

Northern Nevada Water Planning Commission

STAFF REPORT

DATE: August 31, 2016

TO: Chairman and Members, Northern Nevada Water Planning Commission

FROM: Chris Wessel, Water Management Planner
Jim Smitherman, Water Resources Program Manager

SUBJECT: Possible recommendation to the Western Regional Water Commission (“WRWC”) for a no cost six month extension of time to the Interlocal Agreement (“ILA”) with Washoe County for the project entitled “Septic Nitrate Baseline Data and Risk Assessment Study, Phase II: In-Depth Analysis of Prioritized Study Areas, Creation of Baseline Data Set, and Risk Assessment” (“Phase II Study”), to allow for completion of the final report; and possible direction to staff.

SUMMARY

Washoe County Community Services Department (“CSD”) staff engineer Lydia Peri has completed domestic well sampling and lab analysis data compilation tasks for the Phase II study. Ms. Peri provided a presentation on the final report findings to the NNWPC at the August 3, 2016 meeting. At that time, Washoe County (the “County”) requested a time extension to the ILA to allow for the completion of the final report, and to conduct additional public outreach.

The NNWPC requested that a proposal be developed for the added scope of work, and that it be brought back for consideration. Subsequent to the August 3, 2016 meeting, the County decided not to proceed with its request for additional public outreach. However, the County and staff are requesting both an extension of time to complete the final report, at no additional cost, and a retroactive amendment to the ILA to ratify the use of preliminary data by the County for the already completed timely notification of residents in study areas with identified nitrate levels at or above the Maximum Contaminant Level (“MCL”). The proposed amendment to the ILA is attached.

BACKGROUND

The Phase II Study is being conducted by the County through the ILA with the WRWC. The project is a follow up to the initial study *Septic Nitrate Baseline Data and Risk Assessment Study for Washoe County, Phase I: Prioritization of Study Areas & Assessment of Data Needs* (“Phase I study”), which was also funded by the Regional Water Management Fund and conducted by the County's staff. The Phase I study identified areas of historic high density septic system clusters and attempted to rank them based on their potential for nitrate contamination of groundwater. The final report acknowledged data gaps for several of the high density septic system areas identified and recommended follow up work. The Phase II study is designed to provide the data that is needed to complete the risk assessment of the areas in question.

FISCAL IMPACT

No fiscal impact

RECOMMENDATION

Staff requests the NNWPC to recommend that the WRWC approve a no cost six month extension of time to the ILA with the County, including a retroactive amendment to ratify the County's already completed timely notification of residents in study areas with identified nitrate levels at or above the MCL.

CW:js

Attachments: *Second Amendment to the Interlocal Agreement for the Phase II: In-depth Analysis of Prioritized Study Areas, Creation of Baseline Data Set, and Risk Assessment*

**SECOND AMENDMENT
TO
INTERLOCAL AGREEMENT**

The Interlocal Agreement (the "Agreement"), dated September 18, 2013, entered into between the Western Regional Water Commission, a political subdivision of the State of Nevada, (the "Commission") and Washoe County (the "County"), collectively the "Parties", is hereby amended as follows:

3) **RIGHTS & DUTIES**

The last sentence of Subsection 3.1.1 is revised to provide as follows:

Work on the project will progress and be completed by December 31, 2016.

Subsection 3.1.7 is added to provide as follows:

The County may, at any time prior to or following delivery of the work product materials referred to in Subsection 3.1.6 above, use any data or information obtained during the course of the Project, or contained in the work product deliverables, to protect or promote the public health, safety and welfare, by providing such information to the public as the County, in its sole discretion, deems advisable or necessary.

The Agreement as amended to include the revisions set forth above is incorporated herein by reference, and all other terms and conditions of the Agreement shall remain in full force and effect.

This Amendment is effective retroactively to July 1, 2015, regardless of the respective dates of execution by the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

WESTERN REGIONAL WATER COMMISSION

WASHOE COUNTY

Dated this ___ day of _____, 2016

Dated this ___ day of _____, 2016

By _____
Vaughn Hartung, Chairman
Western Regional Water Commission

By _____
Kitty Jung, Chair
Washoe County Commission

APPROVED AS TO FORM:

By _____
John B. Rhodes, Legal Counsel
Rhodes Law Offices, Ltd.

APPROVED AS TO FORM:

By _____
Paul A. Lipparelli
Assistant District Attorney