



Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Public Works Director/Chief Engineer  
Date: August 6, 2019

Subject: APPROVE Fourth Amendment to License Agreement with SFPP, L.P. Concord area.

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute the "Fourth Amendment to License Agreement (Amendment) with SFPP, L.P., and Contra Costa County Flood Control and Water Conservation District" (District), effective June 30, 2019, substantially in the form attached hereto as Exhibit A, Project No. FS1800186, FC Permit 630-15.

DIRECT the Real Estate Division to cause the Amendment to be delivered to Licensee for execution.

**FISCAL IMPACT:**

100% Flood Control Zone 3B funds. In 2018, the annual fee was \$4,661.00; beginning in 2019, the fee will increase annually by  $\pm 4\%$  for the remaining ten years of the Agreement.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **08/06/2019** ☒ 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: August 6, 2019

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

By: Stacey M. Boyd, Deputy

Contact: Michael Serrano, 925.  
957-2489

cc:

## BACKGROUND:

SFPP, L.P. operates a petrochemical facility adjacent to the Walnut Creek Channel, north of Imhoff at 1550 Solano Way, Concord. The California Regional Water Quality Control Board, San Francisco Bay Region has required SFPP, L.P. to perform remediation measures to lower toxin levels in the groundwater caused by migration of petroleum hydrocarbons from their facility toward the channel to intercept and breakdown contaminants in the groundwater which migrate toward the channel.

On August 17, 1999, the Board of Supervisors approved a license agreement between the District and SFPP, L.P. that allowed the planting, installing, maintaining, using and removing of poplar trees, irrigation system and monitoring wells in District property to intercept and breakdown contaminants in the groundwater which migrate toward the channel (referred to as a “Phytoremediation System”). There have been three prior amendments to the original license agreement. The first amendment allowed for additional poplar trees, extended the term and increased the yearly fee, and increased the amount of the bond. The second and third amendments upgraded and expanded the Phytoremediation System. This fourth amendment replaces the exhibit showing the locations of the trees and other improvements, extends the term for an additional ten years, through July 31, 2029, and updates the fee schedule for the last ten years of the agreement.

## CONSEQUENCE OF NEGATIVE ACTION:

Licensee will not be able to use District property to remain in compliance with the requirements of the California Regional Water Quality Control Board, San Francisco Bay Region.

## ATTACHMENTS

4th Amendment