



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: April 14, 2020

**DATE:** February 21, 2020

**TO:** Board of County Commissioners

**FROM:** Ben Jesch, P.E., Licensed Engineer, Engineering and Capital Projects,  
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**THROUGH:** Dwayne Smith, P.E., Division Director, Engineering and Capital Projects,  
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**SUBJECT:** Recommendation to authorize disbursement of funds [in the amount of \$31,615] to Nevada Tahoe Conservation District to be used as a match for 319(h) funds for Lake Tahoe Total Maximum Daily Load (TMDL) implementation in accordance with obligations and commitments contained in an Interlocal Agreement with the Nevada Division of Environmental Protection, utilizing Washoe County's Tahoe Regional Planning Agency Mitigation Funds in support of the work. These funds will be used for continued implementation of the Lake Clarity Crediting Program and towards the pollutant load reduction milestones required to meet the TMDL approved by the United States Environmental Protection Agency. (Commission District 1.)

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### SUMMARY

Washoe County Community Services Department (CSD) continues its efforts to meet the Lake Tahoe Total Maximum Daily Load (TMDL) requirements established by the United States Environmental Protection Agency (EPA). The goal of the TMDL is to reduce the pollutant load in urban stormwater runoff that reaches Lake Tahoe, and in 2016, Washoe County updated an Interlocal Agreement (ILA) with Nevada Division of Environmental Protection (NDEP) to comply with obligations and commitments towards achieving the identified load reduction milestones and associated credit targets. Specifically, one of the requirements of the ILA is to carry out the Lake Clarity Crediting Program (Crediting Program) process to successfully document the attainment of the 2021 and future milestones set forth in the ILA.

Since 2015, Washoe County has partnered with the Nevada Tahoe Conservation District (NTCD) to implement the first years of the Crediting Program in support of the Lake Tahoe TMDL. The next phase of this project (2020-2021) will assist Washoe County in meeting the 2021 load reduction milestone by registering pollutant controls such as stormwater treatment best management practices (BMPs), private parcel BMPs, and road operations. NTCD will support Washoe County by reviewing and creating models, performing rapid assessment methodology (RAMs), helping determine inspection and maintenance frequency for treatment BMPs, and registering catchments in the Lake Tahoe Information Stormwater Tools.

The anticipated cost to implement the next phase of the Crediting Program is \$92,846.52, which is being funded by the following proposed sources:

AGENDA ITEM # \_\_\_\_\_

| <b>Funding Source</b>  | <b>Amount</b>       |
|--|---------------------|
| 319(h) Nonpoint Source Grant from NDEP   | \$ 39,229.92        |
| NTCD In-kind Match – Indirect Costs  | \$ 1,386.01         |
| Washoe County In-kind Match – Staff Time   | \$ 15,500.00        |
| Washoe County Cash Match<br>as TRPA Water Quality Mitigation Interest funds <sup>[a]</sup> | \$ 26,500.00        |
| Washoe County Cash Match<br>as TRPA O&M Mitigation funds <sup>[a]</sup>                    | \$ 5,115.00         |
| Washoe County Cash Match <sup>[b]</sup><br>as General Funds                                | \$ 5,115.59         |
| <b>Total</b>   | <b>\$ 92,846.52</b> |

[a] Disbursement of these funds being requested through this staff report.

[b] Cash match is from existing CSD Engineering budget specifically dedicated to the support of the Lake Clarity Crediting Program and TMDL related activities.

Staff recommends authorizing disbursement from Washoe County Tahoe Regional Planning Agency (TRPA) Mitigation Interest in the amount of \$26,500.00 from Water Quality Interest funds and \$5,115.00 from O&M funds. These funds will be paid to the NTCD in support of the Crediting Program. If approved, staff will submit the same request to the TRPA Board to release the requested funding. Approval by both the Washoe County Commission and TRPA Board is required before the funding can be transmitted directly from TRPA to the NTCD.

Washoe County Strategic Objective supported by this item: Stewardship of our Community.

### **PREVIOUS ACTION**

October 27, 2015 - The Board of County Commissioners (Board) approved disbursement of funds [\$55,783.08] to Nevada Tahoe Conservation District to be used as match for 319(h) funds for support of the Crediting Program in accordance with obligations and commitments contained in an ILA with the NDEP, utilizing Washoe County's TRPA Water Quality Mitigation funds in support of the work.

October 11, 2016 - The Board approved an update to an ILA between Washoe County and NDEP, which was originally approved in July 2013. The ILA affirms Washoe County's commitment to participate in an urban stormwater pollutant reduction program at Lake Tahoe. The ILA is a cooperative implementation of water quality improvement actions as opposed to a regulatory permit. The ILA explicitly requires participation in the Lake Clarity Crediting Program. The current Agreement is valid through 2021.

October 20, 2017 - The Board authorized disbursement of funds [\$45,911.23] to Nevada Tahoe Conservation District to be used as match for 319(h) funds for catchment registration in accordance with obligations and commitments contained in an Interlocal Agreement with the Nevada Division of Environmental Protection, utilizing Washoe County's Tahoe Regional Planning Agency Water Quality Mitigation funds in support of the work. These funds were used for continued implementation of the Lake Clarity Crediting Program and towards the pollutant load reduction milestones required to meet the Lake Tahoe Total Maximum Daily Load approved by the United States Environmental Protection Agency.

## **BACKGROUND**

In an effort to improve the water quality and transparency of Lake Tahoe, Washoe County has participated in the TRPA Environmental Improvement Program (EIP) in the Lake Tahoe Basin since the inception of the program. This has been done through the implementation of erosion control and water quality improvement projects and enhanced road maintenance practices within the County right-of-way to improve the water quality of urban storm runoff discharging to Lake Tahoe.

Within Nevada, the TMDL is implemented through an agreement approach. Upon entering into an ILA with NDEP in July 2013 (and updated October 2016), Washoe County has agreed to implement and document the pollutant controls necessary to achieve credit targets that are based on the load reduction milestones established by the TMDL. Accounting is carried out through the Crediting Program process using a suite of approved stormwater tools. The annual Crediting Program process is comprised of four steps: 1) estimate expected load reductions, 2) register or document the pollutant controls and conditions that are expected to result in the estimated load reductions, 3) inspect on-the-ground conditions to verify the conditions used to estimate load reductions are being maintained, and 4) declare the credits to demonstrate compliance with terms of the ILAs.

Washoe County has contracted with NTCD on two previous rounds, to assist in the implementation of the Crediting Program. The previous phases of the project were also funded through two separate Federal 319(h) grants:

- 1) In 2015, the first round included \$100,000 of Federal grant money, which was split between Washoe County and the Nevada Department of Transportation (NDOT). Washoe County provided match via \$55,783.08 of TRPA Water Quality Mitigation Funds, as well as \$20,000 in in-kind match from Lake Tahoe stormwater maintenance activities and engineering staff support.
- 2) The second round included \$45,911.23 of Federal grant money directed solely for Washoe County support. Washoe County provided match via \$45,911.23 of TRPA Water Quality Mitigation Funds, as well as \$30,000 in in-kind match from Lake Tahoe stormwater maintenance activities and engineering staff support.

While Washoe County has continued to direct efforts towards meeting its obligations as identified in the existing ILA with NDEP, current staff resources do not exist to perform the volume of work required; subsequently, Washoe County continues to utilize NTCD to assist in the implementation of the Crediting Program using their staff resources. Washoe County staff anticipates continued increases in necessary staff time for the continued implementation of the stormwater program and also anticipates significant increases in operational costs to service and maintain the infrastructure by which crediting points are identified and maintained.

## **FISCAL IMPACT**

The requested disbursement of funds is \$31,615. Funding source is Washoe County's allocated TRPA Water Quality Mitigation Interest and O&M Funds. Authorization to use these funds must first be provided by the Board prior to a formal request to the TRPA Board. Once approved by the TRPA Board, the funds can be transmitted directly from TRPA to NTCD.

Beginning in Fiscal Year 2017 Washoe County allocated funding for Tahoe Basin Stormwater and TMDL Implementation work in the amount of \$70,000 annually through approval of an above-base request submitted by the CSD. Sufficient funding exists to cover the \$5,115.59 cash match

portion of this next phase of the crediting program in Engineering and Capital Projects (C105501), Service Contracts (710200).

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners authorize disbursement of funds [in the amount of \$31,615] to Nevada Tahoe Conservation District to be used as match for 319(h) funds for Lake Tahoe Total Maximum Daily Load (TMDL) implementation in accordance with obligations and commitments contained in an Interlocal Agreement with the Nevada Division of Environmental Protection, utilizing Washoe County's Tahoe Regional Planning Agency Mitigation Funds in support of the work. These funds will be used for continued implementation of the Lake Clarity Crediting Program and towards the pollutant load reduction milestones required to meet the TMDL approved by the United States Environmental Protection Agency.

### **POSSIBLE MOTION**

Should the Board of County Commissioner agree with staff's recommendation a possible motion would be: "Move to authorize disbursement of funds [in the amount of \$31,615] to Nevada Tahoe Conservation District to be used as match for 319(h) funds for Lake Tahoe Total Maximum Daily Load (TMDL) implementation in accordance with obligations and commitments contained in an Interlocal Agreement with the Nevada Division of Environmental Protection, utilizing Washoe County's Tahoe Regional Planning Agency Mitigation Funds in support of the work. These funds will be used for continued implementation of the Lake Clarity Crediting Program and towards the pollutant load reduction milestones required to meet the TMDL approved by the United States Environmental Protection Agency."