

BWD & Fay P Agreement

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RESOLUTION NO. 59-06

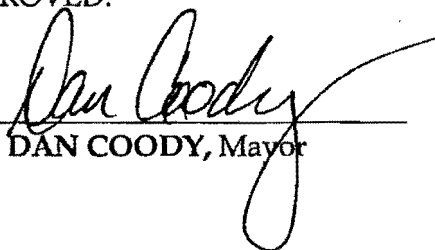
**A RESOLUTION APPROVING AN AGREEMENT
BETWEEN THE CITY OF FAYETTEVILLE AND THE
BEAVER WATER DISTRICT FOR PROTECTION OF
THE BEAVER LAKE WATERSHED.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

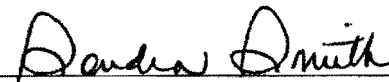
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Agreement between the City of Fayetteville and the Beaver Water District for protection of the Beaver Lake watershed. A copy of the Agreement, marked Exhibit "A," is attached hereto and made a part hereof.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk



Agreement between
Beaver Water District and the City of Fayetteville
for the
Protection of the Beaver Lake Watershed

The City of Fayetteville (the City), and Beaver Water District (BWD) both recognize that protection of the region's water supply is of extreme importance to Northwest Arkansas. The purpose of this agreement is to achieve a net reduction of the load of Total Phosphorus (TP) into Beaver Lake. The City has for several years taken a proactive role in minimizing discharge of pollutants, especially phosphorus, into both the White and the Illinois Rivers. Because it is the sole source of drinking water for all of Northwest Arkansas, the City recognizes that the quality of water in this resource must be protected. Also recognizing the need to protect the source water for the region, BWD has implemented a proactive source water protection program emphasizing reduction of the load of nutrients and sediments into the Lake. Recognizing that there are both point sources and nonpoint sources within the watershed both parties agree that there are substantial opportunities to protect Beaver Lake through nonpoint source pollution reduction projects.

The City of Fayetteville has proposed modifications to the Noland Wastewater Treatment Plant. These modifications will result in a doubling over time of the discharge of treated effluent into the White River, a tributary of Beaver Lake. Because of concerns over increases in nutrient loading into Beaver Lake the Arkansas Department of Environmental Quality has proposed a discharge limit for total phosphorus on the City's NPDES Permit of 0.5 mg/l, a reduction from the City's current limit of 1 mg/l. Recognizing that the City has a track record of maintaining the concentration of treated effluent below 0.5 mg/l and that the more stringent limit of 0.5 mg/l would cause significant additional costs to the city, BWD and the City have proposed a series of actions that will allow the City to maintain its current NPDES discharge limit of 1 mg/l TP in exchange for the City conducting a program to reduce nonpoint source loadings of TP within the watershed. In essence, the agreement is based on the City's and BWD's commitment to show reductions of TP from nonpoint sources sufficient to offset the increased loading from the treatment plant allowed by the more liberal NPDES limit.

In order to accomplish the stated objective, the following actions have been agreed to by both parties.

- Both parties have agreed that the hiring of a nationally recognized consultant for the express purpose of preparing a nutrient reduction plan for the city will be the first task to be accomplished within 180 days of the effective date of this agreement. The nutrient reduction plan will evaluate sources of phosphorus within the Beaver Lake watershed and the City of Fayetteville including both point and nonpoint sources. The plan will then identify actions that may be taken to reduce the TP load from nonpoint sources, the potential TP load reductions from those actions, and methods for documenting that the reduction is achieved through modeling or monitoring. Finally, the plan will evaluate the potential of

successfully meeting the stated goal of this agreement on watershed protection through nonpoint source TP management. The consultant contract will be the responsibility of the City. A representative of Beaver Water District will be appointed to serve on the City's selection committee for the consultant.

