



Legislation Details (With Text)

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**File created:** 5/10/2017    **In control:** Town Council

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**Title:** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CO-PERMITTEES NAMED IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. FLS000003; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Manager Memo-Approving National Pollutant Discharge (NPDES) Interlocal, 2. Resolution-Approving National Pollutant Discharge (NPDES) Interlocal, 3. Resolution-Exhibit A-NPDES Interlocal Agreement

| Date      | Ver. | Action By    | Action  | Result |
|-----------|------|--------------|---------|--------|
| 5/17/2017 | 1    | Town Council | adopted | Pass   |

# MEMORANDUM

**To:** Honorable Mayor and Town Council

**From:** Rafael G. Casals, Town Manager

**Date:** May 17, 2017

**Re:** National Pollutant Discharge Elimination System (NPDES) Interlocal Agreement

## REQUEST

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE COPERMITTEES NAMED IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. FLS000003; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

## BACKGROUND AND ANALYSIS

The Interlocal Agreement was established by Miami-Dade County to allow all of the municipalities in the

County to be part of the National Pollutant Discharge Elimination System (NPDES) permit naming the county and all of the participation municipalities. The permit was issued by the State of Florida, pursuant to Section 40.3.0885, Florida Statutes. The Department of Environmental Protection (DEP) implements the stormwater element of the federal NPDES as part of the Department's Wastewater Facilities and Activities Permitting program. The stormwater element of the federal NPDES program is mandated by the federal Clean Water Act.

The purpose is to contract with Miami-Dade County to perform sampling; monitoring and analysis of the Town's stormwater runoff, as per the National Pollutant Discharge Elimination System (NPDES) permit No. FLS000003. The term of the Interlocal Agreement is for a five (5) years period, and shall expire on September 30, 2022.

The Federal Environmental Protection Agency requires all co-permittees to have a five-year agreement with the host county (Miami-Dade County). The annual permit fee includes the County's cost of monitoring the Town's outfalls and preparing the annual monitoring report, which is submitted to the State of Florida Department of Environmental Protection (DEP). The State of Florida then gathers all of the permits throughout the state and forwards the monitoring reports to the appropriate federal agency. The cost associated with the program will be paid by each co-permittee, based on the total number of outfalls in each of the municipality.

The Interlocal Agreement will authorize the co-permittees to discharge stormwater run-off into state owned waters (Biscayne Bay), in accordance with the approved Stormwater Management Programs, effluent limitations, monitoring requirements, and other provisions as set forth by federal guidelines.

The Miami-Dade County Department of Environmental Resource Management (DERM), will implement and monitor stormwater management programs within the municipal boundaries of each co-permittee. Each municipality will have to pay an annual monitoring fee, based on the number of outfalls. The Town of Cutler Bay has a total of 157 outfalls, which account for 2% of the total outfalls within the County.

The annual co-permittee cost for the Town totals is not-to-exceed \$17,754. The annual permit fee will be paid by the Miami-Dade County Stormwater Utility, until the Town establishes its own utility.

### **RECOMMENDATION**

It is recommended that the Town Council adopt the attached Resolution, approving the Interlocal Agreement between Miami-Dade County and the Town of Cutler Bay.