



## Legislation Text

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**File #:** 15-0211, **Version:** 3

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Community Development Services, Planning and Building Department, recommending the Board approve and authorize the Chair to sign Agreement for Services 287-S1811 with Nichols Consulting Engineers, Chtd., to provide stormwater program support services to develop the West Slope Track 2 implementation plan for compliance with State-wide Trash Amendments, with a not-to-exceed amount of \$98,200 and effective upon final execution by both parties and expiring two years thereafter.

**FUNDING:** General Fund (National Pollutant Discharge Elimination System 50%) and Public Utility Franchise Fees (50%).

### **DEPARTMENT RECOMMENDATION**

Community Development Services (CDS), Planning and Building Department (Planning), recommending the Board approve and authorize the Chair to sign Agreement for Services 287-S1811 (Agreement ) with Nichols Consulting Engineers, Chtd. (NCE), to provide stormwater program support services to develop the West Slope Track 2 implementation plan for compliance with State-wide Trash Amendments, with a not-to-exceed amount of \$98,200 and effective upon final execution by both parties and expiring two years thereafter.

Planning recommends the Board make findings in accordance with County Ordinance Section 3.13.030, that it is more economical and feasible to engage an independent contractor to provide stormwater program support services for developing the West Slope Track 2 implementation plan for compliance with State-wide Trash Amendments, recognizing that Planning staff does not have the capacity or expertise to develop such a complex plan.

### **DISCUSSION / BACKGROUND**

The State Water Resources Control Board (State Control Board) adopted an Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash and an Amendment to the Water Quality Control Plan Part 1 Trash Provisions for Inland Surface Waters, Enclosed Bays, and Estuaries of California. Together they were collectively termed the "Trash Amendments."

The Draft Trash Amendments and Substitute Environmental Documentation were released for public review in June 2014. Planning staff submitted written comments on the Trash Amendments to the State Control Board during this period. On December 31, 2014, the State Control Board released a Notice of Revised Documents stating the proposed Final Trash Amendments were available online for review. On February 12, 2015, the State Control Board released a Notice of Public Meeting scheduled for April 7, 2015, to consider adoption of the proposed Final Trash Amendments. Planning staff attended the meeting and provided oral comments at that time. Despite attempts by Planning staff and many other jurisdictions to delay or amend these State-wide Amendments, the State Control Board adopted both at this meeting. These Amendments, now referred to as the Trash Policy, will eventually be incorporated into all National Pollutant Discharge Elimination System (NPDES) Permitting programs including, but not limited to, Phase I and Phase II Municipal Permits, Construction General Permits, and Industrial General Permits.

Subsequently, the Office of Administrative Law approved the Amendments in December 2015, and the United States Environmental Protection Agency (EPA) approved them on January 12, 2016.

After the adoption of the Amendments to the Statewide Trash Policy by the Office of Administrative Law and the EPA, the State Control Board worked internally to determine how to implement the Trash Policy requirements, with little involvement of their permittees. Finally, on June 1, 2017, both the State Control Board and the Lahontan Regional Water Quality Control Board sent the County a 13383 Order for the West Slope and the Lake Tahoe Basin, requiring the County to select compliance Track 1 or Track 2 by September 1, 2017, and to develop and submit an implementation plan on the selected Track compliance strategy by December 1, 2018.

On August 29, 2017, the Board received a presentation from Planning staff and selected the Track 2 compliance method for both the West Slope and Lake Tahoe. In order to comply with Track 2, pursuant to the 13383 Order, the County must develop and submit an implementation plan to the respective Water Control Boards for the West Slope and Lake Tahoe. Planning staff has capacity and expertise to develop and submit the implementation plan for Lake Tahoe; however, staff does not have the capacity or expertise to develop the implementation plan for the West Slope, due to its complexity. Therefore, the subject contract is required.

#### **ALTERNATIVES**

The Board could choose to deny the contract. However, the County would still need to enter into a contract with an alternate vendor as staff does not have the capacity or expertise to develop the Track 2 method for compliance with the State-wide Trash Amendments.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

CDS Departments of Transportation and Environmental Management

#### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

#### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. Sufficient appropriations have been included in the Fiscal Year 2017/18 Budget. The cost for this contract activity is \$98,200 and will be funded from the General Fund (National Pollutant Discharge Elimination System 50%) and Public Utility Franchise Fees (50%). Long Range Planning has set aside \$75,000 in FY 2017/18 and plans to set aside the same amount, if needed, in the FY 2018/19 Budget for this Agreement.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain the Chair's signature on two (2) original copies of the NCE Agreement.
- 2) Clerk of the Board to return one (1) original signed copy of the NCE Agreement to the CDS Contracts and Procurement Unit for distribution to the vendor.

#### **STRATEGIC PLAN COMPONENT**

Healthy Communities, Public Safety, Good Governance, and Infrastructure.

#### **CONTACT**

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