

**RESOLUTION NO. 32-2022**

Introduced by Joe Dike

**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 SIXTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$16,800.00)**

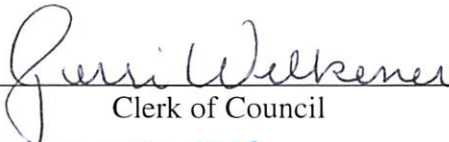
**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**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 Sixteen Thousand Eight Hundred and 00/100 Dollars (\$16,800.00), which agreement 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.

  
\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST:   
\_\_\_\_\_  
Clerk of Council

ADOPTED: 22 MAR 2022



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

Upon this 23 day of MARCH, 2022 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 storm water 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 storm water runoff into local water bodies. The Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for storm water 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 storm water management, land use planning, and the development of the soil and water resources within the urbanized areas of Erie County.

**The District agrees to:**

1. Employ District staff qualified to guide the City in implementation of the NPDES Small MS4 Program, including assistance to select and implement minimum control measures to ensure compliance with Ohio EPA's 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 Storm Water 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. Contract with the Erie County General Health District to conduct dry-weather screening of MS4 outfalls located within the City

**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 storm water educational campaigns
3. Follow up (enforcement actions in section 1315.99) on private construction site Storm Water 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 appropriate MS4 staff are trained by the District on Good Housekeeping/Pollution Prevention measures at city-owned facilities
6. Conduct quarterly dry and wet-weather inspections and annual comprehensive inspections, complete the appropriate reports within GIS, and make necessary changes identified during these inspections to comply with Ohio EPA's Industrial Storm Water General Permit requirements (District will initially train staff to do these inspections)
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 for the NPDES Small MS4 Annual Report
9. Provide an appropriation in the (not-to-exceed) amount of \$16,800.00 by March 31, 2022 to the Erie Soil & Water Conservation District

10. Utilize best efforts to observe the principles of sound soil and water conservation, giving considerations to the need for storm water 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 in November, 2022 to review and, where possible, coordinate their individual progress and activities in regards to Exhibit A
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 expires January 31, 2023
5. The Erie County Stormwater Committee shall meet quarterly or more often if deemed necessary by the majority of committee members

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

Erie Soil & Water Conservation District

City of Huron

By: THVS

By: [Signature]

Name: Thomas Versink

Name: Matthew Lasko

Title: Chair

Title: City Manager

## Scope of Work for City of Huron, Year 2022

## Exhibit A

|   |                                            |                                                                                                                                                                                                                                                                                                   |
|---|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Storm Water Management Plan Updates (SWMP) |                                                                                                                                                                                                                                                                                                   |
|   |                                            | Meet with appropriate departments and City to staff to collect data and information to be used in updating the City's SWMP to be submitted with Annual Report in April 2022                                                                                                                       |
|   |                                            | Propose revisions to include the City in the Erie County SWMP in accordance with the measures defined in the latest version of the Small MS4 General Permit                                                                                                                                       |
|   |                                            | Submit SWMP within the allotted timeframe required by Ohio EPA upon coverage under NPDES Small MS4 General Permit                                                                                                                                                                                 |
| 2 | 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, but no fewer than at least 1 Presentation/Meeting per year)                                                                                                                               |
|   |                                            | Coordinate and hold Erie County Stormwater Committee Meetings quarterly (once Covid-19 restrictions are lifted)                                                                                                                                                                                   |
| 3 | Annual Reporting                           |                                                                                                                                                                                                                                                                                                   |
|   |                                            | Collect data and reportable information required for the Small MS4 General Permit Annual Report (January, 2022)                                                                                                                                                                                   |
|   |                                            | Prepare and submit the MS4 Annual Report to Ohio EPA by April 1st each year                                                                                                                                                                                                                       |
| 4 | NPDES Small MS4 Annual Discharge Fee       |                                                                                                                                                                                                                                                                                                   |
|   |                                            | Submit payment to Ohio EPA for Annual Discharge Fee                                                                                                                                                                                                                                               |
| 5 | Public Education (MCM 1)                   |                                                                                                                                                                                                                                                                                                   |
|   |                                            | 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                                                                                                                                                     |
| 6 | Public Involvement (MCM 2)                 |                                                                                                                                                                                                                                                                                                   |
|   |                                            | 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, storm water committee, maintenance of SW infrastructure, etc.) Will occur if and when Covid-19 restrictions are lifted. |

|    |                                                                           |                                                                                                                                                                                      |
|----|---------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7  | Illicit Discharge Detection and Elimination (MCM 3)                       |                                                                                                                                                                                      |
|    |                                                                           | Contract with Erie County Health Department to continue the dry weather screening of all outfalls yearly                                                                             |
|    |                                                                           | Contract with Erie County Health Department to sample any sewage related discharges found during yearly screening                                                                    |
|    |                                                                           | Create GIS layer of all off-lot discharging HSTS's                                                                                                                                   |
|    |                                                                           | Assist the City in developing a stand-alone IDDE Plan                                                                                                                                |
|    |                                                                           | Assist the City with updating Codified Ordinances that pertain to Illicit Discharges including illegal dumping of oils or chemicals                                                  |
|    |                                                                           | Continue to work with and train Street Department staff on mapping storm system in Arc GIS                                                                                           |
| 8  | Active Construction SWPPP (MCM 4)                                         |                                                                                                                                                                                      |
|    |                                                                           | 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                                                                                                                  |
|    |                                                                           | Assist the City with updating ordinances that pertain to SWPPP to ensure compliance with the latest version of the Construction General Permit                                       |
|    |                                                                           | Host Clean Water Contractor Expo for local contractors annually                                                                                                                      |
| 9  | Post Construction Storm Water Management (MCM 5)                          |                                                                                                                                                                                      |
|    |                                                                           | Update the GIS layer of all private & public SW systems                                                                                                                              |
|    |                                                                           | Inspect all private & public SW systems installed to satisfy the water quality standards under EPA's General Construction Permit                                                     |
|    |                                                                           | Provide the City with SW system inspection reports to send to system owners and assist with enforcement actions, if needed                                                           |
|    |                                                                           | Assist in developing and collecting maintenance agreements for any new SW systems installed; keep record of all agreements                                                           |
| 10 | Good Housekeeping & Pollution Prevention for Municipal Facilities (MCM 6) |                                                                                                                                                                                      |
|    |                                                                           | Update site specific SWPPP plans developed for the Service Complex, annually                                                                                                         |
|    |                                                                           | Continue to work with designated City Staff to complete quarterly wet and dry facility inspections, and annual inspections at the Services 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                                                                                         |

| <b>Program Budget</b> |                 |
|-----------------------|-----------------|
| <b>Task Number</b>    | <b>Amount</b>   |
| <b>1</b>              | <b>\$2,000</b>  |
| <b>2</b>              | <b>\$3,500</b>  |
| <b>3</b>              | <b>\$1,000</b>  |
| <b>4</b>              |                 |
| <b>5</b>              | <b>\$1,500</b>  |
| <b>6</b>              | <b>\$2,000</b>  |
| <b>7</b>              | <b>\$1,500</b>  |
| <b>8</b>              | <b>\$1,000</b>  |
| <b>9</b>              | <b>\$2,500</b>  |
| <b>10</b>             | <b>\$1,800</b>  |
|                       |                 |
| <b>Total</b>          | <b>\$16,800</b> |