

## **AGENDA**

**CITY COUNCIL OF THE CITY OF MORENO VALLEY  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY AS SUCCESSOR AGENCY FOR THE  
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF  
MORENO VALLEY  
MORENO VALLEY HOUSING AUTHORITY**

**February 18, 2014**

**STUDY SESSION – 6:00 P.M.**

**City Council Study Sessions**

First & Third Tuesdays of each month – 6:00 p.m.

**City Council Meetings**

Second & Fourth Tuesdays of each month – 6:00 p.m.

**City Council Closed Session**

*Immediately following Regular City Council Meetings and  
Study Sessions, unless no Closed Session Items are Scheduled*

**City Hall Council Chamber - 14177 Frederick Street**

*Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator at 951.413.3705 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

Victoria Baca, Mayor Pro Tem  
Jesse L. Molina, Council Member

Tom Owings, Mayor

Richard A. Stewart, Council Member  
Yxstian Gutierrez, Council Member

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CITY OF MORENO VALLEY  
MORENO VALLEY HOUSING AUTHORITY**

**\*THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD MEETINGS**

**STUDY SESSION - 6:00 PM  
FEBRUARY 18, 2014**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL**

**INTRODUCTIONS**

**PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council Member, staff member or other person.

**SPECIAL ORDER OF BUSINESS**

1. NPDES STRATEGIES & REGIONAL ISSUES (PowerPoint) (PW/15 Min.)
2. CITY COUNCIL REQUESTS AND COMMUNICATIONS

(Times shown are only estimates for staff presentation. Items may be deferred by Council if time does not permit full review.)

v Oral Presentation only – No written material provided

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**\*Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency/Housing Authority after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.**

## **CLOSED SESSION**

A Closed Session of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley or Housing Authority will be held in Conference Room C, First Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

### **• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

#### **1 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9**

Number of Cases: 5

#### **2 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION**

Number of Cases: 5

### **REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY**

## **ADJOURNMENT**

## **CERTIFICATION**

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, certify that the City Council Agenda was posted in the following places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley  
14177 Frederick Street

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Moreno Valley Library  
25480 Alessandro Boulevard

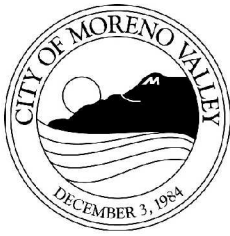
Moreno Valley Senior/Community Center  
25075 Fir Avenue

Jane Halstead, CMC,  
City Clerk

Date Posted: February 12, 2014

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>D</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Ahmad R. Ansari, P.E., Public Works Director and City Engineer

**AGENDA DATE:** February 18, 2014

**TITLE:** NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STRATEGIES AND REGIONAL ISSUES

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### **RECOMMENDED ACTION**

Recommendation:

1. That the City Council receive and file this report.

### **SUMMARY**

This report highlights current issues pertaining to federal National Pollutant Discharge Elimination System (NPDES) Permit requirements and strategies the City is taking to address these issues. These federal mandates strain City resources, as neither state nor federal dollars have been provided for this unfunded mandate.

### **DISCUSSION**

Current issues include:

- The regulatory Nutrient Total Maximum Daily Load (TMDL) for Lake Elsinore and Canyon Lake;
- Unfunded mandates associated with the 2010 NPDES Permit;
- State Water Board Trash Policy; and
- Schedule and Timing.

These issues will be addressed in the attached Power Point Presentation.

**CITY COUNCIL GOALS**

Advocacy: Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies, and corporations

**NOTIFICATION**

Publication of Agenda

**ATTACHMENTS**

Attachment 1 – NPDES PowerPoint Presentation

Prepared By:  
Kent Wegelin  
Storm Water Program Manager

Department Head Approval:  
Ahmad R. Ansari, P.E.  
Public Works Director and  
City Engineer

Concurred By:  
Mark W. Sambito, P.E.  
Engineering Division Manager



# NPDES Presentation to City Council

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- Strategies and Regional Issues--2010 Santa Ana River Watershed National Pollutant Discharge Elimination System Permit
  - **Kent Wegelin**
  - **Storm Water Program Manager**
  - **February 18, 2014**

