



DATE: October 25, 2016

CATEGORY: Consent

DEPT.: Fire

TITLE: **Approve Third Amendment to MOA Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program**

RECOMMENDATION

Authorize the City Manager to sign the third amendment to extend the term of the Memorandum of Agreement providing for the implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program.

BACKGROUND

Cities throughout the Bay Area are regulated by the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) permit, issued by the California Regional Water Quality Control Board, San Francisco Bay Region, which requires the permitted agencies to take numerous actions to reduce stormwater runoff pollution. The Santa Clara Valley Urban Runoff Pollution Prevention Program (Program) was originally formed in the late 1980s through a Memorandum of Agreement (MOA) between the 13 cities in Santa Clara County, the County of Santa Clara, and the Santa Clara Valley Water District, known as copermittees, to coordinate efforts and resources needed to comply with the NPDES permit requirements.

The California Regional Water Control Board reissued a five-year NPDES permit with an effective date of January 1, 2016, expiring on December 31, 2020. The current NPDES permit continues to include requirements found in the prior permit and also contains new requirements, of which the most significant is developing and implementing a green stormwater infrastructure plan.

ANALYSIS

Since the Program's inception, all participating copermittee agencies, including the City of Mountain View (City), have authorized continuation of the Program through two previous MOA amendments, without significant changes to the original terms. The second amendment of the Program MOA is set to expire at the end of 2016. On August

18, 2016, the Program's Management Committee, on which the City sits, unanimously approved a referral to each copermittee agency's governing body for execution of the third amendment to the MOA (Attachment 1) to extend the term of the Program MOA to coincide with the term of the NPDES permit, plus one fiscal year beyond the date of termination of the permit. The additional year allows for any administrative extensions or modifications to the permit termination date.

Working collaboratively with other copermittees throughout Santa Clara Valley to implement NPDES permit compliance actions and programs has been an effective approach to address regulatory requirements. Participation in the Program allows the City to undertake a coordinated approach to stormwater regulatory compliance and leverage resources in a cost-effective manner. Staff recommends the Council authorize execution of the third amendment to extend the term of the Program MOA because it will allow the Program to continue to provide compliance assistance to the copermittee agencies during the term of the current NPDES permit.

FISCAL IMPACT

Approval of the Santa Clara Valley Urban Runoff Pollution Prevention Program MOA would not change the current fiscal impact associated with participation in the Program. Costs associated with the Program are presented as part of the City's regular budget process. Proportional allocation of Program cost amongst the participating copermittee agencies is based on a combination of benefits received and stormwater runoff factors.

ALTERNATIVES

Do not authorize the City Manager to sign the third amendment to the Program MOA and terminate the City's participation in the Program. If the MOA is not approved, the City would be required to obtain its own NPDES stormwater permit and incur additional cost by implementing NPDES permit provisions performed by the Program. The City's cost to administer its own NPDES stormwater permit would be significantly higher than the cost to participate in the Program.

PUBLIC NOTICING – Agenda posting.

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EA/2/CAM
151-10-25-16CR-E

- Attachments:
1. Third Amendment to Agreement Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (MOA)
 2. MOA Appendix 1 – Agreement Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program
 3. MOA Appendix 2 – First Amendment to the Agreement
 4. MOA Appendix 3 – Second Amendment to the Agreement