

M E M O

November 3, 2008

To: ABAG Executive Board

From: Judy Kelly, Executive Director
San Francisco Estuary Project

Re: **Approval of Resolution No. 09-08 to Enter into an Agreement with the California Department of Transportation (Caltrans) Concerning the Implementation of Alternative Stormwater Treatment Best Management Practices (BMPs)**

Caltrans roadway projects have the potential for long-term or post-construction water quality impacts to waters of the State and U.S. For Caltrans to fulfill its permits and certifications issued by the State and Regional Water Boards, Caltrans proposes the incorporation of permanent stormwater treatment BMPs that are within the available Right-of-Way for each project. Occasionally, the acreage of available Right-Of-Way is not sufficient for Water Board approved treatment requirements, or opportunities for on-site treatment are constrained due to physical conditions. When this happens, Caltrans works collaboratively with the Water Board to pursue alternative stormwater treatment BMPs at an off-site location.

The agreement will facilitate Caltrans's implementation of alternative stormwater treatment BMPs at off-site locations through the use of third parties. Where such BMPs are not feasible within Caltrans's Right-Of-Ways, the Water Board will approve an off-site alternative stormwater treatment BMP project that satisfies Caltrans's permit requirement. ABAG and Caltrans will enter into a task order for the specific project for which ABAG will provide administrative oversight and Caltrans funds construction and maintenance of the BMP project as well as ABAG's oversight.

CalTrans District 4 is working out further details of the proposed agreement with their Sacramento contracts office and legal department. They require a resolution from the ABAG Executive Board supporting this agreement. Following review by the ABAG attorney and contracts staff, authorization is requested for the Executive Director or designee to execute the agreement with Caltrans for implementation of alternative BMPs at off site locations. The not to exceed amount of the agreement is \$9,000,000 and term of the agreement would be 2008 to 2011.

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 09-08

**RESOLUTION AUTHORIZING THE ASSOCIATION OF BAY AREA GOVERNMENTS
TO ENTER INTO INTERAGENCY AGREEMENT WITH THE CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Association of Bay Area Governments (ABAG) is a joint exercise of powers agency formed by the 109 cities, counties, and city and county comprising the San Francisco Bay Area for the purposes of planning, coordination and cooperation on a regional basis, and

WHEREAS, the California Department of Transportation (CalTrans) has several roadway projects in the San Francisco Bay Area which are subject to permits (NPDES) issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB) and that some NPDES will include implementation of alternative stormwater treatment best management practices (BMP) at locations off site from the roadway projects, and

WHEREAS, CalTrans is proposing an Agreement for ABAG to provide CalTrans with administrative and contract management support for implementation of off-site BMPs required by the NPDES; and

WHEREAS, ABAG through the San Francisco Estuary Project has the expertise necessary to carry out the purposes of the Agreement.

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 09-08**

NOW, THEREFORE, BE IT RESOLVED, by the Executive Board of the Association of Bay Area Governments that the Executive Director, Henry L. Gardner, or his designee, is hereby authorized to enter into the Interagency Agreement described in this resolution; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized and empowered to execute all documents, including, contracts, subcontracts, agreements, extensions, renewals and/or amendments required by ABAG, which may be necessary to carry out and administer all obligations, responsibilities and duties under this grant upon receipt of a fully executed Agreement.

The foregoing adopted by the Executive Board this 20th day of November, 2008.

Rose Jacobs Gibson
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 20th day of November, 2008.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel