

AMENDMENT TO AGREEMENT WITH LIMNO TECH, INC.

This AMENDMENT, made this 12th day of October, 2009, by and between Limno Tech, Inc, hereinafter referred to as "CONSULTANT" and CITY OF RENO and CITY OF SPARKS, hereinafter referred to as "CLIENT".

RECITALS

- 1) CLIENT and CONSULTANT executed an AGREEMENT dated July 28, 2008, by which CLIENT retained CONSULTANT to perform consulting services for Phase I regarding Stakeholder Education on Watershed-based Water Quality Planning and TMDL Development for the Truckee River in relation to TMWRF ("PROJECT").
- 2) It is necessary for CONSULTANT to continue to perform the services, including additional services, to complete the PROJECT as set forth in Attachment "A", consisting of 6 pages, which is attached hereto and incorporated herein by this reference. CONSULTANT will perform the services in accordance with the terms and provisions of Attachment "A," which presents the scope of services and schedule of work associated with these additional services.

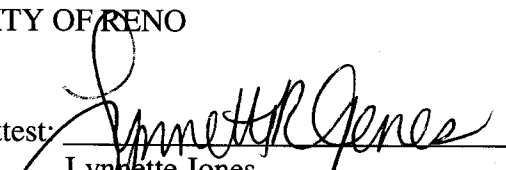
NOW, THEREFORE, for and in consideration of the respective promises and duties herein contained, the parties agree as follows:

- 1) CONSULTANT agrees to perform the additional consulting services for the PROJECT defined in Attachment "A," which is incorporated herein by this reference, in an amount not-to-exceed the sum of \$400,000.00. Said not-to-exceed amount includes fees as well as costs.
- B. CONSULTANT acknowledges that CLIENT is to be reimbursed by the Western Regional Water Commission pursuant to a separate funding interlocal agreement.
- C. All other terms and provisions of the AGREEMENT dated July 28, 2008, unless inconsistent with the terms herein, remain in full force and effect.

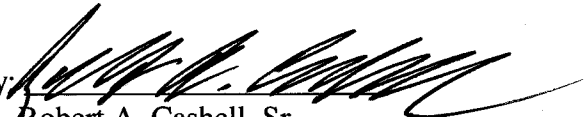
IN WITNESS WHEREOF, CLIENT has caused these presents to be executed by its officers hereunto duly authorized and the CONSULTANT has subscribed same, all on the day and year first above written.

CITY OF RENO

Attest:



Lynnette Jones
City Clerk

By:


Robert A. Cashell, Sr.
Mayor

CITY OF SPARKS

Attest:


Sparks City Clerk
City Clerk

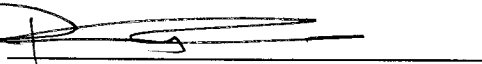


By:


Geno Martini
Mayor

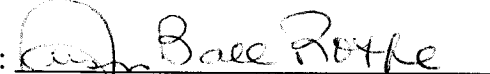
LIMNO TECH, INC.

By:



Paul L. Freedman, P.E.
President

APPROVED AS TO FORM ONLY:

By:


Susan Ball Rothe
Deputy City Attorney, City of Reno

By:


Chester Adams
Sparks City Attorney

ATTACHMENT A
Work Scope for:
**Continuation of Services for
Watershed-based Water Quality Planning and TMDL Development
for the Truckee River**

LimnoTech, April 24, 2009

Background

Restoration of the Truckee River requires a comprehensive basin-wide effort to evaluate management, pollution control and restoration strategies with respect to flow, land-use, pollutant loading, habitat and biological resources. Only in this regard can we effectively improve, protect, and sustain the biological, recreational and economic value of this important resource. Comprehensive efforts are needed that address the chemical, physical and biological aspects of this waterbody and watershed. Development of a revised Truckee River TMDL can address the chemical/water quality aspects of this comprehensive strategy, which serves as a foundation on which other efforts can be built.

A collection of water agencies with interests in the Truckee River (Cities of Reno and Sparks, Washoe County, Truckee Meadows Water Authority [TMWA], TWMRF) are collaborating with the Nevada Department of Environmental Protection, USEPA, and other stakeholders to conduct watershed-based water quality planning and thereby develop a Truckee River total maximum daily load (TMDL) for nutrients. This scope outlines a the continuation of the proposed approach for a phased, multi-track effort that moves the TMDL forward to completion while concurrently building understanding and planning for other important and complimentary physical and biological restoration strategies (Figure 1). The approach involves comprehensive education of stakeholders on both technical and management elements to help insure a transparent effort which builds regional acceptance and promotes collaboration towards improving the chemical, physical and biological health of the Truckee River.

