

RESOLUTION NO. 2022- 20

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA ADOPTING AN AMENDED MEMORANDUM OF UNDERSTANDING (“MOUA1”) WITH THE CITY OF HOLLISTER TO SEND ITS DOMESTIC WASTEWATER TO THE HOLLISTER TREATMENT PLANT

WHEREAS, high salt levels being discharged into the creek by the City’s wastewater treatment plant (WTTP) currently exceed the National Pollution Discharge Elimination System (“NPDES”) permit levels, causing a violation of the National Pollution Elimination System permit; and

WHEREAS, on August 8, 2020, the City Council adopted Resolution 2020-42, and the City and EPA executed an Administrative Order on Consent (“AOC”), agreeing to resolve the City’s NPDES violations by December 2023, setting forth a schedule by which certain milestones will be reached; and

WHEREAS, on October 15, 2020, the City Council approved Resolution 2020-51, and agreed to two compliance projects from the analysis provided in the Preliminary Engineers Report (“PER”): “Alternative 3: Regionalization with Hollister WWTP and Off-Site Source Control (Hollister Water Treatment Plant operated by the City of Hollister, and West Hills Water Treatment Plant operated by the San Benito County Water District “SBCWD”).”

WHEREAS, California Government Code Section 6502, authorizes public entities, including cities, counties and special districts to enter into agreements for their mutual benefit; and

WHEREAS, on September 7, 2021, Hollister (“City”) and San Juan Bautista (“SJB”) entered into a MEMORANDUM OF UNDERSTANDING (MOU) for SJB to send domestic wastewater to the City; and

WHEREAS, Since the original MOU was signed, SJB has taken significant steps to improve the quality of domestic wastewater received from three industrial users, has defined “domestic wastewater” through survey, and inspections of each user, and has significantly improved the quality of wastewater now received from the three industrial users; and

WHEREAS, the wastewater project is on schedule towards completion before the EPA’s deadline of December 2023; and

WHEREAS, the SBCWD project to build the pipeline that imports surface water from SBCWD’s West Hills Treatment Plant is approximately one-year behind the schedule for the wastewater project, and the project sequencing between the waste water project and import of drinking water project needs to be updated, further defined and specified in the MOU with the City causing, the need for a First Amendment to the MOU, (“MOUA1”) as further described below.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It agrees that now that the EPA Compliance projects have proceeded with design, that the estimate costs and schedules are more certain, and that the import of drinking water schedule has been determined to be one-year behind the export of wastewater to Hollister, causing the need to amend its MOU with Hollister.
3. The attached amended Hollister MOUA1, satisfies the need to add clarification about readiness, schedule and the sequence of the projects to have the import water connection to City, occur after the wastewater project is completed and before December 2024.
4. Authorizes the Mayor to sign the MOUA1 on behalf of the City of San Juan Bautista and request the same consideration from the City of Hollister at their earliest convenience.

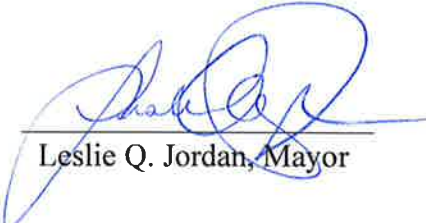
PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 15th day of March 2022, by the following vote:

AYES: Jordan, Flores, Edge, Freels, Freeman

NOES: None


ABSENT: None

ABSTAIN: None



Leslie Q. Jordan, Mayor

ATTEST:



Don Reynolds, City Manager
(and Acting Deputy City Clerk)

Attachment: MOUA1- Hollister

MEMORANDUM OF UNDERSTANDING

ADDENDUM NO. 1

**SAN JUAN BAUTISTA CONVEYANCE OF DOMESTIC WASTEWATER TO
HOLLISTER FOR TREATMENT AND DISPOSAL**

This MEMORANDUM OF UNDERSTANDING ADDENDUM NO. 1 (MOUA1) is made and entered into on April ___, 2022 by and between the CITY OF HOLLISTER (“CITY”) and the CITY OF SAN JUAN BAUTISTA (“SJB”).