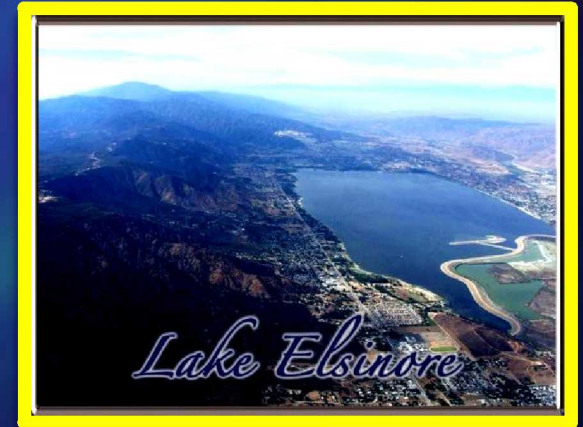
# Presentation Outline

- NPDES Program Overview
- NPDES Acronyms
- NPDES 101--History
- Total Maximum Daily Load for Lake Elsinore & Canyon Lake
- Schedule & Timing
- Immediate Goals & Strategy
- Questions>Comments>Feedback

# What is the Goal of the NPDES Program?

- Protects all waters of the United States within and outside the City of Moreno Valley including--

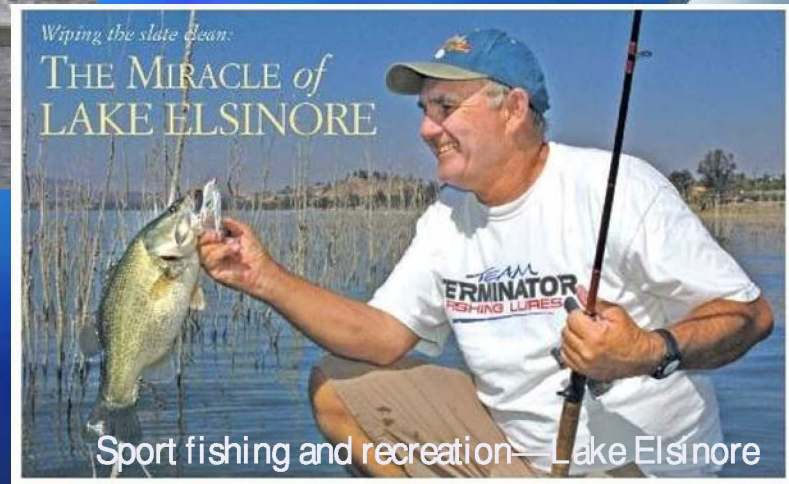
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# What is the Goal of the NPDES Program?

**Federal program to protect the Beneficial Uses of lakes, rivers and streams**



# NPDES Acronyms

- CWA—1972 federal Clean Water Act
- NPDES—National Pollutant Discharge Elimination System
- SARWQCB—Santa Ana Regional Water Quality Control Board (Water Board)
- MS4—Municipal Separate Storm Sewer System
- TMDL—Total Maximum Daily Load
- LE/CL—Lake Elsinore/Canyon Lake
- LA—Load Allocation
- WLA—Waste Load Allocation



# NPDES Acronyms (cont.)

- CNRP—Comprehensive Nutrient Reduction Plan
- WQMP—Water Quality Management Plan
- EVMWD—Elsinore Valley Municipal Water District
- USEPA—United States Environmental Protection Agency
- BMP—Best Management Practice
- HOS—Hypolimnetic Oxygenation System

- TU4YP--



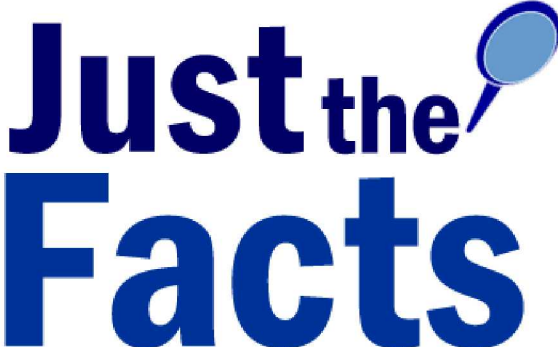
# NPDES Facts

## ■ Timeline

- Federal Clean Water Act - 1972
- NPDES Amendments - 1987
- First NPDES Permit - 1990
- Latest NPDES Permit - 2010

