

DATE: *July 8, 2020*  
TO: Mayor and City Council  
FROM: *[Signature]* Assistant City Manager  
SUBJECT: Memorandum of Agreement:  
Stormwater Monitoring



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RECOMMENDED ACTION

**Approve the Memorandum of Agreement with Gwinnett County for ambient and macroinvertebrate bioassessment data trend monitoring in order to complete the city's watershed management requirements AND to authorize the Mayor to sign the document.**

The Metropolitan North Georgia Water Planning District (Metro District) operates as a planning entity charged with developing comprehensive regional and watershed-specific plans to be implemented by local governments in the Atlanta Metropolitan Area. As such they have developed The Water Resource Management Plan ("Metro District Plan"), dated June 2017, which includes Action Items concerning monitoring the water quality in the streams located within Gwinnett County (Watershed 10; Long-Term Ambient Trend Monitoring, and Watershed 11; Macroinvertebrate Bioassessment).

These action items require local governments to monitor permanent representative stations for water quality indicators or macroinvertebrate bioassessment indicators. The option Gwinnett County and some participating cities is to follow a prescribed methodology from a Georgia EPD-approved Watershed Protection Plan and to share this data within the group.

The proposed agreement provides the cities, the county, and the Metro District the assurance that the cooperative arrangement continues and certain limits on compliance responsibility, liability for errors and omissions that may occur. The agreement is structured with an annual (year to year) term with a 30-day notice provision.

Staff recommends taking advantage of the data sharing arrangement, no-cost provision, and approving the agreement.

*Attachment*

**MEMORANDUM OF AGREEMENT**  
**By and Between The**  
**Cities of Berkeley Lake, Dacula, Duluth, Grayson, Lawrenceville, Lilburn, Norcross,**  
**Peachtree Corners, Snellville, Sugar Hill and Suwanee**  
**And**  
**GWINNETT COUNTY, GEORGIA**  
**TO PROVIDE LONG-TERM AMBIENT TREND MONITORING AND**  
**MACROINVERTEBRATE BIOASSESSMENT MONITORING DATA**

The Cities of Berkeley Lake, Dacula, Duluth, Grayson, Lawrenceville, Lilburn, Norcross, Peachtree Corners, Snellville, Sugar Hill and Suwanee, and Gwinnett County, Georgia hereby enter into an agreement to make the Long-Term Ambient Trend Monitoring Data and Macroinvertebrate Bioassessment Monitoring Data available to the Cities of Berkeley Lake, Dacula, Duluth, Grayson, Lawrenceville, Lilburn, Norcross, Peachtree Corners, Snellville, Sugar Hill and Suwanee.

The Metropolitan North Georgia Water Planning District (Metro District) operates as a planning entity charged with developing comprehensive regional and watershed-specific plans to be implemented by local governments in the Atlanta Metropolitan Area. As such they have developed The Water Resource Management Plan (“Metro District Plan”), dated June 2017, which includes Action Items concerning monitoring the water quality in the streams located within Gwinnett County (Watershed 10; Long-Term Ambient Trend Monitoring, and Watershed 11; Macroinvertebrate Bioassessment). These Action Items require local governments to monitor permanent representative stations for water quality indicators or macroinvertebrate bioassessment indicators. One option for the local governments to meet these Action Items is to follow a Georgia EPD-approved Watershed Protection Plan. Since Gwinnett County has a Georgia EPD-approved Watershed Protection Plan, the County can share this data with any city within Gwinnett County.

By signing this MOA, all parties agree to the following:

- 1) As shown in the Metro District Plan, Action Item Watershed 10, Long-Term Ambient Trend Monitoring; each local government may monitor permanent representative stations consistent with a Georgia EPD-approved Watershed Protection Plan. Any signatory City may request the County’s data from its Georgia EPD approved Watershed Protection Plan and use it to meet the requirements of Item one (1) of Action Item Watershed 10, Long-Term Ambient Trend Monitoring.
- 2) As shown in the Metro District Plan, Action Item Watershed 11, Macroinvertebrate Bioassessment Monitoring; each local government may monitor permanent representative stations consistent with a Georgia EPD-approved Watershed Protection Plan. Any signatory City may request the County’s data from its Georgia EPD approved Watershed Protection Plan and

use it to meet the requirements of Item one (1) of Action Item Watershed 11, Macroinvertebrate Bioassessment Monitoring.

- 3) Gwinnett County is responsible for complying with Metro District requirements as described herein, will make every effort to complete the monitoring as described within the Gwinnett County Watershed Protection Plan. However, if sampling is not performed as described therein, the County will record the reasons for the error and provide to any signatory City the reason the data was not collected upon request. The County and Cities agree that the County cannot be held responsible for any non-compliance attributed to any signatory City by any regulatory agency, and that any non-compliance will remain solely an issue for the signatory City and the particular agency.
- 4) Gwinnett County may occasionally modify the Gwinnett County Watershed Protection Plan. Where such a modification occurs, the County will notify the signatory Cities within thirty (30) days of the EPD's approval of such modifications.
- 5) This MOA shall continue in effect from year-to-year and can be terminated at the will of any signatory party upon thirty (30) calendar days' written notice to the other party.
- 6) This MOA constitutes the entire agreement between the parties as to all matters contained herein. All subsequent changes to this MOA must be in writing and signed by all parties.
- 7) This Memorandum of Agreement by and between Cities of Berkeley Lake, Dacula, Duluth, Grayson, Lawrenceville, Lilburn, Norcross, Peachtree Corners, Snellville, Sugar Hill and Suwanee and Gwinnett County for dissemination of data concerning the Long-Term Ambient Trend Monitoring and Macroinvertebrate Bioassessment Monitoring will become effective this \_\_\_\_ . day of \_\_\_\_\_ 2020.

Signed, sealed and delivered in the presence of:

CITY OF       SUGAR HILL      

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_  
Steve Edwards  
Mayor

\_\_\_\_\_  
Notary Public  
City Clerk

Attest: \_\_\_\_\_  
(Name)

My commission expires:

[NOTARY SEAL]

Signed, sealed and delivered in the presence of:

GWINNETT COUNTY

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_  
Charlotte J. Nash  
Chairman

\_\_\_\_\_  
Notary Public

Attest: \_\_\_\_\_  
Diane Kemp  
County Clerk

My commission expires:

[NOTARY SEAL]

Approved as to Form:

\_\_\_\_\_  
Senior Assistant County Attorney