



CITY COUNCIL

STAFF REPORT

January 17, 2024

**ITEM TITLE: RESOLUTION 2024-005 AUTHORIZING THE CITY MANAGER TO SIGN THE FIFTH AMENDMENT TO THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM REGIONAL STORM WATER COPERMITTEE MEMORANDUM OF UNDERSTANDING. (0770-70)**

**ORIGINATING DEPARTMENT:**

Environmental & Natural Resources

**EXECUTIVE SUMMARY:**

This resolution asks for approval of the Fifth Amendment to the National Pollutant Discharge Elimination System Regional Storm Water Copermittee Memorandum of Understanding (Regional MOU). This amendment is necessary to continue cost sharing obligations with storm water Copermittees for regional and watershed storm water management programs required by San Diego Regional Water Quality Control Board Order R9-2013-0001 (Storm Water Permit). The Fifth Amendment to the Regional MOU will become effective when the last party executes the Regional MOU and remain effective through August 2029, or through the life of the next reissued Storm Water Permit plus twelve months, whichever is longer.

**RECOMMENDATION:**

Adopt Resolution 2024-005 and authorize the City Manager to execute the Fifth Amendment to the National Pollution Discharge Elimination System Regional Storm Water Copermittee MOU.

**OPTIONS:**

- Adopt Resolution; or
- Direct staff to return with additional information.

**BACKGROUND/ANALYSIS:**

The Storm Water Permit issued by the San Diego Regional Water Quality Control Board requires a Regional MOU among the permitted agencies to meet watershed and regional obligations. The 21 permitted agencies under the Storm Water Permit are collectively called Copermittees and include: the County of San Diego, the San Diego Unified Port District, the San Diego County Regional Airport Authority, and the incorporated cities of San Diego, Carlsbad, Chula Vista, Escondido, Imperial Beach, La Mesa, San Marcos, Del Mar, El Cajon, Encinitas, Lemon Grove, National City, Oceanside, Poway, Santee, Solana Beach, and Vista.

The initial regional MOU was authorized by Council through Resolution No. 2007-6562 to meet the Storm Water Permit requirements under Order R9-2007-0001. The first amendment to the Regional MOU updated administrative procedures and was authorized by Council through Resolution No. 2010-6883. The Second Amendment to the Regional MOU allowed for Regional cost share of Storm Water Permit obligations under R9-2013-0001 for Fiscal Year 2014-15 and

was authorized by Council through Resolution No. 2014-7475. The Third Amendment of the Regional MOU allowed continued collaboration and cost sharing among Copermittees for the duration of the current Storm Water Permit Order R9-2013-0001 and was authorized by Council through Resolution No. 2015-7612. The fourth amendment of the Regional MOU allowed continued collaboration and cost sharing among Copermittees for the duration of the Storm Water Permit Order R9-2013-0001 and was authorized by City Council through Resolution No. 2019-8017. This Fifth Amendment of the Regional MOU continues the previous cost sharing among Copermittees for the upcoming Storm Water Permit renewal that is anticipated to be issued later this year.

The purpose of the Regional MOU is to establish shared program responsibilities for each Copermittee. The Regional MOU establishes regional working bodies and watershed working bodies that develop and implement work products to meet the Storm Water Permit requirements. More importantly, the MOU establishes the cost share responsibility to implement the various storm water program requirements among the Copermittees. The City of Imperial Beach holds an approximate 1% cost share in regional work products, 14% cost share for Tijuana River watershed work products, and 2% cost share for San Diego Bay watershed work products. The City of Imperial Beach is also the lead agency developing and implementing work products for the Tijuana River and San Diego Bay watershed groups and will utilize this Regional MOU to implement the Water Quality Improvement Plans.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The San Diego County Copermittees develop work plans and budgets each fiscal year to meet Storm Water Permit obligations. This Regional MOU establishes cumulative not to exceed limits through FY 2029 of \$5,747,144 for Regional Programs, \$4,490,650 for San Diego Bay watershed, and \$3,254,850 for Tijuana River watershed. The Imperial Beach cost share is a proportional share of regional costs based on population and land use area. Costs for this program are budgeted under the Environmental and Natural Resources Department budget.

**ATTACHMENTS:**

1. Resolution No. 2024-005
2. Copermittee Fifth Amendment to Regional MOU