



Legislation Text

File #: 17-394, Version: 1

TO: Mayor and Commissioners
FROM: Dale S. Sugerman, Ph.D., Assistant City Manager
THROUGH: Chief Neal de Jesus, Interim City Manager
DATE: June 6, 2017

RESOLUTION NO. 41-17 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM FOURTH CYCLE INTERLOCAL AGREEMENT

Recommended Action:

Motion to Approve Resolution No. 41-17 authorizing an Interlocal Agreement with Northern Palm Beach County Improvement District regarding the National Pollutant Discharge Elimination System Fourth Cycle Permit.

Background:

On December 9, 1996, the United States Environmental Protection Agency ("EPA") on the 9th day of December, 1996, issued its National Pollutant Discharge Elimination System ("NPDES") Permit No. FLS000018 ("MS4 NPDES Permit") to approximately forty (40) governmental entities designated as the Palm Beach County-Municipal Separate Storm Sewer System ("MS4") Permittees. The City of Delray Beach is a Co-Permittee under the MS4 NPDES Permit. The Northern Palm Beach County Improvement District is the Lead Permittee.

EPA has since delegated its regulatory and enforcement authority relating to the MS4 NPDES Permit to the Florida Department of Environmental Protection ("FDEP". FDEP Rule 62-4.052, F.A.C., implemented an annual regulatory program and also set fees to effect the legislative intent that FDEP's costs for administering the NPDES Permit be borne by the regulated entities. At or before the expiration of each MS4 NPDES Permit, the Permittees must file a re-application to FDEP for renewal of the MS4 NPDES Permit for a subsequent term.

The MS4 NPDES Permits granted by FDEP to the Permittees contain separate obligations and responsibilities for each individual Permittee, as well as obligations and responsibilities that may be performed jointly by the Co-Permittees. Accordingly, a separate interlocal agreement is executed between the Lead Permittee (Northern Palm Beach County Improvement District) and the City of Delray Beach. The City's portion of the common costs for FY 2016/17 in the amount of \$31,969 including a 10% contingency reserve has been paid.

The Interlocal Agreement with the City provides that the agreement continues year to year, subject to annual funding. The agreement may also be terminated upon 30 days notice.

City Attorney Review:

Approved as to legal sufficiency.

Finance Department Review:

Finance recommends approval.

Funding Source:

The Stormwater Utility Enterprise Fund supports these activities. The funding appropriation to continue the City's support of this interlocal agreement is subject to the approval of the FY 2017/18 Budget.

Timing of Request:

Northern Palm Beach County Improvement District has requested that the interlocal agreement be executed in a timely fashion. After full execution, the interlocal agreement will be filed with the Clerk of the Court by Northern Palm Beach County Improvement District.