

RESOLUTION NO 24-008

A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRPERSON OF THE PUEBLO AREA COUNCIL OF GOVERNMENTS TO SIGN AN ASSIGNMENT AND NOVATION AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE PUEBLO AREA COUNCIL OF GOVERNMENTS AND RESPEC PERTAINING TO THE IMPLEMENTATION OF THE 208 PLAN IN COMPLIANCE WITH SECTION 208 OF THE CLEAN WATER ACT.

BE IT RESOLVED BY THE PUEBLO AREA COUNCIL OF GOVERNMENTS, that:

SECTION 1.

The January 10, 2024 assignment and novation agreement ("Agreement") for professional services between PACOG and RESPEC, pertaining to the implementation of PACOG's 208 Plan, a copy of the scope of work which is attached hereto and incorporated herein by reference, having been approved as to form by the PACOG attorney, is hereby approved.

SECTION 2.

The chairperson of the Pueblo Area Council of Governments is hereby authorized to execute said Agreement on behalf of PACOG.

SECTION 3.


The officers and staff of PACOG are authorized to perform any and all acts consistent with the intent of this Resolution and the attached Agreement to implement the policies and procedures described therein.

SECTION 4.

This Resolution shall become effective immediately upon final passage and approval

INTRODUCED January 25, 2024

APPROVED:



Chairman
Pueblo Area Council of Governments

ATTEST:



PACOG Recording Secretary

STATEMENT OF WORK

I. Entity Name: Pueblo Area Council of Government

II. Project Description: This project serves to outline tasks and deliverables which will facilitate the development of an EPA 9-Element Watershed Plan within EPA Region 7. Following 9-Element pre-planning activities conducted in 2022 and 2023, PACOG elected to develop a 9-Element Watershed Plan within the St. Charles River basin, which is a sub-basin to the Arkansas River within Pueblo County. The purpose of the 9-Element Watershed plan will be to identify Non-Point Source (NPS) and Point Source pollution sources within the St. Charles River Basin, and then evaluate and develop Best Management Practices to mitigate contamination of the St. Charles River within the boundaries of the basin. Specifically, efforts have been derived to particularly identify if On-site wastewater treatment systems (OWTS) or Agricultural Runoff are specific contributors to the contamination of the St. Charles River basin.

Following pre-planning efforts to identify a 9-Element Watershed Plan region within Pueblo County, efforts have been dedicated towards establishing water quality data monitoring and sampling for the basin in 2023. Following the completion of these efforts, PACOG intends to focus on data collection from new and existing in-stream sample sites identified in 2023. In addition, PACOG also intends to identify potential point source and non-point source pollution contributors to the St. Charles River. This data gathering phase is expected to extend at least two years into 2026. In the meantime, during this data gathering phase, PACOG will also look to characterize watershed conditions in priority areas, assess these priority watershed conditions as to whether there are specific nonpoint source impacts, identify water quality data gaps as more data is collected, and begin to identify potential load reduction for specific pollutants through implementation of certain best management practices. In-stream sampling is anticipated to begin in early 2024, after the approval of the finalized sampling and analysis plan.

III. Definitions:

1. BMPs – Best Management Practices
2. CDPHE – Colorado Department of Public Health and Environment
3. EPA – Environment Protection Agency
4. NPS – Nonpoint Source
5. OWTS – Onsite Wastewater Treatment Systems
6. PACOG – Pueblo Area Council of Government
7. SAP – Sampling Analysis Plan
8. WQX – EPA’s Water Quality Portal

IV. Work Plan:

Goal #1: To improve, protect, and restore public health and the environment by improving water quality across Colorado.	
Objective #1: No later than the expiration date of the contract, improve the water quality in the PACOG region.	
Primary Activity #1	The Contractor shall develop an EPA 9 Element Watershed-based Plan.

