



City Council Agenda Bill

20189

Bill Number

Subject: Approval for Mayor to enter into Ecology Grant Agreement for NPDES Costs and Project Engineering

Summary Statement: The Department of Ecology is awarding grants to NPDES Phase II Municipal Permit holders in the amount of \$50,000 to aid in the associated costs of these permits. They are also providing additional grant funds in the amount of \$120,000 for the purpose of designing stormwater mitigation facilities that may be eligible for construction grants in the future. Bellingham will be examining the use of low impact development stormwater facilities for use in mitigating the water quality effects of Meridian Street north of I-5 and potentially the portion of Sunset Drive from I-5 to Orleans Street.

Previous Council Action: None

Fiscal Impact: This will add \$170,000 to the SSWU to fund these activities. No matching funds are required.

Funding Source: Department of Ecology

Attachments: Copy of FY 2013-15 Stormwater Capacity Grant #G1400239

| Meeting Activity | Meeting Date | Staff Recommendation | Presented By | Time |
|---|--------------|----------------------|--------------------------|-------|
| Committee Briefing Council Vote Requested | 18-Nov-2013 | Authorize Contract | Ted Carlson, PW Director | 2 min |
| | | | | |

Council Committee:

Public Works / Public Safety

Stan Snapp, Chair
Terry Bornemann; Gene Knutson

Committee Actions:

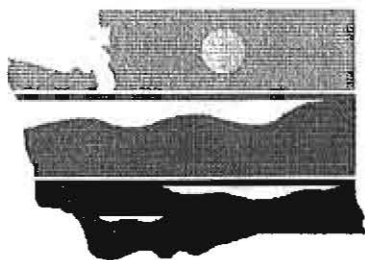
Agenda Bill Contact:

Bill Reilly, SSWU Manager 778-7955
Jon Hutchings, Asst Director 778-7977

| Reviewed By | Initials | Date |
|-----------------------------|----------|----------|
| Ted Carlson, PW Director | TAC | 11/7/13 |
| Brian Henshaw, Finance Dir. | BH | 11/7/13 |
| | | |
| Legal | DMR | 11/8/13 |
| Mayor | KL | 11.12.13 |

Council Action:

2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology



DEPARTMENT OF
ECOLOGY
State of Washington

2013-15 MUNICIPAL STORMWATER CAPACITY GRANT

PROGRAM

FISCAL YEAR 2014

GRANT AGREEMENT

NUMBER G1400239

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF BELLINGHAM

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

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2013-15 MUNICIPAL STORMWATER CAPACITY GRANT PROGRAM

Grant Agreement

Between

The State of Washington Department of Ecology

And

City of Bellingham

THIS is a binding agreement entered into, by, and between the state of Washington Department of Ecology (DEPARTMENT), and the City of Bellingham (RECIPIENT). The purpose of this agreement is to provide funds to the RECIPIENT to carry out the requirements described herein.

PART I. GENERAL INFORMATION

| | |
|----------------------------------|---|
| Project Title: | 2013-15 Municipal Stormwater Capacity Grant Program |
| State Fiscal Year: | FY2014 |
| Grant Number: | G1400239 |
| RECIPIENT Name: | City of Bellingham |
| Mailing Address: | 2221 Pacific St, Bellingham, WA 98229 |
| RECIPIENT Federal ID Number: | 91-6001229 |
| Total Eligible Cost: | |
| (\$50,000 AND \$120,000): | \$170,000 |
| DEPARTMENT Funding Sources: | |
| ELSA - Operating: | \$50,000 |
| ELSA - Capital Budget Provision: | \$120,000 |
| DEPARTMENT Share: | \$170,000 |
| DEPARTMENT Maximum Percentage: | 100% |
| Effective Date Of This Grant Is: | July 1, 2013 Any work performed prior to the effective date of this agreement is not eligible for reimbursement. |
| This Grant Agreement Expires On: | January 31, 2015 |

