

**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 _____, 2018, by and between the City of Venice, a municipal corporation under the laws of the State of Florida, 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 City of Venice and the County agree that the County shall perform the monitoring activities on behalf of the City of Venice 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 2018 MS4 Monitoring Plan, dated January 10, 2018, 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 \$22,391.00, to support the monitoring program. See attached Exhibit II: 2018 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 City Manager or designee. 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 supersedes 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 19, 2013 (Contract No. 2014-092).

8. EFFECTIVE DATE/TERM

This Agreement shall be effective on the date of the last signature hereto (“Effective Date of the Agreement”) and shall remain in effect for five (5) years, with an additional five (5) automatic one-year renewals unless otherwise terminated as provided for herein. 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.

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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, FLORIDA

By: _____
Clerk

By: _____
Mayor

Date: _____

Approved as to form and correctness:

City Attorney

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

ATTEST:

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

2018 NPDES MS4 Monitoring Plan

EXHIBIT I
Monitoring Plan for the Sarasota County
National Pollutant Discharge Elimination System
Municipal Separate Storm Sewer System Permit
January 10, 2018

Monitoring plans are a requirement of National Pollutant Discharge Elimination System (NDPES) Municipal Separate Storm Sewer System (MS4) permits. The permits allow the discharge of urban stormwater to waters of the state in accordance with a Stormwater Management Program (SWMP) that must reduce pollutants to the Maximum Extent Practicable (MEP) by implementing Best Management Practices (BMPs).

The objectives of the monitoring plan are to determine the effectiveness of the SWMP, to identify pollution sources that are adversely affecting water resources, and to prioritize areas needing additional controls. The monitoring plan must include pollutant load modeling. Annual reports must include a monitoring summary, a trend evaluation, and an analysis of SWMP effectiveness. Waterbodies with Total Maximum Daily Loads (TMDLs) also have monitoring requirements to demonstrate progress toward achieving waste load allocations.

This monitoring plan is intended 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

There are two major drainage areas in Sarasota County - the Southern Coastal Basin and the Myakka River Basin. Within the coastal area there are about 21 basins named after creeks plus barrier island and coastal fringe drainage areas. Waterbodies include the Gulf of Mexico, 8 bays, several creeks, Myakka River, numerous wetlands, a handful of natural lakes, over 6,000 created ponds, hundreds of miles of canals and thousands of miles of ditches.

Several agencies are actively involved in watershed management in the area, including three National Estuary Programs (NEPs), the Southwest Florida Water Management District (SWFWMD), the Environmental Protection Agency (EPA), the Florida Department of Environmental Protection, the County, four municipalities, and the FDOT. Studies have highlighted the need to protect receiving waters from nutrients, sediments, toxins, and bacteria. Unnatural volumes and timing of stormwater are often cited as a problem. Implementation of the SWMP has been successful since 1995. Improved stormwater management is often cited as a reason for a countywide rebound of seagrass to the 1950s extent. Many projects have been implemented to reduce pollution from stormwater as well as wastewater and septic system pollution.

Joint Monitoring Plan

1. 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, dissolved oxygen saturation, light attenuation, secchi depth, total nitrate and nitrite, total kjeldahl nitrogen, ammonia nitrogen, orthophosphate, total phosphorus, turbidity, color, 5-day biochemical oxygen demand, and chlorophyll-a (corrected for pheophytin).

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

2. 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, and identification of impaired waters.

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, dissolved oxygen saturation, secchi depth, nitrate and nitrite, ammonia, kjeldahl nitrogen, orthophosphate, total phosphorus, 5-day biochemical oxygen demand, total suspended solids, turbidity, color and chlorophyll-a (corrected for pheophytin), as appropriate.

3. Biological Monitoring

A. *Oyster Monitoring*: Oysters are naturally abundant in coastal creeks and vulnerable to excessive freshwater or sediment coming from stormwater runoff. Healthy oysters provide water quality benefits by functioning as a keystone organism, by providing habitat by building reefs, by filter feeding and thereby improving water quality, and by preventing erosion by stabilizing shorelines. Oysters will be monitored annually in select creeks as a direct indicator of stormwater management.

B. *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 was the response variable used in the development of Numeric Nutrient Criteria. In cooperation with the SWFWMD and the NEPs, the health of seagrass will be monitored annually to determine status and trends and also to enhance the accuracy of the SWFWMD aerial surveys.

C. *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, and growth and survival rates of caged sentinel animals.

4. 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.

5. 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).

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 located.

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 monitoring agencies.

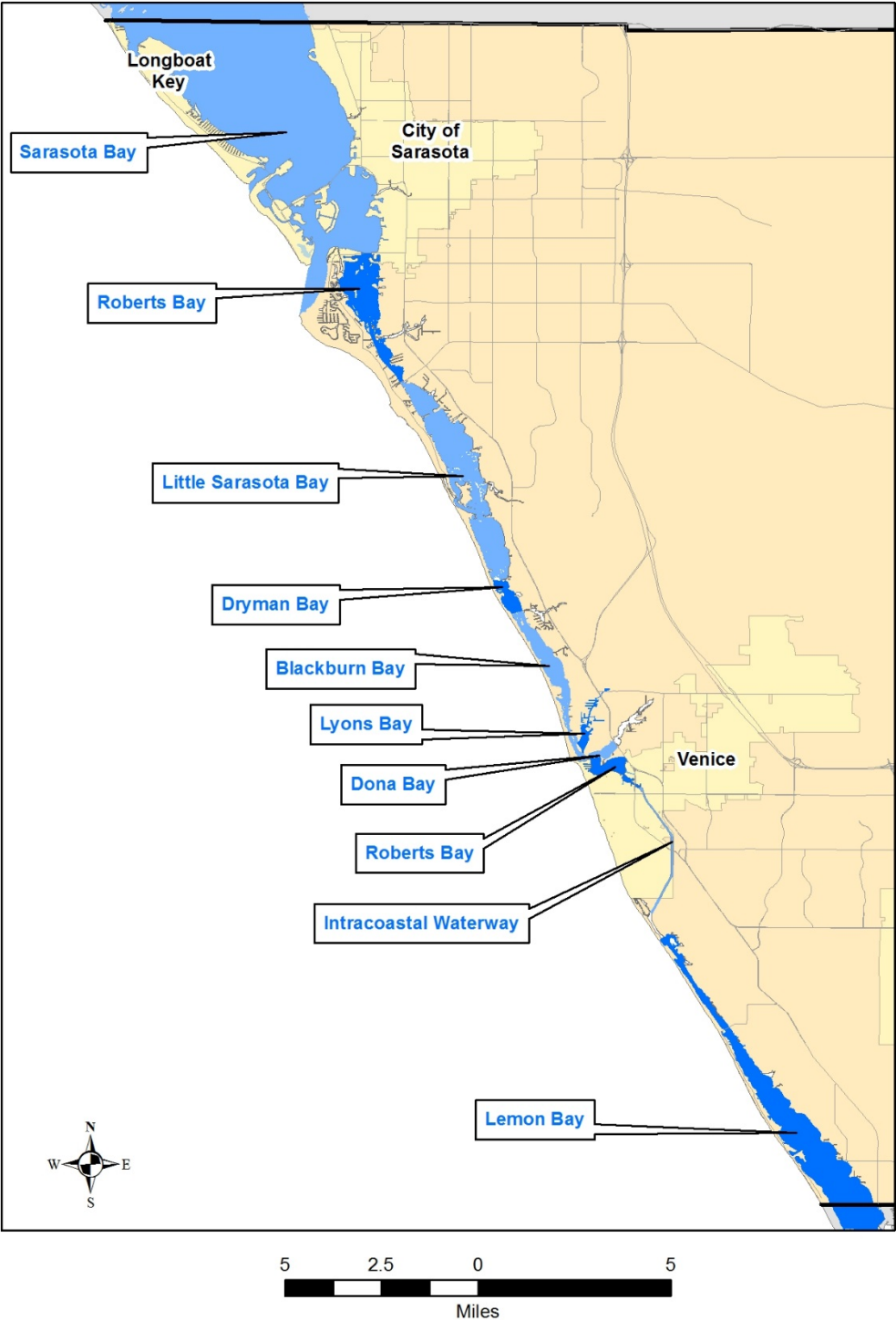
Data Analysis and Reporting

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 FDEP WIN database.

