



City of Chula Vista

Staff Report

File#: 14-0376, **Item#:** 10.

RESOLUTION NO. 2014-126 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU), DATED APRIL 16, 2014, AMONG THE SAN DIEGO BAY WATERSHED MANAGEMENT AREA PARTIES, AND AUTHORIZING THE MAYOR TO SIGN THE MOU ON BEHALF OF THE CITY

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

The National Pollutant Discharge Elimination System (NPDES) Municipal Permit, Order No. R9-2013-0001 (Municipal Permit) requires the Copermittees within each of the ten watersheds of San Diego County to cooperate in the development and implementation of Water Quality Improvement Plans (WQIP) for their watersheds. Chula Vista is located entirely within the San Diego Bay Watershed. The Copermittees of the San Diego Bay Watershed include the County of San Diego, the San Diego Unified Port District, the San Diego County Regional Airport Authority, and the Cities of Chula Vista, Coronado, Imperial Beach, La Mesa, Lemon Grove, National City, and San Diego. Further, Caltrans is a participating responsible agency in the Chollas Creek Total Maximum Daily Load (TMDL) program and its associated Comprehensive Load Reduction Plan, which will be incorporated into the San Diego Bay Watershed WQIP. The development and implementation of the San Diego Bay Watershed WQIP necessitates a Memorandum of Understanding (MOU) among the Copermittees and Caltrans (collectively referred to as Parties) to address specific watershed permit requirements, and to define the associated Parties' shared watershed responsibilities and financial obligations.

The proposed MOU is attached as Attachment A.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because the activity consists of the creation of a fiscal mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION RECOMMENDATION

Not applicable

DISCUSSION

The San Diego Regional Water Quality Control Board (Regional Board) adopted the Municipal Permit

on May 8, 2013. The Municipal Permit allows for a two-year transitional period, during which time the Copermittees are required to develop or update their regional, watershed, and local plans and programs. During these two years, responsible parties within each watershed are required to develop their WQIPs. The San Diego Bay Watershed WQIP will identify priority water quality conditions in the watershed and establish water quality improvement goals, strategies, and schedules to improve water quality within the watershed to the levels that will sustain beneficial uses of receiving waters in the watershed. The WQIP will also include a water quality monitoring and assessment plan that, through an iterative approach and adaptive management, will allow the improvement of the watershed program over time. The deadline for submittal of the WQIP to the Regional Board is June 27, 2015. In order to meet Municipal Permit deadlines, Phase I of the WQIP was developed under a regional MOU previously signed by all Copermittees. Phase II of the WQIP will be completed under the proposed watershed MOU.

The proposed MOU will define the roles and responsibilities of each Party with respect to joint watershed activities and the development of the WQIP; and will establish a cost share formula to cover the cost of consultant services. Under the proposed MOU, the Port District will administer the consultant contract and invoice Parties for their share of the costs based on a default formula established in the MOU. The term of the MOU is set to expire on June 30, 2015, and will cover a period in which the WQIP will be developed and submitted to the Regional Board. A subsequent MOU will be required to cover the implementation of strategies identified in the WQIP.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site specific and consequently, the 500-foot rule found in California Code of Regulations section 18704.2 (a)(1) is not applicable to this decision.

LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The watershed activities implemented under the proposed MOU supports the Healthy Community goal as it seeks to eliminate water quality degradation throughout the San Diego Bay Watershed.

CURRENT YEAR FISCAL IMPACT

The MOU is an agreement among the San Diego Bay Watershed Parties, which describes how watershed costs and responsibilities are distributed. The MOU by itself does not result in fiscal impacts however development of the WQIP which is mandated by the Municipal Permit will require expenditures by the City. The Parties have selected a consultant to develop Phase II of the WQIP, and consultant work is scheduled to begin in July 2014. During Fiscal Year 2014-2015, City's share of the costs associated with the development of the WQIP is expected to be \$77,003, which will be funded by the storm drain fee revenue funds.

ONGOING FISCAL IMPACT

The requested action by itself will not result in any ongoing fiscal impact on the City. However, implementation of watershed activities mandated by the Municipal Permit will demand ongoing program expenditures. Based on experience, with each re-issuance of the Municipal Permit, more stringent and costly requirements can be expected. Prior to the completion of the WQIP, it is difficult to provide an estimate of future watershed activities implementation costs. However, staff will

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present an assessment of ongoing expenditures to the City Council when goals and strategies are identified and more information is available. Implementation of watershed activities beyond the development of the WQIP is outside the scope of the proposed MOU.

ATTACHMENTS

1. Memorandum Of Understanding
2. Signature Pages
3. Resolution

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