

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 5, 2009

TO: The Honorable Jeff Danner, Chair, and Members of City Council

SUBJECT: Authorizing the Mayor or his designee to execute a Declaration of Intent, as a participant of the Tampa Bay Nitrogen Management Consortium, to implement the 2009 Tampa Bay Reasonable Assurance Addendum to ensure continuing recovery of the Tampa Bay Estuary. (Engineering Project No. 05105-110)

EXPLANATION: On January 8, 1998, City Council approved an Interlocal Agreement for the implementation of the Comprehensive Conservation and Management Plan (CCMP) of the Tampa Bay National Estuary Program. The Interlocal Agreement recognized the establishment of the Tampa Bay Nitrogen Management Consortium, for the express purpose of cooperatively developing an Action Plan to meet nitrogen reduction/management goals for Tampa Bay. The Consortium consists of public and private partners, listed on the attachment. On August 20, 1998, City Council authorized the Mayor to sign a resolution of the Tampa Bay Nitrogen Management Consortium, adopting the 1995-1999 Nitrogen Management Action Plan and committing to its implementation.

In November 2002, the Florida Department of Environmental Protection (FDEP) concluded that the Action Plan was providing reasonable assurances that nitrogen reduction targets for Tampa Bay would be met. However, the US Environmental Protection Agency (EPA) has continued to recognize a 1998 proposal by FDEP that proposed total annual maximum loading of nitrogen that could be discharged to the bay. The FDEP's Reasonable Assurance determination and the FDEP's proposed total maximum load of nitrogen are both based upon data collection, analysis, and statistical modeling performed by the Estuary Program and its partners. The EPA is requiring that the Reasonable Assurance Plan be updated to reflect members' nitrogen reduction projects and to provide documentation supporting the members' nitrogen reductions. In response to this requirement, and in keeping with the prior successful cooperative efforts of the Consortium, the Consortium developed the 2009 Reasonable Assurance Plan Addendum. The Addendum was approved by the Consortium on September 11, 2009 and submitted the FDEP and EPA for their review.

Administration recommends authorizing the Mayor or his designee to execute a Declaration of Intent, as a participant of the Tampa Bay Nitrogen Management Consortium, to implement the 2009 Tampa Bay Reasonable Assurance Addendum to ensure continuing recovery of the Tampa Bay Estuary, and contribute up to \$6,000 in Cooperative Funding to support this effort.

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Stormwater Utility Operating Fund (4011).

ATTACHMENTS: Resolution, List of Consortium Partners

A copy of the Tampa Bay Nitrogen Management Consortium Declaration is attached, however, "Exhibit A", Final 2009 Reasonable Assurance Addendum: Allocation & Assessment Report, has been provided to the council office and a copy is available at: www.tbepetech.org/NitrogenMgmtConsort/NMCHomePage.html

APPROVALS:
cf


TBG Administrative


D.J. Fulk 10/21/09
Budget

RESOLUTION NO. 2009-__

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE, AS A PARTICIPANT IN THE TAMPA BAY NITROGEN MANAGEMENT CONSORTIUM, A DECLARATION OF INTENT TO IMPLEMENT THE 2009 TAMPA BAY REASONABLE ASSURANCE ADDENDUM TO ENSURE CONTINUING RECOVERY OF THE TAMPA BAY ESTUARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 20, 1998, City Council authorized the Mayor to sign a resolution of the Tampa Bay Nitrogen Management Consortium, adopting the 1995 - 1999 Nitrogen Management Action Plan and committing to its implementation; and

WHEREAS, in July 2002, the Tampa Bay Estuary Program and the Tampa Bay Nitrogen Management Consortium submitted the 2002 Tampa Bay Reasonable Assurance document to the Florida Department of Environmental Protection to summarize the nitrogen management plan developed for Tampa Bay; and

WHEREAS, in November 2002, the Florida Department of Environmental Protection concluded that the Action Plan was providing reasonable assurances that nitrogen reduction targets for Tampa Bay would be met; and

WHEREAS, the Tampa Bay Nitrogen Management Consortium approved the 2007 Update to Reasonable Assurance Document on December 20, 2007; and

WHEREAS, the 2007 Reasonable Assurance Document was to be followed by a 2009 Reasonable Assurance Document to be submitted to the Florida Department of Environmental Protection before July 31, 2009; and

WHEREAS, in January 2008, the City Council pledged to participate in the 2009 Update of the Reasonable Assurance Document, and contributed up to \$5,000 for funding the Assessment and Allocation Report; and

WHEREAS, the City declares its intent to implement the 2009 Tampa Bay Reasonable Assurance Addendum, and contribute up to \$6,000 in funding for the Addendum.

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute a Declaration of Intent, to implement the 2009 Tampa Bay Reasonable Assurance Addendum to ensure continuing recovery of the Tampa Bay Estuary.

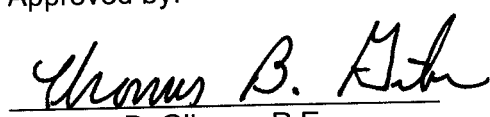
This resolution shall become effective immediately upon its adoption.

