

RESOLUTION NO. 956

A RESOLUTION APPROVING THE INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN CLACKAMAS COUNTY AND THE CITY OF WILSONVILLE FOR THE JOINT APPLICATION OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM, STORM WATER PERMIT, PART 2.

WHEREAS, Federal Storm Water Rules have been adopted by the EPA and published in the Federal Register on November 16, 1990; and

WHEREAS, the permit issuing agency in Oregon, The Department of Environmental Quality, has determined that all municipalities within the Metropolitan Service District Boundaries contributing storm water to the lower Willamette and Tualatin Rivers are required to apply for an NPDES Storm Water Control Permit; and

WHEREAS, the City of Wilsonville entered into an intergovernmental agreement with Clackamas County to apply as co-applicants for Part 1 of the Storm Water Permit; and

WHEREAS, Part 2 of the Storm Water Permit Application must be submitted to DEQ by May 17, 1993 and for the reasons set forth in the recitals in the Intergovernmental Cooperative Agreement for applying for the Storm Water Permit Application, Part 2, Exhibit "A" below, the City finds it is the best interest of its citizens to so proceed.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Subject to the final review and approval of the City Attorney, the Mayor is authorized to enter into an Intergovernmental Cooperative Agreement between Clackamas County and the City of Wilsonville for the Joint Storm Water NPDES Permit Application, Part 2, a copy of which is marked Exhibit "A", attached hereto and incorporated herein.
2. Authorize the expenditure of funds for the cost allocation to the City of Wilsonville in the sum of \$18,205 for engineering services set forth in the Intergovernmental Cooperative Agreement, Exhibit "A", from:

ACCOUNT NO.

5000-540-7704010

BUDGET AMOUNT

\$45,000.00

3. The Finance Director, by his signature below, has verified that funds are available in the account number mentioned in Item No. 2 above for payment of all billings for this project.

Ray Shorten 9-22-92
Finance Director Date

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof the 21st day of September, 1992, and filed with the Wilsonville City Recorder this date.

Gerald A. Krummel
GERALD A. KRUMMEL, Mayor

ATTEST:

Vera A. Rojas
VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Carter	<u>ABSENT</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>

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INTERGOVERNMENTAL COOPERATIVE AGREEMENT

BETWEEN

CLACKAMAS COUNTY

AND

THE CITY OF

WILSONVILLE

**JOINT APPLICATION FOR THE
STORM WATER PART 2 PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

THIS AGREEMENT is made and entered into by and between the CITY OF WILSONVILLE, an Oregon municipal corporation (hereinafter "City") and the COUNTY OF CLACKAMAS, a governmental subdivision of the State of Oregon (hereinafter "County").

WITNESSETH:

I. RECITALS

WHEREAS, the County has been named as a medium sized system under NPDES storm water regulations and has been identified as the lead entity in NPDES permitting for all jurisdictions within Clackamas County;

WHEREAS, the City has also been declared a medium sized jurisdiction under the authority granted Oregon's Department of Environmental Quality (DEQ) by EPA;

WHEREAS, 40 CFR 122, 123, and 124 establish procedures for joint permit application where the storm water sewer systems are interconnected, are within the same geographic area or are adjacent to one another;

WHEREAS, in accordance with Section 319 of the 1987 Water Quality Act and the provisions of OAR 340-41-470, the DEQ has been designated as the state agency responsible for protecting water quality to assure protection of "beneficial uses of water" within Oregon;

WHEREAS, DEQ has encouraged under its storm water rule making authority that municipalities within Clackamas County and the Metropolitan Service District Boundary jointly apply for NPDES storm water permits;

WHEREAS, attaining compliance with the broader goals of federal NPDES permitting will require a focused approach toward nonpoint source management based on cooperation among all the jurisdictions within the County;

WHEREAS, time is of the essence as the Part 2 application is due on or before May 17, 1993;

WHEREAS, the City and the County jointly submitted for the Part 1 NPDES permit;

NOW, THEREFORE, the premises being in general as stated in the foregoing recital, it is agreed by and between the parties hereto as follows:

II. PURPOSE

This Intergovernmental Cooperative Agreement sets forth the framework for cooperative interaction between Clackamas County, Department of Utilities (County) and the City of Wilsonville, Public Works Department (City) in jointly applying for a storm water permit under the provisions of the National Pollutant Discharge Elimination System (NPDES). This agreement addresses the Part 2 application requirements as set forth by the Environmental Protection Agency (EPA) in 40 CFR Parts 122, 123, and 124 NPDES Regulations and Storm Water Discharges; Final Rule.

The joint application will result in a permit with separate requirements for the County and the City, each being responsible for the permit requirements.

III. JOINT APPLICATION ACTIONS AND RESPONSIBILITIES

Joint application responsibilities of the County and City will be guided by the following assignments:

- A. The County will be the lead entity for permit coordination and compilation of application data;
- B. The City will designate a lead person to coordinate permit application activities with the County. To the extent possible, this designee shall not be changed through the duration of the Part 2 application;
- C. The County will contract with an engineering consultant to provide technical assistance in preparing the Part 2 application;
- D. The County and City respectively will be responsible for providing existing data necessary to the consultant for the Part 2 application in a timely manner. The City will be responsible for information discussed at monthly coordination meetings.
- E. The County and City shall each prepare an authority statement which delineates the legal ability to regulate and enforce storm water related laws and ordinances.

- F. In addition to the data described in Paragraph D, the County and City shall be responsible for development of the following application data within their respective jurisdictions:

Adequate Legal Authority

- o Work with consultant to establish required legal authority

Source Identification

- o Provide information to develop map base for storm water system
- o Provide updated landuse information
- o Provide available information on industrial facilities

Proposed Management Program

- o Provide updated information on existing and proposed management programs
- o Work with consultant and co-applicants to develop comprehensive management programs

Fiscal Resources

- o Provide information on existing and proposed budgets for surface water management programs

- G. The County shall conduct necessary sampling for characterization of pollutant discharges as required under the Part 2 application.

- H. As joint applicants, the City shall review development of the overall Part 2 application at predetermined points throughout the process.

IV. COST ALLOCATION AND PAYMENT

A. Cost Allocation. The consulting engineer's total fee for the preparation of the said Part 2 permit application is \$255,000 as contracted in the Professional Services Agreement. The cost of the permit application shall be shared by the City and the County and the remaining co-applicants as follows:

Agency	Project Cost Allocation	Cost Percentage
City of Lake Oswego	\$ 41,252	16.2%
City of West Linn	25,799	10.1%
City of Milwaukie	22,256	8.7%
City of Gladstone	15,270	6.0%
City of Wilsonville	18,205	7.1%
City of Happy Valley	6,159	2.4%
City of Rivergrove	-0-	
City of Johnson City	-0-	
Clackamas County	<u>126,059</u>	<u>49.5%</u>
	\$255,000	100.0%

It is recognized and understood that the total cost of the services to be provided to the consulting engineer for preparation of the said permit application and the allocation of those total costs to each participating agency as stated in tabular form above, shall not be exceeded without the written consent of all participating agencies and an amendment to this intergovernmental agreement.

B. Payment. The City will receive an invoice from the County on the first of each month for work accomplished by the consulting engineer in the previous month pursuant to the terms of this agreement. Invoices will be payable within 15 days of their receipt. A copy of the consultant's invoice will be sent to each City.

V. EXECUTION

This Intergovernmental Cooperative Agreement is in effect upon all signatures and will remain so until terminated by completion of the Part 2 application or upon 30 days notice by either of the parties, or until modified by mutual agreement. If this agreement is terminated prior to the completion of the Part 2 application, all information developed to date shall be made available to each party.

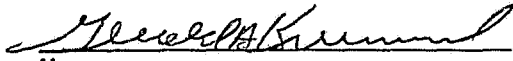
This agreement is subject to the constitutional debt limitation of counties and is contingent upon funds being appropriated therefor.

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals as of the date and year hereinbelow written.

The City has acted in this matter pursuant to Resolution No. 95-6, adopted by the City Council on the 21st day of September, 1992.

