

**RESOLUTION 2020-42**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
AGREEING TO THE TERMS AND CONDITIONS SET FORTH IN THE  
ADMINISTRATIVE ORDER ON CONSENT FROM THE ENVIRONMENTAL  
PROTECTION AGENCY**

**WHEREAS**, the federal Clean Water Act (“CWA”) provides that whenever the Environmental Protection Agency (“EPA”) finds that any person who is in violation of any condition or limitation which implements the CWA may issue an order requiring such person to comply with such condition or limitation, and shall specify a time for compliance that the EPA determines to be feasible; and

**WHEREAS**, CWA Section 301(a), 33 U.S.C. section 1311(a) makes it unlawful for a person to discharge pollutants from a point source into water of the United States, except as authorized by the National Pollution Discharge System (NPDES) Permit; and

**WHEREAS**, over the past decade, the City ‘s Waste Water Treatment Plant incurred many violations, mostly consisting of high levels of salt being released into the creek (water of the United States); and

**WHEREAS**, in June 2019, the City was inspected by the Environmental Protection Agency, and the State’s Regional Water Quality Control Board (“RWQCB”), and they put the Interim City Manager on notice that the City was polluting the Water of the United States, and in October of 2019, the results of this inspection and findings were put into a letter of which the City replied in December 2019, agreeing to meet with the EPA as soon as practical; and that meeting occurred February 25, 2020; and

**WHEREAS**, in its December letter, the City summarized its recent efforts to complete a master plan for both its Water and Waste Water systems, and from these studies would develop a capital improvement plan that brings the City back into compliance with its NPDES Permit; and

**WHEREAS**, at the February 25<sup>th</sup> meeting, the City learned among other things, that the EPA is prepared to issue an “Administrative Order On Consent” (“AOC”) to the City, to assure that City is committed and remains committed to the work it has begun, confirming that City is working in the right direction to resolve the issues in its effort to complete the Master Plans; and

**WHEREAS**, after receiving a water and waste water status report April 21, 2020, the City Council asked for a monthly briefing on water; and

**WHEREAS**, on May 6<sup>th</sup>, the City received a confidential draft of the EPA’S AOC, and on May 19, it was confidentially discussed in closed session and in subsequent Council briefings as the document was being negotiated and modified into its current final draft; and

**WHEREAS**, on August 6<sup>th</sup> 2020, the final draft of the AOC (attached hereto by reference) was received by email and is first being made available for the public and City Council's consideration at its August 18 City Council meeting.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**SECTION 1.** That the above recitals are true and correct.

**SECTION 2.** The City Council of the City of San Juan Bautista, hereby agrees with the terms, conditions and schedule in the August 6, 2020 Administrative Order on Consent, confirming its mutual goal with the EPA to bring the City back into compliance with its NPDES Permit before December 31, 2023.


**SECTION 3.** The City Council directs and authorizes the City Manager to prepare the documents for the Mayor's signature and send the EPA its executed copies as soon as practicable.

**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of August, 2020, by the following roll call vote:

**AYES:** Edge, Freeman, DeVries, Flores, DeVries  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
Mary Vazquez Edge, Mayor

**ATTESTED:**

  
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Trish Paetz, Deputy City Clerk