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

| | |
|--|---|
| RECIPIENT Contact: | Bill Reilly |
| Telephone Number: | 360-778-7700 |
| E-Mail Address: | breilly@cob.org |
| RECIPIENT Billing Contact: | Bill Reilly |
| Telephone Number: | 360-778-7700 |
| E-Mail Address: | breilly@cob.org |
| DEPARTMENT Project/Financial Manager: | Layne Slone |
| Mailing Address | Water Quality Program Washington State Department of Ecology P.O. Box 47600 Olympia, WA 98504-7600 |
| Telephone Number: | 360-407-6225 |
| Fax Number: | 360-407-7151 |
| E-Mail Address: | Layne.Slone@ecy.wa.gov |
| Designated Local Government Partners (if applicable): | |

PART II. PERFORMANCE MEASURES

A. Water Quality Goal

Improved stormwater oversight and water quality protection through the direct development and implementation of a comprehensive stormwater management program.

B. Project Outcomes

Implementation of Phase I and II municipal stormwater National Pollutant Discharge Elimination System (NPDES) permits.

PART III. PROJECT DESCRIPTION

RECIPIENT will address implementation or management of municipal stormwater programs. Additionally, the RECIPIENT's project will include project specific planning and design for a retrofit project which includes low-impact development techniques.

PART IV. PROJECT BUDGET

| Municipal Stormwater Capacity Grants Program, FY2014 | |
|---|-----------------------------------|
| Elements/Objects | TOTAL ELIGIBLE COST (TEC)* |
| Task 1 – Project Administration/Management (limited to \$5,000 ELSA Operating Funds) | \$5,000 |
| Task 2 – Implementation And Management Of Stormwater Program | \$45,000 |
| Task 3 – Pre-Construction Planning And Design (limited to \$120,000 ELSA Capital Budget Provisions) | \$120,000 |
| Total (limited to \$170,000 per RECIPIENT partner) | \$170,000 |
| *The DEPARTMENT's Fiscal Office will track to the Total Eligible Project Cost. | |
| MATCHING REQUIREMENTS (There are no matching requirements) | |
| DEPARTMENT Share FY 2014 (100% of TEC) | \$170,000 |

PART V. SCOPE OF WORK

RECIPIENT will ensure that this project is completed according to the details of this agreement. The RECIPIENT may elect to use its own forces or it may contract for professional services necessary to perform and complete project related work.

Task 1 - Project Administration/Management

- A. RECIPIENT will administer the project. Responsibilities will include, but not be limited to: maintenance of project records; submittal of payment vouchers, fiscal forms, and progress reports; compliance with applicable procurement, contracting, and interlocal agreement requirements; application for, receipt of, and compliance with all required

2013-15 Municipal Stormwater Capacity Grant Program
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permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items.

- B. RECIPIENT will manage the project. Efforts will include: conducting, coordinating, and scheduling project activities and assuring quality control. RECIPIENT will maintain effective communication with the DEPARTMENT, RECIPIENT's designees; all affected local, state, or federal jurisdictions; and any interested individuals or groups. The RECIPIENT will carry out this project in accordance with any completion dates outlined in this agreement.
- C. RECIPIENT will submit all invoice voucher submittals and supportive documentation to the DEPARTMENT's Project/Financial Manager.
- D. If work conducted results in a report, the RECIPIENT will submit the following to the DEPARTMENT's Project/Financial Manager and in the quantities identified:
 - Draft project completion report – one electronic copy
 - Final project completion report – one paper copy, one electronic copy

RECIPIENT will submit two copies of any document(s) which requires DEPARTMENT approval. Once approval is given, one copy will be returned to the RECIPIENT. If the RECIPIENT needs more than one approved copy, the number of submittals should be adjusted accordingly.

