



AGENDA REPORT SUMMARY

Meeting Date: March 28, 2023

Subject: Consider Approving Contract Amendment No. 4: Santa Clara Valley Runoff Pollution Prevention Program (SCVURPPP); find that the approval of the amendment is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308

Prepared by: Erin McDannold, Assistant Civil Engineer

Reviewed by: Aida Fairman, Director of Environmental Services & Utilities Department

Approved by: Gabriel Engeland, City Manager

Attachments:

1. Fourth Amendment to Memorandum of Agreement (MOA) and Appendices
A. Resolution No. 2023-XX

Initiated by:

SCVURPPP/City Staff

Previous Council Consideration:

November 22, 1999 – Original SCVURPPP Memorandum of Agreement (MOA)

November 23, 2004 – First Amendment

December 21, 2005 – Second Amendment

October 25, 2016 – Third Amendment

November 15, 2022 – Municipal Regional Stormwater Permit: Overview of New Requirements

Fiscal Impact:

None at this time.

The City’s proportionate share of the Program costs is 1.59%. Program costs are paid from the allocated Stormwater Operating Budget, which is funded by the General Fund. The Progress Assessment for the City of Los Altos for FY 22-23 was \$82,568, which was paid for from the adopted budget. The Progress Assessment for FY 23-24 will be \$89,970.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Contract Amendment No. 4: Santa Clara Valley Runoff Pollution Prevention Program

Environmental Review:

The approval of the Fourth Amendment to the MOA is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) (Commonsense Exemption) and 15308 (Actions Taken by Regulatory Agencies for the Protection of the Environment), in that the action merely continues the City’s existing participation in a program that fosters compliance with state and federal law intended to protect water quality, the action will not involve construction activities or relaxation of standards allowing for environmental degradation, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

Policy Questions for Council Consideration:

Not applicable



Subject: Contract Amendment No. 4: Santa Clara Valley Runoff Pollution Prevention Program

Summary:

- The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) assists the City of Los Altos and other agencies in Santa Clara County to negotiate and comply with a federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit that cities are required to have for stormwater that flows to creeks, streams, and, ultimately, San Francisco Bay.
- The City of Los Altos and other agencies in Santa Clara County expect to use the Program to continue to represent their interests relative to Municipal Regional Permit (MRP 3.0), to help them effectuate certain aspects of compliance with MRP 3.0, and to negotiate the terms of a further renewed NPDES Permit when MRP 3.0 nears the end of its five-year term and any administrative extension provided.
- All Program participants are required to obtain approval from the legislative authority for the MOA amendment extending the agreement through 2028. The current MOA will expire in July of 2023, if not extended.

Staff Recommendation:

Approve the Fourth Amendment to the Santa Clara Valley Urban Runoff Pollution Prevention Program's Memorandum of Agreement (MOA) and direct the City Manager to execute the Amendment on behalf of the City



Subject: Contract Amendment No. 4: Santa Clara Valley Runoff Pollution Prevention Program

Purpose

Execute the Fourth Amendment to the Santa Clara Valley Urban Runoff Pollution Prevention Program MOA.

Background

The Santa Clara Valley Urban Pollution Prevention and Urban Runoff Program (Program) was originally formed through a memorandum of agreement (MOA) with other Santa Clara Valley-based local governments in the late 1980s. This was a means to assist the City of Los Altos in negotiating and complying with a federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit that cities are required to have for stormwater that flows to creeks, streams, and, ultimately, the San Francisco Bay. Bay Area municipalities were recently issued a new Municipal Regional Stormwater Permit in May 2022, which became effective July 1, 2022. This permit is shared by 76 permittees in the San Francisco Area.

This MRP 3.0 includes and expands on many of the previous requirements and contains new provisions. MRP 3.0 includes more stringent requirements on existing provisions for new development/redevelopment, trash load reduction, PCB, mercury and bacteria controls, and water quality monitoring and introduces new provisions on unsheltered homeless populations, cost reporting, and asset management. Outside those mentioned above, previously existing provisions also encountered minor changes. An overview of new MRP 3.0 requirements was shared with City Council on November 15, 2022. Thus far, the Program has been highly engaged in understanding these changes with local regulatory agencies and helping permittees adapt to new MRP 3.0 requirements.

The Program allows the City of Los Altos to undertake a coordinated approach and leverage resources with respect to our stormwater permit. This method has been highly effective in assisting the City to address our responsibilities, twice winning national awards issued by the U.S. Environmental Protection Agency. Since its original formation, the participating local governments, including the City of Los Altos, have thrice previously authorized a continuation of the Program without changing its original terms.

Discussion/Analysis

Based on a recent vote of the Program's Management Committee, in which the City participates, a fourth amendment of the MOA to extend the Program on its original terms was unanimously approved for referral to our governing body for execution. The extension will allow the Program to continue to operate and serve the participating agencies throughout the current Clean Water Act Permit's term plus one additional fiscal year (providing Program assistance until at least the July of 2028 and addressing the Permit's next re-issuance by the Regional Water Quality Control Board).



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The City of Los Altos and other agencies in Santa Clara County expect to utilize the Program to continue to represent their interests relative to Municipal Regional Permit (MRP 3.0), to help them effectuate certain aspects of compliance with MRP 3.0, and to negotiate the terms of a further renewed NPDES Permit when MRP 3.0 nears the end of its five-year term and any administrative extension provided.

Recommendation

Approve the Fourth Amendment to the Santa Clara Valley Urban Runoff Pollution Prevention Program's Memorandum of Agreement (MOA) and direct the City Manager to execute the Amendment on behalf of the City