



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 12, 2019

Subject: Authorize the Flood Control District to pay for BASMAA regional project costs for FY 2017/18

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, or his designee, to pay the amount of \$149,869 to the Bay Area Stormwater Management Agencies Association for services provided to the Contra Costa Clean Water Program, during the period July 1, 2017, to June 30, 2018, as recommended by the Chief Engineer, Contra Costa County Flood Control and Water Conservation District ("District") (Fund 251900).

FISCAL IMPACT:

Payment will be drawn from the Contra Costa Clean Water Program fund. Program funding is provided by the County and 19 cities and towns within Contra Costa County. The County's share of the above payment is approximately \$22,500.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/12/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 12, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Laura Cassell, Deputy

Contact: Tim Jensen (925)
313-2390

cc:

BACKGROUND:

Municipalities are required by federal law to obtain permits in order to discharge stormwater into receiving waters such as rivers, lakes and bays. Permits are issued under the National Pollutant Discharge Elimination System (“NPDES”) permit program, administered by the U.S. Environmental Protection Agency. In California, the NPDES permit program is administered by the State Water Resources Control Board and the Regional Water Quality Control Boards.

In Contra Costa County, the municipal storm sewer systems located within both the incorporated and unincorporated areas are permitted under a Joint Municipal Regional Stormwater NPDES permit (“Joint MRP”). Permit compliance is managed by the Contra Costa Clean Water Program (“CWP”), a stormwater quality management program formed by the County, District and the 19 incorporated cities and towns located in Contra Costa County (the “Permittees”). The District is the contracting authority and fiscal agent for the Contra Costa CWP.

Compliance with some of the provisions of the Joint MRP involves participation in regional projects with other stormwater quality management agencies in the Bay Area. Regional projects have been managed by the Bay Area Stormwater Management Agencies Association (“BASMAA”), which collects payments from participating agencies to pay BASMAA’s costs associated with the projects.

In Fiscal Year 2017-2018, the Contra Costa CWP participated in seven regional projects through BASMAA. The Contra Costa CWP made reference to these regional projects in its September 2018 annual report to the San Francisco Regional Water Quality Control Board (“Regional Board”) to demonstrate permit compliance. In return, BASMAA seeks payment in the amount of \$149,869. BASMAA provided these services without a valid contract in place. For this reason, the District seeks Board approval of this payment as consideration for services provided to the Contra Costa CWP.

Services were provided by BASMAA through consultants retained by BASMAA to complete the projects. BASMAA’s executive director also provided services directly. A brief description of the services follows:

Projects

1. Pesticides Toxicity – Regulatory Modernization

Summary: Permittees are required under the Joint MRP to track and comment on federal and state pesticide evaluation and registration activities. BASMAA arranges for the California Association of Stormwater Quality Agencies (CASQA) to perform these duties at a statewide level. In Fiscal Year 2017-2018, CASQA submitted letters to the U.S. Environmental Protection Agency regarding six pesticide reviews,

provided partner agencies technical information that spawned additional comment letters, and participated in numerous meetings and conference calls on specific pesticide issues and the long term goal of improving the pesticide regulatory process.

Cost: \$5,921.00

2. Project: Creek Status Monitoring Coordination

Summary: MRP Provision C.8 requires the Permittees to submit to the Regional Board an annual comprehensive Urban Creeks Monitoring Report regarding the status of selected creeks. Preparation of the report requires a substantial amount of the data on each creek. The data that are collected are submitted to and stored in a database. Ongoing data management is required to support the database. In Fiscal Year 2017/18, a BASMAA consultant assisted Permittees by tracking data submittals, and providing guidance on data management.

Cost: \$5,226.00

3. Project: POC Monitoring for Source Identification and Management Action Effectiveness

Summary: MRP Provision C.8.f requires identification of the sources of “pollutants of concern.” Polychlorinated biphenyls (PCBs) are key pollutants of concern and a key focus of the Joint MRP. In Fiscal Year 2017-18, a BASMAA consultant conducted field monitoring, collected samples for laboratory analysis and prepared a report on PCB source identification.

Cost: \$30,955.00

4. Project: On-Call Services to Maintain the Regional Monitoring Coalition Monitoring Database

Summary: The database referenced in Project #2 above requires ongoing technical support. In Fiscal Year 2017/18, a BASMAA consultant provided technical resources to maintain the creek monitoring database and provide technical assistance to the database users.

Cost: \$2,011.00

5. Project: Regional Monitoring Coalition Five Year Bio-Assessment Report

Summary: Bio-assessments contained in the report referenced in Project #2 are based on a wide range of data on the health of the watersheds identified in the report. In Fiscal Year 2017/18, BASMAA consultants collected watershed health

indicator data, analyzed the data, mapped results to illustrate statistical relationships based on different scales and land use types, and geographic patterns, and then prepared a draft report based on the results of the analyses.

Cost: \$6,950.00

6. Project: Managing PCBs Containing Materials and Wastes during Building Demolition – Phase 1

Summary: MRP Provision C.12.f requires Permittees to prevent materials containing PCBs, or drainage from such materials, to enter a storm drain system during building demolition. This must be achieved through adoption of ordinances, policies, or procedures and integrating them into existing municipal building demolition permit requirements. In Fiscal Year 2017/2018, BASMAA consultants completed the second year of a two-year project to develop model language for ordinances, procedures, staff reports, resolutions, and CEQA documents, model demolition permit application materials, forms, process flow charts, applicant instructions, and an analysis and justification to modify demolition permit fees, plus outreach and training materials to help implement the new requirements.

Cost: \$46,087.00

7. Project: Integrated Pest Management Partnership Program

Summary: MRP Provision C.9.e requires Permittees to undertake an outreach program that encourages communities to reduce reliance on pesticides that threaten water quality, encourages landscape irrigation management that minimizes pesticide runoff, and promotes appropriate disposal of unused pesticides. Permittees must also reach out to customers where pesticides are purchased. In Fiscal Year 2017-18, BASMAA consultants prepared educational materials for distribution and trained retail employees how to explain non-toxic alternatives to customers shopping for pesticides.

Cost: \$7,402.00

Project Management

In addition to the regional project work performed by its consultants, BASMAA provides services directly in the form of project management. Before work can begin on a regional project, BASMAA's executive director advertises the project to solicit consultants to submit bids, manages an interview of those who respond, oversees the selection process and prepares a report to the BASMAA Board of Directors regarding the award of a contract to the selected consultant. After a contract is awarded, the executive director manages the contract with the consultant. This includes reviewing invoices and draft work products and preparing

monthly status reports to the BASMAA Board of Directors. The BASMAA executive director also acts as a point of contact for questions regarding projects and responds to requests for information. Project management costs include the executive director's compensation as well as overhead such as insurance, accounting, telecommunications and legal costs.

Cost: \$45,317.00

CONSEQUENCE OF NEGATIVE ACTION:

Failure to pay BASMAA for regional projects for which the Contra Costa CWP has already taken credit for purposes of permit compliance could jeopardize its permit compliance status, as well as opportunities to work with other stormwater quality management programs on future regional projects.