



MEMO

City of Venice

Engineering Department

To: Mayor and City Council

Thru: Edward Lavalley, City Manager

From: Kathleen J. Weeden, PE, City Engineer *KJW*

Date: July 2, 2013

Subject: Municipal Separate Storm Sewer System (MS4) Permit Monitoring Interlocal Agreement with Sarasota County

Background: The City of Venice, along with other county municipalities, is a co-permittee under Sarasota County's MS4 permit. The permit requires us to comply with federal and state stormwater discharge regulations. The city's engineering, stormwater, public works, utilities, and fire departments work collaboratively year round to meet all the inspection, maintenance, reporting and response activities required with the permit. The regulations also require water quality testing; scallop, oyster and sea grass monitoring; pollutant load monitoring; and data maintenance on the county's online water atlas site. Sarasota County has the staff, equipment and software to conduct and report on the monitoring section of the permit. This collaboration saves the city the expense of the equipment, software and environmental staff that would be needed for the city to do on our own. The fees are based on census population, with the exception of City of North Port, who has started to do their own monitoring program. The yearly cost for the county to conduct the monitoring for Venice is \$21,781.

The MS4 permit runs in a 5 year cycle, and which includes a renewal review process between the Environmental Protection Agency, Florida Department of Environmental Protection, Sarasota County and all the municipalities. The renewal process can sometimes take longer and extend the 5 year cycle. This interlocal agreement includes a provision that will extend the deadline, if needed, due to a delay.

Requested Action: City staff respectfully requests Council approval to authorize the Mayor to execute the MS4 Permit Monitoring Agreement with Sarasota County.

City Attorney Review: Reviewed and approved.

Risk Management Review: Reviewed and approved.

Funds Availability: \$21,781 a year over the next 5 years
Stormwater 480-0950-541.34-00

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT MONITORING
INTERLOCAL AGREEMENT BETWEEN SARASOTA COUNTY AND THE CITY OF
VENICE**

THIS AGREEMENT is made and entered into this _____ day of _____, 2013 by and between The City of Venice, and Sarasota County (the "County"), a political subdivision of the State of Florida.

WHEREAS, the Florida Department of Environmental Protection (FDEP) implements the stormwater element of the Federal National Pollutant Discharge Elimination System (NPDES) as set forth in Chapter 62-624, Florida Administrative Code; and

WHEREAS, the City of Venice and the County, along with the City of Sarasota, City of North Port, Florida Department of Transportation and the Town of Longboat Key (jointly referred to as the "Co-permittees") were jointly issued a State of Florida Municipal Separate Storm Sewer System (MS4) Permit, number FLS000004 (the "FDEP Permit"), incorporated herein by reference, which allocates responsibilities among the Co-Permittees; and

WHEREAS, the FDEP Permit covers all areas located within the political boundary of Sarasota County, and that portion of the Town of Longboat Key which is located within the political boundary of Manatee County; and

WHEREAS, each of the Co-Permittees is jointly and severally responsible for the collection of monitoring data in accordance with FDEP Permit Condition V.B; and

WHEREAS, the Co-permittee indentified in this agreement and the County agree that the County shall perform the monitoring activities on behalf of the Co-Permittee pursuant to a Joint Monitoring Plan submitted by the County to FDEP and approved by FDEP.

NOW, THEREFORE, for good and valuable consideration, the parties do hereby covenant and agree to participate in the following joint monitoring plan as follows:

JOINT MONITORING PLAN

The FDEP-approved Sarasota County 2013 MS4 Monitoring Plan, dated February 15, 2013, is hereby incorporated into this agreement as attached Exhibit I.

1. Compensation And Payment

- a. The City of Venice shall pay to the County an annual sum in the amount of \$21,313.37, to support the monitoring program. See attached Exhibit II: 2013 NPDES MS4 Monitoring Fee Schedule.
- b. The County shall invoice the City of Venice annually and payment shall be made within thirty (30) days of receipt of the invoice and shall be payable to the Sarasota

County Government Office of Financial Planning, 1001 Sarasota Center Boulevard, Sarasota, Florida 34240. The first payment shall be invoiced within (10) days after the anniversary of the Effective Date of this Agreement and annually each subsequent year.