RECITALS

WHEREAS, August 8, 2020, the SJB City Council adopted Resolution 2020-42, and executed an Administrative Order on Consent (“AOC”) with the federal Environmental Protection Agency, (“EPA”) and on October 15, 2020, the City Council approved Resolution 2020-51 and approved three compliance projects to bring the City into compliance with its National Pollution Discharge Elimination System permit by; 1) removing its wastewater effluent discharge into a waterway of the United States (no-name creek), sending its domestic wastewater to the City of Hollister’s wastewater treatment plant; 2) reducing the salt in the well water by blending it with less salty imported surface water from San Benito County Water District and; 3) by eliminating the use of brine producing water softeners in the City; and

WHEREAS, California Government Code Section 6502, authorizes public entities, including cities, counties and special districts to enter into agreements for their mutual benefit; and

WHEREAS, the City and SJB entered into a MEMORANDUM OF UNDERSTANDING (MOU) dated September 7, 2021 for SJB to send domestic wastewater to the City; and

WHEREAS, the MOU identifies that SJB will reduce total dissolved solids (TDS), chloride, and sodium concentrations in its wastewater to City compliance limits through the import of surface water from San Benito County Water District and the banning of domestic brine producing water softeners; and

WHEREAS, on March 16, 2021, to protect the quality of the waters of the State and the environment, including, but not limited to, the groundwater in the vicinity of the City of San Juan Bautista, by limiting the amount of brine entering, and subsequently passing through, the Publicly Owned Treatment Works “POTW”, and to bring the POTW back into compliance with its California Regional Water Quality Control Board Permit Number R3-2009-0019 and National Pollution Discharge Permit “NPDES” Number CA0047902 the City adopted an Ordinance adding Chapter 5-35 to its Municipal Code that in Section 5-35-040 prohibits all new brine producing water softeners, and in Section 5-35-060, removes all existing brine producing water softeners on or about the date that the West Hills Water Supply is connected to the City; and

WHEREAS, Since the original MOU was signed, the City has taken significant steps to improve the quality of domestic wastewater received from three industrial users, has defined

“domestic wastewater” through survey, and inspections of each user, and has significantly improved the quality of wastewater now received from the three industrial users; and

WHEREAS, the wastewater project is on schedule to be completed before the EPA deadline of December 2023; and

WHEREAS, the SBCWD project to build the pipeline that imports surface water from SBCWD’s West Hills Treatment Plant is approximately one-year behind the schedule for the wastewater project, and the project sequencing between the wastewater project and import of drinking water project needs to be updated, further defined and specified in the MOU with the City causing, the need for a First Amendment to the MOU, (“MOUA1”) as further described below.

NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED by CITY and SJB, as follows:

1. GENERAL

The foregoing recitals, associated Resolution Number 2022-XX, and accompanying staff report are true and correct, and incorporated herein.

2. WATER QUALITY IMPROVEMENTS

A. The MOU details focus on the Sanitary Sewer Force Main Project and delivery of wastewater from SJB to the City, and does not specify the date related to SJB’s water improvement projects. To allow for project sequencing of, first the Sanitary Sewer Force Main Project, followed by the SJB Surface Water Improvement Project, this MOUA1 establishes the completion date of the Surface Water Improvement Project no later than December 25, 2024, (refer to the attached Project Schedule, February 17, 2022).

B. Improved drinking water quality is a precursor to implementing City Municipal Code 3-5-060, removing all brine producing water softeners as one of the EPA required, three project compliance effort.

C. SJB will demonstrate that in the interim – until SJB implements a water improvement project – that City permit limits (for sodium, chloride, and total dissolved solids) shall be met through coincidental sampling, i.e. when the City samples for these constituents, SJB shall also sample to identify that City compliance is not adversely affected by SJB.

D. If the City is adversely affected by SJB wastewater, SJB shall correct the situation immediately to the best of its ability and be responsible for the associated penalty, if any.

E. The purpose of the three EPA compliance projects agreed upon between SJB and the EPA are intended to assure that the wastewater effluent is no longer out of compliance for the noted constituents. It is recognized that SJB may remain out of compliance until all three projects are completed, and the import of surface water occurs. However, City wastewater is of a higher quality due to the superior water supply from San Benito Water District, and of significantly greater volume in contrast to SJB. Therefore, the City-SJB blended wastewater is in compliance with permit limits, as illustrated below, with the exception of chloride. Both the City and SJB are out of compliance for chloride which can be addressed together.

	SJB Average (mg/l)	City Average (mg/l)	SJB & Hollister Blended Water (a) (mg/l)	Hollister Permit Salinity Limits	Permit Compliance with Blended Water
Total Dissolved Solids (TDS)	1,196	884	901	1,250	Yes
Sodium	227	184	186	200	Yes
Chloride	321	224	229	150	City and SJB water out of compliance individually and blended

(a) Water blended with 0.16 MGD from SJB and 2.45 MGD from City. Data from City annual reports and SJB Preliminary Engineering Report.