LimnoTech is currently conducting work under contract A-3676 (City of Reno, July 28, 2008) as funded jointly by the WRWC and the Cities of Reno and Sparks. This work scope proposes a continuation of efforts by LimnoTech to support the TMDL development process.

Status of Work

Activity under the current scope since September 2008, has included:

Educational Tool Development: Developed draft Technical Fact Sheets regarding TMDL-related topics such as dissolved oxygen impairment, water rights, historical Truckee River flows, water quality standards, the TMDL process.

Stakeholder / TMDL Working Group Support: Provided technical support to 3rd Parties (Cities of Reno and Sparks, TMWA, and Washoe County) and regulators during TMDL Work Group meetings on topics such as historical dissolved oxygen impairment, TMWRF effluent

quality, monitoring data. Developed a conceptual approach for TMDL revision and identified TMDL elements requiring additional input from regulators and 3rd parties (e.g., definition of representative low flow condition). Identified the need to consider a water quality standards revision for nutrients in connection with a TMDL revision. Conducted model simulations to evaluate water quality impacts of a range of flows below Derby Dam and a range of TMWRF effluent scenarios. Coordinated with the Center for Collaborative Policy (CCP) on progress of the technical and stakeholder-related efforts. Traveled from Ann Arbor to Reno (approximately 1 to 2 person trips per month) to participate in meetings.

NDEP Collaboration: Supported development of a TMDL Work Plan by attending meetings, investigating technical requirements, and developing text. Coordinated with NDEP to investigate TMDL elements such as water quality standards, NDEP 303(d) list, and the regulatory basis for selection of a representative low flow year for TMDL analysis. Performed flow ranking analysis of TROM model output to characterize low flow years.

Technical Research and Model Refinement: Conducted model linkage testing and implemented improvements to link the watershed (WARMF) and stream (TRHSPF) water quality models. Updated model databases, upgraded WinModel (TRHSPF) graphical user interface, and implemented TRHSPF model enhancements to represent organic nutrients as independent constituents. Coordinated with TMWA and MBK Engineers on required TROM model output data to use for low flow year selection and input to WARMF and TRSHPF for test model runs.

Watershed Education for TAC and Stakeholders: Conducted a preliminary investigation of watershed restoration activities and characterization of historical Truckee River geomorphology changes.

Project Management: General oversight of project activities. Participated in internal meetings. Tracked scope, schedule and budget.

Future Work

The objectives of a continuation of efforts by LimnoTech include:

- **Educate Stakeholders and Participants:** Efforts will continue to enhance the understanding of stakeholders and a Technical Advisory Committee on Truckee River conditions, issues, data and tools. This process allows for all participants to gain fundamental and factual understanding, will help reduce misconceptions, and allow for stakeholder issues and concerns to be aired. The education process will also allow for the exploration of the interrelationship of the TMDL, watershed, and biological planning tracks to insure that subsequent efforts are coordinated and complementary.
- **Identify Regulatory Issues:** Efforts will continue to clearly identify all regulatory requirements for the TMDL development in process, objectives and technical analysis. This will insure a well designed TMDL process that can achieve final regulatory approval.

- **Resolve Technical Issues and Refine Tools:** Efforts will continue to insure that all technical issues are clearly defined and that appropriate tools and analysis are available to address these issues in the TMDL development process.
- **Screen Potential Alternatives and Frame a TMDL Approach:** Efforts will continue to screen the potential alternatives and better frame an approach for pollutant control reductions and flow management in support of TMDL development and a potential water quality standards revision.

A continuation of effort by LimnoTech is expected to include activities as outlined by the following tasks:

1. Stakeholder Education:

LimnoTech will Continue development of technical fact sheets to help the necessary education of the 3rd Parties, regulators, and other stakeholders regarding the technical complexity of the Truckee River system and how that relates to TMDL development and water quality standards revision. LimnoTech will also develop enhanced visualization tools to more efficiently link and view input and output from the water quality models.