## ■ Administration

- Federal: United States Environmental Protection Agency
- California: Regional Water Quality Control Boards
  - 9 members appointed by Governor
  - Meet minimum of 8 times per year
  - Effectively volunteer positions



**Just the  
Facts**

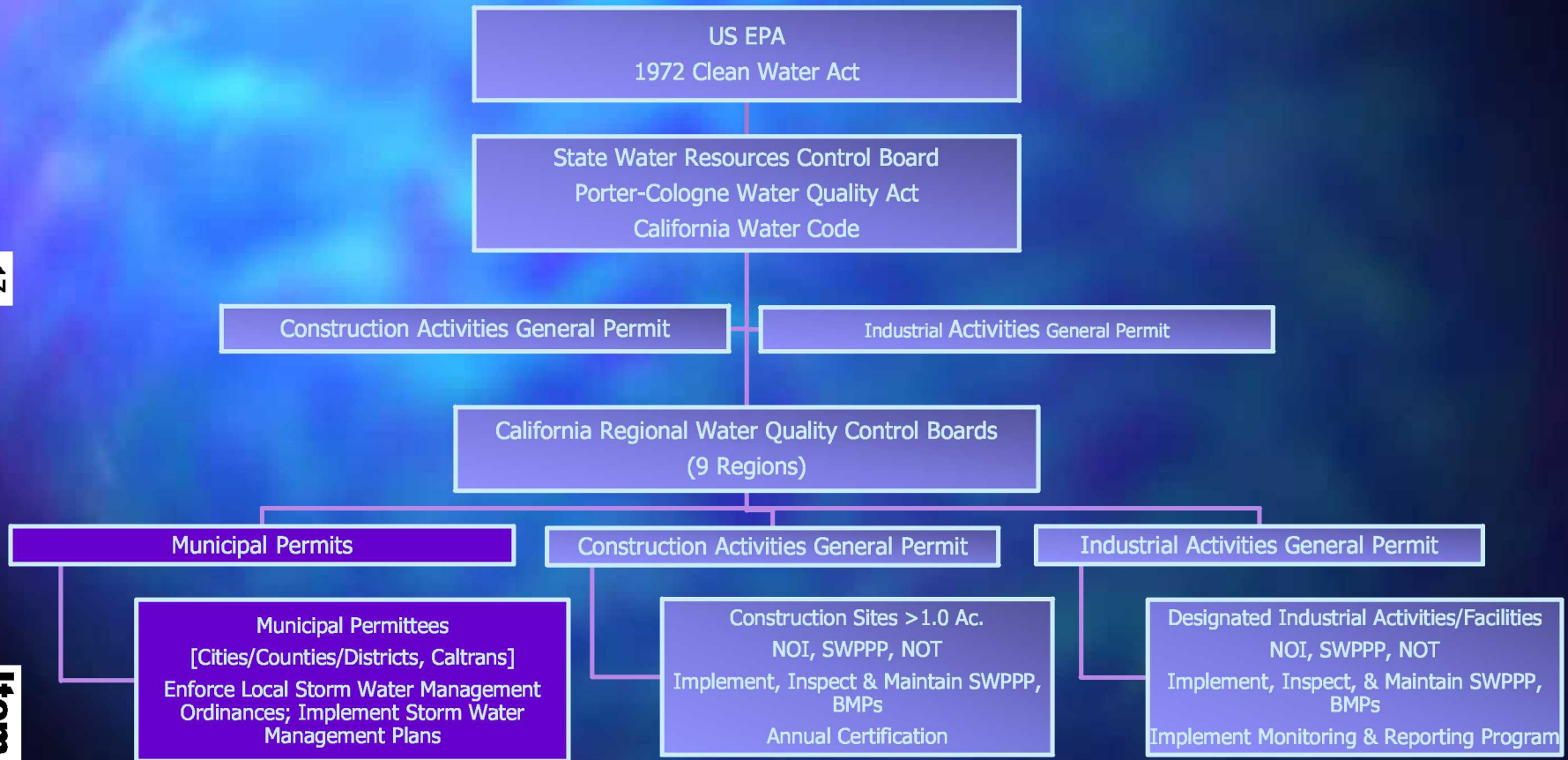
# Calif. Regional Boards

- California Regional Water Quality Control Board-- Santa Ana Region 8





# Regulatory Organizational Structure



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# Storm Water Regulatory Program

- Clean Water Act
  - Fire in Cuyahoga River, Ohio played significant role in passage of 1972 CWA



# Storm Water Regulatory Program

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Photo: Ohio Historical Society/Chris Brown

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# Storm Water Regulatory Program



# Storm Water Regulatory Program

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- 1972 federal CWA

- Congress establishes National Objectives and Goals for the Nation's waterways:

- Restore & Maintain the Chemical, Physical and Biological Integrity of the Nation's waters
    - Eliminate discharge of pollutants to navigable waters by 1985
    - Achieve Fishable and Swimmable conditions by 1983 - "wherever attainable"

# Storm Water Regulatory Program

- 1972 Clean Water Act (CWA) (con't)

- Congress establishes National Policy for the Nation's waterways:

- Prohibit discharge of toxic pollutants in toxic amounts
- Financial Assistance for Construction of POTWs
- Develop point and non-point pollution control programs

# Storm Water Regulatory Program

- 1987 CWA Amendments

- Congress authorizes a Storm Water Permit program for Municipalities >100,000 population



# Storm Water Regulatory Program

## ■ July 1990

- California issued 'early' municipal storm Water permits to major urban areas

## ■ November 1990

- USEPA issued final "Phase I" rule
  - Establishes municipal storm water runoff as "point-source" under NPDES Permit Program



# Storm Water Regulatory Program

- 1996 – Water Board issued 2nd round permits
  - Riverside County
  - San Bernardino County
  - Orange County

# Stormwater Regulatory Program

## ■ Year 2002 Major Developments

- 3<sup>rd</sup> Round NPDES Permit issued by the Water Board
- “WQMP” mandate in the NPDES Permit
  - BMPs required of new development after construction is complete
  - Infiltrate or treat “first flush” of rain
  - Long-term maintenance r'qmts. For BMPs

# Storm Water Regulatory Program

## ■ Year 2004 Major Development

### – Approval of the Lake Elsinore and Canyon Lake Nutrient TMDL

- City mandated to assist in clean up of pollution in Lake Elsinore and Canyon Lake
- WQMP BMPs require a higher level of pollution control and treatment within new developments
- Both lakes to be clean by December 2020

# Storm Water Regulatory Program

## ■ Year 2010 Major Developments

- 4<sup>th</sup> Round MS4 Permit issued by SARWQCB
- Comprehensive Nutrient Reduction Plan
- Hydraulic Conditions of Concern
- Hydromodification
- Local Implementation Plan
- TMDL Compliance Clock started



# Storm Water Regulatory Program

- Year 2015 Anticipated Developments
  - 5<sup>th</sup> Round NPDES Permit to be issued by Water Board
    - Trash Amendment?
    - Numeric targets for TMDL?
    - Maintain CNRP from 4<sup>th</sup> Round Permit?
    - Unfunded Mandates?



# TMDL—LE/CL

## Lake Elsinore/Canyon Lake Beneficial Use Impairments

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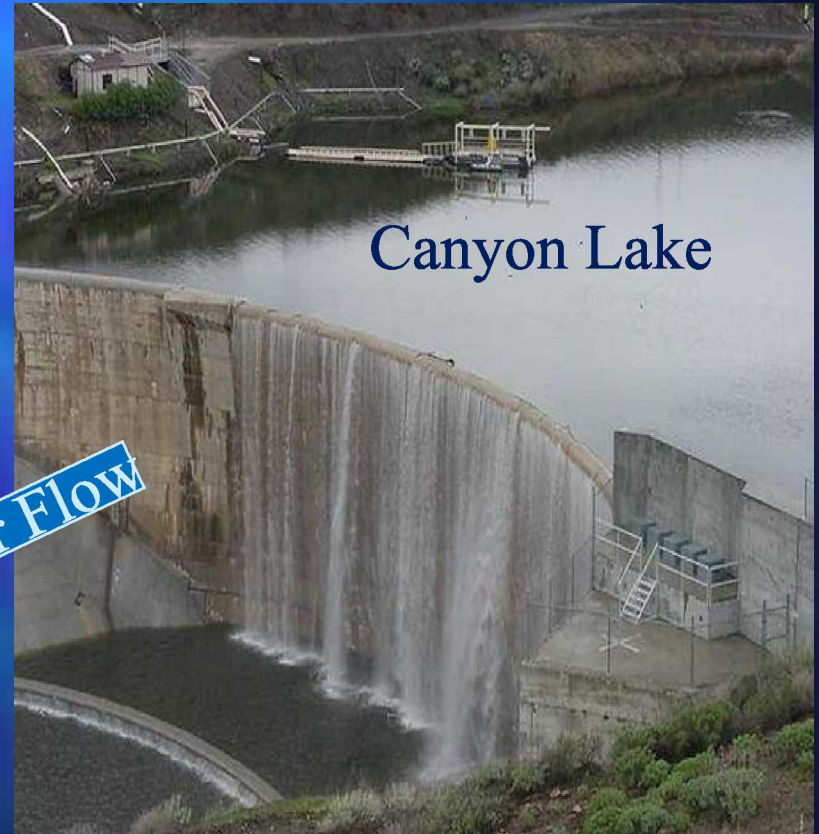
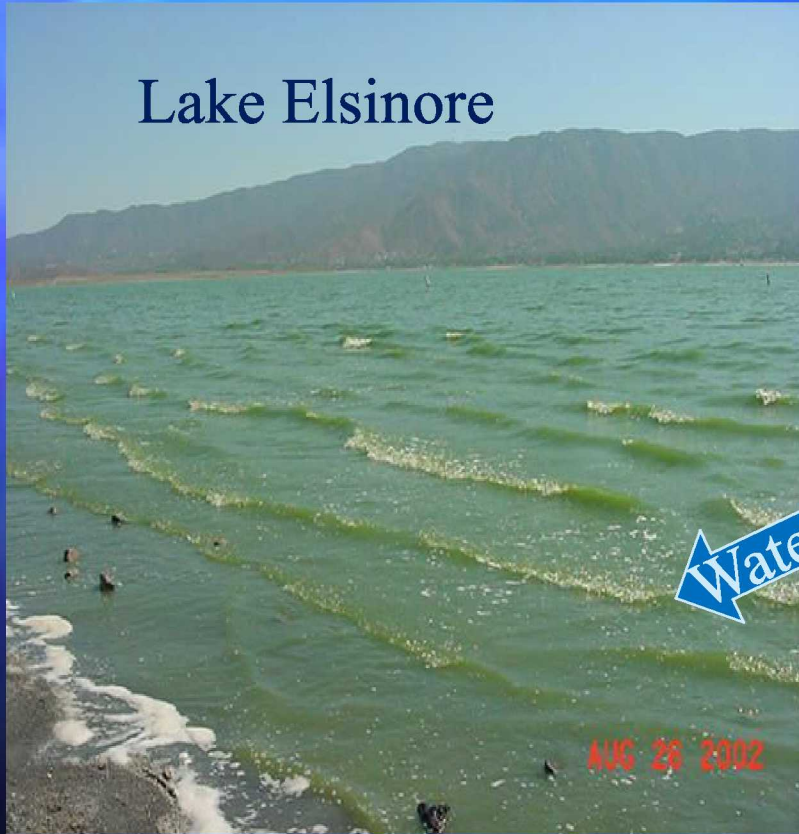
### Nutrients