APPENDIX A

Sarasota County Bays Map

Sarasota County Bays



APPENDIX B

Sarasota County Creeks Map

Sarasota County Creeks

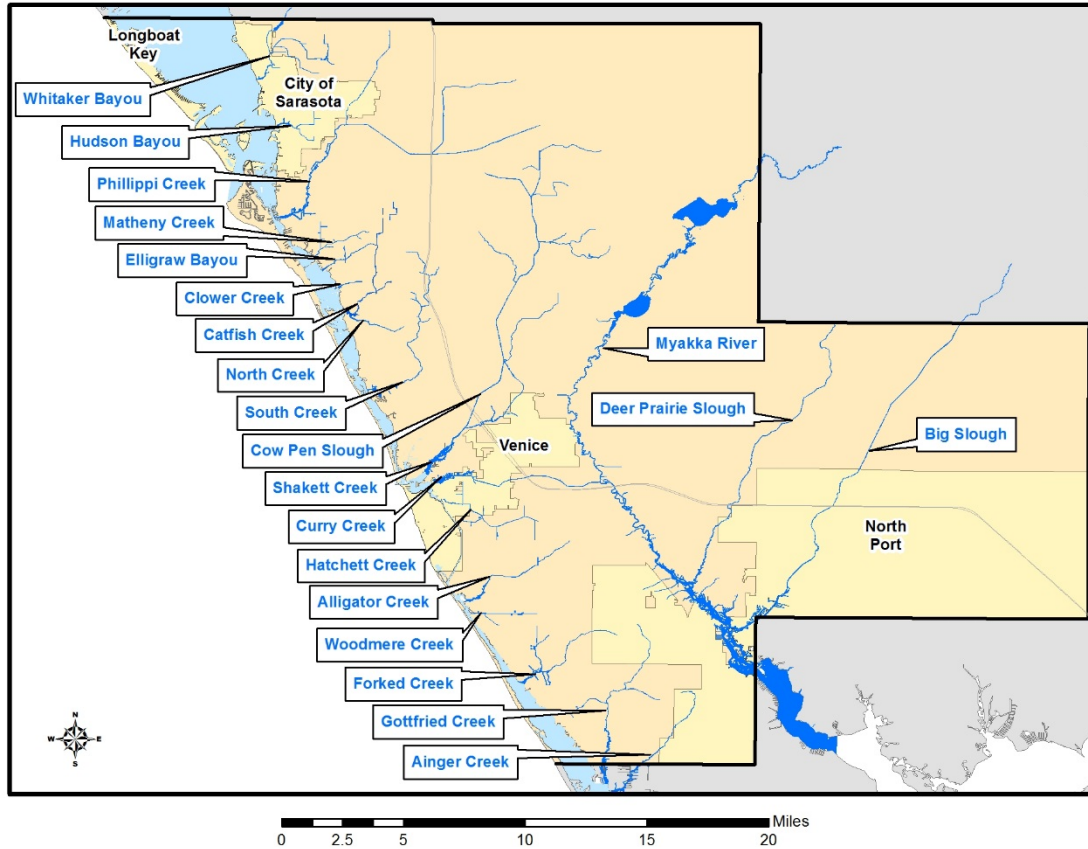


EXHIBIT II

2018 NPDES MS4 Monitoring Fee Schedule

EXHIBIT II

2018 MS4 MONITORING PLAN FEE SCHEDULE

2016 U.S. Census Population Estimates

	Population	% of Population	Cost based on Population	FDOT Cost	Cost not including FDOT	** % Population not including North Port	Cost not including North Port	2013 Cost	Cost Change	Cost % Change
Sarasota County	261,894	63.48%	\$231,961		\$220,363	75.19%	\$261,028	\$241,321	\$19,708	8.2%
Sarasota	56,610	13.72%	\$50,140		\$47,633	16.25%	\$56,423	\$51,760	\$4,663	9.0%
Venice	22,465	5.45%	\$19,897		\$18,903	6.45%	\$22,391	\$21,313	\$1,077	5.1%
Longboat Key	7,326	1.78%	\$6,489		\$6,164	2.10%	\$7,302	\$6,854	\$448	6.5%
North Port	64,274	15.58%	\$56,928		\$54,081		\$0	\$0	\$0	0.0%
FDOT	0	0.00%	\$0	\$18,271			\$18,271	\$16,908	\$1,363	8.1%
TOTAL	412,569	100.00%	\$365,415	\$18,271	\$347,144	100.00%	\$365,415	\$338,156	\$27,259	8.1%
Not including North Port	348,295									
Not including FDOT				\$347,144						

MS4 Monitoring Plan Budget	
Bay Water Quality	\$149,892
Creek Water Quality	\$150,023
Scallop Monitoring	\$1,000
Seagrass Monitoring	\$1,000
Pollutant Load Model / GIS	\$25,000
Oyster Monitoring	\$1,000
***Water Atlas	\$37,500
TOTAL	\$365,415

* FDOT has no population & agreed to pay 5% of the total cost

** North Port's population removed from county-wide total and percent of population recalculated

*** Sarasota Water Atlas cost reduced by 50% of the total