2. Stakeholder / TMDL Working Group Support

Under this task, LimnoTech will:

- Continue support of 3rd Party TMDL working group activities.
- Attend scheduled meetings either in person or by teleconference.
- Prepare technical materials and provide strategic advice on moving the TMDL process forward. Support the continued development of the TMDL Work Plan through text development and investigation of technical elements.
- Respond to requests made by 3rd Parties or regulators to investigate technical elements.
- Continue efforts to frame a TMDL approach which considers potential risks, possible alternative pathways, and results in progress towards NDEP approvable and legally defensible TMDL.
- Coordinate with CCP to sustain continuity between the technical and stakeholder-based elements of the TMDL and potential water quality standards revision process. If scheduled to occur, participate in the planning and implementation of a Truckee River Water Quality Summit.

Note: The extent of time spent under this task is highly dependent on the pace and momentum of stakeholder activities.

3. NDEP / USEPA coordination and collaboration

Under this task, LimnoTech will:

- Maintain communication with NDEP and USEPA regarding reasonable pathways for an approvable 3rd Party TMDL and potential water quality standards revision.
- Perform requested analysis to better define TMDL endpoint thresholds (e.g. representative low flow, minimum level of dissolved oxygen excursions, limited impacts to Pyramid Lake and Lahontan Reservoir).
- Conduct necessary analysis and reporting to submit proposed changes for nutrient water quality standards to NDEP and USEPA.

4. Screening of Potential Alternatives

At the request of the 3rd parties, regulators, and/or a TAC, LimnoTech will perform data and model analysis to screen the universe of potential alternatives related to TMDL load allocations and reasonable nutrient standards. Model analysis will include:

- Coordination with stakeholders to appropriately define model inputs and assumptions;
- Coordination with MBK Engineers to develop any TROM-based model inputs;
- Coordination with Systech to develop any WARMF-based model inputs;
- Set up, execution, and evaluation of requested model runs; and
- Presentation of model results to 3rd Parties, regulators, and/or TAC stakeholders.

5. Technical Research / Model Refinement / TRIG Coordination

LimnoTech will continue refinement of modeling tools to improve robustness and defensibility of the scientific basis for the TMDL and potential water quality standards revision. This task will complete the model linkage testing and resolve any remaining issues to ensure that WARMF and TRHSPF work fluidly together to predict the river's response to point and nonpoint loading. Improved integration of WARMF and TRHSPF within the same graphical user interface (WinModel) to expedite model run pre- and post-processing. A subcontract will be set up for Systech to conduct model adjustments in WARMF. Coordinate with custodians of the Truckee

River Information Gateway website (<http://truckeeriverinfo.org/>) to supply data, models, and educational tools for stakeholder access.

6. TAC Development and Support

It is planned that a Technical Advisory Committee (TAC, comprised of qualified specialists representing a range of perspectives, will be formed to provide technical review and guidance on scientific and technical elements of this TMDL and potential water quality standards revision effort. LimnoTech will provide support related to the organization of the TAC (but budget does not include any compensation for members of TAC), and facilitation of TAC meetings. LimnoTech will also help educate the TAC on Truckee River science, research and perform analysis as requested to address technical issues or questions generated by the TAC.

7. Watershed Education

Under this task, LimnoTech will:

- Research ongoing, proposed, and potential future activities in the Truckee River watershed related to nonpoint source reduction and watershed-based improvements (e.g., restoration, BMPs, stormwater controls).
- Refine water quality model inputs (e.g., channel geometry coefficients) to reflect ongoing and proposed watershed-based improvements. Run model scenarios to attempt to quantify the potential water quality benefits that may be realized with watershed improvements.
- Summarize findings and present to stakeholders. Coordinate with stakeholders regarding any activities related to the Physical/Watershed and Biological/Fish tracks of Truckee River water quality planning.

8. Project Management

LimnoTech will manage and coordinate all project work including that of any subconsultants (e.g., Systech). LimnoTech will also provide monthly status reports on progress and budget, and keep the stakeholder group advised of any necessary refinements to the scope or budget reallocation.

Budget

The estimated budget to continue work for 12 months beyond the current contract (A-3676) is \$385,000 for LimnoTech services, plus an additional \$15,000 subcontract to Systech, for a total of \$400,000. It is estimated that contract A-3676 will be exhausted by June 2009. Since the commencement of contract A-3676, LimnoTech has billed an average of \$32,000 per month for support the Truckee River TMDL efforts. The estimated budget described above would be sufficient to cover LimnoTech services with a similar level of effort for approximately 12 months. As summary of estimated budget by task is provided below:

