

Memorandum of Understanding between the City of Canton and Stark County [Ohio] Soil & Water Conservation District for Technical Assistance

Upon this 25 day of APRIL, 2018, this Memorandum of Understanding is entered into by and between Stark Soil & Water Conservation District (herein referred to as "the District"), and the City of Canton (Municipal Separate Storm Sewer System Operator - herein referred to as "the MS4 Operator"). This Memorandum shall be effective for a period of 1 year from the date above and retroactively to February 10, 2018, with no cost increase.

Recognizing the need for effective relationships and assistance in satisfying certain requirements of the MS4 Operator's Ohio EPA National Pollutant Discharge Elimination System (NPDES) Small MS4 Storm Water Discharge Permit (herein referred to as "Small MS4 Permit"):

- Storm water education for the development community and potentially other target audiences per Minimum Control Measure (MCM) 1: Public Education and Outreach on Storm Water Impacts;
- Potential public involvement/participation activities per MCM 2: Public Involvement/Participation;
- Responding to illicit discharges to the City's MS4 per MCM 3: Illicit Discharge Detection and Elimination;
- Storm Water Pollution Prevention Plan (SWP3) reviews, construction site inspections, and enforcement for compliance with storm water quality regulations; and consideration of information submitted by the public (complaint process) per MCM 4: Construction Site Storm Water Runoff Control;
- SWP3 reviews, construction site inspections, post-construction storm water Best Management Practice (BMP) Long-Term Maintenance Plan reviews, long-term post-construction BMP inspections, and enforcement for compliance with storm water quality regulations per MCM 5: Post-Construction Storm Water Management in New Development and Redevelopment; and
- Compiling and providing appropriate information pertaining to respective responsibilities as described herein and as required for Annual Reports;

the MS4 Operator and the District accept this agreement as the document which describes the process for exchange. Cooperation between these two units of government facilitates solutions to problems encountered by the MS4 Operator as it plans for development, conservation of its environment, as well as storm water quality improvements per EPA's mandated requirements.

What the District will do:

1. **Review of Storm Water Quality Regulations:** The District will periodically review the MS4 Operator's Storm Water Quality Regulations and advise the MS4 Operator where revisions may need to occur to ensure compliance with MCM 4 and MCM 5 requirements of the current Small MS4 Permit and Ohio EPA Construction Storm Water Discharge General Permit. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.

2. **Inclusion in Site Plan/Project Review Process:** The District will be included as a part of the MS4 Operator's site plan/project review process when proposed projects will result in the disturbance of at least one acre of land (or less than one acre if part of a larger common plan of development that is greater than or equal to one acre of land-disturbance) in the MS4 Operator's jurisdiction. In such cases, the District will review corresponding SWP3s for compliance with current storm water quality regulations. Approval of SWP3s by the District will be required for overall approval of the site plan/project by the MS4 Operator. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.
3. **Verification of Notice Of Intent (NOIs) and SWP3 reviews:** The District will review the Ohio EPA NOI Database on a monthly basis to ensure consistency between the number of NOIs for applicable sites within the MS4 Operator's jurisdiction and the corresponding number of SWP3 reviews by the District. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.
4. **Site Inspections:** Unless inspection priorities and procedures are otherwise documented, the District will routinely inspect (minimum of once per month) all "active sites" in the MS4 Operator's jurisdiction for compliance with storm water quality regulations and prepare inspection reports. "Active sites" are considered those in which an NOI has been filed with Ohio EPA, an SWP3 has been approved by the District, and construction activities are regularly occurring. Copies of all inspection reports will be sent to the MS4 Operator, reporting the status of compliance of the sites with applicable regulations. Such routine inspection and reporting will continue for "active sites" until the District is satisfied of project completion and final stabilization. At such time, the District will notify project representatives that said representative may submit a Notice Of Termination (NOT) to Ohio EPA. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.
5. **Public Complaint Response:** The District will address public complaints in accordance with Illicit Discharge Detection & Elimination response protocol and pertaining to active sites and BMPs by site investigation, letter, and/or phone call. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM3, MCM 4, and MCM 5.
6. **Record Maintenance:** The District will maintain copies of SWP3s, project plan review and site/BMP inspection correspondence, and post-construction BMP Long-Term Maintenance Plans for applicable projects and BMPs within the MS4 Operator's jurisdiction. The District will require copies of approved SWP3s and Long-Term Maintenance Plans to be submitted to the MS4 Operator's Engineering Department. The District will also provide copies of plan review and site/BMP inspection correspondence to the MS4 Operator's Engineering Department. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.
7. **Enforcement:** The District will provide enforcement to the level of authority granted by the MS4 Operator for violations of applicable storm water quality regulations. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 3, MCM 4, and MCM 5.

8. **Long-Term Post-Construction BMP Inspections:** For sites within the MS4 Operator's jurisdiction in which the District has notified project representatives that said representative may submit a NOT to Ohio EPA, the District will inspect applicable post-construction BMPs on a yearly basis. Accordingly, the District will inform the responsible entity/operator (i.e. the person/parties named in the post-construction Long-Term Maintenance Plan) and MS4 Operator in writing of any required maintenance. The District will require inspection reports from the responsible entity/operator for any "alternative structural BMPs" (manufactured/alternative/proprietary). If applicable maintenance items are not completed by the responsible entity/operator in the timeline given by the District, the District will then notify the MS4 Operator in writing so that the MS4 Operator can take the appropriate actions to ensure the "adequate long-term operation and maintenance of BMPs" that discharge to the MS4 per MCM 5 requirements of the Small MS4 Permit. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 5.
9. **Storm Water Education for the Development Community:** The District will offer applicable training materials and/or workshops pertaining to construction site runoff control and post-construction storm water quality for local officials, staff, engineers, contractors, developers, and Homeowners Associations who will be responsible for the design, coordination, construction, and/or maintenance of storm water quality BMPs. The District will ensure staff receives appropriate on-going education and training for the latest standards and specifications for construction site and post-construction storm water quality management, as well as other storm water-related topics. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 1.
10. **Other Storm Water Education:** The District may offer various types of storm water education to the general public or other target audiences, as feasible. If implemented, this may assist the MS4 Operator in compliance with certain requirements/expectations of MCM 1.
11. **Public Involvement/Participation Activities:** The District may conduct various types of storm water-related activities that include public involvement/participation, as feasible. If implemented, this may assist the MS4 Operator in compliance with certain requirements/expectations of MCM 2.
12. **Annual Reporting Information:** At the end of every year, the District will furnish to the MS4 Operator information relating to the District's responsibilities as described herein and as required to complete appropriate sections of the MS4 Operator's Storm Water Management Program Annual Report. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 1, MCM 2, MCM 3, MCM 4, and MCM 5, as applicable.

What the MS4 Operator will do:

1. **Adoption of Storm Water Quality Regulations:** The MS4 Operator will ensure that storm water quality regulations are adopted that are in conformance with requirements of MCM 4 and MCM 5 of the current Small MS4 Permit. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.

2. **Inclusion of the District in Site Plan/Project Review Process:** The MS4 Operator will include the District as a part of its site plan/project review process when proposed projects in the MS4 Operator's jurisdiction will result in the disturbance of at least one acre of land (or less than one acre if part of a larger common plan of development that is greater than or equal to one acre of land-disturbance). In such cases, the MS4 Operator will ensure that the District receives and reviews corresponding SWP3s for compliance with current storm water quality regulations. The MS4 Operator will not grant overall approval of respective site plans/projects without approval of the SWP3 by the District. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.
3. **Authorize the District to Perform Inspections:** The MS4 Operator will grant the District authorization to inspect applicable project sites and BMPs within the MS4 Operator's jurisdiction as is necessary in accordance with Illicit Discharge Detection & Elimination response protocol and to ensure compliance with storm water quality regulations, approved SWP3s, and post-construction BMP Long-Term Maintenance Plans. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 3, MCM 4, and MCM 5.
4. **Authorize the District to Conduct Certain Enforcement Actions:** The MS4 Operator will grant the District authorization to issue a Notice Of Violation (NOV) to project representatives or other responsible parties for violations in accordance with Illicit Discharge Detection & Elimination response protocol and applicable storm water quality regulations and relating to the responsibilities of the District as described herein. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM3, MCM 4, and MCM 5.
5. **Environmental Protection and Consideration of District Recommendations:** The MS4 Operator will recognize the environmental and economic functions of open spaces such as wetlands, stream corridors, flood plains, ravines, woodlands, and open fields as worthy of protection and consider low impact development and less impervious areas as development options. The MS4 Operator will adopt, apply, and enforce District recommendations when the MS4 Operator deems them technically feasible and economically reasonable solutions to resource management and conservation problems. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.
6. **Direct Development Community to the District:** The MS4 Operator will direct builders, developers, and consultants to the District for assistance in respective planning, conservation, and permitting concerns and questions early in the land development and planning cycle. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.

Agreed Procedures:

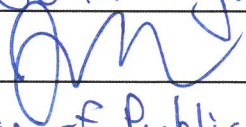
1. The District and the MS4 Operator shall meet yearly to review the effectiveness of this agreement, coordinate individual and joint progress, and exchange information.

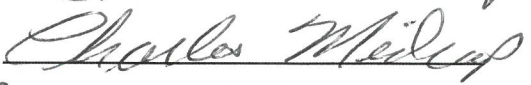
2. The MS4 Operator recognizes the District's obligation to make its plan review correspondence, inspection reports, and other written materials available to the public upon request in accordance with the Ohio Public Records Act.
3. The MS4 Operator shall offer the District a yearly conservation appropriation in the amount of **\$15,000.00** at a set rate for **1 year** to support the District's Urban Program. These appropriations will be billed in January of each year and must be paid within 60 days of receipt. In the event that the MS4 Operator's funding source for compliance with this contract ceases for any reason, the MS4 Operator shall notify the District immediately and meet to review funding solutions or terminate the MOU.
4. The District and the MS4 Operator shall ensure that both parties have the same sets of records pertaining to applicable projects. These records include, but are not limited to: site plans, construction plans, SWP3s, Storm Water Management Reports and calculations, and Long-Term Maintenance Plans.
5. This agreement may be amended or terminated at any time by mutual consent of both units of government or terminated by either party giving sixty (60) days notice in writing to the other.

In witness thereof, this Agreement is executed and agreed to on the date entered above by:


MS4 Operator

**Stark Soil & Water
Conservation District**

Name (print) John Highman
 Signature 
 Title Director of Public Service
 Date 4-18-18

Name (print) Charles Meideaf
 Signature 
 Title Board Chair
 Date 4-25-18

All services of the District, ODA and the USDA Natural Resources Conservation Service are offered on a non-discriminatory basis without regard to race, color, national origin, religion, age, marital status or handicap.

APPROVED AS TO FORM 
Kristen Bates Ayward
 CANTON LAW DIRECTOR