Sub-Activity #1	<ol style="list-style-type: none"> 1. The Contractor shall define: <ol style="list-style-type: none"> a. Priority basin(s) b. Constituents c. Nonpoint sources 2. The Contractor shall gather existing water quality data as available on data sharing networks. 3. The Contractor shall characterize watershed conditions in priority areas. 4. The Contractor shall assess priority watershed conditions to determine whether specific waterbodies are impacted by nonpoint source pollution. 5. The Contractor shall identify water quality data gaps. 6. The Contractor shall: <ol style="list-style-type: none"> a. Finalize the existing SAP to support the sampling needs of the selected watershed basin(s) b. Evaluate the sources of pollution 7. The Contractor shall identify existing sampling locations. 8. The Contractor shall upload existing water quality data to WQX 9. The Contractor shall upload new water sampling data to WQX 10. The Contractor shall estimate potential load reductions for targeted pollutants. 11. The Contractor shall identify priority areas for BMP project implementation. 12. The Contractor shall identify nonpoint source BMPs. 13. The Contractor shall keep a record of participants at: <ol style="list-style-type: none"> a. Stakeholder meetings b. Technical advisory team meetings c. Volunteer events
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Standards and Requirements	<ol style="list-style-type: none"> 1. The Contractor shall not begin sampling until the SAP is approved by CDPHE. 2. The Contractor shall receive approval from the WQCD NPS Program Coordinator for any SAP changes before implementing those changes in the field. 3. The Contractor shall upload water quality data from sampling sites to EPA Water Quality Portal via WQX which can be found at: https://www.epa.gov/waterdata/water-quality-data-wqx 4. The Contractor shall begin water quality sampling according to the approved SAP. 5. The Contractor shall reference the Bipartisan Infrastructure Law <u>604(b) Interim Implementation Guidelines Memorandum</u> to guide the use of a portion of its funding. 6. The Contractor shall meet the requirements for an EPA 9 Element Watershed-based Plan. Requirements can be found here: https://www.epa.gov/nps/resources-watershed-planning 7. The Contractor shall keep a record of participants at: <ol style="list-style-type: none"> d. Stakeholder meetings e. Technical advisory team meetings f. Volunteer events 8. CDPHE will provide written feedback for any draft documentation related to the final deliverables within 30 calendar days of receipt from the Contractor. 9. The final report shall summarize information about activities completed each year from 01/01-12/31.
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Expected Results of Activity(s)	1. EPA 9 Element Watershed-based Plan requirements are met.
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Measurement of Expected Results	1. Approved PACOG EPA 9 Element Watershed-based Plan development activities.	
		Completion Date
Deliverables	1. The Contractor shall submit a final report detailing each year's activities to the CDPHE Water Quality Control Division Project Coordinator via email.	No later than December 15th of each year of the contract.

V. Additional Provisions:

The following terms and conditions are in addition to the standard purchase order terms and conditions and are to be read and interpreted in conjunction with the provisions of the purchase order. Wherever used in the following provisions, "Contractor" and "Vendor" shall have the same meaning. Contractor and/or Vendor – any party to which a Purchase Order is issued.

A. ADDITIONAL PROVISIONS -- Invoicing

To receive compensation under the Purchase Order, the Contractor shall submit a signed biannual CDPHE Reimbursement Invoice Form. This form is accessible from the CDPHE internet website <http://www.colorado.gov/pacific/cdphe/standardized-invoice-form-and-links> and is incorporated and made part of this SOW by reference. CDPHE will provide technical assistance in accessing and completing the form. The CDPHE Reimbursement Invoice Form and Expenditure Details page must be submitted no later than **forty-five (45)** calendar days after the end of the billing period for which services were rendered. Expenditures shall be in accordance with this Statement of Work and Budget.

1. Scan the completed and signed CDPHE Reimbursement Invoice Form into an electronic document. Email the scanned invoice with the Excel workbook containing the Expenditure Details page to: Kate MacDonald – Water Quality Control Division Project Coordinator, kate.macdonald@state.co.us

Final billings under the Purchase Order must be received by the State within a reasonable time after the expiration or termination of the Purchase Order; but in any event no later than **forty-five (45)** calendar days from the effective expiration or termination date of the Purchase Order.

Unless otherwise provided for in the Purchase Order, "Local Match", if any, shall be included on all invoices as required by funding source.

The Contractor shall not use federal funds to satisfy federal cost sharing and matching requirements unless approved in writing by the appropriate federal agency.

VIII. Monitoring:

CDPHE's monitoring of the purchase order for compliance with performance requirements will be conducted throughout the purchase order period by the Water Quality Control Division Project Coordinator. Methods used will include a review of documentation determined by CDPHE to be reflective of performance to include progress reports and other fiscal and programmatic documentation as applicable. The Contractor's performance will be evaluated at set intervals and communicated to the contractor.

IX. Resolution of Non-Compliance:

The Contractor will be notified in writing within 7 calendar days of discovery of a compliance issue. Within **30** calendar days of discovery, the Contractor and the State will collaborate, when appropriate, to determine the action(s) necessary to rectify the compliance issue and determine when the action(s) must be completed. The action(s) and time line for completion will be documented in writing and agreed to by both parties. If extenuating circumstances arise that requires an extension to the time line, the Contractor must email a request to the Water Quality Control Division Project Coordinator and receive approval for a new due date. The State will oversee the completion/implementation of the action(s) to ensure time lines are met and

the issue(s) is resolved. If the Contractor demonstrates inaction or disregard for the agreed upon compliance resolution plan, the State may exercise its rights under the Terms and Conditions of this Purchase Order.