Table 1: Estimate Project Budget by Task

Task	Task Description	Limno Tech Budget	Systech Subcontract
1	Stakeholder Education	\$ 50,000	
2	Stakeholder / TMDL Working Group Support	\$ 75,000	
3	NDEP / USEPA Coordination / Collaboration	\$ 40,000	
4	Screening of Potential Alternatives	\$ 75,000	\$ 6,000
5	Technical Research / Model Refinement / TRIG Coordination	\$ 30,000	\$ 9,000
6	TAC Development and Support	\$ 60,000	
7	Watershed Education	\$ 30,000	
8	Project Management	\$ 25,000	

LimnoTech Total	\$ 385,000
Subcontract to Systech	\$ 15,000
Project Total	\$ 400,000

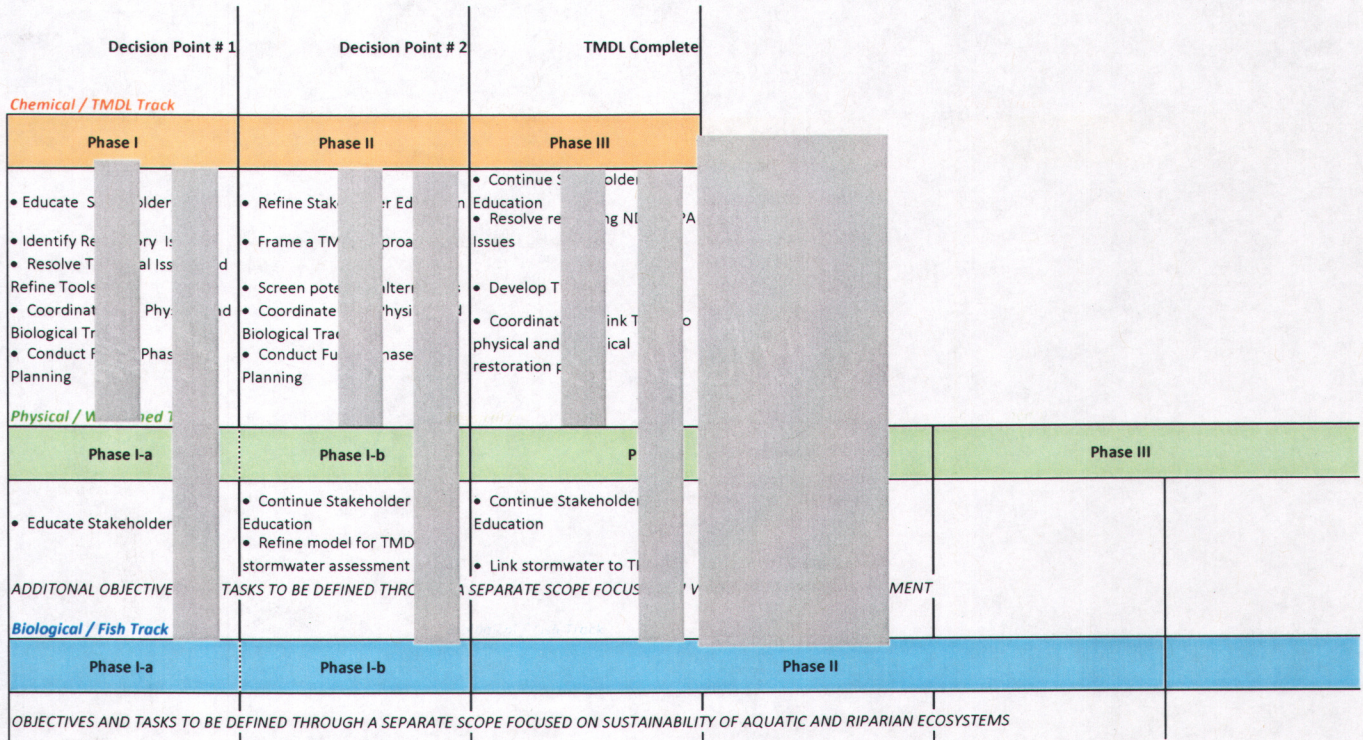


Figure 1. Schematic of three tracks for progression of watershed planning efforts for the Truckee River



Office of the
CITY CLERK

October 13, 2009

Ms. Rose Taylor
Secretary, Sanitary Engineering
City of Reno
1 East First Street
Reno, NV 89501

Reference: An amendment to the agreement with the City of Reno and Limno Tech, Inc. (A-3676)

Dear Ms. Taylor:

On October 12, 2009, the Sparks City Council approved an amendment to the agreement with the City of Reno and Limno Tech, Inc. for additional services in the implementation of the third party review of the Truckee River Total Maximum Daily Loads (TMDLs) for nutrients in an amount not to exceed \$400,000 which is being funded from the Regional Water Management Fund. Enclosed are three or the four original agreements you provided our office. We have retained one original for our records.