Task 2 – Implementation of Stormwater Planning and Management Needs

- A. If the RECIPIENT is out of compliance with the municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit, the RECIPIENT must ensure funds are used to attain compliance where applicable.
- B. RECIPIENT may conduct work related to implementation of additional activities required by the municipal stormwater NPDES permits. The following is a list of elements RECIPIENT's project may include.
 - 1) Public education and outreach activities, including stewardship activities.
 - 2) Public involvement and participation activities.
 - 3) Illicit discharge detection and elimination (IDDE) program activities, including:
 - a) Mapping or geographic information systems of municipal separate storm sewer systems (MS4s).
 - b) Staff training.
 - c) Activities to identify and remove illicit stormwater discharges.
 - d) Field screening procedures.
 - e) Complaint hotline database or tracking system improvements.

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- 4) Activities to support programs to control runoff from new development, redevelopment, and construction sites, including:
 - a) Development of an ordinance and associated technical manual or update of applicable codes.
 - b) Inspections before, during, and upon completion of construction, or for post-construction long-term maintenance.
 - c) Training for plan review and/or inspection staff.
 - d) Participation in applicable watershed planning effort.
- 5) Pollution prevention, good housekeeping, and operation and maintenance program activities, such as:
 - a) Inspecting and/or maintaining the MS4 infrastructure.
 - b) Developing and/or implementing policies, procedures, or stormwater pollution prevention plans at municipal properties or facilities.
- 6) Annual reporting activities.
- 7) Establishing and refining stormwater utilities, including stable rate structures.
- 8) Water quality monitoring to implement permit requirements for a Water Cleanup Plan (TMDL). Note that any monitoring funded by this program requires submittal of a Quality Assurance Project Plan (QAPP) that the DEPARTMENT approves prior to awarding funding for monitoring.
Monitoring, including:
 - a) Development of applicable QAPPs.
 - b) Monitoring activities, in accordance with a DEPARTMENT- approved QAPP, to meet Phase I/II permit requirements.
- 9) Structural stormwater controls program activities (Phase I permit requirement)
- 10) Source control for existing development (Phase I permit requirement), including:
 - a) Inventory and inspection program.
 - b) Technical assistance and enforcement.
 - c) Staff training.
- 11) Equipment purchases that result directly in improved compliance with permit requirements. Allowed costs for equipment purchases must be specific to implementing a permit requirement (such as a vactor truck) rather than general use (such as a general use pick-up truck). Qualified equipment purchases include but are not limited to:
 - a) Illicit discharge testing equipment and materials.
 - b) Vactor truck or sweeper truck or MS4 maintenance activities.
 - c) Electronic devices dedicated to mapping of MS4 facilities and attributes.
 - d) Software dedicated to tracking permit implementation activities.

Task 3 – Preconstruction Planning and Design

- A. **Project Summary.** RECIPIENT will submit to the DEPARTMENT's Project Manager for review and acceptance and no later than October 1, 2013, an initial one to two page

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Project Summary. The Project Summary will include a description of the proposed project identifying: 1) the area where the proposed project is to be installed or constructed (including maps), 2) the stormwater best management practice(s) to be designed, 3) the name of the appropriate design manual planned for use in the final design (see item D), and 4) the water quality issue mitigated by the proposed project. The DEPARTMENT will provide comments to the RECIPIENT within 14 calendar days of receipt of the Project Summary. The DEPARTMENT's Project Manager will work with the DEPARTMENT's engineer to review the Project Summary for consistency with the appropriate design criteria and grant requirements. Detailed calculations and/or drawings are not required at this time.

