

Commissioners' Office, Lake County  
Painesville, OH, March 23, 2004

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: Troy, Aufuldish and Sines

Mr. Aufuldish presented the following resolution and moved its adoption.

**RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS, ON BEHALF OF THE LAKE COUNTY STORMWATER MANAGEMENT AGENCY, AND THE CITY OF KIRTLAND**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code, and

WHEREAS, the Lake County Stormwater Management Agency is recommending execution of a Memorandum of Understanding between the Lake County Board of Commissioners, on behalf of the Lake County Stormwater Management Agency, and the City of Kirtland, and

WHEREAS, the Lake County Stormwater Management Agency, acting on behalf of the City of Kirtland will be responsible for compliance with the laws of the Ohio Environmental Protection Agency regarding Phase II Stormwater Illicit Discharge Detection and Elimination activities and corresponding education activities as set forth in the Agreement. Said Memorandums of Understanding are incorporated herein by reference and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, in and for Lake County, Ohio, hereby authorizes execution of a Memorandum of Understanding between the Lake County Board of Commissioners, on behalf of the Lake County Stormwater Management Agency, and the City of Kirtland.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the Lake County Auditor; Budget Director: ~~Jill Green~~ Stormwater Management Agency; Honorable Edward J. Podojil, Mayor of the City of Kirtland, Kirtland City Hall, 9301 Chillicothe Road, Kirtland, OH 44094.

Mr. Troy seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: Troy, Aufuldish and Sines

"NAYS": Commissioner:

Resolution adopted,

Amy Elszasz, Clerk

**CLERK'S CERTIFICATION**

I, Amy Elszasz, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 23, 2004, and recorded in the Commissioners' Journal, Volume 2004.

WITNESS my hand this 23<sup>rd</sup> day of March, 2004 in Painesville, Ohio.

  
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Amy Elszasz, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio

**Memorandum of Understanding**

**Lake County Board of Commissioners  
&  
City of Kirtland**

This Memorandum of Understanding ("MOU") is entered into this 23<sup>RD</sup> day of ~~March~~ 2004, between the City of Kirtland ("Kirtland"), by its Mayor, and Lake County, by its Board of County Commissioners ("Commissioners"). This agreement shall be subject to annual review and modification as provided below.

**Purpose**

The Commissioners recognize the need for effective collaboration in carrying out their mandated responsibilities in fulfillment of a National Pollutant Discharge Elimination System ("NPDES") permit from the Ohio Environmental Protection Agency ("OEPA"). The purpose of this MOU is to acknowledge certain duties undertaken by the Lake County Stormwater Management Department ("LCSMD") in fulfillment of its OEPA permit number 3GQ00068\*AG, authorizing discharges of stormwater from a municipal separate storm sewer system (MS4), and to define the role of Kirtland in assisting the LCSMD to fulfill those duties.

The parties to the MOU hereby recognize the following:

1. LCSMD was formed by the Lake County Board of Commissioners pursuant to O.R.C. 6117.01 to assist local communities in the management of stormwater runoff and related resource management issues. LCSMD, through its staff, is a recognized expert in stormwater management issues.
2. Kirtland also provides certain stormwater services to its residents.
3. To ensure compliance with the NPDES stormwater permit, both the LCSMD and Kirtland will work together to provide stormwater services to local residents.

**Duties of LCSMD**

Under this MOU, LCSMD agrees to the following:

1. Use best faith efforts to ensure that stormwater services are provided to Kirtland as required in NPDES permit number 3GQ00068\*AG.
2. Use its best faith efforts to collect information from and consult with Kirtland when fulfilling certain permit obligations.

3. Use its best faith effort to collect information, consult with its partners and Kirtland to coordinate stormwater management services between its partner organizations (Attachment A) to ensure its member communities meet their obligations under the NPDES permit.
4. Recognize the role in the stormwater management program of Kirtland.
5. Use operational and maintenance services that can be provided by Kirtland.
6. Adopt, apply and enforce Kirtland's recommendations when the LCSMD deems them technically feasible and economically reasonable solutions to resource management and conservation problems.

