

Memorandum of Understanding (2022-2023) between the City of Canton and Stark County [Ohio] Soil & Water Conservation District for Technical Assistance

Upon this 2nd day of February, 2022, this Memorandum of Understanding (MOU) is entered into by and between Stark Soil & Water Conservation District (herein also referred to as "the District"), and the City of Canton (Municipal Separate Storm Sewer System Operator - herein also referred to as "the MS4 Operator"). This MOU shall be effective from April 1, 2022 to March 31, 2023.

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 also referred to as "Small MS4 Permit"), such as:

- 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 and mapping of post-construction Best Management Practices (BMPs) per MCM 3: Illicit Discharge Detection and Elimination;
- Storm Water Pollution Prevention Plan (SWP3) reviews, construction site inspections, and enforcement for compliance with applicable 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 applicable 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;

and recognizing that illicit discharges to the City's MS4 and storm water quality management are regulated in the City of Canton through the following mechanisms (herein also referred to as "Storm Water Management Regulatory Mechanisms"):

- Chapter 961 "Storm Water Management" of the City of Canton codified ordinances;
- The "City of Canton Storm Water Management Manual"; and
- The "Stark County Storm Water Quality Regulations";

the MS4 Operator and the District accept this MOU 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 Management Regulations:** The District will periodically review the MS4 Operator's Storm Water Management Regulatory Mechanisms 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 NPDES Construction Storm Water Discharge General Permit (herein also referred to as "Construction Storm Water 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 plans and SWP3s for compliance with current storm water quality management regulations. Approval of SWP3s by the District will be required for overall approval of the plans by the MS4 Operator. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.
3. **Verification of Notices 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 Construction Storm Water Permit NOIs for applicable sites within the MS4 Operator's jurisdiction and the corresponding number of SWP3 reviews by the District. At a minimum, an objective tool such as software or checklist shall be used to document each SWP3 review. 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 (a standard minimum of once per month, unless the situation calls for a more frequent schedule, per the Small MS4 Permit or other regulatory documentation) all "active sites" in the MS4 Operator's jurisdiction for compliance with storm water quality-management regulations of applicable Storm Water Management Regulatory Mechanisms and prepare inspection reports. "Active sites" are considered those in which a Construction Storm Water Permit NOI has been filed with Ohio EPA, an SWP3 has been approved by the District, and construction activities are regularly occurring. An objective tool such as software or checklist shall be used to document each site inspection for construction BMPs and post-construction BMPs. All inspection reports will be sent by letter or email 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 to terminate permit coverage. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.
5. **Public Complaint Response:** As appropriate, the District will address public complaints in accordance with the MS4 Operator's Illicit Discharge Detection & Elimination response

protocol and pertaining to active sites and BMPs by site investigation, letter, email, 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 records 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. As requested, the District will submit records of approved SWP3s and Long-Term Maintenance Plans to the MS4 Operator. The District will provide records of plan review and site/BMP inspection correspondence to the MS4 Operator. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 4 and MCM 5.
7. **Mapping of Post-Construction BMPs:** Through support provided by the Stark County Information Technology Center – GIS Team (herein also referred to as "Stark GIS") at their option and not under authoritative control by the District, the District will utilize Geographic Information System (GIS) to map all post-construction water quality BMPs in the MS4 Operator's jurisdiction and in which the District has reviewed and approved on behalf of the MS4 Operator. At a minimum, the mapping will include locations, descriptions, and type (e.g., wet extended detention basin, bioretention, etc.) of all post-construction BMPs to the extent capable by Stark GIS. The District, at the discretion and limits set by Stark GIS, will provide the MS4 Operator with continual access to the mapped post-construction BMPs. This assists the MS4 Operator with certain requirements/expectations of MCM 3.
8. **Enforcement:** As appropriate, the District will issue Notices Of Violation and/or Stop Work Orders when it has been determined that violations of Storm Water Management Regulatory Mechanisms have occurred in which the District's involvement is applicable. The District will consult with the MS4 Operator as needed for appropriate escalation of enforcement measures on a case-by-case basis. This assists the MS4 Operator in compliance with certain requirements/expectations of MCM 3, MCM 4, and MCM 5.
9. **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 (or once every 5 years, whichever Stark SWCD prefers). 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 by letter or email 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 by letter or email 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.

10. **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.

At least once during the permit term, one of the workshops SWCD offers shall focus on practices from Table 4b of the Construction Storm Water Permit and/or other green infrastructure practices. This educational opportunity shall be offered to contractors, SWP3 designers, and the MS4 Operator.

11. **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.
12. **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.
13. **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 Management Regulations:** The MS4 Operator will ensure that storm water quality management regulations are adopted within its Storm Water Management Regulatory Mechanisms 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:** In accordance with provisions of its Storm Water Management Regulatory Mechanisms, 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 plans and SWP3s for compliance with current storm water quality management regulations. The MS4 Operator will not grant overall approval of respective site plans/projects without approval of the

plans and 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:** In accordance with provisions of its Storm Water Management Regulatory Mechanisms, 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 management 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:** In accordance with provisions of its Storm Water Management Regulatory Mechanisms, the MS4 Operator will grant the District authorization to issue Notices Of Violation and/or Stop Work Orders, as appropriate, when it has been determined that violations of Storm Water Management Regulatory Mechanisms have occurred in which the District's involvement is applicable. 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 MOU, 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 per year** during the effective period of this MOU 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 MOU 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 access to plans and records kept by the other party 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 MOU 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 MOU is executed and agreed to on the date entered above by:

MS4 Operator

**Stark Soil & Water
Conservation District**

Name (print) <u>City of Canton</u>	Name (print) <u>Ann Wolfe</u>
Signature <u>[Handwritten Signature]</u>	Signature <u>[Handwritten Signature]</u>
Title <u>Director of Public Services</u>	Title <u>Board Pres.</u>
Date <u>2-1-22</u>	Date <u>2-10-22</u>

All services of the District, ODNR 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

[Handwritten Signature]
COUNCIL LAW DIRECTOR