- The City will optimize operation of the Noland Treatment Plant to achieve effluent discharge at or below 0.5 mg/l TP on an annual average.
- The allowable annual load of TP discharged to the White River should be no more than 9.49 tons.
- The allow load of TP from July 1 – October 31 of each year will be no more than 2.85 tons.
- The average daily load of TP from July 1 – October 31 will be no more than 46.7 lbs. The maximum daily load of TP from the plant during the July 1 – October 31 period will be no more than 93.4 lbs (11.2 MGD*1mg/l*8.34 lbs/gal).
- The City, in concert with its consultant, will review city codes and ordinances for opportunities to improve nonpoint source controls. Examples of revisions that may be possible are requiring dedication of FEMA floodway as riparian buffer easement, encouraging use of riparian areas in fulfillment of greenspace requirements, requiring storm-water treatment facilities, and requiring pervious pavement in critical areas.
- The City will report monthly to BWD the discharged loads of TP from the Noland Treatment Plant.
- The City initially agrees to use \$200,000 per year for implementing nonpoint source reduction projects. This figure will be renegotiated after completion of the consultants report on potential actions and reductions.
- No less than seventy-five percent of the funds expended toward this agreement will be new funding or existing funding modified to address nonpoint source TP reduction. "In-kind" contributions will not be counted toward the total, unless those contributions directly address nonpoint source TP reduction and are above and beyond current activities of the City.
- Both parties are encouraged to seek other sources of funding to leverage the expenditures made in implementing this agreement.
- BWD is currently expending in excess of \$200,000 annually in its watershed protection program through watershed and in-lake monitoring and modeling, public awareness, information/education, land acquisition, and policy development. BWD will continue to fund its source water protection program at a minimum of the current level for the life of this agreement.
- BWD will formally request the City create a stormwater management utility under existing state law. Said stormwater utility shall put in place a fee-based system that will be used as appropriate to fund projects to reduce nonpoint source pollution within the city.
- BWD will continue to work with other jurisdictions within the Beaver Lake watershed with the intent of implementing a watershed wide comprehensive source water protection plan. The City and BWD will meet quarterly to review progress made by both parties in achieving the goals of this agreement.

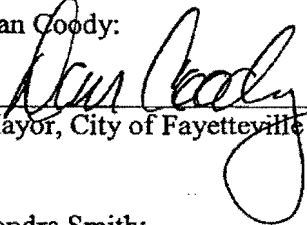
Both parties recognize that, at certain times extreme environmental conditions will make it impossible to meet some or all of the agreements stipulated in the agreement.

This agreement shall be in effect for a period of five years from the effective date of the agreement.

While it is not the intent of this document to specify actions that are to be taken in fulfillment of the agreement, the following are examples of projects that may be undertaken:

- Secure developmental control of riparian buffers in the City along the White River and tributaries. Such control may be through conservation easements or fee simple ownership.
- Restoration of degraded stream reaches within the City of Fayetteville area in the White River watershed.
- Protection of native wetlands within the City of Fayetteville located within the White River watershed.
- Upgrade storm-water facilities in existing developments with post development practices including storm-water retrofits and elimination of illicit discharges.
- Require repair of failing septic systems or connection to publicly owned treatment works when legally accessible.
- Sponsoring group specific information/education programs for homeowners, commercial property owners, engineers, contractors, developers, builders, landscape contractors etc. on reduction of nonpoint source pollution with an emphasis on nutrient control.

Dan Goody:

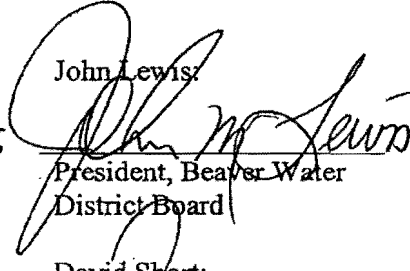


Mayor, City of Fayetteville

Date

3/27/06

John Lewis:

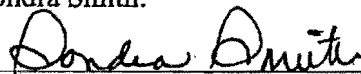


President, Beaver Water District Board

Date

3.27.2006

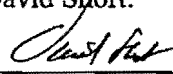
Sondra Smith:



City Clerk, City of Fayetteville

3/27/06

David Short:



Secretary, Beaver Water District Board

3/27/06

