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ORDINANCE NO._____

An Ordinance approving and authorizing the transfer of ownership of four Combined Sewer Outfall structures and associated infrastructure and access easements to the City of Alexandria, Virginia Sanitation Authority d/b/a Alexandria Renew Enterprises.

WHEREAS, City of Alexandria, Virginia Sanitation Authority d/b/a Alexandria Renew Enterprises ("Alexandria Renew") provides wastewater treatment and conveyance to City residents in accordance with the Sewerage Service Agreement between the City of Alexandria, Virginia Sanitation Authority and the City of Alexandria, Virginia dated 1st day of September, 1954 as amended June 25, 1974 (collectively referred to as the "Service Agreement"). Alexandria Renew owns and operates a treatment plant, interceptor sewers, pump stations and related facilities (referred to herein as the "Authority System" and described as the Sewage Disposal System in the Service Agreement);

WHEREAS, the City owns and operates both a combined sewer system and a separate sanitary sewer collection system (referred to herein collectively as the "City Collection System" and described as the City System in the Service Agreement). Combined Sewer Outfalls (CSO) 001, 002, 003 and 004, and associated control structures shown in Exhibit A ("CSO Outfalls") are currently included in the City Collection System;

WHEREAS, the Virginia Department of Environmental Quality ("VDEQ") has issued Virginia Pollutant Discharge Elimination System ("VPDES") Permit No. VA0087068 to the City ("City VPDES Permit"), including effluent limitations and monitoring requirements, for the City's Combined Sewer System ("CSS"). This VPDES permit requires the City to develop, periodically update, and implement a Long Term Control Plan ("LTCP") to reduce combined sewer overflows;

WHEREAS, VDEQ has issued VPDES Permit No. VA0025160, including effluent limitations and monitoring requirements, and General Permit Registration No. VAN010059 for the Alexandria Renew Enterprises Water Resources Recovery Facility to Alexandria Renew ("Alexandria Renew VPDES Permit");

WHEREAS, The City submitted a LTCP Update ("LTCPU"), as required by its VPDES permit for the City's CSS in 2016 and Alexandria Renew is developing a plan to address sanitary sewer overflows ("SSOs") from the Hooffs Run Junction Chamber as required by the Alexandria Renew VPDES Permit;

WHEREAS, During the 2017 General Assembly a law was enacted accelerating the schedule provided in the Final 2016 LTCPU Report (2017 Va. Acts. Reg. Sess. Ch. 827 (uncodified)) ("2017 CSO Law"). The 2017 CSO Law requires 1) "By July 1, 2023, (the City shall) initiate construction activities necessary to bring the CSO outfalls into compliance; 2) "By July 1, 2025, (the City shall) bring the CSO outfall into compliance with Virginia law, the Federal Clean Water Act, and the Presumption Approach described in the EPA CSO Control Policy, unless a higher level of control is necessary to comply with a TMDL and 3) "The City shall report annually to VDEQ on progress". In addition, the General Assembly required VDEQ

to determine what actions by the City are necessary to attain compliance no later than July 1, 2018;

WHEREAS, the City and Alexandria Renew agree that a global solution is more efficient and that Alexandria Renew is better suited to finance, design, permit, construct, operate, own and maintain such a solution;

WHEREAS, the City and Alexandria Renew agree that Alexandria Renew needs to own the CSO Outfalls in order to implement the global solution; and

WHEREAS, the city council in adopting this ordinance expressly finds that the transfers of the CSO Outfalls and associated rights described herein is in the public interest and will advance the public interest, now therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the transfer of ownership to Alexandria Renew of the CSO Outfalls be and the same hereby is, approved and authorized.

Section 2. That any necessary easements for placement of the CSO Outfalls and access to the CSO Outfalls authorized pursuant to Virginia Code 15.2-5147, be and the same hereby are, approved and authorized.

Section 3. That the city manager be and hereby is authorized, on behalf of the City of Alexandria, to do all things necessary and desirable to carry out the transfer of ownership described in Sections 1 and 2, including, but not limited to, the execution and delivery of a deed and other appropriate documents.

Section 4. That the city clerk be and is hereby authorized to attest to the execution of the deed and other necessary documents executed by the city manager pursuant to Section 3, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

ALLISON SILBERBERG
Mayor

Attachment: Exhibit A

Introduction: May 8, 2018
First Reading: May 8, 2018
Publication:
Public Hearing: June 23, 2018
Second Reading: June 23, 2018
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