

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 8  
Filed: 11-22-16

Sponsored by: Fulnecky

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 282

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to execute a Memorandum of  
2 Understanding between the City of Springfield, Missouri, City Utilities  
3 of Springfield, Missouri, Greene County, Missouri, and the Missouri  
4 Department of Natural Resources, to cooperate and partner in  
5 identification of pollutant sources that could impact Jordan Creek,  
6 Wilson Creek, and Pearson Creek, consistent with the Springfield-  
7 Greene County Integrated Plan and to do all things necessary to carry  
8 out the intent and purposes of the Memorandum of Understanding by  
9 and between the foregoing.

10 \_\_\_\_\_

11  
12 WHEREAS, there are a significant number of scientific and technical  
13 complexities and uncertainties in identifying the potential pollutants causing impairments  
14 to Jordan Creek, Wilson Creek and Pearson Creek, which are on Missouri's 2016  
15 303(d) list of impaired waters; and

16  
17 WHEREAS, Missouri Department of Natural Resources ("MDNR") has the  
18 federally-delegated responsibility to identify potential pollutants and develop a Total  
19 maximum Daily Load ("TMDL") of the pollutant for the three creeks; and

20  
21 WHEREAS, MDNR, the City, City Utilities ("CU") and Greene County ("County"),  
22 agree it would be in the best interest of all concerned to work together to prioritize the  
23 TMDL development, while using the citizen-focused Integrated Plan ("IP") approach to  
24 identify and address impairments through research, prioritization of pollutant sources,  
25 analysis of solutions and development of an action plan and schedule that takes into  
26 account environmental, social and economic benefits and community affordability.

27  
28 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
29 SPRINGFIELD, MISSOURI, as follows, that:

30  
31 Section 1 – The City Manager, or his designee, is hereby authorized to enter into  
32 a Memorandum of Understanding ("MOU") with MDNR, said MOU to be substantially in

33 the form and content as that document attached hereto and incorporated herein by  
34 reference as "Exhibit A."

35  
36 Section 2 – This Ordinance shall be in full force and effect from and after  
37 passage.

38  
39 Passed at meeting: \_\_\_\_\_

40  
41 \_\_\_\_\_  
42 Mayor

43  
44 Attest: \_\_\_\_\_, City Clerk

45  
46 Filed as Ordinance: \_\_\_\_\_

47  
48 Approved as to form: *John Millington*, Assistant City Attorney

49  
50 Approved for Council action: *Greg B...*, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 282**

FILED: 11-22-16

ORIGINATING DEPARTMENT: Environmental Services

**PURPOSE:** To authorize the City Manager, or his designee, to execute a Memorandum of Understanding between the City of Springfield, Missouri, City Utilities of Springfield, Missouri, Greene County, Missouri, and the Missouri Department of Natural Resources, to cooperate and partner in identification of pollutant sources that could impact Jordan Creek, Wilson Creek, and Pearson Creek, consistent with the Springfield-Greene County Integrated Plan and to do all things necessary to carry out the intent and purposes of the Memorandum of Understanding by and between the foregoing.

**BACKGROUND INFORMATION:** Section 303(d) of the federal Clean Water Act requires that each state identify waters not meeting water quality standards, otherwise known as the 303(d) list of impaired waters. MDNR has the federally-delegated responsibility to identify potential pollutants causing impairments and ensure the impairments are addressed through development of a Total Maximum Daily Load ("TMDL") of pollutants, or by other approved control measures. Jordan Creek, Wilson Creek, and Pearson Creek are on Missouri's 2016 303(d) list of impaired waters. There are a significant number of scientific and technical complexities and uncertainties regarding the cause of impairments to these waterways. The proposed MOU will allow the City, CU, and Greene County to use its citizen-focused integrated planning approach to address these impairments through research and prioritization of pollutant sources, analysis of solutions, and development of an action plan and schedule that takes into account environmental, social, and economic benefits and community affordability. MDNR will provide technical assistance and will prioritize TMDL development for the three water bodies as a low priority while this integrated planning approach is pursued.