The LCSMD and it's partners agree to provide the following services to Kirtland related to the requirements of their NPDES permit number 3GQ00068\*AG:

**1. Minimum Control Measure #1 and #2 – Public Education and Outreach and Public Involvement and Participation**

- a. Develop and distribute newsletter addressing stormwater pollution.
- b. Make newsletter and other educational publications available on the LCSMD website.
- c. Develop and implement a mass media program.
- d. Make educational materials from partner agencies available in public places throughout drainage district.
- e. Conduct or make available at least three stormwater management workshops annually during permit period for developers, public employees and private groups.
- f. Prepare community specific stormwater presentations when requested.
- g. Prepare educational workshop on water quality impacts from illicit discharges for homeowners and small businesses in member LCSMD communities.
- h. Work with Kirtland to identify target areas for catch basin and stormwater discharge (outfall) labeling program.
- i. Advertise storm sewer labeling program on LCSMD website and in at least one LCSWCD publication per year.
- j. Lead storm sewer labeling program.
- k. Involve local students in stream monitoring program each year.
- l. Lead annual stream cleanup workdays on major streams.

- m. Advertise annual stream clean up events on stormwater website and in stormwater newsletter.
- n. Install stream crossing signs and advertise for public sponsorship.

**2. Minimum Control Measure #3 – Illicit Discharge Detection and Elimination**

- a. Complete a drainage district storm sewer system map.
- b. Develop a list of all home sewage treatment systems connected to the municipal separated sewage system (MS4) within Kirtland's boundaries.
- c. Locate all outfalls on storm sewer system map.
- d. Develop a model regulation to prohibit illicit discharges to the MS4 and authorize access for inspection.
- e. Visually screen and if required test 20 percent of known outfalls annually. Water quality testing includes sampling for fecal coliform, nutrients, heavy metals, oil and grease and total dissolved solids as needed based on indicators resulting from visual screening.
- f. Initiate process to remove 25 percent of known illicit discharges during each permitting period utilizing regulatory / enforcement mechanisms based on prioritized problem areas determined by water quality and quantity of flow at outfalls.
- g. Assist with the elimination of 5 percent of known illicit discharges during each permitting period.
- h. Develop a model point of sale inspection ordinance.
- i. Develop and distribute susceptible businesses stormwater management guide.

**3. Minimum Control Measure #4 – Construction Site Stormwater Runoff Control**

- a. Develop erosion and sediment control regulations.
- b. Establish procedures to accept and consider public comments concerning construction sites.
- c. Document public comments and take appropriate action.
- d. Provide at least two workshops per year to educate developers, builders and installers on how to comply with erosion and sediment control rules.

- e. Review stormwater management plans for development and redevelopment projects in Lake County and participating Level 2 communities.
- f. Inspect active construction sites for Lake County and participating Level 2 communities. The frequency of inspections may vary but subdivisions will be visited at least once every two weeks. Individual lots will be inspected a minimum of once per month during the construction period.
- g. Pursue injunctions to abate violations.

**4. Minimum Control Measure #5 – Post Construction Stormwater Runoff Control on New Development and Redevelopment**

- a. Develop a model riparian and wetland setback regulation.
- b. Develop model stormwater management rules and regulations.
- c. Work to have development and redevelopment projects include structural best-management practices (BMPs) in the project plans
- d. Conduct a post-construction site visit immediately after completion of the project for Lake County and participating Level 2 communities to ensure that stormwater management controls have been properly installed.
- e. Conduct a six month post-construction site visit to ensure all stormwater management controls are operating effectively.

**5. Minimum Control Measure #6 – Good Housekeeping and Pollution Prevention**

- a. Develop employee training program for Kirtland.
- b. Distribute training program or directly train Kirtland employees involved in construction and maintenance activities.
- c. Clean and maintain all regional MS4 facilities (storm sewers, culverts, detention basins, ditches, etc.) on a five-year cycle or more frequently when needed within Kirtland (map currently being developed).
- d. Work with Kirtland to develop a street sweeping program based on traffic and environmentally sensitive areas.
- e. Purchase street sweeper.
- f. Regularly sweep County owned curbed roads at least every other month during good weather.
- g. Work with Kirtland to develop a road salting program that meets NPDES Phase II requirements.

## **6. Administration, Regulation and Enforcement**

- a. Provide interagency and intercommunity coordination services.
- b. Act as liaison for regulatory agencies to ensure fulfillment of all permit requirements.
- c. Ensure Kirtland is informed of regulatory issues.
- d. Prepare and submit all regulatory compliance reports including information on County and Kirtland drainage systems.

## **7. Finance**

- a. Prepare and distribute all bills for individual property parcels based on amount of impervious area on each parcel in proportion to the equivalent residential unit (ERU) set at 3,050 square feet by resolution of the Lake County Board of Commissioners.
- b. Actively seek grant and low interest loan funding for stormwater projects located within the LCSMD drainage district dealing with public education, public involvement, illicit discharge detection and employee training.
- c. Prepare cooperative agreements between LCSMD and partner organizations and member communities.
- d. Conduct all budgeting and accounting for LCSMD.
- e. Provide Kirtland with an annual accounting of LCSMD funds and general work activities in the form of an annual report.

## **8. Data Collection and Management**

- a. Maintain base mapping and property records for regional stormwater system.
- b. Conduct stream sampling and habitat surveys as necessary.

## **9. Planning, Design and Construction of Regional Drainage Systems**

- a. Conduct planning program for those regional stormwater systems within Kirtland including hydrologic and hydraulic studies, water quality studies and watershed planning.
- b. Conduct rain and flow monitoring and evaluation projects on those regional stormwater systems within Kirtland.
- c. Prepare floodplain map revisions for areas within Kirtland.

- d. Prepare and fund a capital program for the construction and repair of regional stormwater infrastructure based on priority of needs.

#### **10. Operations and Maintenance**

- a. Be responsible for all operational and maintenance activities related to the regional stormwater system as designated on the attached map located within Kirtland. System includes streams, culverts, bridges, stream banks and channels, storm sewers, inlets and catch basins, and detention and infiltration facilities.
- b. The LCSMD and Kirtland will meet every two years to update the regional stormwater system map.

#### **Duties of the City of Kirtland**

Kirtland agrees to provide the following services related to the LCSMD NPDES stormwater permit:

- 1. Minimum Control Measure #1 and #2 – Public Education and Outreach and Public Involvement and Participation**
  - a. Provide LCSMD with information regarding any additional public education and outreach and public involvement and participation efforts beyond those performed by LCSMD annually.
- 2. Minimum Control Measure #3 – Illicit Discharge Detection and Elimination**
  - a. Provide LCSMD with storm sewer mapping information
  - b. Adopt resolution/ordinance to prohibit illicit discharges to the MS4s and authorize access for inspection.
  - c. Initiate process to remove 25 percent of known countywide illicit discharges during each permitting period utilizing regulatory / enforcement mechanisms based on prioritized problem areas determined by water quality and quantity of flow at outfalls.
  - d. Assist with the elimination of 5 percent of known countywide illicit discharges during each permitting period.

**3. Minimum Control Measure #4 – Construction Site Stormwater Runoff Control**

- a. Adopt erosion and sediment control ordinance covering soil disturbing activities greater than one acre
- b. Issue verbal and/or written stop work orders for violations of erosion and sediment control rules.
- c. Complete timely and appropriate legal action to pursue injunctions to abate violations.

**4. Minimum Control Measure #5 – Post Construction Stormwater Runoff Control on New Development and Redevelopment**

- a. Adopt a riparian and wetland setback resolutions / ordinances.
- b. Assist with the development of stormwater management rules and regulations.
- c. Adopt stormwater management rules and regulations.
- d. Ensure new developments include structural best management-practices to reduce the impacts of stormwater.

**5. Minimum Control Measure #6 – Good Housekeeping and Pollution Prevention**

- a. Assist LCSMD by making employees available for the County sponsored employee training program and/or use LCSMD prepared materials to train Kirtland maintenance and construction employees.
- b. Develop comprehensive vehicle maintenance program.
- c. Inspect and maintain vehicles at least twice per year.
- d. Install oil separators at maintenance facilities.
- e. Wash equipment in locations that drain to oil separators or other approved treatment system.
- f. Implement cleaning and maintenance program for local storm sewer systems on a five year cycle, or more frequently where needed. The storm sewer system includes storm sewers, culverts, detention basins, and ditches.
- g. Regularly sweep locally owned curbed roads at least once per year during good weather.
- h. Ensure road salt is stored in covered bins and that runoff is captured and treated.

- i. Ensure that the road salting program meets NPDES Phase II requirements.

## **6. Reporting**

- a. Provide annual documentation in a form deemed acceptable by LCSMD for inclusion in the regulatory report for Kirtland work associated with the six minimum controls.

Kirtland agrees to provide such additional services not specifically referred to in this MOU as may be reasonably requested by LCSMD.

## **Agreed Procedures**

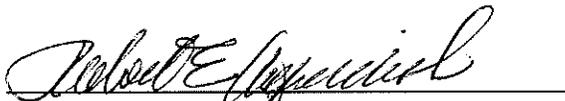
1. The LCSMD and Kirtland will meet periodically to review the effectiveness of this agreement, coordinate individual and joint progress and exchange information.
2. All services provided by LCSMD and Kirtland are offered on a non-discriminatory basis without regard to race, color, national origin, religion, age, marital status or handicap.
3. Kirtland recognizes the LCSMD's obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.
4. This agreement may be amended or terminated at any time by mutual consent, or terminated by either party giving six months notice in writing to the other. Termination will begin at the end of the calendar year.
5. It is mutually understood and agreed that each party recognizes that the other party has specific and separate duties to perform under the terms of this agreement and that there are specific joint tasks to be performed that are required to satisfy the stormwater Phase II regulations contained in the NPDES permit. The parties agree to work separately or together as the circumstances may require on any and all issues which may be brought to either party's attention from time to time by regulatory agencies or others having jurisdiction over either the parties or the permits referred to herein. The parties agree that Kirtland shall indemnify and hold the Commissioners harmless from any and all claims, actions, or causes of action and any and all damages, direct or indirect that may arise as a result of the work that LCSMD is required to perform pursuant to this Agreement. The parties further agree that the Commissioners shall indemnify and hold Kirtland harmless from any and all claims, actions, or causes of action and any and all

damages, direct or indirect that may arise as a result of the work that Kirtland is required to perform pursuant to this Agreement.

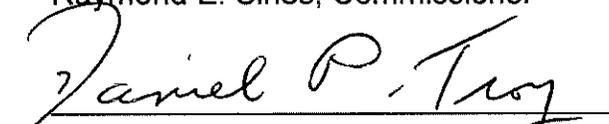
6. The parties hereby acknowledge that LCSMD, as Kirtland's representative to the various regulatory agencies having jurisdiction over either the parties or the permits referred to herein, may from time to time receive notice of pending actions, complaints and/or inquiries related to Kirtland's responsibilities under this Agreement or the permits referred to herein. The parties agree that Kirtland shall indemnify and hold the Commissioners harmless from any and all claims, actions, or causes of action and any and all damages, direct or indirect that may arise as a result of LCSMD serving as Kirtland's representative to the various regulatory agencies having jurisdiction over either the parties or the permits referred to herein.

In witness thereof, the parties here to have affixed their hands and seals in Lake County, Ohio this 23<sup>RD</sup> day of MARCH, 2004:

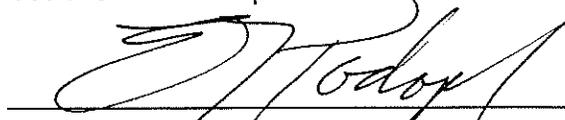
**LAKE COUNTY BOARD OF COMMISSIONERS**

  
Robert E. Aufuldish, Commissioner

  
Raymond E. Sines, Commissioner

  
Daniel P. Troy, Commissioner

**CITY OF KIRTLAND**

  
Mayor Edward J. Podojil

Approved as to form:



Lake County Prosecuting Attorney

3-19-04

Date

AK

Member Communities:

Concord Township  
Fairport Harbor Village  
Grand River Village  
City of Kirtland  
Kirtland Hills Village  
Leroy Township  
Madison Township  
Mentor on the Lake City  
Painesville Township  
Perry Township  
Perry Village  
Timberlake Village  
Wickliffe City  
Willoughby Hills City  
Willowick City

Partners:

Chagrin River Watershed Partners, Inc.  
Lake County General Health Department  
Lake County Soil and Water Conservation District  
Ohio State University Extension