



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: November 5, 2019

Subject: Approve a contract amendment with Dan Cloak (d/b/a Dan Cloak Environmental Consulting), Countywide

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Engineer, Flood Control and Water Conservation District, or designee, to execute, on behalf of the Contra Costa Clean Water Program, a contract amendment with Dan Cloak (d/b/a Dan Cloak Environmental Consulting), to increase the payment limit by \$310,000 to a new payment limit of \$760,000 and to extend the term from June 30, 2020 to April 18, 2022 to provide technical assistance in order to maintain compliance with the National Pollutant Discharge Elimination System Permit, Countywide. This contract is necessary to comply with federal and state stormwater rules. Project Nos. 7519-6X7645, 7519-6X7623

FISCAL IMPACT:

The cost is estimated to be \$760,000, and shall be funded by stormwater utility fee assessments collected by the Cities/Towns and County, proportional to their respective populations.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **11/05/2019** ☒ 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: November 5, 2019

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

By: Laura Cassell, Deputy

Contact: Andrea Bullock, (925)
313-2194

cc:

BACKGROUND:

The Board approved a contract with Dan Cloak (d/b/a Dan Cloak Environmental Consulting) on April 18, 2017 for the term of April 18, 2017 through June 30, 2020 in the amount of \$450,000. Contra Costa Clean Water Program (CCCWP) consists of Contra Costa County, its 19 incorporated cities/towns, and the Contra Costa County Flood Control and Water Conservation District (hereinafter referred to collectively as Permittees). The CCCWP was established in 1991 through a Program Agreement in response to the 1987 amendments to the federal Clean Water Act (CWA), which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) Permit Program. The United States Environmental Protection Agency published final rules implementing the 1987 CWA amendments in November 1990. The rules mandate that Permittees obtain and implement stormwater permits designed to reduce and eliminate the discharge of pollutants into and from Municipal Separate Storm Sewer Systems they own and operate. Through the CCCWP, Permittees conduct many of the mandated activities collectively (referred to as Group Activities), such as water quality monitoring, special studies, and public education. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which was last updated and adopted by all Permittees in June 2010.

Dan Cloak Environmental Consulting is recognized statewide as a leader in the field of post-construction stormwater management. Dan Cloak Environmental Consulting is uniquely qualified to provide continued support of the CCCWP's compliance programs related to the new and redevelopment permit requirements, including, but not limited to, green infrastructure planning and implementation. In order to continue ongoing permit compliance activities, CCCWP staff, on behalf of the Permittees, respectfully request approval of this contract with Dan Cloak d/b/a Dan Cloak Environmental Consulting to add \$310,000 and extend the term from June 30, 2020 to April 18, 2022.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract with Dan Cloak (d/b/a Dan Cloak Environmental Consulting) is not approved, critical ongoing compliance projects would be delayed and the CCCWP would not be able to fulfill the permit mandates, and municipalities could be found in non-compliance with the NPDES permits issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards. Fines totaling \$10,000 per day and \$10 per gallon of stormwater discharge could potentially be imposed.