Approved by:


Legal Department

By: (City Attorney or Designee)

Approved by:


Thomas B. Gibson, P.E.

Engineering Director

**TAMPA BAY NITROGEN MANAGEMENT CONSORTIUM
DECLARATION OF COOPERATION**

1. Agricultural Economic Development Council, Hillsborough County
2. CF Industries
3. City of Bradenton
4. City of Clearwater
5. City of Gulfport
6. City of Lakeland
7. City of Largo
8. City of Mulberry
9. City of Oldsmar
10. City of Palmetto
11. City of Plant City
12. City of St. Petersburg
13. City of Tampa
14. CSX Transportation
15. Eastern Associated Terminals Company, LLC
16. Florida Department of Agriculture & Consumer Services
17. Florida Department of Transportation
18. Hillsborough County
19. Kinder Morgan Bulk Terminals, Inc.
20. MacDill Air Force Base
21. Manatee County
22. Mosaic Company
23. Pinellas County
24. Polk County
25. Tampa Bay Water
26. Tampa Electric Company
27. Trademark Nitrogen
28. Tropicana Products, Inc.
29. United States Environmental Protection Agency
30. Yara North America
31. City of Pinellas Park
32. City of Safety Harbor
33. City of Temple Terrace
34. Kerry I&F Contracting
35. Pasco County
36. Tampa-Hillsborough Expressway Authority
37. City of Zephyrhills

TAMPA BAY NITROGEN MANAGEMENT CONSORTIUM BACKGROUND AND SUMMARY IN SUPPORT OF DECLARATION

SUSTAINING THE RECOVERY OF THE TAMPA BAY ESTUARY

From the uppermost reaches of Old Tampa Bay and Hillsborough Bay to the mouth of the bay at Egmont Key, the Tampa Bay estuary is made up of a variety of habitats where fish and other wildlife find shelter and food. They range from lush underwater beds of seagrasses, to tidal marshes and mangrove swamps. Abundant and healthy habitats are critical to the health of the bay. Without them, Tampa Bay would lack the diversity of fish, birds and other wildlife that contribute to the natural wonder of the region and is essential to its economic vitality.

Submerged seagrass is among the most important habitats because it serves as shelter, nursery, and food source for a diverse variety of species and stabilizes the bay bottom. Restoration of seagrass habitat is a priority environmental goal of local government and agency partners of the Tampa Bay Estuary Program. The key to restoring seagrass is improving and then maintaining adequate water clarity that allows light to penetrate into the shallow waters of the bay where seagrasses grow. And the key to maintaining water clarity is preventing excessive nitrogen – a nutrient necessary for plant growth – from entering the bay and stimulating the growth of microscopic algae that cloud the water and prevent light from reaching the seagrasses.

Water clarity in Tampa Bay declined markedly in the 1950s, 60s, and 70s as rapid population growth led to increased discharges of partially treated sewage with large amounts of nitrogen. Algae blooms and fish kills were common and almost 50% of seagrass in the bay died off as a result of insufficient light. Unregulated dredge and fill operations contributed to the problem by further clouding the water.

The year 1979 marked a turning point in the condition of the bay when the City of Tampa upgraded the Howard F. Curren Plant at Hookers Point to advanced wastewater treatment, which increased nutrient removal and sharply reduced the amount of nitrogen being discharged into the bay. Across the bay, the City of St. Petersburg pioneered the country's first large-scale reclaimed wastewater program, reclaiming water for irrigation of lawns and golf courses rather than discharging it into the bay.

The quality of bay waters responded quickly to the sharp reduction in nitrogen loading. Concentrations of chlorophyll – an indicator of the amount of algae suspended in the water – dropped dramatically in all major segments of the bay between 1982 and 1984. In Hillsborough Bay alone, the average chlorophyll concentrations fell from 37 units of chlorophyll in 1982 to 13 units in 1984. Seagrasses responded more slowly to the improving water clarity, but expanded to 25,200 acres by 1990 from a low point of 21,600 acres in 1982. Seagrass recovery has continued, and seagrasses in 2008 covered 29,650 acres baywide.

Final NMC Approved Tampa Bay Nitrogen Management Consortium Declaration 9/11/09

The Tampa Bay National Estuary Program (NEP) was established in 1991 to help local governments, agencies, and other stakeholders in the Tampa Bay area develop a plan to sustain the recovery of Tampa Bay. The NEP partners adopted a Comprehensive Conservation and Management Plan in December 1996 that included measurable goals for restoring seagrasses and related targets for reducing nitrogen discharges to the bay. The parties unanimously adopted a “hold the line” target on nitrogen discharges that capped the load at a level that would ensure adequate water clarity and light to sustain seagrass recovery. Local government and agency partners in the NEP reinforced their commitment to achieving the goals through an Interlocal Agreement adopted in 1998.

In August 1996, the NEP’s governmental partners joined with key industries in the Tampa Bay region to create a unique ad-hoc public/private partnership known as the Tampa Bay Nitrogen Management Consortium for the express purpose of developing a Consortium Action Plan to meet the “hold the line” target. The original Action Plan consisted of more than 100 projects that collectively reduced or precluded nitrogen discharges to the bay by an estimated 134 tons/year between 1995 and 1999. The Action Plan, entitled *Partnership for Progress*, was the core of a larger nitrogen management strategy that included: the baywide seagrass restoration/preservation goal; chlorophyll and nitrogen reduction targets for each major bay segment; apportionment of responsibility for meeting the nitrogen reduction targets; and a process to track whether the targets were being met.

In November 2002, the Florida Department of Environmental Protection (FDEP) concluded that the Tampa Bay Nitrogen Management Consortium’s nitrogen management strategy provided reasonable assurance that the state water quality criteria for nutrients would be met. The U.S. Environmental Protection Agency (EPA) in the meantime continues to recognize a 1998 action by FDEP that proposed a total maximum load (“federally-recognized TMDL”) of nitrogen that could be discharged to the bay annually and still meet state water quality standards related to nutrients. Both FDEP’s reasonable assurance determination and the total maximum nitrogen loading recognized by EPA are based on statistical modeling and data analyses done by the Tampa Bay Estuary Program and its partners.

In 2007, additional local governments, industries and agencies located within the Tampa Bay watershed were invited to become participants in the Consortium, to help develop and implement a collaborative watershed approach to nitrogen management for Tampa Bay and to meet regulatory requirements of FDEP and EPA. A total of 49 entities now actively participate in the Consortium. Additional background on the history of the Tampa Bay nitrogen management strategy can be found in Exhibit “A”.

The remarkable recovery of the Tampa Bay ecosystem after decades of decline is unprecedented among urban estuaries worldwide. The rebound in water quality and ecological health of the bay is even more remarkable in light of the strong population growth during the recovery period. FDEP, EPA, and the Consortium want to continue the success of the collaborative nitrogen management strategy spearheaded by the Consortium. At the same time the regulated members

Final NMC Approved Tampa Bay Nitrogen Management Consortium Declaration 9/11/09

of the Consortium recognize the duties of FDEP and EPA to administer the environmental regulations for which they are responsible and that FDEP and EPA have indicated they may not issue discharge permits without limitations that ensure compliance with the total maximum nitrogen load recognized by EPA.

In 1998, USEPA approved a Total Maximum Daily Load (TMDL) for nitrogen for Tampa Bay as is required by Section 303(d) of the federal Clean Water Act. In 2007, USEPA and FDEP advised the Nitrogen Management Consortium that existing and future surface water discharge permit limits for entities discharging to Tampa Bay must not cumulatively exceed the federally-recognized TMDL for nitrogen loading, and that no new or renewed permits would be approved until facility-specific allocations consistent with the TMDL were developed. In December 2007, the Nitrogen Management Consortium proactively committed to develop an equitable process and define suggested allocations to all sources through the 2009 Tampa Bay Reasonable Assurance Addendum.

To help ensure continued recovery of vital seagrass habitat and the successful nitrogen management strategy that makes it possible, local governments, agencies, and industry participants of the Nitrogen Management Consortium worked together over 18 months to provide FDEP with an updated reasonable assurance document, ensuring that state water quality criteria for nutrients will continue to be met in the bay. The participants developed a set of nitrogen wasteload allocations that attempts to equitably distribute the burden of nitrogen management across all sectors and sources of nitrogen loading within the basin, as well as the total maximum loading of nitrogen to each major bay segment.

DECLARATION OF THE TAMPA BAY NITROGEN MANAGEMENT CONSORTIUM

PARTICIPANTS IN THE TAMPA BAY NITROGEN MANAGEMENT CONSORTIUM
DECLARE THEIR INTENT TO IMPLEMENT THE 2009 TAMPA BAY REASONABLE
ASSURANCE ADDENDUM AS FOLLOWS TO ENSURE CONTINUING RECOVERY OF
THE TAMPA BAY ESTUARY:

The undersigned Consortium participant hereby accepts the 2009 Tampa Bay Reasonable Assurance Addendum and agrees with the undersigned Consortium participant's nitrogen load allocations established by the Consortium for the 2008-2012 Reasonable Assurance period (as described in Exhibit "A").

This Declaration shall take effect as to the undersigned Consortium participant executing this document upon its date of execution.

Final NMC Approved Tampa Bay Nitrogen Management Consortium Declaration 9/11/09

The undersigned entity hereby approves the TAMPA BAY NITROGEN MANAGEMENT CONSORTIUM Declaration and attachments.

Attested this date: _____

Authorized by: _____

Signature: _____

Title: _____

Witnessed by: _____

EXHIBIT "A"

[Final 2009 Reasonable Assurance Addendum: Allocation & Assessment Report]

**DUE TO THE VOLUME OF THIS ADDENDUM, A COPY HAS BEEN PROVIDED TO
THE COUNCIL OFFICE AND A COPY IS AVAILABLE AT:
www.tbepotech.org/nitrogenmgmtconsort/nmchomepage.html**