



STAFF REPORT

March 20, 2024

File Number 0600-10; A-2896-5

SUBJECT

AMENDMENT NO. 5 TO SAN DIEGO REGIONAL STORMWATER COPERMITTEE MOU

DEPARTMENT

Utilities Department, Wastewater Division, Environmental Programs

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-25, authorizing the Mayor to execute, on behalf of the City of Escondido, an amendment to the National Pollutant Discharge Elimination System, San Diego Regional Stormwater Copermittees Memorandum of Understanding (“MOU”).

Staff Recommendation: Approval (Utilities: Angela Morrow)

Presenter: Angela Morrow, Interim Director of Utilities

ESSENTIAL SERVICE – Yes, Clean Water.

COUNCIL PRIORITY – Neighborhood Improvement.

FISCAL ANALYSIS

Amendment No. 5 to the MOU does not directly result in any additional expenditures. The current fiscal year budget for Environmental Programs includes \$190,000 for regional programs and watershed program costs. Fiscal Year 2023 actual costs were less than \$120,000.

PREVIOUS ACTION

In November 2007, the MOU was signed by the City Manager.

In March 2010 and March 2014, the First and Second Amendments, respectively, were signed by the Mayor.

In July 2015 and October 2019, the Third and Fourth Amendments, respectively, were signed by the City Manager.



CITY of ESCONDIDO

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BACKGROUND

The San Diego Regional Water Quality Control Board (“RWQCB”) issued Order No. R9-2007-0001 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (“NPDES”) PERMIT AND WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (“MS4s”) DRAINING THE WATERSHEDS WITHIN THE SAN DIEGO REGION on January 24, 2007 as a means to regulate discharges of stormwater and urban runoff. The requirements included the establishment of a management structure and determining a cost sharing mechanism for the twenty-one NPDES San Diego Regional Copermittees.

The Copermittees entered into a San Diego Regional Stormwater Copermittees MOU on November 16, 2007, to comply with the requirement that they cooperate in the implementation of activities and programs. The MOU has been the vehicle used to accomplish permit-mandated requirements at a regional level, resulting in efficiencies by eliminating duplication of effort in multiple agencies.

Prior to 2014, the Regional Programs budget and the MOU had been kept separate, with the budget being developed and approved on an annual basis. By agreement of the participating agencies, the second amendment and future MOUs began inclusion of not-to-exceed annual costs for implementation of the MOU to be shared among the Copermittees. This cost share is based on a formula that uses the percentage of the total population (45 percent), a percentage of the total urbanized land area (45 percent), and an equal division of the remaining costs (10 percent) between the Copermittees. The 2019 amendment primarily clarified Brown Act applicability with the subordinate program workgroups that only recommended funding actions to the Program Planning Subcommittee.

The current regional stormwater permit, NPDES permit Order No. R9-2013-0001, as amended, was issued on May 8, 2013. Permits had typically been reissued on a five-year schedule, with the current permit set to expire on June 27, 2018. The RWQCB has not yet reissued a new Permit, and the terms and conditions are automatically continued pending issuance of a new permit. However, the current Copermittees MOU is due to expire in August 2024. To allow the continued implementation of permit-mandated, regionally-funded programs until permit reissuance, the County of San Diego, in collaboration with other Copermittees, has prepared this Amendment No. 5 to extend the MOU until August 2029 or until the permit is reissued plus twelve months, whichever is longer.

RESOLUTIONS

- A. Resolution No. 2024-25
- B. Resolution No. 2024-25 – Exhibit “A”: Amendment 5 Regional Stormwater Copermittee MOU