MEMO

TO: **ABAG EXECUTIVE BOARD**

FROM: **Judy Kelly, Director, San Francisco Estuary Partnership**

DATE: **March 2, 2012**

RE: **Request for Authorization and Resolution to Enter into an Interagency Agreement with the East Bay Municipal Utility District to Provide Technical Support for Permit Writing**

Executive Summary

Approval is requested for a new contract to fund a full time staff member to assist EBMUD and other San Francisco Bay Region water agencies with the preparation of a permit from the San Francisco Bay Regional Water Quality Control Board for discharges from operation and maintenance activities and emergency discharges (Regional General Permit); and complete a revised or amended individual NPDES permit to comply with effluent limitations at the EBMUD's Orinda Water Treatment Plant (OrWTP).

The agreement is estimated to cost $ 325,013 and the agreement period is for two years, May 1, 2012 – April 30, 2014. No ABAG match is required. The project will assist with implementation of the Comprehensive Conservation and Management Plan for the San Francisco Estuary.

Recommended Action

Approval of a Resolution authorizing the Executive Director or designee to enter into an interagency agreement with EBMUD to provide technical staff resources to the San Francisco Bay Regional Water Quality Control Board (RWQCB) for permit writing assistance.

Next Steps

Upon approval of the EBMUD Board of Directors and the ABAG Executive Board, the agencies will enter into the agreement and ABAG will begin the hiring process for the new staff member.

Attachments: Draft Resolution

Item 6.F.

ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD

RESOLUTION NO. 04-12

AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR CONTRACT SERVICES WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT

WHEREAS, the East Bay Municipal Utility District (EBMUD) serves 1.3 million Bay Area water users in Alameda and Contra Costa counties with high quality water for drinking and municipal uses throughout the Bay Area regional water system; and

WHEREAS, the EBMUD and other San Francisco Bay Region water agencies require a permit from the San Francisco Bay Regional Water Quality Control Board (Regional Board) for discharges from operation and maintenance activities and emergency discharges; and

WHEREAS, the Regional Board has limited staff and financial resources that will not allow it to develop and implement a regional general permit for San Francisco Bay Region water agencies (hereinafter "General Permit") or a revised or amended individual NPDES permit for the EBMUD's OrWTP without supplementation of staff resources; and

WHEREAS, ABAG is a joint powers authority whose board of directors is comprised of Bay Area public entities including those jurisdictions served by EBMUD and the San Francisco Bay Region water agencies, and is able and willing pursuant to this authorization to provide qualified staff to the Regional Board that can be dedicated exclusively to the permitting, applications, compliance assistance, or requests of the EBMUD, acting on behalf of itself and other potable water purveyors in the San Francisco Bay Region, for discharges in the Region; and

WHEREAS, the Parties desire to enter into an Agreement for Contract Services between East Bay Municipal Utility District and Association of Bay Area Governments, to allow (1) EBMUD and other Bay Area water agencies to fund ABAG staff dedicated exclusively to the development and start-up of a Regional General Permit for water agencies and (2) a permit amendment for EBMUD's OrWTP.

ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 04-12

NOW, THEREFORE, BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments hereby authorizes the Executive Director or his designee to enter into the aforementioned agreement with the East Bay Municipal Utility District.

The foregoing adopted by the Executive Board this 15th day of March, 2012.

Mark Luce
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 15th day of March, 2012.

Ezra Rapport
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel