

Commissioners' Office, Lake County  
Painesville, OH, July 8, 2014

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 Moran  
Commissioner Moran 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 DIVISION AND THE CITY OF PAINESVILLE TO UPGRADE THE CITY TO A LEVEL TWO COMMUNITY FOR STORMWATER SERVICES**

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 County recognizes the need for effective collaboration in carrying out its mandated responsibilities in fulfillment of a National Pollutant Discharge Elimination System ("NPDES") permit from the Ohio Environmental Protection Agency ("OEPA"), which permit authorizes discharges of stormwater from a "municipal separate storm sewer system" (MS4); and

WHEREAS, the Lake County Stormwater Management Department ("LCSMD") was formed by the County pursuant to O.R.C. 6117.01 to assist local communities in the management of stormwater runoff and related resource management issues; and

WHEREAS, the City of Painesville ("City") also provides certain stormwater services to its residents; and

WHEREAS, the Director of the Lake County Stormwater Management Division of the Lake County Department of Utilities is recommending execution of a Memorandum of Understanding between the Lake County Board of Commissioners, on behalf of the Lake County Stormwater Management Division and the City of Painesville ("the City"), to upgrade the City to a Level Two Community for stormwater services. Said Memorandum of Understanding is incorporated herein by reference and made a part of this resolution.

WHEREAS, to ensure compliance with the NPDES stormwater permit, both the LCSMD and the City will cooperate within the authority granted to each entity by the Ohio Revised Code to provide stormwater services to local residents.

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 by and between the Lake County Board of Commissioners, on behalf of the Lake County Stormwater Management Division and the City of Painesville, to upgrade the City to a Level Two Community for stormwater services.

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, Stormwater Management Division; The City of Painesville, 7 Richmond Street, Painesville, OH 44077.

Commissioner Aufuldish seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: Troy, Aufuldish, and Moran

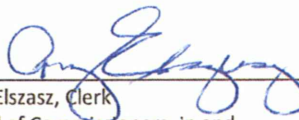
"NAYS": Commissioner: None

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 July 8, 2014, and recorded in the Commissioners' Journal, Volume 2014.

WITNESS my hand this eighth day of July, 2014 in Painesville, Ohio.

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

**Memorandum of Understanding  
Board of Lake County Commissioners &  
Painesville City**

This Memorandum of Understanding ("MOU") is entered into this 8<sup>th</sup> day of July 2014, by and between the City of Painesville ("City"), by its Council, and the Board of Lake County Commissioners ("County").

**Purpose**

The County recognizes the need for effective collaboration in carrying out its mandated responsibilities in fulfillment of a National Pollutant Discharge Elimination System ("NPDES") permit from the Ohio Environmental Protection Agency ("OEPA"), which permit authorizes discharges of stormwater from a "municipal separate storm sewer system" (MS4). The purpose of this MOU is: (1) to acknowledge certain duties undertaken by the County through its Lake County Stormwater Management Department ("LCSMD") in fulfillment of its OEPA permit number 3GQ00068\*BG; (2) to define the role of the City in assisting the LCSMD to fulfill those duties.

The parties to the MOU hereby recognize the following:

1. The LCSMD was formed by the County pursuant to 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. The City also provides certain stormwater services to its residents.
3. To ensure compliance with the NPDES stormwater permit, both the LCSMD and the City will cooperate within the authority granted to each entity by the Ohio Revised Code to provide stormwater services to local residents.

**Duties of County**

County, through LCSMD shall:

1. Use best faith efforts to ensure that stormwater services are provided to the City as required in NPDES permit number 3GQ00068\*BG.
2. Use its best faith efforts to collect information from and consult with the City when fulfilling certain permit obligations.
3. Use its best faith effort to collect information, consult with its partners and the City 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 of the City in the stormwater management program.

5. Use operational and maintenance services that can be provided by the City.
6. Adopt, apply and enforce City recommendations when the LCSMD deems them technically feasible and economically reasonable solutions to resource management and conservation problems.

The County, through LCSMD further agrees to provide the following specific services to Painesville City related to the requirements of its NPDES permit number 3GQ00068\*BG:

**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 stormwater management workshops annually during permit period for developers, public employees and private groups as required by the current Stormwater Pollution Prevention Plan currently on file with Ohio EPA.
- f. Prepare community specific stormwater presentations when requested.
- g. Provide educational workshop on water quality impacts from illicit discharges for homeowners and small businesses in member LCSMD communities.
- h. Different themes and messages shall be developed as required by the current OEPA NPDES Permit.
- i. Involve local students in stream monitoring program each year.
- j. Lead annual stream cleanup workdays on major streams.
- k. Advertise annual stream clean up events on stormwater website and in stormwater newsletter.

**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 (HSTS's) connected to the municipal separated sewage system (MS4) within the

City boundaries, including type, size of conduit or ditches that receive discharges as well as the name of surface water bodies receiving discharges.

- c. Locate all outfalls on storm sewer system map, including location and name of receiving waters.
- d. Develop, revise and/or implement a 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 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 known illicit discharges during each permitting period.
- h. Consider adopting point of sale inspection ordinance and adopt if appropriate.
- i. Develop and distribute susceptible businesses stormwater management guide.

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

- a. Develop, revise, implement and enforce 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 workshops to educate developers, builders and installers on how to comply with erosion and sediment control rules.
- e. Develop, implement and enforce a program for development and redevelopment projects including structural and non-structural best-management practices (BMPs) in the project plans to prevent or minimize water quality impacts.
- f. Review stormwater pollution prevention plans for development and redevelopment projects in Lake County and participating Level 2 communities.
- g. 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.

- h. Pursue injunctions to abate violations.

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

- a. Develop, revise and implement riparian and wetland setback regulation(s).
- b. Develop, revise stormwater management rules and regulations as required by the permit.
- c. Develop, revise and implement regulatory mechanism that shall address new development and redevelopment projects to the extent allowable under State or local law.
- 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. Ensure adequate long-term operation and maintenance of BMP's.
- f. Obtain, inspect and enforce Operation and Maintenance Agreements for BMP's.

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

- a. Assist with the employee training program for the City which shall include preventing and reducing storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances and local storm water system maintenance.
- b. Distribute training materials that are available from OEPA or other organizations.
- 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 the City.
- d. Work with the City to develop a street sweeping program based on traffic and environmentally sensitive areas.
- e. Regularly sweep curbed streets within the City at least once per year.
- f. Continue to work with City 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 the City is informed of regulatory issues.
- d. Prepare and submit all regulatory compliance reports including information on County and City 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 Board of Lake County 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, employee training and construction of drainage systems.
- c. Prepare cooperative agreements between LCSMD and partner organizations and member communities.
- d. Conduct all budgeting and accounting for LCSMD.
- e. Provide the City 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 the City 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 the City.
- c. Prepare floodplain map revisions for areas within the City.
- 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 the City. System includes streams, culverts, bridges, stream banks and channels, storm sewers, inlets and catch basins, and detention and infiltration facilities.
- b. The LCSMD and Painesville City will meet every two years to update the regional stormwater system map.

### **Duties of the City**

The City 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 available storm sewer mapping information by either PDF or paper copies of documents.
- b. Adopt, revise, and enforce such ordinances to prohibit illicit discharges to the MS4s and to authorize access for inspection as have been authorized pursuant to the Ohio Revised Code.
- c. Work with appropriate public officials, including the Lake County Department of Utilities and Lake County General Health District, to eliminate individual discharging home sewage treatment systems (HSTS's) that can be legally, feasibly and economically connected to central sewers.

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

- a. Pursuant to and authorized by Ohio Revised Code, adopt such erosion and sediment control ordinance, or revisions thereof, covering soil disturbing activities greater than one acre.

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

- a. Enforce such riparian and wetland setback ordinances as have been adopted and authorized pursuant to the Ohio Revised Code.
- b. Assist with the development, and/or revision of county stormwater management rules and regulations.
- c. Adopt such stormwater management rules and regulations as are authorized by the Ohio Revised Code.
- d. Assist in the development and/or revising of existing ordinances to address post-construction runoff from new development or other redevelopment projects to the extent allowable under State and local law.

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

- a. Assist LCSMD by making City employees available for the County sponsored employee training program and/or use LCSMD prepared materials, Ohio EPA or other organizations material to train all the City maintenance and construction employees to reduce storm water pollution activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and local storm water system maintenance.
- b. Provide a list of industrial facilities and permit number(s) owned by the City that are subject to OEPA's Industrial Storm Water General Permit or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to the township MS4 facilities.
- c. Inspect and maintain City vehicles at least twice per year.
- d. Install oil separators at City maintenance facilities.
- e. Wash City equipment in locations that drain to oil separators or other approved treatment system.
- f. Implement cleaning and maintenance program for local, non-regional storm culverts and ditches as authorized by the Ohio Revised Code.
- g. Upon request of the City, the LCSMD may sweep City owned curbed roads more than once per year during good weather. The City will only pay the personnel costs associated with the machine operator when the machine is available.
- h. Ensure City road salt is stored in covered bins.
- i. Ensure that the road salting program meets NPDES Phase II requirements.



- j. Develop procedures for proper disposal of waste removed from your MS4, City operations, including dredge spoil, accumulated sediments, floatables, and other debris.
- k. Develop procedures to ensure that new flood management projects are submitted to LCSMD for review and assessment, for impacts to water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.
- l. Provide LCSMD with the name(s) of person(s) responsible for overall management and implementation of your pollution/good housekeeping program.
- m. Submit to LCSMD an evaluation of their pollution prevention/good housekeeping program, including how the City selected the measurable goals for each BMP. This submittal shall accompany the Annual Report, see paragraph 6(a), below.

#### **6. Reporting**

- a. Provide annual documentation for City work associated with the six minimum controls on the form supplied by Ohio EPA for inclusion in the LCSMD regulatory report.

The City may provide such additional services to LCSMD as are deemed reasonable by the City and that are not specifically referenced in this MOU.

#### **Duties of Both Parties**

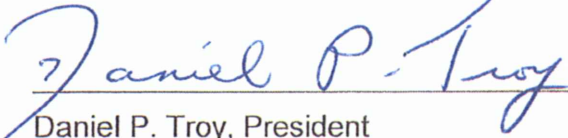
- 1. The LCSMD and the City will meet periodically to review the effectiveness of this Agreement, coordinate individual and joint progress and exchange information.
- 2. All services provided by LCSMD and the City are offered on a non-discriminatory basis without regard to race, color, national origin, religion, age, marital status or handicap.
- 3. The City 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, in writing, with mutual consent.
- 5. It is mutually agreed that this agreement shall be in full force while Lake County and its Co-Permittees are covered by Ohio EPA Permit Number 3GQ00068\*BG.
- 6. 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 further agree that the City shall indemnify and hold the County 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 the City is required to perform pursuant to this Agreement.

7. The parties hereby acknowledge that LCSMD, as the City'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 the City's responsibilities under this Agreement or the permits referred to herein. The parties agree that the City upon notification of pending actions, complaints and/or inquiries from LCSMD, shall prepare any schedules, reports or other actions and/or proceed with corrective action in a timely manner as may be required. However, should the City fail to take timely action as required by the regulatory agency having jurisdiction, it shall indemnify and hold the County 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 City's inaction.
8. The MOU is for a five-year term and may be terminated for any reason with 180 days written notice by either of the parties.
9. In the event that this Agreement is terminated for any reason, any and all real property or interests in real property located within the City that were acquired by the County for any purpose related to the LCSMD shall be transferred to the City on such terms as the City and County shall agree. Any such transfer shall comply with all applicable statutes and regulations.

In witness thereof, the parties here to have affixed their hands and seals in Lake County, Ohio this 8<sup>TH</sup> day of JULY, 2014.

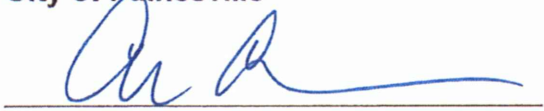
**BOARD OF LAKE COUNTY COMMISSIONERS**


  
Daniel P. Troy, President

  
Robert E. Aufuldish, Commissioner


  
Judy Moran, Commissioner

**City of Painesville**

  
Anthony Carson, City Manager

  
Joseph Gurley, Law Director

**Approved as to form:**

  
Lake County Prosecuting Attorney

7/2/14  
Date

Member Communities:

Concord Township  
Fairport Harbor Village  
Grand River Village  
City of Kirtland  
Kirtland Hills Village  
Lakeline Village  
Madison Township  
Madison Village  
Mentor on the Lake City  
Painesville City  
Painesville Township  
Perry Village  
Timberlake Village  
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

Other:

Lakeland Community College