- F. SJB estimates sending Hollister a volume of 160,000 gallons per day, and City engineering staff has reviewed this data, and is not concerned based on today's metrics, that the small amount of chloride and sodium proposed to be sent to Hollister will adversely impact its ability to reach compliance with permit limits.
- G. In the event that the SJB wastewater metrics change, or further delay pushes the currently estimated completion date to connect to West Hills Treatment Plant beyond December 2024, the City has the right to re-asses its regulatory compliance of the SJB wastewater quality, demand and receive compliance from SJB to improve its wastewater, before agreeing to any future amendments to the MOU.
- H. IN WITNESS HEREOF, the Parties hereto have caused this MOUA1 to be executed, the day and year first-above written.

CITY OF SAN JUAN BAUTISTA

CITY OF HOLLISTER

MAYOR LESLIE Q. JORDAN

MAYOR IGNACIO VELASQUEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

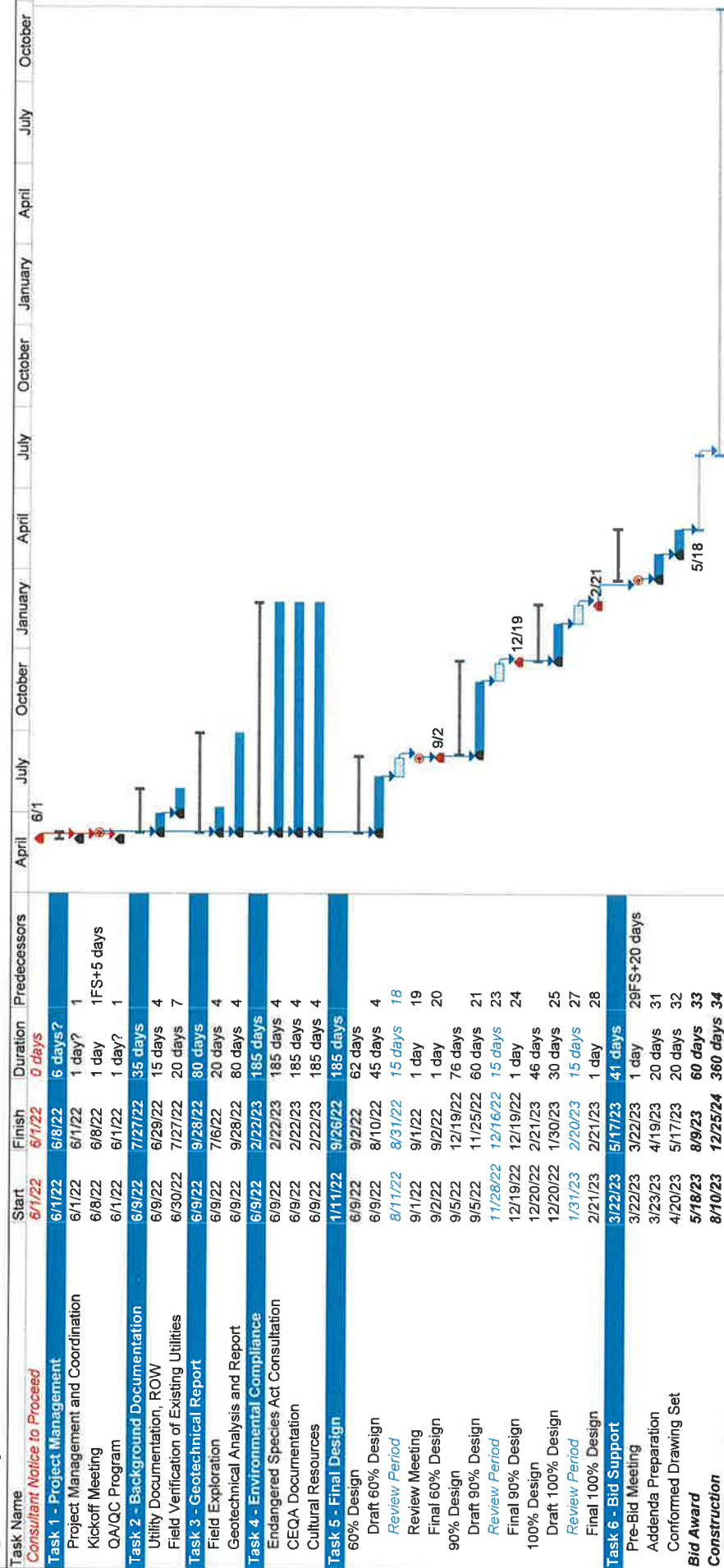
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____

By: _____

Attached Project Schedule, February 17, 2022

Figure 1 - Project Schedule



San Benito County Water District
City of San Bautista Transmission Pipeline Final Design

Task
Milestone

Summary
Workshops/Meetings

Review Period