2. OWNERSHIP OF RECORDS

The County agrees to maintain all field sheets and notes, calibration records, meter and equipment preventive maintenance records, chain-of-custody records, water quality data, quality assurance/quality data and photographs.

3. SUCCESSORS/ASSIGNS

- a. This Agreement shall inure to the benefit of and be binding upon the respective Parties' successors and assigns.
- b. This Agreement may not be assigned by either party without the prior written consent of the other party, which consent shall not be unreasonably withheld.

4. NOTICE

When notice to City of Venice is required, it shall be sent by registered mail to the Director. When notice to County is required, it shall be sent by registered mail to the County Administrator or designee.

5. INSURANCE

County and City of Venice shall maintain all normal liability insurance coverage for the duration of this Agreement. Each party shall be responsible for the negligence of its own officers, employees and agents to the extent allowed by law.

6. MISCELLANEOUS

- a. Invalidity of any provision or clause in whole or in part by judgment or court order shall in no way affect any of the other provisions or clauses, which shall remain in full force and effect.
- b. No alterations, changes, modifications or amendment shall be made to this Agreement, except in writing and signed by the parties hereto.
- c. This Agreement is the entire agreement between the parties and superseded all prior and contemporaneous agreements, understandings, negotiations and discussions of the parties, whether oral or written, pertaining to the subject matter hereof, and there are no warranties, representations or other agreements between the parties hereto in connection with the subject matter hereof, except as specifically set forth herein.

7. REPEAL

This Agreement terminates the Municipal Separate Storm Sewer (MS4) Permit Monitoring Interlocal Agreement between Sarasota County and the City of Venice, dated November 18, 2008 (Contract No. 2009-062); the Municipal Separate Storm Sewer (MS4) Permit Monitoring Interlocal Agreement between Sarasota County and the Town of Longboat Key, dated November 18, 2008 (Contract No. 2009-063); and the Municipal Separate Storm Sewer (MS4) Permit Monitoring Interlocal Agreement between Sarasota County and the State of Florida Department of Transportation , District One, dated November 18, 2008 (Contract No. 2009-064).

8. EFFECTIVE DATE/TERM

This Agreement shall be effective on the date of the last signature hereto and shall remain in effect for five (5) years, with 5 automatic one-year renewals. This Agreement may be terminated by either party upon 90-days written notice to the other party. Payment shall be made to the County for all monitoring performed through the termination date. This paragraph shall survive the termination of this Agreement.

9. FILING

It shall be a condition precedent to the effectiveness of this Interlocal Agreement that a copy is filed with the Sarasota County Clerk of the Circuit Court.

10. NO WAIVER OF SOVEREIGN IMMUNITY

Neither party shall be deemed to have waived its statutory defense of sovereign immunity, or increased its limits of liability, as set forth in Section 768.28, Florida Statutes, as may be amended.

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IN WITNESS WHEREOF, the parties have hereto set their hands as of the day and year indicated below.

ATTEST:

**THE CITY OF VENICE OF SARASOTA
COUNTY, FLORIDA**

By: _____
Clerk

By: _____
Chair

Approved as to form and correctness:

Attorney

Date: _____

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA**

KAREN E. RUSHING
Clerk of the Circuit Court, Ex-Officio
Clerk of The Board of County
Commissioners
Sarasota County, Florida

By: _____
Chair

Date: _____

By: _____
Deputy Clerk

Approved as to form and correctness:

County Attorney

EXHIBIT I
Monitoring Plan for the Sarasota County
National Pollutant Discharge Elimination System
Municipal Separate Storm Sewer System Permit
February 15, 2013

