MEMORANDUM OF UNDERSTANDING
Between the Cuyahoga Soil and Water Conservation District and the City of North Royalton

Purpose-NPDES Storm Water Permit (Minimum Control Measures 4 & 5)

Recognizing the need for effective collaboration in carrying out their mandated responsibilities, especially related to the NPDES Storm Water Permit, the City of North Royalton (City) and the Cuyahoga Soil and Water Conservation District (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 City as it plans for the development/redevelopment and conservation of its environment, as well as, water quality improvements. The Ohio Revised Code, Chapter 1515, describes the District's authority for engaging in this Mutual Agreement.

For ease of understanding, this agreement is arranged according to the Minimum Control Measures for the National Pollutant Discharge Elimination System (NPDES) for Storm Water as defined with the Ohio Revised Code 3745-39-04 (B)(1) through (6).

Project Tasks

The District and the City have mutually agreed to the scope of technical assistance related to storm water pollution prevention on construction sites disturbing one or more acres of total land, including the entire area disturbed in the larger common plan of development or sale (≥1 acre) as required under the NPDES rules. Construction activities disturbing less than one acre and not part of a larger common plan of development or sale of total land (<1 acre), and not covered under the NPDES rules, will be reviewed by the District as requested by the City. Storm water management basins existing prior to NPDES coverage will be field reviewed by the District on a 3-year cycle.

Annual Appropriation

The Cuyahoga SWCD will: (i) perform storm water pollution prevention plan (SWP3) reviews for proposed development, redevelopment and infrastructure renovation projects; (ii) perform abbreviated construction plan reviews, as requested by the City; (iii) perform field reviews of active construction projects; (iv) perform long-term maintenance field reviews of post-construction water quality facilities and existing (prior to NPDES coverage) storm water basins; and (vii) provide written technical advisory reports detailing plan review recommendations, site conditions, and recommendations for compliance and/or maintenance activities needed.

Annual appropriation for technical assistance related to NPDES covered construction activities will not exceed **$28,000** based on: (i) 10-12 active construction sites (≥1 acre); (ii) SWP3 review (≥1 acre); (iii) field review and technical advisory reporting (12 per year per site) once construction begins; (iv) 14-16 annual long-term maintenance field reviews, including rapid field assessment, of post-construction water quality facilities; and (v) comprehensive field review of ~161 existing storm water management basins (1/3 per year). Plan review of abbreviated construction plans will be performed as requested by the City. A payment plan will be established on a quarterly basis.

District's Role Related to Storm Water Pollution Prevention Activities
Minimum Control Measures 4 & 5

1. The District will provide technical assistance, related to storm water pollution prevention and storm water management, as requested, including:

    a. Review of development, redevelopment, and infrastructure renovation plans for compliance with NPDES rules and the current edition of Ohio's Rainwater and Land Development standard guidance manual;
    b. Provide rapid field assessment of soils and soil quality; and
    c. Provide an annual report of all activities undertaken (including copies of any other data collected).

2. The District will also provide technical advice on planning issues, including:

    a. Technical assistance on local legislation if the City pursues universal application of accepted best management practices at construction sites;
    b. Sound storm water management;
    c. Protection of sensitive natural areas;
    d. Grants for conservation-related endeavors;
    e. General evaluation of sensitive areas such as creeks, floodplains, soils, slopes, wetlands, watersheds, woodlands or other unique areas that are planned for development;
    f. Recommendations for stream bank and wetlands restoration, slope erosion control; and
    g. Small drainage systems and wildlife habitat enhancements.

Municipality's Role Related to Storm Water Pollution Prevention Activities

1. The City will designate a Storm Water Coordinator, someone to serve as the City's liaison, for the storm water pollution prevention program.

2. The City will recognize the environmental and economic functions of open spaces, such as wetlands, stream corridors, ravines, woodlands and fields as worthy of the City's protection.

3. The City will utilize the District's technical assistance including plan reviews, project inventory, evaluation, and inspections of planned construction sites, storm water management basins or sensitive natural areas of concern to the City.

4. The City will direct builders, developers and consultants for assistance on planning and conservation early in the planning cycle as required by the City.

5. The City will adopt, apply and enforce District recommendations by issuing and enforcing work stoppage or other remedies as required by the City.

6. The City recognizes that the District has no authority to enforce recommendations.

7. The City recognizes that the District depends on the acceptance of the District's recommendations as reasonable and worthy of enforcement through the City's regulatory process.

8. The City will provide the District with field surveys, proposed layouts, designs or meeting notices needed for adequate technical assistance in a timely manner.

Agreed Procedures

- That the SWCD is a conservation technical and education assistance agency and therefore is not granted regulatory authority in the Ohio Revised Code.

- That the working relationship will be defined to include lines of communications with appropriate departments. The District and the City will meet at least once a year to coordinate a work plan and exchange information.

- The District will provide a written annual summary, relevant to its role, as outlined in this MOU. The City will submit an Annual Report to the Ohio EPA, which will include, but is not limited to the summary provided by the District, as required by its Storm Water Permit.

- That the standards and specifications developed by the City shall take precedence in planning and application of conservation measures. Where the City's policies are moot, the standards of the USDA, Natural Resources Conservation Service and the current edition of Ohio's "Rainwater and Land Development" manual will be used in planning and application of conservation measures.

- That all parties will review quality of assistance and address concerns as they arise.

- That credit will be given jointly to the SWCD and the City in natural resource/ NPDES related publications prior to publication.

- All assistance of the District is offered on a non-discriminatory basis without regard to race, age, marital status, handicap or political persuasion.

- The City recognizes the District's obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.

This working agreement may be amended or terminated at any time by mutual consent of both parties, or the agreement may be terminated by either party giving thirty (30) days notice in writing to the other.

In witness thereof, the Memorandum executed and agreed to on the day, month and year written:

Cuyahoga Soil & Water
Conservation District

_____

By: Ruth Skuly
Chair
Date:

City of North Royalton

_____

By: Robert Stefanik
Mayor
Date: