

Order 107-15/16

Passage: 9-0 on 11/16/2015

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Effective 11/26/2015

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE FISCAL YEAR 2016 LETTER OF AGREEMENT
RE: THE INTERLOCAL STORMWATER WORKING GROUP**

ORDERED, that the Letter of Agreement allowing Portland to participate in the Interlocal Stormwater Working Group is hereby approved; and

BE IT FURTHER ORDERED, that the City Manager or his or her designee is hereby authorized to sign the Letter of Agreement and any other documents necessary to effect the purpose and intent of this order.

**Letter of Agreement
between
Casco and Saco Bay Watershed NPDES Phase II communities
and
Cumberland County Soil and Water Conservation District**

Fourteen municipalities within the Casco Bay watershed and Saco Bay watershed are subject to the United States Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II rules, as published in the Federal Register on December 8, 2000. Those municipalities are Biddeford, Cape Elizabeth, Cumberland, Falmouth, Freeport, Gorham, Old Orchard Beach, Portland, Saco, Scarborough, South Portland, Westbrook, Windham, and Yarmouth (the "Regulated Municipalities").

The Regulated Municipalities have received their NPDES Phase II Permits from the regulating authority, which in Maine has been delegated by USEPA to the Maine Department of Environmental Protection (DEP). Because the Cumberland County Soil and Water Conservation District (CCSWCD) has expertise in the management of stormwater and because the Regulated Municipalities wish to meet the regulatory compliance requirements of their permits as efficiently and cost-effectively as possible with minimal duplication of efforts, CCSWCD agrees to provide services to the Regulated Municipalities to assist them in meeting the regulatory compliance requirements. This agreement is made this 1st day of July 2015 between the Regulated Municipalities and the CCSWCD and describes the responsibilities of the parties.

I. OBLIGATIONS OF CUMBERLAND COUNTY SOIL & WATER CONSERVATION DISTRICT (CCSWCD)

CCSWCD will perform the tasks described in the attached Interlocal Stormwater Working Group Fiscal Year 2016 Budget Account Summary.

CCSWCD agrees to comply with the Federal Office of Management and Budget accounting standards contained in 2 CFR Chap II Part 225 "Cost Principles for State, Local and Indian Tribal Governments"; and with Uniform Administrative Requirements for Grants and cooperative Agreements 40 CFR Part 31.

II. OBLIGATIONS OF THE REGULATED MUNICIPALITIES

Each of the Regulated Municipalities shall select a NPDES Phase II coordinator, who shall be available for monthly meetings and consultations as necessary.

It will be the responsibility of each Regulated Municipality to file any required regulatory submittals.

The Regulated Municipalities will pay CCSWCD a total sum of \$140,000.00 during the period of July 1, 2015 through June 30, 2016 for performing the tasks described in the attached Interlocal Stormwater Working Group Fiscal Year 2016 Budget Account Summary, said sum to be payable as follows:

- A. Each Regulated Municipality shall be obligated to pay \$10,000.00, which equals one-fourteenth (1/14) share of the total sum.
- B. CCSWCD will provide a report to the Regulated Municipalities by August 1st with a summary of completed tasks on Minimum Control Measures I and II.
- C. The Regulated Municipalities will pay only for services actually rendered as contained in the attached Interlocal Stormwater Working Group Fiscal Year 2016 Budget Account Summary. Any services beyond what is contained in that budget will be negotiated through separate individual LOAs between CCSWCD and each Regulated Municipality.

WITNESSETH, that for and in consideration of the payments described and agreements contained herein, CCSWCD hereby agrees with the Regulated Municipalities to perform the Obligations contained herein according to the terms and schedules of this Letter of Agreement.

Authorized Representatives for Regulated Municipalities

Municipality: _____

Representative _____

_____ Date

Title: _____

Authorized Representative for Cumberland County Soil & Water Conservation District

Carol Anne Jordan, Chair

_____ Date

FY2016 ISWG BUDGET

ISWG TASKS:

- Task 1 - Coordination & Facilitation
- Task 2 - Plan A: Awareness Plan
- Task 3 - Plan B: Behavior Change
- Task 4 - Plan C: Targeted Plan (Coal Tar)
- Task 5 - Plan D: Municipal Plan

Account	FY16 Budget ISWG	
INCOME		
MATCHING FUNDS		
REGULAR INCOME	141,000.00	\$10,000 x 14 ISWG municipalities + \$1,000 from SMCC
REIMBURSEMENTS	10,453.00	Reimbursement from other MS4s for statewide media campaign (See Reimbursed Expenses)
SALES		
SEMINARS		
SPONSORSHIPS		
TOTAL INCOME	151,453.00	

