

City of Hesperia

STAFF REPORT



DATE: March 19, 2019

TO: Mayor and Council Members
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
Tina Souza, Senior Management Analyst

SUBJECT: Amended NPDES Stormwater Permit Implementation Agreement

RECOMMENDED ACTION

It is recommended that the City Council and Board of Directors of the Hesperia Water District approve the attached amended National Pollutant Discharge Elimination System (NPDES) Storm Water Permit Implementation Agreement for the Mojave River Watershed Group (MRWG) and authorize the Mayor to execute said agreement.

BACKGROUND

In 2003, the City of Hesperia, Town of Apple Valley, County of San Bernardino, and City of Victorville collectively formed the Mojave River Watershed Group (MRWG) in order to pool efforts and share program costs associated with implementing their respective NPDES programs, which were required under a former permit for small municipal separate storm sewer systems (MS4s) adopted by the State Water Resources Control Board (SWRCB). However, the MRWG was not formalized by virtue of an agreement at that time.

In February of 2013, the SWRCB adopted Phase II General Permit, Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004 (General Permit) which took effect July 1, 2013. The MRWG member agencies are co-permittees under the Permit.

On December 17, 2013, the City Council and Board of Directors of the Hesperia Water District approved the NPDES Stormwater Permit Implementation Agreement – Mojave River Watershed (Agreement) which was to be effective for the term of five years in correlation with the General Permit. Entering into the agreement with the MRWG member agencies formally established the MRWG and served to protect the best interests of all member agencies. Further, the agreement ensured equitable, proportionate shared costs for mutually agreed activities related to implementation of certain aspects of the NPDES program required to meet the General Permit requirements.

ISSUES/ANALYSIS

Since inception in 2003, the MRWG has implemented a public education and outreach program inclusive of, but not limited to, disseminating educational materials consisting of various tip cards, Best Management Practices (BMP) posters, educating the youth of the community through school assemblies; partnering with various organizations; encouraged public involvement through social

media, large and small clean-up events and public workshops or trainings; developed various guidance documents for each member agencies' customization; and collaborated on other implementation efforts, as well as policies and procedures that have assisted in compliance with the General Permit. Collectively, member agencies have been able to improve water quality and reduce program costs for certain components of the NPDES program. For instance, public outreach and education is achieved most cost effectively by sharing in the development and dissemination of educational materials, other publications, and public events as this serves a region-wide purpose. NPDES program requirements have expanded due to more rigorous mandates, thus solidifying the need for a collaborative effort.

Each of the MRWG member agencies is responsible for funding their fair share of the costs for work performed on behalf of the MRWG group. Continuing with the MRWG to share costs of implementation when feasible provides cost savings to the member agencies and will continue to offer an advantageous benefit to the City and District with regards to fiscal expenditures and collaboration for implementing the General Permit requirements.

The original Agreement was set to terminate in five years, consistent with the original term of the General Permit. However, in accordance with the water quality order, the General Permit will remain in full force and effect until such time as the SWRCB adopts a new permit, which is anticipated to become effective in July of 2020. In order to continue with implementation efforts and cost sharing benefits, modifications to the Duration language as well as other outdated sections of the Agreement are necessary. Revisions have been reviewed by staff and the Agreement amended to reflect an ongoing term until a new MS4 permit is adopted by the SWRCB. The modified Agreement shall supersede the previously executed version.

FISCAL IMPACT

Expenditures for the City's NPDES Program have been budgeted in the adopted Fiscal Year 2018-19 Budget in Fund 100 and Fund 700. Additionally, staff's administrative activities associated with the implementation of the NPDES program are consistent with the adopted budget.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Agreement modifications (redlines)
2. Amended National Pollutant Discharge Elimination System Storm Water Permit Implementation Agreement Mojave River Watershed