

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF OLYMPIA, LACEY, AND TUMWATER AND THE LOTT CLEAN WATER ALLIANCE FOR SANITARY SEWER EMERGENCY RESPONSE MUTUAL AID.

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each party is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: provided, that such contract shall be authorized by the governing body of each party to the contract and shall set forth its purposes, powers, rights, objectives and responsibilities of the contracting parties;

WHEREAS, LOTT owns and operates the Budd Inlet Wastewater Treatment facility, permitted under Chapter 90.48 RCW as a Publicly Owned Treatment Works (POTW); and

WHEREAS, LOTT owns, operates, and maintains a system of sewers, pump stations, and pressure mains tributary to the POTW; and

WHEREAS, Tumwater, Olympia, and Lacey (Hereafter "Cities") own, operate, and maintain systems of sewers, pump stations, and pressure mains tributary to the LOTT system and POTW; and

WHEREAS, the LOTT and Cities systems are interconnected, with the Cities' sewers, pump stations, and pressure mains feeding the LOTT sewers, pump stations, and pressure mains en route to the POTW, and

WHEREAS, in January 2001, the U.S. Environmental Protection Agency (USEPA) prepared a notice of proposed rulemaking which would have required LOTT to develop a Sanitary Sewer Overflow Emergency Response Plan (SSOERP) as one of the major components of the Capacity, Management, Operation and Maintenance (CMOM) standard permit condition. Although the proposed rulemaking was later withdrawn from the Federal Register, the USEPA has continued to incorporate CMOM in its permitting guidance. In January 2005 the USEPA published a Guide for Evaluating CMOM at Sanitary Sewer Collection Systems which reiterates the requirement for SSOERP; and

WHEREAS, in both the 2001 rulemaking proposal and the 2005 Guide, the USEPA has stressed coordination and cooperation between neighboring jurisdictions. The 2001 proposal includes a requirement for satellite communities to either be covered by the rules and regulations of the POTW National Pollutant Discharge Elimination System (NPDES) permit, or to obtain individual

NPDES permits of their own. This would require each of the LOTT partner jurisdictions to develop and maintain SSOERP's, or integrate their system into the LOTT SSOERP; and

WHEREAS, mutual assistance and cooperation among LOTT and LOTT's four partners will provide a higher level of service to all the customers in each respective service area. It will help limit the extent and potentially damaging effects of sanitary sewer overflows to property and human health. It will allow for a coordinated response to the adverse impact of natural disasters and events, such as earthquake and storms, on the proper function of either party's sewer collection and transmission system. In particularly sensitive areas, the team approach can make a difference in limiting sanitary sewer overflow impacts on wildlife, natural resources, and the local economy. Finally, an increased level of assistance and cooperation will limit reliance on Contractor support during the initial containment phase of a sanitary sewer overflow, allowing a measured allocation of financial resources.

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the form of Interlocal Agreement between the Cities of Olympia, Lacey, and Tumwater, and the LOTT Clean Water Alliance for sanitary sewer emergency response mutual aid and the terms and conditions contained therein.
2. The Interim City Manager is authorized and directed to execute on behalf of the City of Olympia, the Interlocal Agreement, and any other documents necessary to execute said Agreement, and to make any minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY