

North Coast Regional Water Quality Control Board

## Third Party Proposals

This document provides guidance on the types of information needed for third party program approval pursuant to Order No. R1-2015-0023.

- A. Order Finding II.B.1 – Program purpose:** Statement of the specific functions, among those listed in Order finding 21, which the third party proposes to fulfill, and a description of process/procedures to implement the proposed functions/roles.
- i. The procedural description should include the approach of record keeping to document implementation of the proposed functions/roles (i.e. describe how records will be kept for each proposed function).
  - ii. The procedural description should also include proposed method by which the Regional Water Board can verify proper implementation of the proposed functions/roles of the third party. This must include an agreement by the third party to allow Regional Water Board access to the third party accounting and other records to conduct audits and verify proper implementation.

**From Finding 21 of Order No. R1-2015-0023 (Page 9)**

- Tracking names of enrolled (and non-enrolled) dischargers.<sup>1</sup> This includes data entry in the California Integrated Water Quality System (CIWQS), using a unique and secure identifier and providing a framework for annual compliance reporting to CIWQS or other program as approved by the Executive Officer.
- Collecting and submitting required fees.<sup>2</sup>

<sup>1</sup> Tracking individual enrollments is a basic function that third parties must perform to facilitate implementation of the conditions of this Order and to provide the basic spatial information for watershed-scale program effectiveness reporting.

<sup>2</sup> A third party must collect fees from enrollees, in accordance with the State Water Board fee schedule contained in title 23 of the California Code of Regulations, and submit them to the State Water Board. The fees invoiced by the State Water Board will be based on each enrollee's tier status.

**From Finding 21 of Order No. R1-2015-0023 (Page 9)**

- Managing communication and notifications between enrolled dischargers and the Regional Water Board, including informing growers of the program and status of implementation.
- Assisting dischargers with identifying the proper tier for a specific site.
- Assisting self-certification requirements for dischargers meeting Tier 1 characteristics.
- For Tier 2 Dischargers, developing sample water resource protection plans, helping individual dischargers to develop individual plans, and/or developing a more comprehensive community plan which individual dischargers agree to abide by. Plans must include a timeline for implementation as appropriate.
- Assisting dischargers in implementing water resource protection plans. This must include site inspections and documentation of timely implementation or installation of management measures per schedule in the water resource protection plan, and evaluation of their effectiveness in meeting intended objectives.
- Monitoring and reporting to Regional Water Board, including compliance with the Order, and effectiveness of management measures.

**B. Order Finding II.B.2 – Third Party Technical experience/qualifications:**

necessary for implementation of technical functions/roles.

- i. This includes resumes or other relevant information to document a combination of education and work experience that would qualify the third party applicant to perform the proposed functions identified in the program purpose.
- ii. This includes any subcontractors/referrals that a third party intends to use to perform functions identified in the program purpose and their respective qualifications (i.e., specialists may be needed in certain circumstances).

**C. Order Finding II.B.3 – Organizational capacity and funding mechanisms to administer the program**

- i. Documentation of organizational structure (i.e., sole proprietor, LLC, corporation, etc.).

- ii. Explanation of how the organization is funded, including additional charges/rate structures for services rendered.
- iii. Include any applicable insurance policies/protections.
- iv. Annual summaries of expenditures and revenues, including fees for services provided, used to help dischargers comply with this Order including audited financial statements according to generally accepted accounting procedures for the United States of America.

**D. Order Finding II.B.4 – Sample water resource protection plan**

- i. Only required if the third party applicant proposes to assist with the development or implementation of water resource protection plans for Tier 2 sites.
- ii. Attached to this guidance document is a sample water resource protection plan that may be used to develop a functionally equivalent plan for submittal with the application.

**E. Order Finding II.B.5 – Framework for annual compliance reporting to CIWQS**

- i. Commitment and proposal to provide annual monitoring and any other required compliance information to the Regional Water Board via CIWQS according to business rules established by the Regional Water Board.

Reports must include, but are not necessarily limited to including the following:

- a. Total number of sites enrolled through the third party, by HUC-12 subwatershed, or smaller hydrologic watershed, as determined necessary by the Executive Officer.
- b. Total number of sites in each subwatershed enrolled in each specific tier category.
- c. Number of sites in compliance with standard conditions in each specific watershed in the covered region.
- d. Number of sites with active water resource protection plans meeting milestones.
- e. Monitoring data from each enrolled site in the coverage area.

- f. Summary of education and outreach activities or efforts.
- ii. The proposal should include the metrics to be used to assess effectiveness of education and outreach efforts. This may include, but is not limited to details, where applicable, about type(s) and number(s) of activities or efforts; number of people attending events, if applicable; number of people worked with one on one or provided informational materials; number of sites where education/outreach information is being applied; and anticipated future efforts.
- F. Order Finding II.B.6 – Sample liability waiver:**
- i. The sample liability waiver shall clearly demonstrate that the responsibility falls to the landowner/operator of the site to meet the stated terms and conditions of this Order.
- ii. If a third party applicant proposes to actively participate in an implementation role, it must acknowledge its responsibility as a discharger (operator) under the Order.
- G. Order Finding II.B.7 – Framework/process/procedures for compliance confirmation and addressing non-compliance of individual enrollees.**

Staff recommend including a table of contents that clearly indicates where in the package the following components can be found:

Reference	Component	Page
Order Finding II.B.1	Program purpose	X
Order Finding II.B.2	Technical experience/qualifications	X
Order Finding II.B.3	Organizational capacity and funding mechanisms	X
Order Finding II.B.4	Sample water resource protection plan	X
Order Finding II.B.6	Sample liability waiver	X
Order Finding II.B.7	Framework for compliance confirmation and addressing non-compliance	X