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Title: RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH BIO CLEAN ENVIRONMENTAL SERVICES TO PURCHASE AND INSTALL STORMDRAIN INLET FILTERS THAT WILL PROVIDE POLLUTANT AND SEDIMENT CONTROL IN STORMWATER RUNOFF AT THE TENTH AVENUE MARINE TERMINAL, NATIONAL CITY MARINE TERMINAL, AND B STREET PIER FOR A TOTAL CONTRACT AMOUNT OF \$222,000; FY2019 EXPENDITURES ARE BUDGETED

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7/17/2018	1	Board of Port Commissioners	adopted	

DATE: July 17, 2018

SUBJECT:

RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH BIO CLEAN ENVIRONMENTAL SERVICES TO PURCHASE AND INSTALL STORMDRAIN INLET FILTERS THAT WILL PROVIDE POLLUTANT AND SEDIMENT CONTROL IN STORMWATER RUNOFF AT THE TENTH AVENUE MARINE TERMINAL, NATIONAL CITY MARINE TERMINAL, AND B STREET PIER FOR A TOTAL CONTRACT AMOUNT OF \$222,000; FY2019 EXPENDITURES ARE BUDGETED

EXECUTIVE SUMMARY:

The District’s stormwater strategy supports clean water in San Diego Bay through a number of initiatives, programs, and projects. The goal is to improve the quality of stormwater runoff flowing from District tidelands in a strategic, proactive, and resource efficient way and in a manner that aligns with the varied uses of the Tidelands.

District staff has identified retrofit opportunities using inlet filters equipped with filtration media in 72 storm drain inlets (collectively) at the Tenth Avenue Marine Terminal (TAMT), National City Marine Terminal (NCMT), and the B Street Pier. Through the installation of inlet filters, stormwater runoff from approximately 155 acres overall, will have improved trash removal and pollutant treatment before being discharged to San Diego Bay. This project presents multiple benefits to the District as it supports the District’s environmental stewardship role, complies with the Municipal Stormwater Permit¹ and complies with trash-capture regulations, known as State Trash Amendments² that are anticipated in 2019.

Pursuant to BPC Policy No. 110, District staff issued Request for Proposal (RFP) No. 18-18RH on May 2, 2018, seeking qualified firms to procure and install inlet filters that are (1) State Trash Amendment-compliant, and (2) outfitted with filtration media targeting pollutants of concern at the terminals. The scope also includes one year of maintenance. Two firms submitted proposals and both proposals were reviewed by District staff for responsiveness related to the project scope. Based on the written proposals and a decision analysis process, using the criteria stated in the RFP, staff is recommending the Board select and authorize an agreement with Bio Clean Environmental Services for inlet filter procurement and installation for an amount not to exceed \$222,000.

RECOMMENDATION:

Adopt a Resolution selecting and authorizing an agreement with Bio Clean Environmental Services for inlet filter procurement and installation for an amount not to exceed \$222,000

FISCAL IMPACT:

Funds for this expense of \$222,000 are included in the approved FY2019 budget within the Maritime Operations Equipment and Other Capital Projects line items.

Stormwater and Water Quality Budget

Costs associated with stormwater and water quality related projects were presented to the Board during the May 8, 2018 Preliminary Board Budget meeting (Attachment B). Installation of inlet filters at the three terminals is part of the "New Stormwater Projects and Requirements" included the aggregated budgeted capital and non-personnel costs for FY2019.

COMPASS STRATEGIC GOALS:

Approval of the proposed agreement will result in the installation of pollutant removal structures in District storm drains that will improve the quality of stormwater discharge to San Diego Bay furthering the District's long term goal of supporting a healthy and sustainable Bay. This agenda item supports the following Strategic Goal(s).

- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

DISCUSSION:

The District's 21st century organizational vision is an innovative, global seaport supporting commerce, community, and the environment. In pursuit of this vision, the District's strategic approach to stormwater management is a comprehensive and proactive program that will help the District address increasing stormwater regulations in a manner that supports the other commercial, industrial, maritime, and recreational uses of tidelands. The goal is to implement a mix of programs, projects, and routine maintenance actions that effectively treat stormwater runoff prior to discharge. As such, the stormwater strategy promotes a clean bay, minimizes environmental liability and reduces maintenance and operating cost through planned structural best management practice

(BMP) construction.

Compliance with Regulatory Requirements

The District is committed to its environmental stewardship role and committed to protecting water quality in accordance with state and local stormwater requirements. This includes the requirements of the Municipal Stormwater Permit and the Trash Amendments. The Municipal Stormwater Permit regulates discharges of urban runoff to and from the municipal storm drain system and requires BMP implementation to achieve compliance. The Trash Amendments are land-based regulations targeting trash in runoff associated with priority land uses (PLUs)³ and draining to the municipal storm drain system. The Trash Amendments are expected to be incorporated into a new municipal permit in 2019 which starts a 10-year compliance timeframe. To comply with the Trash Amendments, the District will be installing trash-capture devices, such as inlet filters, at storm drains within PLUs.

Improving Water Quality Discharges at TAMT, NCMT and B Street Pier

One of the most valuable Tidelands uses are the maritime operations at TAMT, NCMT and B Street Pier. From these terminals, key services are provided; cargo, trade and cruise operations, which deliver major economic benefits to the region. Operations at the terminals are dynamic, and flexible use of the terminal space is important for maximizing cargo throughput and efficiencies.

Stormwater pollution prevention at the terminals is essential to continue the flexibility of operations therein, and to support redevelopment in the future. With respect to structural pollutant control design and installation at the terminals, significant physical and operational challenges exist (high water table, proximity to the Bay, need for operational space, etc.) that can be costly, so the District is looking to address the water quality at the terminals with structural BMPs in a proactive and methodical way.

The District has identified 72 storm drain inlet locations across the three terminals that could be outfitted with inlet filters, or locations where existing inlet filters may be replaced or upgraded. The inlet filters will be Trash Amendments compliant where feasible and will be outfitted with filtration media that targets the removal of metals. The installation of the inlet filters will result in improved water quality discharges from an estimated 155 acres across the three terminals. The inlet filters will also have an access point for sampling treated stormwater for as-needed pollutant removal effectiveness assessment. The filters can be installed within a short time period and with minimal impact to terminal operations.

RFP Process and Interviews

Pursuant to BPC Policy 110, RFP No 18-18RH was issued on May 24, 2018 seeking inlet filter procurement, installation and one-year maintenance services. A total of 72 storm drain inlets were identified to receive the filters; seven (7) at B Street Pier, 30 at TAMT, and 35 at NCMT. The services include full compensation for all equipment, labor, inspection, supervision, materials, and tools, required to perform the services.

On May 24, 2018, the District received two proposals that were both deemed responsive. Staff convened an interview selection panel on June 20, 2018, and evaluated the two proposals based on standards criteria listed in the RFP. The interview selection panel found that Bio Clean Environmental Services was the highest qualified service provider based upon the experience of their proposed

staff, firm's relevant experience, their approach to the project, capability to perform, and their fair and reasonable cost.

The firms are described below, in the order in which they were ranked:

Bio Clean Environmental Services (Bio Clean)

Bio Clean is located in Oceanside, CA and has been manufacturing stormwater treatment technologies for 19 years. The company has worked for other municipalities such as the cities of Brea, San Marcos, and Aliso Viejo. The firm is currently working for the District furnishing the modular wetland units being installed as part of the TIGER Redevelopment Project.

Bio Clean's proposal includes an inlet filter manufactured at their Oceanside facility. The proposed Bio Clean inlet filter is on the State Water Board's list of approved devices for compliance with the Trash Amendments. The filter is proposed with filter media designed to treat the pollutants of concern and Bio Clean submitted documentation regarding the filter pollutant removal efficiencies. As specified in the scope of work, the proposed filter also includes a sampling tray to collect samples of treated runoff. The District has installed the same filters in other areas of TAMT in 2017 and they appear to be working well.

