

RESOLUTION NO. 8-2025

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 2025 CALENDAR YEAR, WHICH AGREEMENT INCLUDES FOUR OPTIONAL ONE-YEAR RENEWALS UNDER IDENTICAL TERMS OTHER THAN COST, AS FOLLOWS: CALENDAR YEAR 2026 IN THE AMOUNT OF SIXTEEN THOUSAND THREE HUNDRED AND XX/100 DOLLARS (\$16,300.00), CALENDAR YEAR 2027 IN THE AMOUNT OF SIXTEEN THOUSAND THREE HUNDRED AND XX/100 DOLLARS (\$16,300.00), CALENDAR YEAR 2028 IN THE AMOUNT OF SIXTEEN THOUSAND EIGHT HUNDRED AND XX/100 DOLLARS (\$16,800.00) AND CALENDAR YEAR 2029 IN THE AMOUNT OF SIXTEEN THOUSAND EIGHT HUNDRED AND XX/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 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 calendar year 2025, which agreement includes four optional one-year renewals under identical terms other than cost for calendar years 2024-2029, as follows: 2026 in the amount of Sixteen Thousand Three Hundred and xx/100 Dollars (\$16,300.00), 2027 in the amount of Sixteen Thousand Three Hundred and xx/100 Dollars (\$16,300.00), 2028 in the amount of Sixteen Thousand Eight Hundred and xx/100 Dollars (\$16,800.00) and 2029 in the amount of Sixteen Thousand Eight Hundred and xx/100 Dollars (\$16,800.00), 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

Mark Claus
Vice-Mayor

ADOPTED:

14 JAN 2025

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

Upon this 16th day of January 2025 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 **Plan 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 2025 – \$15,800.00

Year 2026 – \$16,300.00

Year 2027 – \$16,300.00

Year 2028 – \$16,800.00

Year 2029 – \$16,800.00

An annual review will occur for any adjustments that need to be made due to planned program objectives which shall be approved by the City and the District prior to implementation of adjustments.

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 four (4) 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.
7. This Agreement shall supersede and replace all prior Agreements and understandings, oral or written, between the City and the District regarding the implementation of the NPDES Small MS4 Program.

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 2025
City of Huron

General Program Administration

- Program technical assistance
- Annual reporting and collection of data
- Update and submit the storm water management plan
- Provide the City with relevant SW educational material and/or links to post on City's website

Minimum Control Measures 1&2 - Public Education & Public Involvement:

- Meet the education 10% target population reach (50% over 5 year permit)
- Conduct minimum of 1 volunteer/public engagement stormwater event
- Clean Water Contractor Program

Minimum Control Measure 3 - Illicit Discharge Detection & Elimination (IDDE):

- Collect required reportable info from Erie County Health District
- Maintain GIS feature layer of all off-lot discharging HSTS's
- Assist with updating the IDDE plan and ordinances based on the Small MS4 Permit OHQ000004
- Assist with tracking and reporting of confirmed illicit discharges

Minimum Control Measure 4 - Construction Site Stormwater Runoff Control:

- Conduct SWPPP plan reviews on all regulated construction projects and provide comments
- Attend pre-construction meetings (for SWPPP purposes) when requested by the City
- Conduct a minimum of 1 oversight SWPPP inspection per month on any regulated construction project during active construction and provide the contractor and City representative with required report documentation
- Continue to track all time spent per construction project for both review and inspections; invoice Zoning Department monthly until instructed otherwise

Minimum Control Measure 5 - Post-Construction Stormwater Management

- Conduct inspections on all private existing SW Post-Construction BMPs and provide inspection reports to the City
- Continue to update the ESRI GIS map of existing private BMPs
- Collect, review and maintain records of maintenance agreements for any new SW Post-Construction BMPs

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

- Ensure appropriate staff complete all required quarterly & annual facility inspections
- Assist with training new staff on doing the quarterly & annual inspection protocols
- Provide required Good Housekeeping/Pollution Prevention and IDDE annual trainings for MS4 staff