



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Public Works



Date: May 7, 2015
Board Meeting Date: June 16, 2015
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: James C. Porter, Director of Public Works

Subject: Amendment to the Memorandum of Agreement for the Central Coast
Regional Areas of Special Biological Significance Dischargers Monitoring
Program

RECOMMENDATION:

Adopt a resolution authorizing an amendment to the Memorandum of Agreement for the Central Coast Regional Areas of Special Biological Significance Dischargers Monitoring Program, extending the term through December 31, 2016, and increasing the amount by \$50,000 to an amount not to exceed \$200,000.

BACKGROUND:

The California Ocean Plan prohibits the discharge of 'waste', including stormwater pollutants from urban areas and roadways, into an Area of Special Biological Significance (ASBS), unless the State Water Resources Control Board (Water Board) grants an Exception. In 2004, the County of San Mateo (County) received a letter from the Water Board directing the County to apply for an Exception in order to continue discharging stormwater into the James V. Fitzgerald ASBS (Fitzgerald ASBS). On December 31, 2007, the County submitted an Exception Application to the Water Board for stormwater discharges into the Fitzgerald ASBS. On March 20, 2012, the Water Board adopted Resolution No. 2012-0012 approving a General Exception with Special Protections (Special Protections) requirements for 27 ASBS Dischargers (Dischargers) along the California coast, including the County of San Mateo.

The Special Protections contain requirements for Dischargers to develop and implement water quality monitoring programs commencing with the 2012/2013 storm season for a minimum of two years. Dischargers are required to either participate in a regional monitoring program or an individual program. Water Board staff recommended the formation of three ASBS regional monitoring programs representing Northern California, Central Coast, and Southern California.

On January 8, 2013, your Board adopted Resolution No. 072327, authorizing execution of a Memorandum of Agreement (MOA) with the Central Coast Dischargers, which included the cities of Pacific Grove, Carmel-By-The-Sea, Monterey, the counties of San Mateo, Monterey, and Marin, California Department of Transportation, the Pebble Beach Company, the Stanford Hopkins Marine Station, and the Monterey Bay Aquarium, for the Central Coast Regional Areas of Special Biological Significance Dischargers Monitoring Program (Program). The MOA allows the Central Coast Dischargers to more efficiently and economically comply with the Special Protections monitoring requirements. The MOA defines the roles and responsibilities of the Program Management Committee (Central Coast Discharger representatives) and the Program Administrator (Monterey Regional Water Pollution Control Agency), Program budget guidelines, and cost sharing formulas.

DISCUSSION:

Following execution of the MOA, the Program Administrator contracted with Applied Marine Sciences to conduct monitoring, data analysis, and reporting per the Program Scope of Work (MOA Exhibit E). Monitoring during the 2012/2013 storm season was not possible due to the drought and lack of rainfall events after the necessary contracts and sampling plan were completed. The Water Board granted an extension to allow the two-year monitoring to continue into the 2014/2015 storm season. Data analysis and reporting will take place throughout 2015, and as such, the MOA must be extended beyond the current end date of June 30, 2015, stated in Section 3 of the MOA. Therefore, the Department is recommending an Amendment to extend the term of the MOA through December 31, 2016.

Original cost estimates, per the cost sharing formula included in Exhibit C of the MOA, were determined before the contract for monitoring was executed and a Sampling and Analysis Plan was approved by the Water Board. The County's share of the cost included in the MOA was estimated to be between \$123,000 and \$150,000. Although the cost sharing formula has not changed, the Program costs were more than originally anticipated. The current estimate for the County's share is \$167,155. As a result, the Department is recommending that an Amendment increasing the not to exceed amount of the MOA by \$50,000 be authorized to cover the current cost estimate, as well as any unforeseen increases due to laboratory rates, additional samples, data analysis, etc.

County Counsel has reviewed and approved the resolution and Memorandum of Agreement amendment as to form.

Approval of this action contributes to the Shared Vision 2025 outcome of an Environmentally Conscious Community by monitoring water quality, as required by the Special Protections, and working collaboratively with other Central Coast Dischargers as recommended by the Water Board.

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FISCAL IMPACT:

The County's share of the Program over the term of the MOA is estimated to be between \$167,000 and \$200,000. The County does not have a dedicated funding source for the Fitzgerald ASBS to comply with the Special Protections. Therefore, Road Funds will continue to be the source of funding for the Program. The Department will pursue other funding sources, but no other funding sources are available at this time.