- B. **Pre-Design Report.** RECIPIENT will submit two hard copies and one digital copy of the Pre-design report to the DEPARTMENT's Project Manager for review and acceptance. The DEPARTMENT's Project Manager will work with the DEPARTMENT's engineer to review the Project Summary for consistency with the appropriate design criteria and grant requirements. Detailed calculations and/or drawings are required in the Pre-design Report. The DEPARTMENT will provide comments to the RECIPIENT within 45 days of receipt of the plans.
- C. **90 Percent Design Plans.** RECIPIENT will submit two hard copies and one digital copy of the 90 percent design plans to the DEPARTMENT's Project Manager for review and acceptance. The DEPARTMENT will provide comments to the RECIPIENT within 45 days of receipt of the plans. The DEPARTMENT's Project Manager will work with the DEPARTMENT's engineer to review the plans and specifications for consistency with the appropriate design criteria and grant requirements.
- D. For above items A-C, the RECIPIENT must justify significant deviations from the following:
- 1) The appropriate guidance manual below depends on the region that your project is conducted:
 - **2005 or 2012 Stormwater Management Manual for Western Washington (SWMMWW)**, (the appropriate manual depends on the requirements of the jurisdiction) or
 - **2004 Stormwater Management Manual for Eastern Washington (SWMMEW)**, both can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/tech.html>, or
 - **Low Impact Development Technical Guidance Manual for Puget Sound** found at: http://www.psp.wa.gov/downloads/LID/20121221_LIDmanual_FINAL_secure.pdf, or
 - Equivalent design manuals, **Eastern Washington Low Impact Development Manual**.
 - 2) Equivalent manual as developed by the local jurisdiction and approved by the DEPARTMENT.
 - 3) Good engineering practices and generally recognized engineering standards.
- E. **SEPA.** If applicable, the RECIPIENT will submit to the DEPARTMENT's Project Manager, a copy of the State Environmental Review Act (SEPA) Lead Agency's signed and dated SEPA determination.

- F. DAHP EZ-1. If applicable, the RECIPIENT will submit to the DEPARTMENT's Project Manager a Department of Archaeology and Historic Preservation (DAHP) EZ-1 form to initiate review of project activities by DAHP and tribal governments.
- G. RECIPIENT will submit all pre-design figures and construction plans to the DEPARTMENT, reduced to 11" x 17" in size. The RECIPIENT may bind them with the specifications or related construction contract documents or bind as a separate document. All reduced drawings must be legible.
- H. Summary of Deliverables:
1. Submit a Project Summary including maps, no later than October 1, 2013, for review and acceptance of the proposed design project.
 2. Submit a Pre-design report to the DEPARTMENT, no later than January 31, 2014 for review and acceptance.
 3. Submit 90 percent design plans to the DEPARTMENT, no later than August 1, 2014 for review and acceptance.
 4. If applicable, submit a copy of the signed and dated SEPA determination to the DEPARTMENT.
 5. If applicable, submit a copy of the DAHP EZ-1 form, for DEPARTMENT coordination on compliance with Executive Order 05-05.

PART VI. SPECIAL TERMS AND CONDITIONS

None

PART VII. ALL WRITINGS CONTAINED HEREIN

The following contain the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein:

- This agreement.
- Attachment I: General Project Management Requirements for the Municipal Stormwater Capacity Grants Program.
- Attachment II: General Terms and Conditions.
- The effective edition, at the signing of this agreement, of the DEPARTMENT's "Administrative Requirements for Recipients of Ecology Grants and Loans."
- The associated funding guidelines that correspond to the fiscal year in which the project is funded.
- The applicable federal and state statutes and regulations.

No subsequent modifications or amendments of this agreement will be of any force or effect unless signed by authorized representatives of the RECIPIENT and the DEPARTMENT, and made a part of this agreement, except that in response to a request from the RECIPIENT, the DEPARTMENT may redistribute the grant budget. The DEPARTMENT or the RECIPIENT may change their respective staff contacts without the concurrence of either party.

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The RECIPIENT acknowledges that they have had the opportunity to thoroughly review the terms of this agreement, the attachments, all incorporated or referenced documents, as well as all applicable statutes, rules, and guidelines mentioned in this agreement.

The signatories to this Agreement represent that they have the authority to execute this Agreement.

IN WITNESS WHEREOF, the parties sign this grant agreement:

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

~~CITY OF BELLINGHAM~~

KELLY SUSEWIND, P.E., P.G. DATE
WATER QUALITY PROGRAM MANAGER

~~_____
TED CARLSON DATE
DIRECTOR OF PUBLIC WORKS~~

Approved As To Form Only
Assistant Attorney General

SIGNATURE
PAGE BEING
REVISED