0077 requires MS4 permittees to submit written notice indicating whether Track 1 or Track 2 control measures will be used to comply with the trash discharge prohibition by September 05, 2017. Jurisdictional maps and implementation plans associated with either Track 1 or Track 2 control measures must be submitted to the San Diego Water Board by December 03, 2018.

### **ENVIRONMENTAL REVIEW**

#### **Environmental Notice**

The Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act State Guidelines Section 15301 Class 1 (Existing Facilities) and/or Section 15303 Class 3 (New Construction or Conversion of Small Structures)

#### **Environmental Determination**

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15301 Class 1 (Existing Facilities) and/or Section 15303 Class 3 (New Construction or Conversion of Small Structures). Thus, no further environmental review is required.

### **BOARD/COMMISSION RECOMMENDATION**

Not Applicable

## **DISCUSSION**

Trash Amendments refer to amendments to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan), adopted April 2015 and approved by California Office of Administrative Law (OAL) and the U.S. Environmental Protection Agency (U.S. EPA) in December 2015 and January 2016, respectively.

On June 2, 2017, the San Diego Regional Water Quality Control Board ("RWQCB") issued Order number R9-2017-007 ("Trash Order"), effectively prohibiting discharges of trash from the Municipal Separate Storm Sewer System ("MS4") to surface waters and required reporting related to trash controls. The City of Chula Vista (City), as well as the other 20 Copermittees must decide between two compliance paths (Track 1 or Track 2) and implement "full capture" of trash in Priority Land Use Areas by 2028.

Priority Land Use areas (commercial, industrial, high density residential, public transportation, and "mixed urban") are deemed to have elevated trash generation rates. The City has identified approximately 1,800 storm drain inlets subject to this Order within Priority Land Use Areas (Attachment 1).

Track 1 requires the installation and maintenance of certified structural devices, see Attachment 2, ("full capture systems") on all storm drains that capture runoff from Priority Land Use Areas. Maintenance of the devices includes periodic cleaning using hand tools or Vactor equipment to remove the trash and debris collected in the storm drain inlets. Compliance with Track 1 requirements is achieved when the City has demonstrated annually the installation, operation, and maintenance of full capture systems and provides mapped location and drainage area served by full capture systems.

Track 2 requires a combination of certified structural devices where feasible and programmatic controls (e.g. catch basin cleaning, street sweeping, trash receptacle programs) to capture all trash generated from Priority Land Use areas ("full capture equivalence"). Compliance with Track 2 requirements is achieved when the City has, "Developed and implemented a set of monitoring objectives that demonstrate mandated performance results, effectiveness of the selected combination of treatment and institutional controls, and compliance with full capture system equivalency.

In preparation for the expected Trash Order, on August 02, 2016, by Resolution 2016-156, City Council approved a contract with D-Max Engineering, Inc. to prepare Trash Amendments Baseline Assessment Report ("Baseline Report"). D-max completed a preliminary evaluation of different compliance scenarios considering data from Public Works, Engineering, Geographic Information Systems, and Economic Development Departments, and submitted a final Baseline Report dated June 19, 2017 (Attachment 3).

A 20-year planning horizon was considered by D-Max, along with six scenarios from Track 1 and Track 2 (Table 10 of Attachment 2). Overall, Track 1 scenarios had higher total costs than Track 2 scenarios. The distribution of costs also differs between tracks, with a much larger proportion of costs

**File#: 17-0339, Item#: 5.**

required to cover monitoring, reporting, and program management under Track 2. Table 1 below is an overview comparison of the two compliance Tracks.

**TABLE 1 - Track 1 and Track 2 Cost Summary**

	<b>Track 1</b>	<b>Track 2</b>
Year 0 (FY17-18)	\$70K	\$180K
Year 1-5 average cost	\$680K - 800K	\$390K - 430K
Year 6-10 average cost	\$1.1M - 1.4M	\$630K - 920K
Total 10-Year Implementation Cost (Year 10 is full compliance)	\$8.9M - 10.8M	\$5.1M - 6.7M
Total Maintenance Cost (Year 11-20)	\$8.2M - 12.1M	\$5.8M - 6.9M
Total 20-Year Program Cost	\$17.7M - 22.7M	\$10.9M - 13.6M

The San Diego RWQCB has indicated that it will be acceptable for a city to initially select a Track 2 approach and then later switch to a Track 1 approach. This strategy might be desirable if, for example, after implementing the first few years of a Track 2 program, the City finds that its nonstructural BMP efforts turn out to be less effective or more costly than anticipated. Switching from Track 2 to Track 1 in year 5 will cost an average of \$1.1M - 1.4M per year in years 6-10. The total 20-year cost for switching Tracks is \$15.7M - 21.2M.

