

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIFTH AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING AMONG THE COPERMITTEES OF THE SAN DIEGO COUNTY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL PERMIT, AND AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE FIFTH AMENDMENT ON BEHALF OF THE CITY

WHEREAS, the National Pollution Discharge and Elimination System (“NPDES”) stormwater permit regulations are administered by the United States Environmental Protection Agency (“U.S. EPA”) under the authority granted by the Federal Water Pollution Control Act 33 USCA 1251 et seq. as amended; and

WHEREAS, the California State Water Resources Control Board as designee of the U.S. EPA has delegated authority to the San Diego Regional Water Quality Control Board (the “Regional Board”) for administration of the NPDES stormwater permit within the boundaries of its region; and

WHEREAS, on January 24, 2007, the Regional Board issued Order No. R9-2007-001 (the “2007 Permit”) regulating discharges from the municipal separate storm sewer system (“MS4”); and

WHEREAS, the 2007 Permit regulates MS4 discharges from the City of Chula Vista, County of San Diego, the San Diego Unified Port District, the San Diego County Regional Airport Authority, and the cities of San Diego, Carlsbad, Coronado, Escondido, Imperial Beach, La Mesa, San Marcos, Del Mar, El Cajon, Encinitas, Lemon Grove, National City, Oceanside, Poway, Santee, Solana Beach, and Vista (the “Copermittees”); and

WHEREAS, the 2007 Permit required the Copermittees to collaborate in the implementation of regional programs; and

WHEREAS, the Copermittees entered into a Memorandum of Understanding (“MOU”), approved via City Council Resolution No. 2007-293, to address specific permit requirements and to define Copermittees’ shared responsibilities and financial obligations; and

WHEREAS, the Copermittees entered into a First Amendment to the MOU, approved by City Council on March 18, 2010 (First Amendment), a Second Amendment to the MOU on July 9, 2014 (Second Amendment), a Third Amendment to the MOU on September 15, 2015 (Third Amendment), and a Fourth Amendment to the MOU on June 4, 2019 (Fourth Amendment); and

WHEREAS, on May 8, 2013, the Regional Board issued an NPDES permit as Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100 (the "Permit"), which superseded the 2007 Permit, and which is still in effect; and

WHEREAS, the Permit requires that the Copermittees cooperate in the implementation of various Water Quality Improvement Plans and watershed management strategies to comply with the Permit and any future amendments and/or reissuances thereto; and

WHEREAS, the Copermittees have collaborated under the current MOU, which expires on August 31, 2024, and are on track to complete regional activities on schedule; and

WHEREAS, an extension of the MOU is necessary to complete the program; and

WHEREAS, the Copermittees desire to enter into the proposed Fifth Amendment to the MOU to extend the term to August 2029.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it hereby approves the Fifth Amendment to the Memorandum of Understanding, among the Copermittees of San Diego County, for the National Pollutant Discharge Elimination System Municipal Permit, in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the Mayor to execute same.

Presented by

Approved as to form by

Matthew Little, P.E.
Deputy City Manager/Director of Engineering
& Capital Projects

Marco A. Verdugo
City Attorney