Fertilizer  
Pet Waste  
Yard Waste  
Agriculture  
Dairies  
Natural Sources



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# TMDL—LE/CL



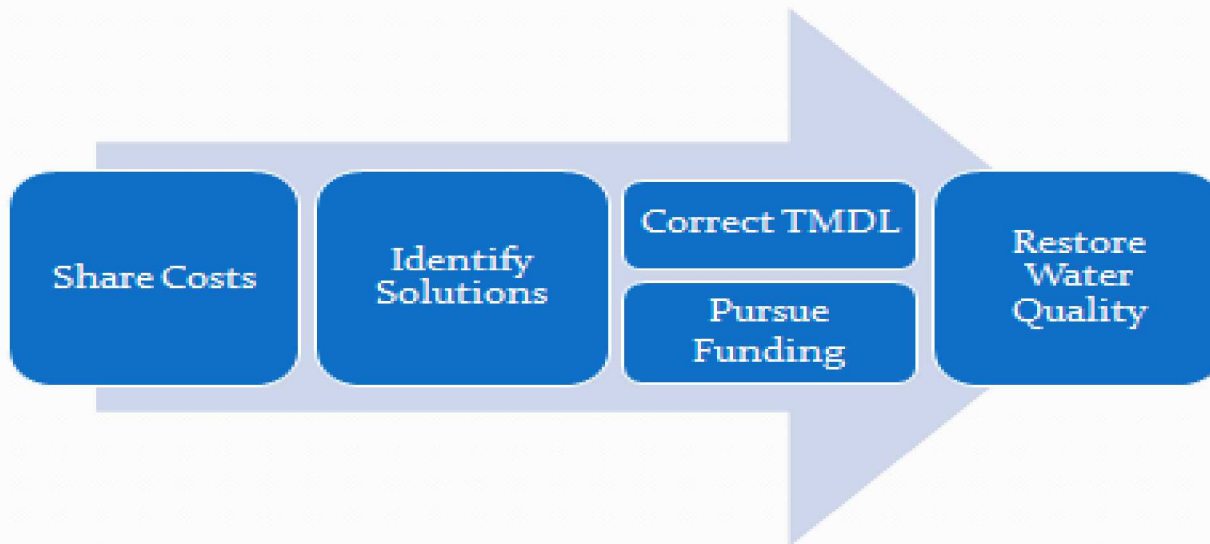




# TMDL—LE/CL

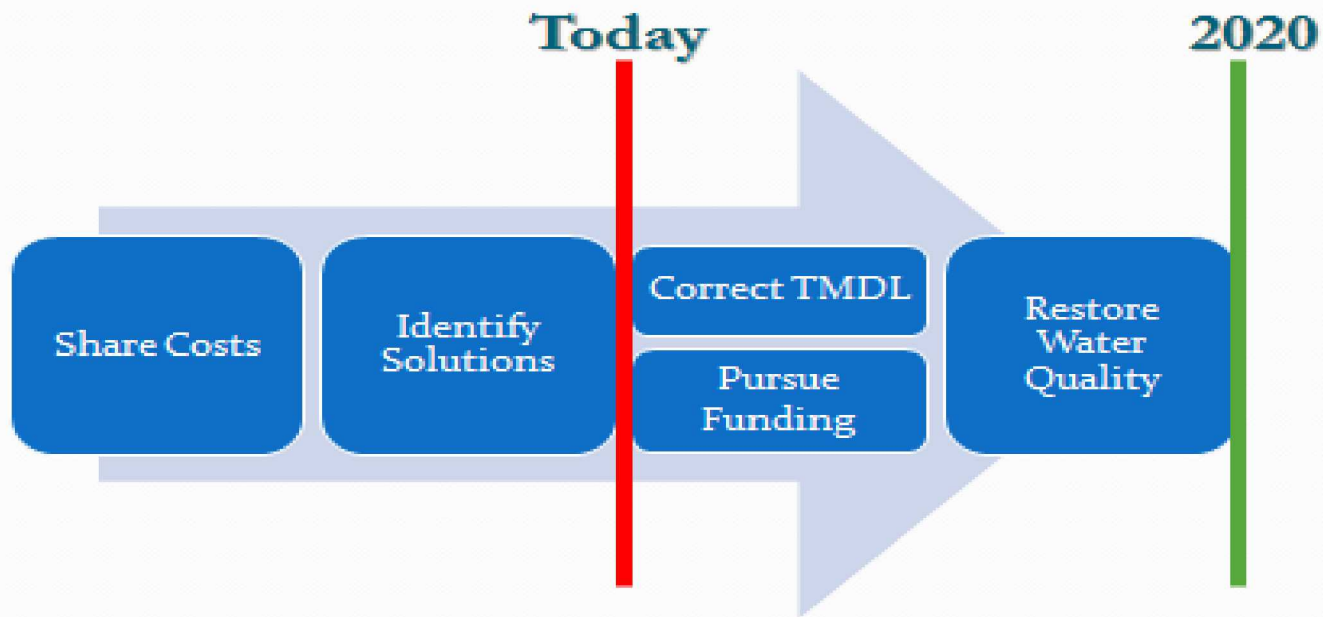
## 2006: TMDL Task Force formed

Administrator: Lake Elsinore and San Jacinto Watersheds Authority (LESJWA)



# TMDL—LE/CL

## TMDL Task Force Progress



# TMDL LE/CL

- Alum Treatment—Canyon Lake



# Potential FY 14/15 TMDL Budget

■ TMDL Admin.	■ \$ 379,500
■ TMDL Compliance Monitoring	■ \$ 85,000
■ Canyon Lake Cleanup	■ \$ 245,000
■ Lake Elsinore Cleanup	■ \$ 800,000
■ <b>Lake Elsinore Water Addition</b>	■ <b>\$1,200,000*</b>
■ <b>HOS—Canyon Lake</b>	■ <b>\$2,100,000*</b>
– Annual Operation, etc.	■ <b>\$ 100,000*</b>

