

Issue

Stormwater is the quantity of water entering the storm sewer or combined sewer system or directly to the waterway from rain and snow runoff. Stormwater presents a challenge to the public sector in terms of managing the peak flow and volume of runoff to be processed and treated, and the resulting cost of mitigation strategies that include infrastructure improvements, capacity increases, or other operational modifications. Moreover, it presents a significant challenge to water quality improvement. The District's recently approved 2020 Facilities Plan found that nonpoint pollution (e.g., stormwater runoff) is now the largest contributor to water quality degradation. Effective stormwater management through implementation of Best Management Practices (BMP) can generate important environmental, social, and other benefits to local watersheds and urban-area communities.

The District recognizes mutual benefits for itself and the municipalities it serves related to wet weather flow management and water quality improvement from the implementation of stormwater best management practices on a regional basis. This work would be a strategy to help manage the impacts of wet weather flow.

District's Project Overview

To incentivize the municipalities served by the District to partner in the effort to address stormwater management, its 2010 Capital Budget includes a project (M03053, Municipal Stormwater Best Management Practices) that will serve as a funding mechanism to the municipalities for certain types of stormwater BMP efforts. As of the adoption of the 2010 Capital Budget, the Municipal Stormwater Best Management Practices (MSWBMP) project provides \$1 million per year for five years, for a total of \$5 million from 2010 -2014.

Eligible Work

The District shall approve all work before the work is commenced and deem that it is eligible work. Eligible work (MSWBMP Work) must be implemented in the District's service area. Communities with combined sewers will be expected to expend at least 25% of the funding in the combined sewer area. In general, eligible work will be only for MSWBMP Work that directly implements or installs a practice that reduces flow or pollutants into the area waterways.

Submitted MSWBMP Work plans can include work that doesn't directly implement or install a practice that reduces flow or pollutants into the area waterways, but this work will not be eligible for reimbursement.

Projects may begin no earlier than January 1, 2010, and all projects shall be commenced no later than December 31, 2014.

Appendix A includes a table that lists examples of eligible work.

Municipal Request Process

The municipality shall, prior to commencing work to be reimbursed, submit a work plan or project plan to the District. This plan shall consist of the following:

- Background Information
- Description of Work to be performed
- Timeframe and Schedule
- Estimated Costs
- Detailed Proposed Cost, include District reimbursement and anticipated timeline for costs
- Anticipated Results
- Outline of Proposed Project Completion Report

A municipality may submit one or more work plans throughout the project period, 2010-2014.

District Review and Approval Process

The District shall review work or project plans in a timely manner.

The District will provide in writing an approval, conditionally approval, or disapproval of the plan.

Memorandum of Understanding

Once the District has approved a project, the District shall require a Memorandum of Understanding with the municipality that details the scope, including but not limited to the MSWBMP Work to be done and the timeline for the work to be completed.

Project Notice to Proceed

The municipality shall commence MSWBMP Work upon satisfaction of a completed Memorandum of Understanding.

Change Process

The municipality shall communicate any requested changes or deviations from the Memorandum of Understanding in a timely manner. The District shall review the request for a change in a timely manner. The District will provide in writing an approval or disapproval of the change.

Project Completion

The municipality shall notify the District upon completion of the MSWBMP Work. This notification shall include a report including but not limited to the following:

- Available and quantifiable before-implementation and after-implementation performance (based on actual monitoring data or calculated based upon recognized standards of performance for certain types of work).
- Lessons-learned, barrier or obstacle identification, or regional implementation issues.
- Itemization of all costs.

District Funding

Funding will be allocated to each municipality based on each year's equalized value for that municipality, the means by which the funding is collected. Funding may accumulate for a five-year period.

If a municipality does not use or have a completed Memorandum of Understanding with the District to use its allocation within the five-year period, the balance will return to the District's Capital Budget at the conclusion of the five-year period.

The District shall not advance any funds to a municipality for any project.

Allocation

The District shall calculate each December the allocation for each municipality for the upcoming year. This shall be based on the current year's actual equalized value.

The District will maintain a list of the allocation by municipality, including any accumulated or net amounts.

Trading of Funding between Municipalities

A municipality may request to "trade" its allocation to another municipality. All such trades are subject to District approval and conditions.

Reimbursement

District reimbursement is contingent upon three criteria:

1. The District must have approved the project before the project is commenced.
2. The project shall be substantially complete.
3. The municipality shall have provided documentation of the project's results.

Upon satisfaction of the above criteria, reimbursement may be requested each year for a maximum of that year's allocation, any accumulation of prior years' and current year's allocation, or in the case of multiple projects for any net/remaining accumulation of prior years' and current year's allocation.

For completed projects for which the total cost is greater than any accumulation of prior years' and current year's allocation, reimbursement may continue through the five-year period for up to the amount of the future year's allocation.

For projects not commenced in the first year of the District's project, funding shall remain available for reimbursement and accumulate per the allocation to that municipality through the five-year period. Funds are only committed upon the finalization of a Memorandum of Understanding with the District for the work.

The District shall reimburse the municipality when the District contact approves the completion of MSWBMP Work and satisfaction of all terms in the Memorandum of Understanding.

Disclaimer

This project is included in the District's 2010 Capital Budget and long-range financing plan. For each fiscal year, the District's Commission adopts an annual budget and approves a long-range financing plan. Such approval of the long-range financing plan does not commit the District to any future project or funding. Should the project not be approved in future years' capital budgets, the District's funding and reimbursement obligation will be limited to projects having a completed Memorandum of Understanding with the District for the work.

Any work performed by a municipality prior to District approval is done at the municipalities' own risk.

Any exceptions to the above policy will be on a case by case basis at the discretion of the District's Executive Director.

District Contact for the Municipal Stormwater Best Management Practices Project:

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