The County has acted in this matter pursuant to Order No. _____, adopted by the Clackamas County Board of Commissioners on the _____ day of _____, 1992.

CITY OF WILSONVILLE by and through its City Officials


Mayor


City Recorder

CLACKAMAS COUNTY, by and through its Board of County Commissioners

Judie Hammerstad, Chair

Darlene Hooley, Commissioner

Ed Lindquist, Commissioner




City of
WILSONVILLE
in OREGON

MEMORANDUM

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

PUBLIC WORKS DEPARTMENT

DATE: SEPTEMBER 15, 1992
TO: ARLENE LOBLE, CITY MANAGER
FROM: STEVE STARNER, PUBLIC WORKS DIRECTOR 
SUBJECT: STORM WATER NPDES PERMIT - PART II

As you may recall, last year the City joined other jurisdictions in Clackamas County to begin a joint application for a Storm Water Discharge Permit under the National Pollution Discharge Elimination System (NPDES). The costs associated with the completion of Part I were borne entirely by Clackamas County. However, Part II application expenses, (\$255,000) are to be shared by the permit applicants based on relative population density.

In the course of '92-'93 Budget preparation, \$45,000 was allocated for the City's anticipated share of the permit application expense. However, based on the actual consultant's (HGE, Inc.) low bid for the project, Wilsonville's share has been established at \$18,205. This figure may be subject to further adjustment as project cost allocations have not been determined for the potential of ODOT and Oregon City joining the group permit project, as well.

Within the process of completing the group permit application, the following is scheduled to occur:

1. Prepare adequate legal authority to regulate and enforce storm water related law and ordinances.
2. Refine the data base of existing storm sewer systems and major outfalls.
3. Sample wet weather flows to compute annual pollutant loads and seasonal loads and develop a storm water characterization plan.
4. Develop components of a Storm Water Management Program which is linked to the legal authority. Implemented over a five year period, storm water controls will focus on reducing pollutants from runoff in commercial and residential areas, illicit connections and improper disposal, industrial runoff, and runoff from construction sites.

As a result of the information generated by the storm water permit process, an analysis of fiscal resources pertaining to storm water management and ongoing surface water protection will be available for future budgeting and utility projections.

PROPOSED PROJECT SCHEDULE

PROJECT MANAGEMENT/COORDINATION

Begin: September 1, 1992
End: May 30, 1993

Meet continuously with applicants during the project. Minimum meeting frequency should be once a month.

ADEQUATE LEGAL AUTHORITY

Begin: September 15, 1992
End: March 15, 1993

Meet Criterion A through F, CFR 40 122.26(d)(2)(i). A summary will be produced that describes adequate legal authority for each applicant. For applicants that do not meet particular criteria, a plan and schedule will be created so that they can obtain adequate legal authority.

SOURCE IDENTIFICATION

Begin: September 15, 1992
End: January 30, 1993

Mapping of Storm Sewer System / Major Outfalls

Update Land Use Database

Update Major Structural Controls

Develop Industry Inventory / Database

WET-WEATHER STUDY

Revise Characterization Plan of Part 1

Begin: September 7, 1992
End: October 2, 1992

Implement Characterization Plan

Begin: October 1992
End: February 1993

Compute Annual Pollutant Loads

Begin: December 1992
End: March 1993

Develop Plan to Collect Seasonal Loads

Begin: February 1993
End: March 1993

Wet-Weather Study Continued.....

Monitor/Verify Model Results
Develop Plan to Monitor Water Quality

Begin: October 1992
End: March 1993

Three sites are proposed to be monitored this water-year concurrent with the implementation of the characterization plan (wet-weather sampling from major outfalls).

PROPOSED MANAGEMENT PROGRAMS

Begin: November 1992
Draft: January 1993
End: March 1993

Begin discussion of the proposed management programs at the November monthly meeting to set priorities and potential for regional management for selected MEP controls.

Four (4) main programs must be addressed by each applicant; they are: runoff from residential and commercial areas, runoff from industrial areas, runoff from construction sites, and illicit connections and improper disposal.

The final process will be insuring that adequate legal authority exists to implement the proposed management programs. In addition, monitoring programs will provide the necessary data to evaluate program effectiveness.

ASSESSMENT OF CONTROLS

Begin: January 1993
End: March 1993

Assessment of controls will be integrated with discussions for proposed management programs.

FISCAL RESOURCES/ANALYSIS

Begin: December 1992
End: March 1993

Begin discussion of fiscal resources in December. Each applicant must work towards providing five-year plans for funding the proposed management plans. This five (5) year period is for the first term of the Municipal NPDES Storm Water Permit.

ROLES OF CO-APPLICANTS

Begin: November 1992
End: March 1993

PERMIT APPLICATION PREPARATION

Begin: March 1, 1993
Draft: April 1, 1993
End: May 1, 1993

RECEIVED
SEP 23 1991
CITY OF
WILSONVILLE

September 19, 1991

Honorable John M. Ludlow
Mayor of Wilsonville
30000 SW Town Center Loop East
Wilsonville OR 97070

Re: Federal Storm Water Rules

Dear Mayor Ludlow:

The federal storm water rules adopted by EPA and published in the Federal Register on November 16, 1990, listed certain municipalities as large or medium municipalities which would require an NPDES permit for the control of storm water discharges through separate storm sewers. The rules allow for the permit issuing agency to list other municipalities to be regulated under the same rules for water quality reasons. A letter was sent on February 25, 1991 to Clackamas County informing them of the federal storm water rules requirements and that the Department had designated Clackamas County and all cities within the Metropolitan Service District (Metro) boundaries of the county as requiring an NPDES storm water control permit.

The reason for the designation of these municipalities as requiring the NPDES storm water permit is due to the poor water quality of the Tualatin River and lower Willamette River. Because storm water from the county and cities within the county contribute to the pollutant load of either or both rivers, the Department is adding Clackamas County and all cities within the Metro Boundaries as a medium municipality under the rules.

The Department is concerned about the water quality of the Tualatin and the lower Willamette Rivers. The Tualatin River has already been designated as a "water quality limited stream" and total phosphorus and ammonia nitrogen load limits have been established. The Department has noted a decrease over the years in the water quality of the lower Willamette River. Due to this decrease, the State Legislature has



811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696

September 19, 1991

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authorized the Department to conduct a major study of the water quality of the lower Willamette River. The study results will provide more data on the pollutants and their impact on the river's beneficial uses. If necessary, additional pollution load limits will be established for the lower Willamette River to protect beneficial uses.

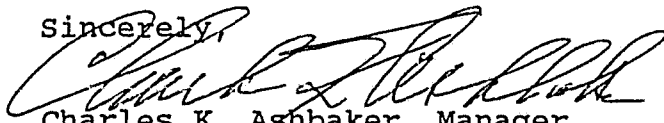
In an effort to minimize resources required to meet the permit requirements by each jurisdiction, the Department recommends that each municipality join Clackamas County as co-applicants for the Phase I permit application. This strategy would allow streamlining of the review process with associated reductions in response time to the submittal. It should also be less costly for each of the municipal entities.

While it is not mandatory that each municipality be a co-applicant to the county, each jurisdiction is required to submit a Phase I permit application by May 18, 1992. Phase I and Phase II require extensive field work to identify and sample outfalls during dry weather and to conduct instream water quality monitoring. Additionally, storm water controls must be identified and legal authority established. Fiscal resources to implement permit requirements and the necessary storm water control measures must also be identified and obtained.

If you decide you would rather apply on your own, rather than being a co-applicant with the county, we would be glad to send you a copy of the EPA's Storm Water Permit Guidance Manual for putting together the Part I Application.

Please give me a call at 229-5325 if you have any questions.

Sincerely,



Charles K. Ashbaker, Manager
Industrial and On-site Wastewater Section
Water Quality Division

cc: Neil Mullane, WQ
Andy Schaedel, WQ
Don Yon, WQ
Steve Starner, Community Dev. Dir., Wilsonville, OR
Pete Wall, City Manager, Wilsonville, OR