# Unfunded State Mandates

- 2011—Cities and County filed a test claim for unfunded mandates
- Claim is currently “in-active”
  - Following Los Angeles claim at State Supreme Court—possibly April
  - Following San Diego claim

# 2014 Trash Amendments

- State is proposing a policy to stop trash and other debris from enter waters of the State and the U.S.

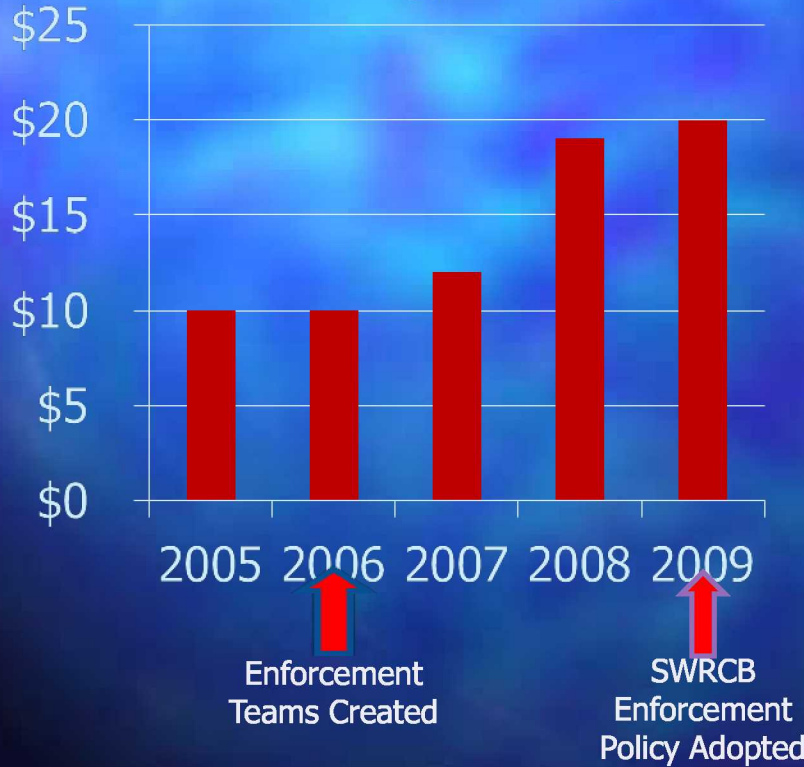
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# Increasing exposure to violations, fines & litigation

Fines issued by Water Boards (\$millions)



## Recent Enforcement Actions

- Beaumont NOV
- Calimesa NOV
- Caltrans \$500,000
- Perris NOV
- Riverside NOV
- RCFC&WCD NOV
- Murrieta NOV
- Norco \$79,000
- Temecula NOV
- County \$270,000\*

NOV = Notice of Violation

\* Did not include County defense costs.



