

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY RELATING TO NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NO. FLS000003, FOR A PERIOD OF FIVE (5) YEARS, COMMENCING ON OCTOBER 1, 2022; SAID AGREEMENT AUTHORIZING MIAMI-DADE COUNTY TO PROVIDE PROFESSIONAL SERVICES, INCLUDING MONITORING AND SAMPLING ACTIVITIES REQUIRED BY THE PERMIT FOR STORM SEWER SYSTEMS THROUGHOUT MIAMI-DADE COUNTY; PROVIDING FOR THE CO-PERMITTEES TO SHARE, PROPORTIONATELY, THE COST OF THE SERVICES; AND AS BETWEEN THE CO-PERMITTEES, ESTABLISHING THE SHARED RESPONSIBILITIES IN THE IDENTIFICATION AND CONTROL OF POLLUTANT DISCHARGES; AND FURTHER AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE AGREEMENT.**

**WHEREAS**, water pollution can degrade surface waters making them unsafe for drinking, fishing, swimming, and other activities; and

**WHEREAS**, the U.S. Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES) permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States; and

**WHEREAS**, in the State of Florida, the EPA has authorized the Florida Department of Environmental Protection (FDEP) to implement the NPDES stormwater permitting program on its behalf; and

**WHEREAS**, as the NPDES stormwater permitting authority, FDEP is responsible for issuing Municipal Separate Storm Sewer System (MS4) permits; and

**WHEREAS**, stormwater systems are a tool used by cities around the world for managing the runoff from rainfall, reducing the likelihood of flooding, and keeping streets dry; and

**WHEREAS**, the City operates an MS4 type of stormwater system, meaning that the stormwater system is not connected to or combined with the sanitary sewer system; and

**WHEREAS**, the City's MS4 is comprised of over 90 miles of pipes that carry rainwater collected from inlets on City streets and discharge it by gravity or using pumps at over 300 outfalls into our waterways and Biscayne Bay; and

**WHEREAS**, the NPDES permit allows for municipal stormwater discharges as long as they meet water quality standards and implement best management practices that reduce pollutants to the maximum extent practicable; and to this end, the City is required to have an NPDES permit to operate its stormwater system and to implement a comprehensive stormwater management program that focuses on pollution prevention in order to maintain permit compliance; and

**WHEREAS**, the City is one of more than 30 Co-Permittees named in FDEP Permit No. FLS000003, Authorization to Discharge under the National Pollutant Discharge Elimination System (the "Permit"), covering a combined total of more than 8, 000 outfalls throughout Miami-Dade County; and

**WHEREAS**, the proposed new Interlocal Agreement (the "Agreement"), a copy of which is attached to the City Commission Memorandum accompanying this Resolution, by and among the Co-Permittees under the Permit and Miami-Dade County (the "County"), has a term of five (5) years, commencing on October 1, 2022; provides for performance of professional services by the County, including monitoring and sampling activities required by the Permit; provides for the Co-Permittees to share, proportionately, the cost of the services; and as between the Co-Permittees, establishes the shared responsibilities in the identification and control of pollutant discharges from one municipal MS4 to another; and

**WHEREAS**, on June 7, 2017, the Mayor and City Commission adopted Resolution 2017-29892, that approved the current Interlocal Agreement, providing for the performance of these professional services by the County, which agreement is set to expire on September 30, 2022; and

**WHEREAS**, the original cost of being a Co-Permittee under the Permit was \$15,000 per year, however, due to an increase in monitoring fees, and increased number of surface water quality stations throughout Biscayne Bay, the reimbursement fees to the County from the City have been raised to \$24,328.00 per year for the first four years, as the City would not be using the County's services for pollutant loading or other Permit requirements.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve, in substantial form, an Interlocal Agreement with Miami-Dade County relating to National Pollution Discharge Elimination System Permit No. FLS000003, for a period of five (5) years, commencing on October 1, 2022; said Agreement authorizing Miami-Dade County to provide professional services, including monitoring and sampling activities required by the Permit for storm sewer systems throughout Miami-Dade County; providing for the Co-Permittees to share, proportionately, the cost of the services; and, as between the Co-Permittees, establishing the shared responsibilities in the identification and control of pollutant discharges; and further authorize the City Manager to finalize and execute the Agreement.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

4-26-22  
\_\_\_\_\_  
Date

