



Legislation Text

File #: 17-0805, **Version:** 1

DATE: September 6, 2017

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Mark Hilty, Assistant City Administrator - Public Works
Michelle Hatcher, Water Management Director
Shauna Billingsley, City Attorney

SUBJECT:

*Consideration of Interlocal Agreement Between The City Of Franklin And Tennessee Department Of Environment And Conservation For Financial Assistance With The Total Maximum Daily Load Study (COF Contract #2017-0219)

Purpose

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning an Interlocal Agreement with the Tennessee Department of Environment and Conservation

Background

Currently, the Tennessee Department of Environment and Conservation in partnership with the U.S. Environmental Protection Agency (EPA) region 4 is undertaking a Total Maximum Daily Load (TMDL) study on the entire Harpeth River. A TMDL study establishes the maximum amount of a pollutant allowed in a water body in order to meet water quality standards. The Harpeth River is approximately 125 miles long, 15 miles of which run through the city of Franklin. The river does come to Franklin's city limits in an impaired state. The TMDL study underway now is designed to replace a study completed in 2004.

In May of 2016, the City entered into a settlement agreement with the Harpeth River Watershed Association (now known as Harpeth Conservancy). As a part of that settlement, the City agreed to "fund a proportional percentage of any required studies to ensure that the Harpeth River Watershed as a whole undergoes a study of scientifically appropriate level of detail and the City's load allocation is fairly determined in the context of the entire watershed, but in no case shall the City expend funds on studies outside the City's Urban Growth Boundary [("UGB")]." The City further agreed to "contribute proportionate, meaningful and appropriate funds for [TMDL] studies within the City's boundaries up to an amount of \$150,000.00." The agreement further states, "and if any studies necessary to establish an accurate and fair pollutant load allocation for the City are in whole or in part outside of the City's boundaries, the City agrees to endeavor in good faith to contribute to those studies by attempting to enter into any necessary interlocal agreements." The City has been working as an active participant in the TMDL study process providing data and input. The EPA and TDEC are developing the TMDL, and, therefore, TDEC is the entity in the best position to determine what studies are most beneficial for the TMDL study. To further this effort, the City and TDEC believe that entering into an interlocal agreement will be most effective in allowing the City to conduct or contract for services to aid in the TMDL study. The purpose of the proposed Interlocal Agreement is to define, as the TMDL study continues, the ways in which the City can aid in the study and to provide a mechanism for the City to aid when the services are required outside of the City's boundaries or, when a watershed-wide study is to occur, to create a mechanism for the City to contribute its proportionate share.

Financial Impact

The City's existing commitment of \$150,000 would come from the City's Sanitary Sewer utility fund.

Recommendation

Staff recommends approval of the Interlocal Agreement Between the City of Franklin and Tennessee Department of Environment and Conservation for Financial Assistance with the Total Maximum Daily Load Study (COF Contract #2017-0219).