Supports the following Field Guide 2030 goal(s): Chapter 8 Natural Environment; Major Goal 16: Maintain or restore the pre-development hydrology of our watersheds and protect our waterways from pollution.

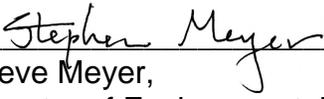
**REMARKS:** The Department of Environmental Services recommends approval of this Council bill.

Submitted by:

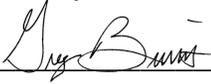


Errin Kemper,  
Assist. Director of Environmental Services

Recommended by:

  
\_\_\_\_\_  
Steve Meyer,  
Director of Environmental Services

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

**Exhibit A**

MEMORANDUM OF UNDERSTANDING  
BY AND BETWEEN  
CITY OF SPRINGFIELD, CITY UTILITIES OF SPRINGFIELD, GREENE COUNTY AND  
MISSOURI DEPARTMENT OF NATURAL RESOURCES  
REGARDING  
WATER QUALITY IMPROVEMENTS FOR WILSONS, JORDAN, AND PEARSON CREEKS IN  
THE UPPER AND MIDDLE JAMES RIVER WATERSHEDS

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into this 18<sup>th</sup> day of October, 2016, between the City of Springfield, Missouri, hereinafter "City", City Utilities of Springfield, Missouri, hereinafter "CU", Greene County, Missouri, hereinafter "Greene County", and Missouri Department of Natural Resources, hereinafter "MDNR."

WHEREAS, the citizens and leadership of the Springfield-Greene County region recognize the importance of quality environmental stewardship and are committed to preserving, protecting, and improving the valuable natural resources of our region; and

WHEREAS, the US Environmental Protection Agency (EPA) has delegated the responsibility and authority to the state regulatory agency, MDNR, to identify the potential pollutant, then develop and implement a total maximum daily load (TMDL) of the pollutant for streams appearing on the 303(d) list; and

WHEREAS, MDNR seeks to ensure appropriate creation of TMDLs or approved control measures where necessary for waters within the State of Missouri, and implement solutions to water quality concerns through its continuing planning process, the permitting process, the watershed approach, and other mechanisms; and

WHEREAS, the City, CU, and Greene County are interested and concerned with several water bodies listed on the Missouri's EPA-approved 2016 Section 303(d) list of impaired water bodies, namely Jordan Creek, Wilsons Creek, and Pearson Creek; and

WHEREAS, in June 2012, EPA published its integrated plan concept in a Memorandum titled "Integrated Municipal Stormwater and Wastewater Planning Approach Framework", proposing and encouraging an integrated planning approach to prioritizing and addressing environmental concerns in a community; and

WHEREAS, the City, CU, and Greene County have, with EPA and MDNR acknowledgement and approval, developed the Springfield-Greene County Integrated Plan for the Environment (IP) to prioritize community investments in environmental protection to ensure that community resources are directed toward managing environmental issues using the most effective solutions to address the most significant problems in a way that is affordable to Springfield and Greene County citizens; and

WHEREAS, MDNR supports integrated planning for local governments and has a framework that encourages the use of sustainable and comprehensive solutions that protect human health, improve water quality and support other economic benefits and quality of life attributes; and

WHEREAS, MDNR and the City, CU, and Greene County are cooperating and partnering to investigate and pursue identification of specific pollution sources impacting Jordan Creek, Wilson's Creek, and Pearson Creek, consistent with the Springfield-Greene County Integrated Plan; and

WHEREAS, there are a significant number of scientific or technical complexities and uncertainties regarding beneficial use attainment within Jordan Creek, Wilson's Creek, and Pearson Creek, where additional data acquired through sampling or modeling may be appropriate. The Springfield-Greene County Integrated Plan affords an opportunity to collaboratively examine a number of potential actions to improve water quality in these streams; and

WHEREAS, all parties seek to promote partnerships and foster collaboration between the City, CU, Greene County, and MDNR that is in the best interest of the citizens of Springfield and Greene County and their environment, and maximizes the resources of the City, CU, Greene County, MDNR and the State of Missouri.