# Schedule and Timing

- Negotiating agreement for Fishery Management with City of Lake Elsinore—Calendar Year 2014
- Negotiating agreement for Lake Elsinore Aeration and Mixing with City of Lake Elsinore, Elsinore Valley Municipal Water District and County of Riverside—Calendar Year 2014
- Discussions regarding addition of Supplemental Water to Lake Elsinore with City of Lake Elsinore and Elsinore Valley Municipal Water District—Calendar Year 2014

# Schedule and Timing

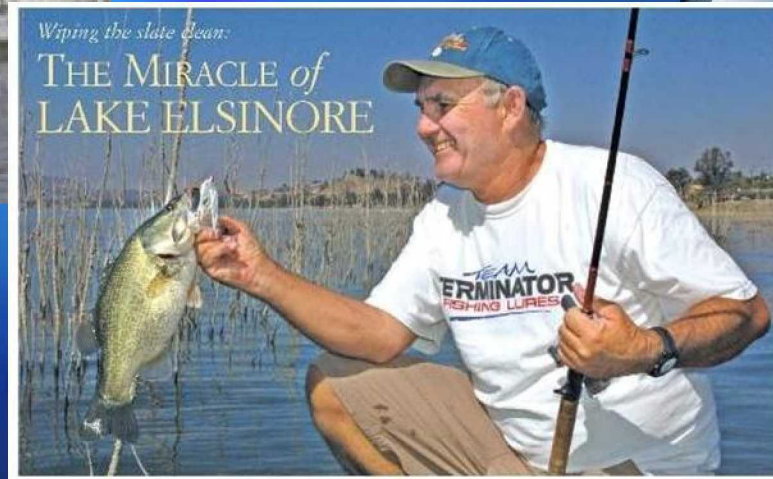
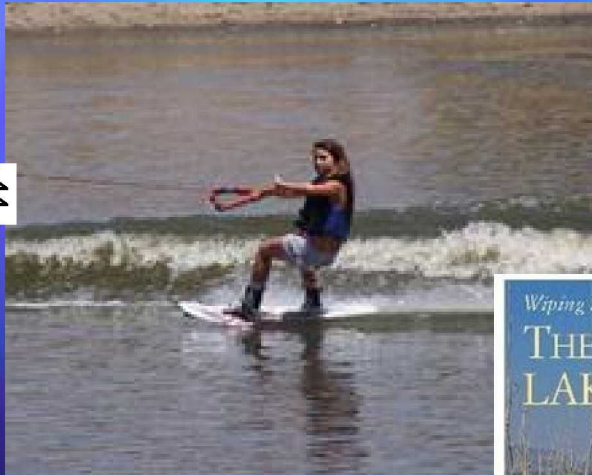
- Report of Waste Discharge (application for continuing coverage under a “new” NPDES Permit)—through July 2014
- Negotiating a “new” NPDES Permit with the Santa Ana Regional Water Quality Control Board—July 2014-January 2015
- Follow State amendments to Statewide Water Quality Control Plans for Trash (Trash Amendments)—Calendar Year 2014

# Immediate Goals and Strategies

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- Met with the Riv. County Flood Control to discuss an updated TMDL pollution model
- Began discussions with the City Manager of Lake Elsinore re: TMDL and lake projects
- Meet with MS4 and other TMDL stakeholders to address Regional TMDL issues
- Take formal position in TMDL Task Force to update the pollution model and further analyze Zones 7-9

# Only Rain in the Drain!



# NPDES Presentation to City Council

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■ The End

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