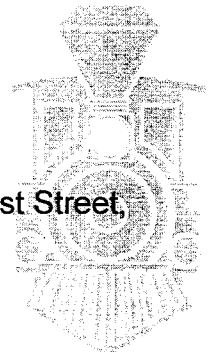
If you have any questions or concerns, please feel free to contact Wayne Seidel, Public Works Director at 353-2330.

Sincerely,

A handwritten signature in cursive script that reads "Linda K. Patterson".

Linda K. Patterson
City Clerk and
Clerk of the City Council

cab
Enclosures
Copy:
Wayne Seidel, Public Works Director
Mr. Greg Dennis, Deputy Director of Public Works, City of Reno, 1 East First Street,
Reno, NV 89501
Finance
A.I. 5.5
A-3676, Amendment #1





**9CITY OF SPARKS
CITY COUNCIL AGENDA STAFF REPORT
MEETING DATE: October 12, 2009**

5.5

Title: Consideration and possible approval of an amendment to the agreement with the City of Reno and LimnoTech, Inc. for additional services in the implementation of the third party review of the Truckee River Total Maximum Daily Loads (TMDLs) for nutrients in an amount not to exceed \$400,000 which is being funded from the Regional Water Management Fund.

Petitioner: Wayne A. Seidel, Public Works Director

Recommendation: Staff recommends approval of this amendment with the City of Reno for LimnoTech, Inc. to continue the ongoing third party review of the Truckee River TMDLs for the nutrients.

Financial Impact: None. *DA*

Business Impact (Per NRS 237)

- A Business Impact Statement is attached.
- A Business Impact Statement is not required because this is not a rule.
- A Business Impact Statement is not required. This is a rule but does not impose a direct and significant economic burden on a business, or directly restrict the formation, operation or exemption of a business.
- A Business Impact Statement is not required. Thus is a rule but emergency action is necessary to protect the public health and safety (requires a unanimous vote of the City Council and cannot be in effect for more than six months).

Agenda Item Brief: The amendment as recommended for approval by staff of the Cities which provides for continued additional services for the ongoing third party review of the Truckee River TMDLs for the nutrients nitrogen and phosphorus and the additional \$400,000 amended scope of work (attached) which will be funded through the Western Regional Water Commission and the Water Management Fund.

Background and Analysis:

The Cities of Reno and Sparks, joined by Washoe County and the Truckee Meadows Water Authority, are working in the role of a third party with the Nevada Division of Environmental Protection (NDEP) to review and conceivably revise the Truckee River TMDLs for both nitrogen and phosphorus. The proposed scope of services is a continuation of the work provided by LimnoTech, Inc. since 1998. Principal components of the work completed to date have been the updating of river modeling tools and the compilation of applicable data needed to allow a thorough review of the TMDL issues. The goals of the work are to identify issues critical to the health of the Truckee River ecosystem and to establish reasonable standards for river discharge permits. The third party review of the nutrient TMDLs is a collaborative effort to move the regulatory process forward with due consideration given to pertinent river water quality issues, ultimately leading to reasoned decisions regarding current and future nutrient loading allocations.

The water quality model developed by LimnoTech, Inc. for the Truckee River has been calibrated and verified and now it can be put to formal use in the third party TMDL review process. The model provides a comprehensive look at the relationships between nutrients and water quality standards, and LimnoTech's continued technical assistance with the model is critical at this juncture. The nutrient TMDL review process may establish a foundation for a more comprehensive strategy that has been proposed to consider water quality parameters other than nutrients, such as a physical and biological condition of the river on a regional basis.

On July 28, 2008 Council approved an agreement with Reno and LimnoTech, Inc. in the amount of \$340,000 for nutrient TMDLs review, and approved an interlocal agreement for a contribution from the Western Regional Water Commission in the amount of \$197,500, Reno's share being the amount of \$97,800.60 and Sparks' share being the amount of \$44,699.40.

On June 3, 2009 the Northern Nevada Western Planning Commission (NNWPC) recommended funding in an amount not to exceed \$400,000 from the Regional Water Management Fund (RWMF) for the continuation of technical services provided by LimnoTech, Inc. along with the recommendation for the execution of an amendment to an existing agreement with the City of Reno to include scope of work and additional funding.

