

RESOLUTION NO. 3-2023

Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE ERIE SOIL & WATER CONSERVATION DISTRICT FOR DEVELOPMENT OF A STORM WATER MANAGEMENT PLAN AND THE NPDES SMALL MS4 PERMIT APPLICATION TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY IN THE AMOUNT OF FIFTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$15,800.00) FOR THE 2023 CALENDAR YEAR, WHICH AGREEMENT INCLUDES TWO OPTIONAL ONE-YEAR RENEWALS UNDER IDENTICAL TERMS FOR CALENDAR YEARS 2024 AND 2025.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City Manager be, and he hereby is, authorized and directed to enter into a Memorandum of Agreement with the Erie Soil & Water Conservation District for development of a Storm Water Management Plan and the NPDES Small MS5 Permit Application to the Ohio Environmental Protection Agency in the amount of Fifteen Thousand Eight Hundred and 00/100 Dollars (\$15,800.00) for calendar year 2023, which agreement includes two optional one-year renewals under identical terms for calendar years 2024 and 2025, and shall be in substantially the form of Exhibit "A" attached hereto and made a part hereof.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22

SECTION 3. That this Resolution shall be in full force and effect immediately upon its adoption.

ATTEST:


Clerk of Council


Monty Tapp, Mayor

ADOPTED:

24 JAN 2023

Memorandum of Agreement
between
Erie Soil & Water Conservation District
and
City of Huron, Ohio

Upon this ____ day of _____, 2023 this Memorandum of Agreement (Agreement) was entered into by and between the Erie Soil & Water Conservation District (District), and the City of Huron (City), Erie County.

Mandated by Congress under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Storm Water Program is a comprehensive two-phased national program for addressing the non-agricultural sources of stormwater discharges that adversely affect the quality of our nation's waters. The Program uses the NPDES permitting mechanism to require the implementation of six minimum controls designed to prevent harmful pollutants from being washed by stormwater runoff into local water bodies. The Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for stormwater discharges from certain regulated small municipal separate storm sewer systems (MS4s).

According to 40 CFR 122.26(b)(8), "municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW)"

The City has identified the District as the lead agency for the Erie County NPDES Small MS4 Program. Other Erie County municipalities and townships have joined the Erie County NPDES Small MS4 Program as co-permittees. Recognizing the need for a close working relationship in carrying out the responsibilities of the NPDES Small MS4 Program for which each is charged, the City and the District enter into this Memorandum of Agreement as the foundation for a cooperative relationship. Such cooperation allows for joint effort in the solution of problems relating to stormwater management, land use permitting, and the development of the soil and water resources within the urbanized areas of Erie County.

The District agrees to:

1. Employ a program coordinator qualified to guide the City in implementing the NPDES Small MS4 Program, including assistance to select and implement minimum control measures to ensure compliance with Ohio EPA's NPDES Small MS4 permit requirements.
2. Implement an annual **Scope of Work** in cooperation with City staff (see Exhibit A).

3. Provide technical expertise and guidance to City for development of Stormwater Management Plan (SWMP) and the NPDES Small MS4 permit application to the Ohio Environmental Protection Agency (EPA) in compliance with EPA regulations and deadlines.
4. Collect data and reports from the City on the progress of the Small MS4 Program, compile this information, and write and submit the NPDES MS4 Annual Report to Ohio EPA in compliance with applicable regulations and deadlines.
5. Provide informational resources and technical assistance as requested to assist in satisfying the SWMP requirements and to guide proper land use decisions.
6. Keep City informed of updates to NPDES Small MS4 permit rules and regulations.
7. Report potential illicit discharges to City (if found by dry-weather screening of MS4 outfalls completed by the Erie County Health Department).

The City agrees to:

1. Appoint a minimum of one (1) representative and one (1) alternate to serve on the Erie County Stormwater Committee, which will guide the Erie County NPDES Small MS4 Program.
2. Provide input with developing and implementing programs that satisfy the NPDES Small MS4 permit, such as public involvement or stormwater educational campaigns.
3. Follow-up (enforcement actions in section 1315.99) on construction site Stormwater Pollution Prevention Plan (SWPPP) compliance issues documented by the District within 30 days of original notice of violation, and take the necessary actions to bring the site into compliance, i.e. stop work orders and/or the issuance of fines.
4. Follow-up within 30 days any potential illicit discharges identified by the Erie County Health Department during dry-weather screening of MS4 outfalls and take necessary enforcement actions to abate any confirmed illicit discharges (chapter 921.09).
5. Ensure the appropriate MS4 staff are trained by the District on Good Housekeeping/Pollution Prevention measures at city-owned facilities.
6. Conduct quarterly wet and dry-weather inspections and annual comprehensive inspections, complete the appropriate reports within ESRI GIS apps developed, and make necessary changes identified during these inspections to comply with Ohio EPA's Industrial Stormwater General Permit requirements.
7. Develop and enforce illicit discharge ordinances to prohibit illicit discharges
8. Provide the District with data, reports and other collected information to be used in the NPDES Small MS4 Annual Report.
9. Provide the following appropriations to the District, payable in the first quarter of each calendar year:
 - Year 2023 – \$15,800.00
 - Year 2024 – \$15,800.00
 - Year 2025 – \$15,800.00
10. Utilize best efforts to observe the principles of sound soil and water conservation, giving considerations to the need for stormwater quantity and quality, erosion and sediment control measures, and natural resource protection, and compliance with NPDES permit requirements.
11. Recognize the District has no regulatory authority to enforce NPDES rules and regulations.

