



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Public Works



Date: March 9, 2015
Board Meeting Date: March 31, 2015
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: James C. Porter, Director of Public Works

Subject: Amendment Two to the James V. Fitzgerald Area of Special Biological Significance Pollution Reduction Program Grant Agreement No. 10-402-550

RECOMMENDATION:

Adopt a resolution authorizing:

- A) An amendment to the State Water Resources Control Board Grant Agreement No. 10-402-550, for the James V. Fitzgerald Area of Special Biological Significance Pollution Reduction Program, extending the term through March 31, 2016, and increasing the amount by \$200,000 to an amount not to exceed \$2,500,000.
- B) The County Manager, or his designee, to execute amendments to the Memoranda of Understanding for the implementation of the James V. Fitzgerald Area of Special Biological Significance Pollution Reduction Program with the San Francisco Estuary Institute and with the San Mateo County Resource Conservation District, extending the terms of each from May 1, 2015 to March 31, 2016, and increasing the not to exceed amount of the San Mateo County Resource Conservation District Memorandum of Understanding by \$137,178, from \$500,000 to \$637,178.

BACKGROUND:

In the 1970s, a 5.5-mile band shoreline in San Mateo County, including the James V. Fitzgerald Marine Reserve, was designated as an Area of Special Biological Significance (ASBS), requiring special protection from the State. Since 1983, the California Ocean Plan (Ocean Plan) has prohibited the discharge of pollutants to the ASBS, unless the State Water Resources Control Board (State Water Board) grants an Exception. On March 20, 2012, the State Water Board adopted Resolution No. 2012-0012 (as amended by 2012-0031) 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 implement stormwater pollution control measures within ASBS watersheds to ensure that stormwater runoff does not alter natural ocean water quality. The Department, in collaboration with Planning, Environmental Health, and other partners, developed the James V. Fitzgerald ASBS Pollution Reduction Program (Pollution Reduction Program). The Department submitted a proposal in September 2008, for Proposition 84 grant funding, to assist the County with compliance with the discharge prohibition and anticipated Special Protections.

On May 24, 2011, your Board adopted Resolution No. 071429, authorizing execution of Grant Agreement No. 10-402-550 (Grant Agreement) with the State Water Board in the amount of \$2.3 million for implementation of the Pollution Reduction Program through March 31, 2015. Funding for the Grant Agreement is through the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) Clean Beaches Program and is being used to improve the stormwater quality of the discharges into the Fitzgerald ASBS through implementation of pollution reduction projects and public education.

The Pollution Reduction Program was developed in partnership with the San Francisco Estuary Institute (SFEI) and San Mateo County Resource Conservation District (RCD). On July 12, 2011, your Board adopted Resolution No. 071530, authorizing the County Manager, or his designee, to execute Memoranda of Understanding (MOUs) with the SFEI and the RCD regarding implementation of the Pollution Reduction Program.

In October 2012, the Department submitted a deviation request to the State Water Board to modify the original Grant Agreement. The requested modifications included revising the timing of several project elements due to field conditions and unexpected delays in obtaining the necessary agency permits. The State Water Board approved the request on April 9, 2013 and prepared Amendment No. 1 for signature by the President of your Board within ten days of receipt.

DISCUSSION:

The State Water Board has determined that the County of San Mateo is eligible to receive additional Proposition 84 funds in the amount of \$200,000 for continued implementation of the Pollution Reduction Program and has agreed to extend the term of the Grant Agreement for one year or until March 31, 2016. In order for the County to receive the additional funding and extend the project timeframe, the Grant Agreement must be amended. The State Water Board requires a Board Resolution authorizing a representative of the County to enter into an amended financial assistance agreement in order to increase the Grant Agreement amount. The State Water Board's internal policy prohibits the same person signing both the amendment and the resolution authorizing execution of the amendment. Therefore, we are requesting that the President of the Board appoint a Board member to sign the amendment.

Certain project tasks for the continued implementation of the Pollution Reduction Program will be conducted by SFEI and the RCD on behalf of the County pursuant to the MOUs, and as such, are tied to the original Grant Agreement and subsequent amendments. The MOUs must therefore be amended to extend the term from May 1, 2015 to March 31, 2016 and increase the not to exceed amount of the RCD MOU from \$500,000 to \$637,178. There is no need to increase the not to exceed amount of the SFEI MOU.

County Counsel has reviewed and approved the Resolution and Grant Agreement Amendment as to form.

Approval of this action contributes to the Shared Vision 2025 outcome of an Environmentally Conscious Community by continuation of the Pollution Reduction Program to promote environmental stewardship and protect beneficial uses and biological resources of the James V. Fitzgerald ASBS through community education and outreach and collaborative pollutant management and monitoring.

FISCAL IMPACT:

The term of this grant agreement is May 24, 2011 through March 31, 2016. Amendment No. Two will increase the not-to-exceed amount of the grant agreement, by \$200,000, to \$2,500,000. The grant agreement is funded by Proposition 84.

The additional \$137,178 to be added to the not to exceed amount of the RCD MOU is included in the funding from Grant Agreement Amendment No. Two.

There is no impact to the General Fund associated with the proposed increase and term extension.