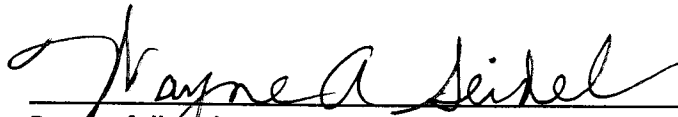
On July 10, 2009 the Western Regional Water Commission (WRWC) and the City of Sparks approved the funding and amended the interlocal agreement with Reno and LimnoTech, Inc. to continue these technical services; and Reno's Council took action on July 15, 2009 to approve the interlocal agreement with the WRWC along with this LimnoTech, Inc. amendment.

Alternatives:

1. City Council could approve the amendment as outlined by staff.
2. City Council could direct staff to provide other alternatives to this agreement.

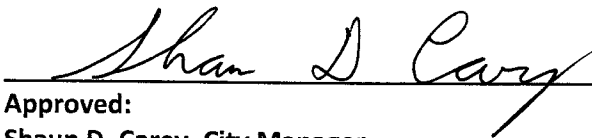
Recommended Motion:

I move to approve the amendment to the agreement with the City of Reno and LimnoTech, Inc. for additional services in the implementation of the third party review of the Truckee River Total Maximum Daily Loads (TMDLs) for nutrients in the amount not to exceed \$400,000 with the funds being provided from the Regional Water Management Fund.



Respectfully submitted by:

Wayne A. Seidel, Public Works Director



Approved:

Shaun D. Carey, City Manager

Amendment
to A 3676

CC: [Signature]
10-12-09
5.5

STAFF REPORT

To: Mayor and City Council

Agenda Item: C.14
Date: 07-15-2009

Thru: Donna Dreska, City Manager

Subject:

Staff Report: Approval of an amendment to the agreement with LimnoTech, Inc. for additional services in the implementation of the third party review of the Truckee River Total Maximum Daily Loads (TMDLs) for nutrients in the amount not to exceed \$400,000. (Regional Water Management Fund)

From: Greg Dennis, P.E., Deputy Public Works Director

Summary: The amendment as recommended by staff provides continued financial support through the Western Regional Water Commission for the ongoing third party review of the Truckee River TMDLs for the nutrients nitrogen and phosphorus.

Previous Council Action: June 13, 2008 Council approved an agreement with LimnoTech, Inc. in the amount of \$340,000 for the nutrient TMDLs review, and approved an interlocal agreement for a contribution from the Western Regional Water Commission in the amount of \$197,500.

Background: The Cities of Reno and Sparks, joined by Washoe County and the Truckee Meadows Water Authority, are working in the role of a third party with the Nevada Division of Environmental Protection (NDEP) to review and conceivably revise the Truckee River TMDLs for both nitrogen and phosphorus. The proposed scope of services is a continuation of the work provided by LimnoTech, Inc since 1998. Principal components of the work completed to date have been the updating of river modeling tools and the compilation of applicable data needed to allow a thorough review of TMDL issues. The goals of the work are to identify issues critical to the health of Truckee River ecosystem and to establish reasonable standards for river discharge permits. The third party review of the nutrient TMDLs is a collaborative effort to move the regulatory process forward with due consideration given to pertinent river water quality issues, ultimately leading to reasoned decisions regarding current and future nutrient loading allocations.

Discussion: The water quality model developed by LimnoTech for the Truckee River has been calibrated and verified and now it can be put to formal use in the third party TMDL review process. The model provides a comprehensive look at the relationships between nutrients and water quality standards, and LimnoTech's continued technical assistance with the model is critical at this juncture. The nutrient TMDL review process may establish a foundation for a more comprehensive strategy that has been proposed to consider water quality parameters other than nutrients, such as the physical and biological conditions of the river on a regional basis.

Financial Implications: As presented in a related staff report on this agenda, the proposed amendment to the interlocal agreement with the Western Regional Water Commission provides funding for the LimnoTech amended agreement from the Regional Water Management Fund.

Recommendation: Staff recommends approval of the amendment to agreement with LimnoTech, Inc. for additional services in the implementation of the third party review of the Truckee River Total Maximum Daily Loads (TMDLs) for nutrients in the amount not to exceed \$400,000, with funds provided from the Regional Water Management Fund by Interlocal Agreement and authorization for the Mayor to sign.

Proposed Motion: I move to approve the staff recommendation.

Attachment: Amendment to the Agreement with LimnoTech, Inc.

AMENDMENT TO AGREEMENT WITH LIMNO TECH, INC.