VILLAGE OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2020-43

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO EXECUTE AN AGREEMENT WITH THE WARREN COUNTY SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, the Warren County Soil & Water Conservation District (WCSWCD) assists the Warren County Engineer's Office in the administration of the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) small Municipal separate storm sewer system (MS4) permit for unincorporated areas of the County; and,

WHEREAS, the Village of South Lebanon has elected to join the Warren County Board of Commissioners as a co-permittee for the MS4 permit; and,

WHEREAS, the WCSWCD has assisted the Village in fulfilling their responsibilities as a MS4 co-permittee with Warren County and would like to continue the agreement with the responsibilities of each party listed in the attached agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, at least a majority of all members elected thereto concurring:

Section 1. Approve and authorize the Mayor and Fiscal Officer to execute an Agreement, a copy of which is attached hereto, with the Warren County Soil and Water Conservation District.

Section 2. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 3. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 3rd day of December, 2020.

Attest: Nicole Armstrong

Nicole Armstrong, Fiscal Officer/Clerk

James D. Smith

James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date –
Vote - ____ Yeas ____ Nays		
First Reading – 11/5/2020 Second Reading – 11/19/2020 Third Reading – 12/3/2020		Effective Date – / /2020
Vote - 6 Yeas ____ Nays		

Prepared by and approved as to form:

PAUL R. REVELSON
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: 12/3/20

AGREEMENT BETWEEN
THE VILLAGE OF SOUTH LEBANON
AND
WARREN COUNTY SOIL & WATER CONSERVATION DISTRICT

This working agreement becomes effective on January 1, 2021. The agreement expires on December 31, 2021. The agreement is subject to the limitations of authorities, resources and policies of the Warren County Soil and Water Conservation District (WCSWCD) and the Village of South Lebanon.

The Village of South Lebanon has elected to join the Warren County Board of Commissioners as a co-permittee on the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Small municipal separate storm sewer system (MS4) Permit (permit). The purpose of this agreement is to detail services that WCSWCD will provide to assist the Village of South Lebanon in meeting the terms of the permit as a co-permittee. WCSWCD works with the Warren County Engineer's Office to provide services as required by the permit to the unincorporated areas of Warren County as well as all co-permittee jurisdictions. The MS4 is responsible for the permit requirements and contracting with the WCSWCD does not guarantee full compliance with the Ohio Environmental Protection Agency permits.

<u>WCSWCD will provide the following services for the Village of South Lebanon:</u>

1. Write and update the Stormwater Management Plan (SWMP) for Warren County and its' co-permitees (Clearcreek, Franklin, Hamilton, Turtlecreek, and Union Townships and the Villages of Maineville, Morrow and South Lebanon) as required by the permit. The Stormwater Management Plan (SWMP) will be submitted in accordance with 40 CFR Part 122.32 and Ohio Law. The SWMP document outlines the steps Warren County and its' co-permittees need to take to develop, implement and enforce a stormwater management program designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate requirements of the Clean Water Act in accordance with the Ohio EPA Phase II program. The SWMP addresses the six minimum control measures (MCMs) as required by state regulations.

2. The permit contains six minimum control measures (MCMs) that must be met for permit compliance. The six MCMs and the District's related services are as follows:
   - MCM 1 – Public Education & Outreach: provide educational programming opportunities for K-12 students of Warren County through non-traditional educational programming, multi-media outreach and school programming.
   - MCM 2 – Public Involvement & Participation: provide educational programming opportunities to Warren County residents through volunteer and participation opportunities at workshops, festivals, and special events/meetings.

- MCM 3 – Illicit Discharge Detection and Elimination: oversee the Illicit Discharge Detection and Elimination (IDDE) program in accordance with permit requirements. The District will provide leadership to MCM 3 by,
  a. leading the IDDE Advisory committee which includes the Village of South Lebanon as a collaborator,
  b. conducting dry-weather screening of outfalls, and
  c. upkeep the system map by adding new infrastructure and track yearly reported outfalls.
- MCM 4 – Construction Site Storm Water Runoff Control: oversee the Construction Site Storm Water Runoff Control program in accordance with the County, State and Federal applicable erosion and sediment control regulations. The District will provide leadership to MCM 4 by,
  a. responding to all construction stormwater complaints and track the number of complaints,
  b. collaborating with the Warren County Engineer's Office in reviewing, approving and permitting plans and Stormwater Pollution Prevention Plan (SWPPP) documents for all projects greater than one acre in size,
  c. inspecting all active sites in accordance with the inspection frequency policy, and
  d. assisting the Village with enforcement actions for non-compliance.
- MCM 5 – Post-Construction: oversee yearly inspections of the stormwater control basins for the post-construction storm water management program in accordance with permit requirements. The District will also provide,
  a. updates to the County Basin Maps as inspections are done with results of the visual inspection,
  b. provide letters of maintenance to basin owners documenting concerns that need to be addressed so that basins continue to operate properly, and
  c. provide basin owners with technical assistance for maintenance and repair of stormwater control basins.
- MCM 6 – Good Housekeeping & Pollution Prevention: oversee the pollution prevention and good housekeeping practices for municipal operation program to meet the permit's requirements. This will be done by providing,
  a. yearly trainings for municipal workers,
  b. provide yearly inspections for municipality facilities as outlined in the SWPPPs, and
  c. provide SWPPPs as deemed necessary for municipal facilities.

3. Write and update the MS4 annual report for the Warren County MS4 and its' co-permittees as required by the permit.

<u>The Village of South Lebanon will:</u>

1. Compensate the WCSWCD in the amount of $21,096.00 for the services provided and shall be paid on the effective date of this agreement.
2. Submit a Notice of Intent (NOI) with the Ohio EPA requesting coverage under the NPDES Small MS4 Stormwater Permit and request co-permittee status with the Warren County Board of Commissioners' NPDES Small MS4 Stormwater Permit.

3. Legislate stormwater regulations, erosion and sediment control regulations and illicit discharge and detection regulations to apply to the Village of South Lebanon, and be responsible for the enforcement of such regulations.
4. Conduct regular and quarterly inspections of its own municipal facilities that have Storm Water Pollution Prevention Plans.
5. Provide statistics (waste oil generated, yard waste collected, street sweeping material collected, total salt applied, pesticide and herbicide applied, and fertilizer applied, etc.) by January 17, 2021 for the annual report.

Termination:

This agreement may be terminated at any time by mutual consent of the parties involved or may be terminated by either party by giving 90 days notice in writing to the other.

Warren County Soil and Water Conservation District

_____	_____	_____
Signature	Title	Date

Village of South Lebanon

James D. Smith 12/3/20

James D. Smith
Mayor

Date

Nicole Armstrong 12/3/20

Nicole Armstrong
Fiscal Officer

Date

Approved as to form

Paul R. Revelson
Village Solicitor
Village of South Lebanon

By: _____

Date: 12/3/2020