Submitting a monitoring plan to Florida Department of Environmental Protection (FDEP) is required by the National Pollutant Discharge Elimination System (NDPES) Municipal Separate Storm Sewer System (MS4) permit and State rules. The objective of the permit is to reduce pollutant discharges from urban stormwater to the waters of the State to the maximum extent practicable by implementing a Stormwater Management Program (SWMP). The overall purpose of monitoring is to determine the effectiveness of the SWMP. More specific monitoring goals may include prioritizing areas for additional controls, identifying pollutant sources, characterizing water quality trends, modeling pollutant loads, or assessing impaired water bodies. This monitoring plan is to fulfill Part V.B., Monitoring and Reporting Requirements and Monitoring Data Collection of permit FLS000004 for Sarasota County, the City of Sarasota, the City of Venice, the Town of Longboat Key and the Florida Department of Transportation (FDOT), but not including the City of North Port.

Background

Sarasota County encompasses parts of two watersheds: the Myakka River and the Southern Coastal Basin. Within the watersheds are 26 sub-basins named after small creeks. Other water bodies include a series of coastal bays, numerous wetlands, a handful of natural lakes, thousands of ponds, and an extensive network of canals and ditches.

Several agencies are actively involved in watershed management in the area, including three National Estuary Programs (NEPs), the South West Florida Water Management District (SWFWMD), the Environmental Protection Agency (EPA), the FDEP, the County, four Municipalities, and FDOT. Previous studies have highlighted the need to protect receiving waters from nutrients, sedimentation, toxins, and bacteria. Unnatural volumes and timing of stormwater are often cited as a problem. Implementation of the SWMP has been successful since 1995. Many projects have been implemented to reduce pollution from stormwater, sanitary sewers, erosion, and septic systems.

Joint Monitoring Plan

Ambient Water Quality of Bays

Healthy estuaries are among the foremost economic values to our community. Excessive stormwater pollution of the bays can have negative impacts on fish and wildlife, businesses, and the health of our citizens. Monitoring bays provides an integrated assessment of the cumulative impacts of stormwater.

Monthly water samples will be analyzed for specific conductance, salinity, temperature, pH, dissolved oxygen, DO saturation, light attenuation, secchi depth, total nitrate + nitrite, total kjeldahl nitrogen, ammonia nitrogen, orthophosphate, total phosphorus, turbidity, color, 5-day biochemical oxygen demand, and corrected chlorophyll A.

Sampling locations (See Appendix A) will be distributed among all bays, including Sarasota Bay, Roberts Bay North (Sarasota), Little Sarasota Bay, Dryman Bay, Blackburn Bay, Lyons Bay, Dona Bay, Roberts Bay South (Venice), the Intracoastal Waterway (Venice) and Lemon Bay.

Ambient Water Quality of Watersheds

Monitoring water quality in the watersheds is a direct assessment of management success. This program is valuable in measuring compliance with surface water quality standards, identification of impaired waters, and numeric nutrient criteria.

Monthly water samples will be taken from creeks and rivers throughout Sarasota County (See Appendix B). Special attention will be paid to those water bodies designated as not meeting regulatory criteria.

Samples will be analyzed for specific conductance, salinity, temperature, pH, dissolved oxygen, DO saturation, secchi depth, total nitrate + nitrite, total ammonia, total kjeldahl nitrogen, total orthophosphorus, total phosphorus, 5-day biochemical oxygen demand, total suspended solids, turbidity, color and corrected chlorophyll-A (as appropriate).

Biological Monitoring

Oyster Monitoring: Oysters are naturally abundant in coastal creeks and appropriate timing of freshwater is essential to their survival. As a keystone organism, oysters provide habitat by building reefs, improve water quality by filter feeding, stabilize shorelines, and are a delicious food. Oysters will be monitored twice per year in select creeks as a direct indicator of successful watershed management.

Seagrass Monitoring: Seagrass is rebounding to historic levels in the bays of Southwest Florida because of successful wastewater and stormwater management. Seagrass meadows are critical habitat for the fishing economy and have inherent ecological value. Seagrass is the response variable used in the development of Numeric Nutrient Criteria. In cooperation with the SWFWMD, the FWC, and the NEPs, the health of seagrass will be monitored during summer and winter seasons to determine status and trends and also to enhance the accuracy of the SWFWMD aerial surveys.

