



Santa Clara Valley Water District

File No.: 17-0780

Agenda Date: 1/23/2018

Item No.: 3.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Cost Sharing Agreement with Santa Clara County, Midpeninsula Regional Open Space District, and Guadalupe Rubbish Disposal, Inc. for Guadalupe River Watershed Mercury Total Maximum Daily Load Coordinated Monitoring Program and Consultant Agreement for Mercury Monitoring.

RECOMMENDATION:

- A. Approve the Cost Sharing Agreement by and between the Santa Clara Valley Water District, the County of Santa Clara, Midpeninsula Regional Open Space District and Guadalupe Rubbish Disposal, Inc. to fund implementation of the Guadalupe River Coordinated Monitoring Program required by the San Francisco Bay Regional Water Quality Control Board (Regional Board) under its Section 13267 California Water Code;
- B. Authorize the District Chief Executive Officer (CEO) to execute the Cost Sharing Agreement; and
- C. Authorize the CEO to negotiate and execute a Consultant Agreement for an amount not-to-exceed \$350,000 for the development and implementation of a plan meeting the requirements of the Regional Board for Mercury monitoring in the Guadalupe River Watershed.

SUMMARY:

On October 8, 2008, the Regional Board adopted a Total Maximum Daily Load (TMDL) for Mercury in the Guadalupe River Watershed, which was approved by the U.S. Environmental Protection Agency (USEPA) on June 1, 2010. A TMDL determines the value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards. The TMDL then establishes allocations typically in the form of load limits or other regulatory measures to the pollutant sources with the ultimate goal of reducing the amount of the pollutant entering the water body to meet water quality standards. The Guadalupe River Watershed is contaminated by the former New Almaden Mining District, North America's oldest and most productive mercury mine which closed in the 1970s. The Guadalupe River Watershed Mercury TMDL, establishes contaminant allocations, implementation plans, and monitoring requirements for mine and reservoir owners in the watershed with the goal of reducing mercury in fish tissue to protect wildlife and human health. The District and landowners in the former mining district (County, MROSD, and Guadalupe Rubbish Disposal, Inc.) are encouraged to coordinate monitoring through a Coordinated Monitoring Program (CMP). The Board approved the first cost sharing agreement for the first phase of the CMP on November 9,

2010. The County managed the first phase of CMP. A final report was submitted to the Regional Board in March 2017. The Regional Board issued requirements for the next phase of monitoring (i.e. second phase) based on discussions with the CMP Partners (i.e. District, County, MROSD and Guadalupe Rubbish Disposal) and lessons learned in June 2017.

The Cost Sharing Agreement provides funding for the implementation of the second phase (from 2018 through 2023) of the CMP per the requirements of the Regional Board (Exhibit B of Attachment 1). This includes funding for a Consultant Agreement in an amount not-to-exceed \$350,000 for the development and implementation of a plan satisfying the Regional Board's requirements.

The District published a Request for Proposal (RFP) for a Consultant Agreement on September 26, 2017. Specifically, the selected consultant will prepare and implement a monitoring plan for approval by the Regional Board, which includes mercury monitoring of fish in creeks and mercury loads to the San Francisco Bay. The District will provide fish monitoring in reservoirs as an in-kind contribution to the CMP. Negotiation and execution of the Consultant Agreement with the selected firm is currently pending.

The Cost Sharing Agreement specifies the CMP Partner's cost share contribution percentage for the second phase of the CMP. The District's cost share contribution percentage is lower as compared to its contribution during the first phase, because it will now be undertaking efforts to procure and administer a consultant and will coordinate the collection of funding contributions from the other CMP Partners. Pursuant to the Cost Sharing Agreement, the CMP Partners will contribute up to \$350,000 to fund the second phase of the CMP at the following percentages:

- District: 36.5%
- County: 41.5%
- Guadalupe Rubbish Disposal, Inc: 11%
- MROSD: 11%

The District will receive a credit for the value of its staff labor (i.e. in-kind services) that will be expended to conduct fish monitoring in the District's reservoirs. This credit will be applied to the District's 36.5% cost share.

The CMP will result in cost savings for the CMP Partners. But for the CMP, each CMP Partner would have been required to monitor individually, which is more expensive. Thus, by funding and coordinating monitoring efforts through the CMP, the CMP Partners are able to lower their monitoring cost.

FINANCIAL IMPACT:

The Consultant Agreement will be in an amount not-to-exceed \$350,000 (budgeted annually over 5 years). CMP partners will reimburse the District for the cost of the Consultant Agreement per the cost share percentages stated above. The District will be credited for its in-kind sampling against its 36.5% cost share. Adequate funds are budgeted in Safe Clean Water and Natural Flood Protection project B1 (26752043 - Impaired Water Bodies Improvement), however, due to the District's in-kind

contribution, the District will be reimbursed for the entire Consultant Agreement amount by the CMP partners.

CEQA:

This project is exempt under CEQA Guidelines Section 15306, which exempts basic data collection.

ATTACHMENTS:

Attachment 1: Cost Share Agreement

UNCLASSIFIED MANAGER:

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