NOW, THEREFORE, the parties hereto enter this MOU for the purpose of, and in consideration of, the mutual covenants and promises as follows:

1. City agrees to develop a watershed restoration approach to address specific impairments in Jordan Creek, Wilson's Creek, and Pearson Creek, for purposes of addressing the EPA-approved 2016 303(d) listings, consistent with the City's Integrated Plan, which will include:
  - a. Research into the current state of the Upper and Middle James River watersheds to support identification of factors contributing to water quality issues and identify the best, most effective combination of solutions.
  - b. An overall priority list of key pollutant sources in our region and their relative impact on overall environmental quality. While not a comprehensive list of sources, this list will indicate the relative impact of the potential pollutant sources that are suspected to contribute to the suspected impairments mentioned above.
  - c. An analysis of possible solutions to address the suspected impairments indicated above. This analysis will take into account the environmental, social, and economic benefits of each solution to ensure that any proposed solution will provide optimum benefits for the Springfield-Greene County community and the environment.
  - d. An analysis of how the Springfield-Greene County community prioritizes the environmental resources affected by the suspected impairments indicated above. This analysis will be based on stakeholder input and will inform any potential environmental investments to ensure that the community is giving preference to areas that are important to Springfield and Greene County citizens.

- e. A community affordability analysis of potential solutions that will address, at a minimum, the following key parameters:
    - i. Cost to citizens across a broad spectrum of social and economic conditions as well as a comparison of these data in the context of the State of Missouri as a whole;
    - ii. Cost to businesses as well as the overall ability of the region to attract and maintain businesses;
    - iii. Cost to the Springfield-Greene County community as a whole, in light of the community-wide competition for resources;
    - iv. Environmental and associated economic benefits to be achieved by the expenditure.
  - f. A knowledge-based Action Plan to address the prioritized pollution sources and water quality improvement opportunities, including:
    - i. specific actions to be pursued by the City, CU, and Greene County,
    - ii. a schedule of actions with interim milestones and target dates,
    - iii. identification of funding opportunities to implement the Action Plan,
    - iv. identification of additional parties to participate in the Action Plan,
    - v. monitoring plans to evaluate water quality improvements and plan outcomes, and
    - vi. a scientifically guided adaptive management process for improving the Action Plan based upon effectiveness, as monitored or modeled.
2. The City further agrees to provide a biennial progress report to MDNR during the comment period associated with the 303(d) listing process to support MDNR's development of its 305(b) Integrated Report.
3. MDNR agrees to work in cooperation with City, CU, and Greene County to focus on the Jordan Creek, Wilsons Creek, and Pearson Creek watersheds, utilizing the approved Integrated Planning approach as follows:
- a. Provide technical assistance to City, CU, and Greene County for monitoring and analyzing physical, chemical, and biological data for assessing beneficial use attainment and plan effectiveness;
  - b. Provide technical assistance to document and identify the appropriate pollutants of concern, focusing on the watershed restoration approach;
  - c. Prioritize Total Maximum Daily Load development as a low priority for the waterbodies included within the watershed restoration and IP approach; and
  - d. Assign waterbodies included within the watershed restoration and IP approach to Category 5-Alternative or 4B within Missouri's 305(b) Integrated Report after MDNR approval of the watershed restoration and IP approach and if beneficial use impairments are conclusively determined.

SO AGREED AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

CITY OF SPRINGFIELD, MISSOURI

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Greg Burris, City Manager

BY: \_\_\_\_\_  
Assistant City Attorney

GREENE COUNTY, MISSOURI

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

CITY UTILITIES OF SPRINGFIELD,  
MISSOURI

BY: \_\_\_\_\_

APPROVED AS TO FORM:

BY: \_\_\_\_\_

Signatures certified by:

\_\_\_\_\_

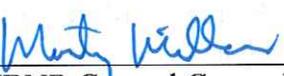
APPROVED AS TO FORM:

BY: \_\_\_\_\_

MISSOURI DEPARTMENT OF NATURAL  
RESOURCES, Division of Environmental  
Quality

BY:   
Leanne Tippet Mosby, Director

APPROVED AS TO FORM:

BY:   
MDNR General Counsel