The Trash Order requires the City to notify the San Diego RWQCB of the selected compliance track by no later than September 5, 2017. It also requires the City to submit implementation maps, time schedules and (if applicable) compliance plans by December 3, 2018. These requirements will be incorporated into the San Diego Region's MS4 Permit during 2018 as part of the 5-year permit renewal process.

Based upon an analysis of the two tracks, staff is recommending that the San Diego RWQCB be notified that the City is selecting the Track 2 approach to comply with the Trash Amendment Investigative Order (IO) No. R9-2017-0077.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

#### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy

**File#: 17-0339, Item#: 5.**

Community, Strong and Secure Neighborhoods and a Connected Community. Authorizing the City Manager or his Designee to notify the San Diego Regional Water Quality Control Board of the Track Selected supports Operational Excellence as it allows the City to comply with the Trash Amendment Investigative Order No. R9-2017-0077 within its jurisdictions.

**CURRENT YEAR FISCAL IMPACT**

If Track 2 compliance is approved by City Council, City must prepare and submit an Implementation Plan to the San Diego RWQCB by December 03, 2018. Funds to cover preparing and submitting the Implementation Plan is available in the Engineering & Capital Projects budget for Fiscal Year 2017-2018. Therefore, no appropriation is required.

**ONGOING FISCAL IMPACT**

Funds to cover the remaining costs (\$110,000) for preparing and submitting the Implementation Plan will be budgeted as part of the Engineering & Capital Projects budget for FY2018-2019. In addition, the estimated funds required for covering the Trash Amendment implementation program will be programmed as part of the Engineering & Capital Projects and Public Works Operations Departments budgets for Fiscal Years 2018-2019 through 2028-2029 as part of the normal budget process as outlined in the Table 3 below. Funding has not been identified and may result in additional fiscal impacts to the General Fund budget which will be reflected in the updated Long-Term Financial forecast.

**Table 3 - Average Annual Cost for Years 1-20**

	Capital Cost	Maintenance Cost	Repair & Replacement Costs	Non-Structural BMP Costs	Planning, Monitoring, & Reporting Costs	Annual Cost with Contingency
Year 1	\$57,035	\$12,439	\$519	\$0	\$170,000	<b>\$287,991</b>
Year 2	\$84,920	\$31,083	\$1,291	\$0	\$170,000	<b>\$344,751</b>
Year 3	\$113,080	\$55,781	\$2,319	\$1,500	\$170,000	<b>\$411,215</b>
Year 4	\$122,045	\$82,487	\$3,428	\$6,540	\$170,000	<b>\$461,399</b>
Year 5	\$124,355	\$109,693	\$4,559	\$22,129	\$170,000	<b>\$516,883</b>
Year 6	\$123,915	\$136,827	\$11,389	\$38,678	\$170,000	<b>\$576,969</b>
Year 7	\$121,605	\$163,460	\$15,283	\$36,178	\$170,000	<b>\$607,830</b>
Year 8	\$120,340	\$189,657	\$19,193	\$57,846	\$170,000	<b>\$668,443</b>
Year 9	\$119,460	\$215,607	\$21,175	\$68,078	\$170,000	<b>\$713,184</b>
Year 10	\$115,687	\$240,420	\$22,458	\$88,180	\$170,000	<b>\$764,095</b>
Year 11	\$0	\$240,420	\$22,984	\$79,980	\$170,000	<b>\$616,061</b>
Year 12	\$0	\$240,420	\$23,032	\$79,980	\$170,000	<b>\$616,118</b>
Year 13	\$0	\$240,420	\$23,187	\$79,980	\$170,000	<b>\$616,304</b>
Year 14	\$0	\$240,420	\$23,189	\$79,980	\$170,000	<b>\$616,306</b>
Year 15	\$0	\$240,420	\$22,835	\$79,980	\$170,000	<b>\$615,882</b>
Year 16	\$0	\$240,420	\$33,144	\$79,980	\$170,000	<b>\$628,252</b>
Year 17	\$0	\$240,420	\$43,723	\$79,980	\$170,000	<b>\$640,948</b>
Year 18	\$0	\$240,420	\$54,539	\$79,980	\$170,000	<b>\$653,926</b>

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**File#: 17-0339, Item#: 5.**

Year 19	\$0	\$240,420	\$57,914	\$79,980	\$170,000	<b>\$657,976</b>
Year 20	\$0	\$240,420	\$58,329	\$79,980	\$170,000	<b>\$658,474</b>

**ATTACHMENTS**

1. City of Chula Vista Priority Land Use Areas
2. Full Capture System Devices
3. City of Chula Vista Trash Amendments Baseline Assessment Report dated June 19, 2017

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