RESOLUTION NO. 2020-06

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE NORTHEAST OHIO REGIONAL SEWER DISTRICT TO PROVIDE U.S. EPA PHASE II STORM WATER SERVICES FOR THE 2020 CALENDAR YEAR, AND DECLARING AN EMERGENCY

WHEREAS, the Village of Oakwood is an operator of a small municipal separate storm sewers system (MS4) which was required to, and did obtain, by **March 10, 2003**, National Pollutant Discharge Elimination System permit (MS4 Permit) coverage, through the Ohio EPA, for storm water discharge as a result of U.S. EPA's Storm Water Phase II Rule; and

WHEREAS, the Storm Water Phase II Rule is part of the U.S. EPA's effort to preserve, protect, and improve the nation's water resources from polluted storm water runoff, Phase II is intended to further reduce adverse water quality and aquatic habitat conditions by instituting the use of controls on the unregulated sources of storm water discharges that have the greatest likelihood of causing environmental degradation. The Phase II rule automatically covers on a nationwide basis all small municipal separate storm sewer systems (MS4s) located in "urbanized areas" as delineated by the Census Bureau; and

WHEREAS, MS4s are required to design a storm water management plan to reduce the discharge of pollutants to the maximum extent practicable. The Phase II Rule defines a small MS4 storm water management program as comprised of six minimum control measures that, when administered in concert, are expected to result in reduction of the discharge of pollutants into receiving water bodies. Operators of regulated small MS4s are required to design their programs to do the following: reduce the discharge of pollutants to the "maximum extent practicable" (MEP), protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act. Implementation of the MEP standard will require the development and implementation of best management practices and the achievement of measurable goals to satisfy each of the following six (6) minimum control measures (MCM):

MCM 1.   Public Education and Outreach
Distributing educational materials and performing outreach to inform citizens about the impacts polluted storm water runoff discharges can have on water quality.

MCM 2.   Public Participation/Involvement
Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a storm water management panel.

MCM 3.   Illicit Discharge Detection and Elimination
Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system (includes developing a system map and informing the community about hazards associated with illegal discharges and improper disposal of waste).

MCM 4.   Construction Site Runoff Control
Developing, implementing and enforcing an erosion and sediment control program for construction activities that disturb one (1) or more acres of land (controls could include silt fences and temporary storm water detention ponds).

MCM 5.   Post-Construction Runoff Control
Developing, implementing and enforcing a program to address discharges of post-construction storm water runoff from new development and redevelopment areas. Applicable controls could include preventive actions such as protecting sensitive areas (e.g., wetlands) or the use of structural BMPs such as grassed swales or porous pavement.

MCM 6.   Pollution Prevention/Good Housekeeping
Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures and techniques (e.g., regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch-basin cleaning); and

WHEREAS, the Village of Oakwood is a member of the Northeast Ohio Regional Sewer District (NEORSD) and the NEORSD is required to provide Phase II storm water regulation support services to member communities for MCM Nos. 1, 2, 3 and 6 and is further authorized to provide such services through service providers such as the Cuyahoga Soil and Water Conservation District (SWCD); and

WHEREAS, the NEORSD has recognized SWCD as a preferred service provider which will work with NEORSD and the Village to plan and provide a conservation program that includes public education and involvement, and which will implement the Public Involvement and Public Education (PIPE) program, which program meets and exceeds the requirements of MCM Nos. 1 and 2; and

WHEREAS, the Village desires to enter into a Memorandum of Understanding (MOU) with NEORSD and SWCD for a period of twelve (12) calendar months beginning in January 2020, and subsequent annual renewals, to retain the services of SWCD, and participate with SWCD, in meeting the requirements of MCM Nos. 1 and 2, and provide an annual report to the Ohio EPA, all as more fully set forth in the MOU, which is attached hereto as Exhibit A, and incorporated as if fully rewritten herein; and

WHEREAS, per the MOU, the Village agrees to grant an annual conservation appropriation to SWCD, in an amount not to exceed $5,500.00 for the calendar year 2020, and NEORSD agrees to provide the Village with an appropriation in the amount of $5,500.00, which the Village shall use to pay SWCD to implement the services set forth in the MOU for the calendar year 2020.

NOW, THEREFORE BE IT RESOLVED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:
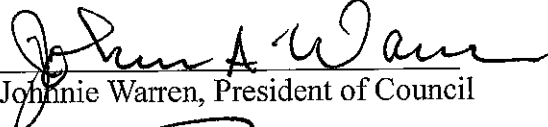
Section 1. The Mayor is hereby authorized and directed to enter into the MOU with NEORSD and SWCD for the calendar year 2020, which is attached hereto as Exhibit A, and
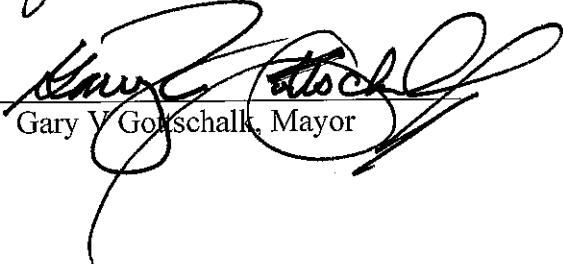
incorporated as if fully rewritten herein, and to grant an annual conservation appropriation to SWCD, in an amount not to exceed $5,500.00 for the calendar year 2020, conditioned upon the Village receiving from NEORSD an appropriation in the amount of $5,500.00, which the Village shall use to pay SWCD to implement the services set forth in the MOU for the calendar year 2020.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution constitutes an emergency measure necessary for the health, safety and general welfare of the residents of the Village, and to allow the services set forth in the MOU to immediately commence, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law
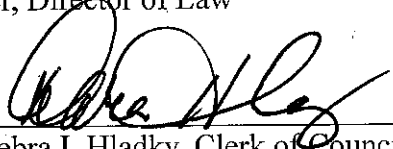
PASSED: _Jan. 28_____, 2020

_____
Johnnie Warren, President of Council
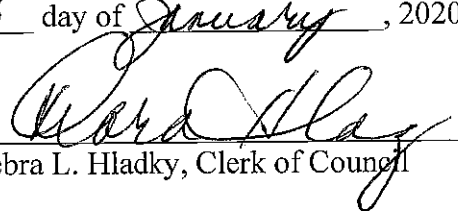
_____
Gary V Gottschalk, Mayor

Approved as to legal form:

_____
James Climer, Director of Law

ATTEST: _____
Debra L Hladky, Clerk of Council

CERTIFICATION

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2020-06 was duly and regularly passed by this Council at the meeting held on the _28_ day of _January_, 2020.

_____
Debra L. Hladky, Clerk of Council

POSTING CERTIFICATE

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2020-06 was duly posted on the _/2_ day of _Feb._ , 2020, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

_____
Debra L. Hladky, Clerk of Council

DATED: _February 12, 2020_

Exhibit A follows:

This is a part of the legislation as passed.

To see this legislation in its entirety, please contact the Clerk of Council, Debra Hladky

dhladky@oakwoodvillageoh.com
440.201.1020 (direct line)