EXPENSE		
AWARDS/RECOGNITION	-	
ADVERTISEMENTS	-	
DUES AND SUBSCRIPTIONS	-	
EQUIPMENT	-	
EQUIPMENT RENTAL	-	
STAFF TIME (See Narrative for Hours & Assignments)	112,228.85	
MEETING SPACE	-	
POSTAGE AND DELIVERY	500.00	
PRINTING AND REPRODUCTION	2,500.00	Yardscaping/outreach materials, signage, etc. (MCM 1&2)
PROFESSIONAL FEES	2,000.00	Consultant to assist with Survey (Behavior Change Analysis)
PROGRAM EXPENSE	30,000.00	<div style="border: 2px solid black; background-color: yellow; padding: 5px; text-align: center;"> <p>\$7,500 for Urban Runoff (Task 6)</p> <p>\$7,500 for Maine Stormwater Conf (Task 7)</p> <p>\$15,000 for CONNECT Program (Task 8)</p> </div>
PUBLICATIONS	-	Media expenses that will be (partially) reimbursed by other
REIMBURSED EXPENSE	18,500.00	Maine MS4s for Statewide Awareness Plan
SPONSORSHIPS	-	
SUPPLIES	1,020.00	
TRAVEL:Travel	2,808.00	Includes CONNECT Travel
TOTAL EXPENSE	169,556.85	
Net Income/Loss	\$ (16,543.85)	
	\$ 5,838.00	FY15 Carry Forward
	\$ 6,034.00	Media Campaign Carry Forward
	\$ 10,000.00	Contingency Carry Forward
ADJUSTED NET INCOME/LOSS	\$ 5,328.15	

February 3, 2015

Interlocal Stormwater Working Group FY16 (PY3) Budget Narrative

Coordination & Facilitation

Tamara	194 hours	Coordinate/facilitate six bi-monthly meetings, plus 50 hours for topic-specific assistance (e.g. IDDE, hydrant flushing, etc.)
Jami	84 hours	Prep, attend, and follow up from six bi-monthly meetings
Robyn	50 hours	Topic-specific assistance (e.g. IDDE, hydrant flushing, etc.)
Betty	16 hours	Invoicing, letters of agreement

Community Outreach (MCM1)

Plan A: Awareness

Jami	64 hours	Coordinate statewide media campaign, work with a consultant to develop evaluation survey to be implemented in PY4, track compliance, summarize activities in a report that is appended to each municipality's annual report.
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Plan B: Municipal Outreach

Jodie	465 hours	230 hours for targeted outreach to Cape Elizabeth, Gorham, South Portland, Westbrook, Windham; remaining hours for providing annual good housekeeping/pollution prevention training, and participating in Highway Congress or other event.
Robyn	80 hours	Provide support for targeted outreach to Cape Elizabeth, Gorham, South Portland, Westbrook, Windham.
Jami	80 hours	Provide program support and oversight, track compliance, summarize activities in a report that is appended to each municipality's annual report.

Plan C: Targeted/Enhanced Outreach (Coal Tar)

Jami	60 hours	Tasks dependent on outcome of 2015 legislation.
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Plan D: Behavior Change (YardScaping)

Kelsey	550 hours	Coordinate point of sale program in 23 retail locations (including 4 Home Depot stores), provide a minimum of seven adult education classes, carry out one direct-mailing, track behavior change.
Jami	100 hours	Provide program support and oversight, maintain CCSWCD YardScaping webpage, track compliance, summarize activities in a report that is appended to each municipality's annual report.

Event 1: Urban Runoff (MCM2)

\$7500.00 Supports staff time to coordinate the race. Additional support provided by CCSWCD, sponsors, and participants.

Event 2: Maine Stormwater Conference

\$7500.00 Supports staff time to coordinate the conference. Additional support provided by CCSWCD, sponsors, and participants.

School Education (CONNECT Program)

\$15,000.00 Supports CONNECT clean water education program in each ISWG community. Additional support provided by CCSWCD and the Casco Bay Estuary Partnership.

Percent breakdown by task

Task	%
Coordination & Facilitation	19%
Plan A: Awareness	16%
Plan B: Municipal Outreach	26%
Plan C: Targeted Outreach (Coal Tar)	3%
Plan D: Behavior Change (YardScaping)	25%
Event 1: Urban Runoff	11%
Event 2: Stormwater Conference	
School Program	