Bio Clean proposed to install the inlet filters and provided an approach to the project that reflected an understanding of the factors needed to be considered for successful and timely installation. A one-year maintenance agreement that includes inspection and maintenance of the structures (two times within the year) and an 8-year product warranty is also included in the proposal.

Innerline Engineering Inc.

Innerline Engineering was formed in 1997 and incorporated in 2000, and has a local office located at Corona, California. The company has over 15 years of experience in the sewer and stormdrain industry. The company also has experience in catch basin cleaning, CCTV inspection, and emergency response. The firm has held contracts to provide stormdrain maintenance services with the cities of Norco, Corona, and Ontario.

Innerline proposed an inlet filter manufactured by AbTech Industries. This product is not on the approved list for the Trash Amendments but it does meet the flow-rates specified and filter sizing criteria included in the Trash Amendments. The AbTech filter is proposed with filter media designed to treat the pollutants of concern; however, no documentation regarding the filter pollutant removal efficiencies was provided. The Innerline proposal did not indicate how or where a post-treatment sampling point would be incorporated into their proposed filter.

Innerline proposed to install the inlet filters, however, their proposal did not indicate the company's previous experience working with the AbTech filter; either with sizing, install or maintenance. Innerline did not provide a clear approach to the project in the proposal.

Recommendation

Based on their proposal, the product proposed, and intimate knowledge of the product, Bio Clean appears to be the most responsive and capable to perform the contract scope of work and help the District achieve its water quality goals with this project. Staff recommends the Board select and

authorize an agreement with Bio Clean to provide and install inlet filters at TAMT, NCMT, and B Street Pier for an amount not to exceed \$222,000.

General Counsel's Comments:

The Office of the General Counsel reviewed this agenda and approved the proposed agreement as to form and legality.

Environmental Review:

The proposed Board Item is a stormwater service agreement for the installation of inlet filters at B Street Pier, Tenth Avenue Marine Terminal, and National City Marine Terminal. The inlet filters would allow for media filtration in the storm drains and the collection of water samples once they pass through the filters, which would assist the District in complying with stormwater and trash regulations. The Board item and activities associated with the agreement are Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15306 (Information Collection), 15308 (Actions by Regulatory Agency for Protection of the Environment) and/or 3.a (1), 3.f, and 3.h of the District's *Guidelines for Compliance with CEQA* because the project involves installation of inlet filters at existing storm drains at marine terminals to support the District's environmental stewardship role and help the District comply with stormwater and water quality regulations. The Categorical Exemptions listed above are appropriate for the proposed project because the project involves the installation of inlet filter at existing storm drains at the District's three marine terminals and the collection of post-treatment water samples to comply with state regulations that would involve negligible or no expansion of use beyond that previously existing, would not result in a serious or major disturbance to an environmental resource, and would comply with actions taken by regulatory agencies to assure the protection of the environment. It would not result in any significant cumulative impacts due to the minor impacts of the installation and maintenance of the inlet filters. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

The proposed project complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was established by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

In addition, the proposed Board action is considered "excluded development" pursuant to Sections 8.a (Existing Facilities) and/or 8.e (Information Collection) of the District's Coastal Development Permit Regulations; therefore, issuance of a Coastal Development Permit is not required.

Equal Opportunity Program:

Due to limited known sub opportunities, no Small Business Enterprise goal was established for this agreement.

PREPARED BY:

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Attachment(s):

Attachment A: Agreement 156-2018RH - Bio Clean Environmental Services

Attachment B: Stormwater and Water Quality Expenses Chart

1. NPDES No. R9-2013-0001 As Amended by Order No. R9-2015-0001 and Order No. R9-2015-0100 (Municipal Stormwater Permit)
2. Investigative Order No. R9-2017-0077
http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2017/R9-2017-0077.pdf
3. Priority Land Uses (PLU) include Industrial, Commercial, High Density Residential, Mixed Use (combination of high-density residential, industrial, and commercial), and Public Transportation Stations.