



Meeting Date: 11/17/09

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Anthony Emmert, Water Resources Manager Agenda Item No. I-8

Reviewed By: City Manager City Attorney Finance Director of Public Works

DATE: November 9, 2009

TO: City Council

FROM: Mark S. Norris, Assistant Public Works Director
Public Works Department, Utilities Services Branch 

SUBJECT: Amendment Number Three to Implementation Agreement for Countywide Stormwater Program

RECOMMENDATION

That City Council:

1. Approve and authorize the Mayor to execute a third amendment to the existing National Pollutant Discharge Elimination System (NPDES) Implementation Agreement Stormwater Regulation Program (Agreement) with the Ventura County Watershed Protection District (VCWPD), which identifies the responsibilities of the City, VCWPD, nine other Ventura County cities, and Ventura County under the Ventura County Municipal Stormwater Permit, and creates a mechanism for the distribution of revenues and the funding for the Principal Permittee activities.
2. Approve an appropriation of \$242,513 from the Wastewater Collection Operating Fund to the Stormwater Quality Management Program to partially fund Principal Permittee costs under the Ventura County Municipal Stormwater Permit for Fiscal Year 2009/2010.

DISCUSSION

The Water Quality Act of 1987 added Section 402(p) to the Federal Water Pollution Control Act, establishing a framework for regulating municipal and industrial stormwater discharges under the NPDES program. The regulations required municipalities to develop and implement stormwater quality programs for discharges from their municipal separate stormwater sewer system to waters of the United States, and to reduce the pollutants contained in those discharges to the maximum extent practicable. The California Regional Water Quality Control Board, Los Angeles Region, is responsible for overseeing the discharges from the municipalities of Ventura County and for issuing NPDES permits.

On June 23, 1992, the City Council approved and authorized an agreement with the VCWPD (formerly the Ventura County Flood Control District) to develop a single Countywide Stormwater Quality Management Program, which would be regulated by one NPDES permit. In order to benefit from economies of scale, the Program included the VCWPD, as the Principal Permittee, the County of Ventura, and the ten cities within the County, including the City of Oxnard. The Countywide Program also benefited from the VCWPD's ability to generate revenue through its Benefit Assessment Authority. The 1992 Agreement identified the City's responsibilities for complying with the requirements of the Permit within its jurisdictional boundaries and set forth the methodology for the use of the benefit assessment financing by the VCWPD and the City.

In anticipation of a new stormwater permit, the public works directors for the copermittees met to develop a new implementation agreement that spelled out the new roles and responsibilities of the Principal and copermittees, as well as a cost-sharing scheme. Since consensus could not be reached by the copermittees, the Implementation Agreement was amended in January 2008 to update the formula for distribution of revenues, and identified the need for additional funding for the required activities of the VCWPD, as the Principal Permittee. A second amendment was necessary to further define the cost sharing for the Principal Permittee services as the proposed permit was being developed. This third amendment provides for continued Principal Permittee activities while the new permit is being finalized and until a new cost sharing methodology can be negotiated. Staff expects to receive the final version of the adopted stormwater permit soon. Copermittees are now committed to:

- Have no further amendments to the 1992 Implementation Agreement;
- Develop an implementation agreement to direct the program execution for the life of the new permit (approximately 5 years);
- Develop a process for oversight of Principal Permittee services; and,
- Develop procedures to review the efficiency of the Principal Permittee program operations.

The City's share of the cost of these services performed by the Watershed Protection District as Principal Permittee under the third amendment is estimated to be \$242,513.

FINANCIAL IMPACT

Funds will be appropriated from Wastewater Collection Operating Fund Balance into account number 611-6102-842-8209 to cover the \$242,513 City share for Principal Permittee services.

AAE:mp:nr:joh

Attachment #1 - Third Amendment to National Pollutant Discharge Elimination System
Implementation Agreement for Ventura Countywide Stormwater Quality Management
Program

Attachment #2 - Special Budget Appropriation

Note: Attachment #1 has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting and in the City Clerk's Office after 8:00 a.m. on Monday prior to the Council meeting.

CITY OF OXNARD
REQUEST FOR SPECIAL BUDGET APPROPRIATION

To the City Manager:

November 9, 2009

Request is hereby made for an appropriation of total \$ 242,513

Reason for appropriation: Appropriate funds from the Wastewater Collection Operating Fund balance to the Stormwater Quality Management Program budget to partially fund Principal Permittee costs under the Ventura County Municipal Stormwater Permit for Fiscal Year 2009/2010.

<u>FUND</u>	<u>DESCRIPTION/ACCOUNT</u>	<u>AMOUNT</u>
Wastewater Collection (611)	Wastewater Collection Operating Storm Water Quality 611-6102 842-8209 Services - Other Prof/Contract	242,513
Net Estimated Change to Wastewater Collection Fund Balance		<u><u>(242,513)</u></u>



 Manager

CHIEF FINANCIAL OFFICER

REQUIRES CITY COUNCIL APPROVAL



Disposition	Approved _____
	Rejected _____
	City Manager
Transfer by Journal Voucher	