Scallop Monitoring: Bay scallops are sensitive indicators of excessive freshwater inflows to bays. In cooperation with the Florida Fish and Wildlife Conservation Commission (FWC) and others, scallop monitoring may include larval surveys, adult surveys or survival rates of sentinels.

Pollutant Load Modeling

Modeling of pollutant loading identifies priority areas for pollution reduction and also estimates trends in loading of nutrients and other pollutants. The Spatially Integrated Model for Pollutant Loading Estimates (SIMPLE-Monthly) was developed in cooperation with the SWFWMD and was used for the development of loading targets for Numeric Nutrient Criteria and County watershed plans. The model will be used to comply with the Annual Pollutant Loading and Event Mean Concentration requirement of the NPDES MS4 permit.

Rainfall

Rainfall data will be used to explain the ambient monitoring results, the pollutant loading, and the effectiveness of the SWMP. Rainfall is the principal driving force in understanding stormwater and stormwater pollution. Data sources may include the National Weather Service, the Southwest Florida Water Management District, or the County's Automated Rainfall Monitoring System (ARMS) that also has stage and flow data for selected stations.

Evaluation of the Effectiveness of SWMP

The monitoring program is intended to assess the SWMP, to identify problem areas, to evaluate progress, and to assess pollutant loading. Ambient monitoring in bays is an effective method to evaluate progress and identify problem areas on a broad scale. Declining trends or noncompliance with bay standards would indicate a renewed focus is needed in those bays and associated watersheds. Creek and river ambient monitoring provides a similar but more basin-specific focus. GIS-based pollutant load modeling identifies where on the landscape the pollutants are originating. Based on previous studies, it is expected that the volume of runoff is more influential than the concentration of the runoff. This comprehensive monitoring approach is expected to prioritize activities in the SWMP and also to identify where water quality improvement projects should be sited.

Quality Assurance

All monitoring shall be conducted in accordance with Chapter 62-160, Florida Administrative Code and all National Environmental Laboratory Accreditation Conference (NELAC) standards. Participation in the Southwest Florida Regional Ambient Monitoring Program ("RAMP") will continue. RAMP fosters scrutiny of data outliers and improvement of sampling and analysis techniques to maintain a central tendency among results from various sampling agencies.

Data Analysis and Reporting

Basic analysis of the data will be submitted in the annual reports to the FDEP and will include narrative, tabular, graphical depictions and trend analysis, as appropriate. Monitoring data and reports shall be regularly posted on the Sarasota Water Atlas website at www.sarasota.wateratlas.org. Metadata will be provided on request. Ambient water quality data will be posted to the STORET database.

EXHIBIT II

2013 MS4 MONITORING PLAN FEE SCHEDULE

June 26, 2013

2012 U.S. Census Population Estimates

	Population	% of Pop	#Adj % of Pop	Cost	*FDOT	Adj Cost
Sarasota County	246,219	63.76%	75.12%	\$254,021.68		\$241,320.60
Sarasota	52,811	13.68%	16.11%	\$54,484.58		\$51,760.35
Venice	21,746	5.63%	6.63%	\$22,435.13		\$21,313.37
Longboat Key	6,993	1.81%	2.13%	\$7,214.61		\$6,853.88
North Port	58,378	15.12%				
FDOT					5%	\$16,907.80
Total	386,147	100.00%	100.00%	\$338,156.00	\$321,248.20	\$338,156.00
# - Minus North Port Pop	327,769					

MS4 Monitoring Plan Budget

Bay Water Quality	\$154,596
Creek Water Quality	\$89,194
Scallop Monitoring	\$5,294
Seagrass Monitoring	\$904
Pollutant Load Model / GIS	\$50,000
Oyster Monitoring	\$1,195
&Water Atlas	\$36,973
Total	\$338,156

- North Ports population removed from County total and percent of population recalculated.

* - FDOT is assigned a fee rate at 5.00% of the total cost.

& - WaterAtlas cost reduced by 50% of the total