

COUNCIL ACTION FORM

SUBJECT: CONTINUATION OF OUTSIDE CONSULTING SERVICES FOR WATER POLLUTION CONTROL PLANT NPDES PERMIT APPEAL

BACKGROUND:

In June 2010, the Water and Pollution Control Department entered into a consulting agreement with Hall and Associates of Washington, D.C. to provide assistance related to the "draft" NPDES permit for the Water Pollution Control Facility. After the permit was issued as "final" by the Iowa Department of Natural Resources, Council authorized a continuation of the services by Hall and Associates to assist in preparing an administrative appeal of the terms of the permit. The original agreement authorized by staff was \$10,000, with an additional \$35,000 authorized by Council.

The city's legal representative in the appeal is the City Attorney. Hall & Associates is providing regulatory and technical support for the appeal. Due to the complexity of the appeal and the level of assistance needed from Hall and Associates, the currently authorized funds have been expended. Additional work is needed from Hall and Associates to prepare technical reports in support of the city's appeal and to appear at the administrative hearing as an expert witness. Staff is recommending that an additional \$30,000 be authorized for a continuation of the arrangement with Hall and Associates through the administrative hearing. The need for additional assistance beyond that point will depend on the outcome of the hearing.

ALTERNATIVES:

1. Authorize the continuation of outside consulting services in an additional amount not to exceed \$30,000 without prior authorization.
2. Do not authorize the continuation of the outside consulting services.

MANAGER'S RECOMMENDED ACTION:

The appeal of the NPDES permit includes a number of complex technical and regulatory issues, necessitating the continued use of outside subject matter experts. Because Hall and Associates has been closely involved in the permit appeal to date, continuation of its services is important to protect the city's interests. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a continuation of the outside consulting services in an additional amount not to exceed \$30,000 without prior authorization.