



Agenda Item:

53

## **COUNCIL COMMUNICATION City Manager's Office**

### **GENERAL INFORMATION**

Agenda Date: 03/28/05

Communication

No.: 05-146

Agenda Item Type: Resolution

Roll Call No.:

Submitted by: William G. Stowe, Public Works Director

### **SUBJECT—**

Approving employment of Hall & Associates to consult and perform services related to the City of Des Moines NPDES permit.

### **SYNOPSIS—**

Employ Hall & Associates (Suite 203, 1101 15th Street NW, Washington, D.C. 20005-5004, John C. Hall, President) for the purpose of consultation and representation of the City regarding the issuance of total maximum daily loads (water quality) by the Iowa Department of Natural Resources (IDNR) and the U. S. Environmental Protection Agency for designated rivers, streams, and other water bodies within the City of Des Moines.

### **FISCAL IMPACT—**

The fees for such services provided by Hall & Associates would be allocated between the City and the WRA, as appropriate, and such consultation and representation shall be provided on the basis of a fee of not to exceed \$250 per hour, with not more than 100 hours of representation to be provided, for a total fee of not more than \$25,000, without further Council approval. This service will be funded from EN301, PWK0077001. This line item is contractual services and is budgeted at \$384,644.

### **RECOMMENDATION—**

Approval

**BACKGROUND—**

Hall & Associates was employed in 2003 to serve as special legal counsel for the City of Des Moines in dealing with the IDNR regarding the National Pollution Discharge Elimination System (NPDES) permit for the Wastewater Reclamation Authority. On December 20, 2004, pursuant to Roll Call No. 04-2791, this City Council approved the retention of Hall & Associates to assist the City with regard to watershed impairment issues potentially affecting the City's MS-4 (Storm Water Discharge) NPDES Permit. The IDNR recently issued Total Maximum Daily Limits (TMDLs) for both Yeader Creek and Easter Lake in Des Moines, and will, over the course of the next two years, issue TMDLs for other water bodies, rivers and streams, including the Des Moines River, the Raccoon River and Walnut Creek. The TMDL that will be issued for the Des Moines River has the potential to significantly impact both the WRA's NPDES Permit for the Wastewater Reclamation Facility (WRF) and the City's MS-4 (Storm Water Discharge) NPDES Permit, thus increasing the required level of effort and cost to the WRA and the City in complying with the requirements of said NPDES Permits.