It is mutually agreed:

1. The District and the City shall meet yearly to review and, where possible, coordinate their individual progress and activities for maximum mutual benefit and update the Annual Plan of Work (Exhibit A) as necessary.
2. The Erie County Commissioners will be the holder of the NPDES Small MS4 permit, but the City will be responsible for meeting the requirements of the NPDES Small MS4 Permit as it pertains to its operation.
3. The District prohibits discrimination in programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status.
4. This agreement is effective for the period of one (1) year beginning on the effective date above with an automatic one year renewal each year for two (2) additional years unless one or both parties terminate by written notice as outlined below.
5. This agreement may be terminated upon 30 days written notice by either party.
6. The Erie County Stormwater Committee shall meet quarterly or more often if deemed necessary by the majority of committee members.

In witness thereof, this Agreement is executed and agreed to on the day, month, and year written above.

Erie Soil & Water Conservation District

City of Huron

By: _____

By:  _____

Name: _____

Name: Matthew Lasko

Title: _____

Title: City Manager

Small MS4 Program Annual Plan of Work for Year 2023 ***City of Huron***

Stormwater Management Plan Updates (SWMP)

- Meet with appropriate departments and City staff to collect data and information to be used in updating the City's SWMP to be submitted with the Annual Report in April 2023
- Submit SWMP within the allotted timeframe required by Ohio EPA upon coverage under NPDES Small MS4 Permit

Stormwater Program Technical Assistance

- Provide ongoing stormwater program technical assistance
- Prepare and attend Huron City Council Meetings to present updates to SW Program (on an as needed basis)
- Coordinate and hold Erie County Stormwater Committee Meetings quarterly

Annual Reporting

- Collect data and reportable information required for the Small MS4 Permit Annual Report (February 2023)
- Prepare and submit the MS4 Annual Report to Ohio EPA by April 1, 2023

NPDES Small MS4 Annual Discharge Fee

- Submit payment to Ohio EPA for Annual Discharge Fee

Minimum Control Measure 1 & 2– Public Education & Public Involvement

- Provide the City with SW educational materials to reach 10% of the population each year to meet the 50% minimum within the 5 year permit term
- Assist the City with planning and hosting 1 public involvement activity each year to meet the minimum permit requirements (rain barrel workshops, storm drain stenciling, volunteer litter clean-ups, native seed giveaway, etc.)

Minimum Control Measure 3 – Illicit Discharge Detection and Elimination (IDDE)

- Maintain GIS layer of all off-lot discharging HSTS
- Assist the City in developing stand-alone IDDE plan
- Continue to work with and train Street Department staff on mapping storm system in Arc GIS
- Facilitate an annual employee training to include illicit discharge detection and elimination topics to satisfy Small MS4 Permit TMDL Performance Standards

Minimum Control Measure 4 – Active Construction SWPPP

- Review all SWPPP plans submitted to the City; provide the City with comments (Utilize the City's existing payment structure; charged to developer)
- Provide inspections on all active construction sites until sites have reached the EPA required 70% stabilization (keep with City's existing payment structure; charged to developer)
- Keep records of all inspections for projects on file for EPA audits
- Host Clean Water Contractor Expo for local contractors annually

Minimum Control Measure 5 – Post-Construction Stormwater Management

- Update the GIS layer of all private & public SW systems
- Assist in developing and collecting maintenance agreements for any new SW system installed; keep record of all agreements

Minimum Control Measure 6 – Good Housekeeping & Pollution Prevention for Municipal Operations

- Continue to work with designated City staff to complete quarterly wet and dry facility inspections, and annual inspections at the Service Complex
- Meet with designated staff as requested to ensure adequate collection of reportable information for EPA's MS4 Annual Report is being documented (MS4 maintenance, salt and brine usage, leaf collection, street sweeping, oil recycling, etc.)
- Develop and host MS4 staff training on MCM 6 requirements; training will be for Streets Department, Water Distribution, and Parks Department employees
- Update site specific SWPPP plans developed for the Service Complex, annually

<i>Program Budget Breakdown</i>	
Task Number	Amount
SWMP Updates	\$2,000
SW Technical Assistance	\$3,500
Annual Reporting	\$1,000
MCM 1	\$1,500
MCM 2	\$2,000
MCM 3	\$1,500
MCM 4	\$1,000
MCM 5	\$1,500
MCM 6	\$1,800
Total	\$15,800