

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2023-42**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND
DIRECTOR OF FINANCE TO EXECUTE AN AGREEMENT WITH THE WARREN
COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR CALENDAR
YEAR 2024**

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 City 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 City 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 City of South Lebanon, at least a majority of all members elected thereto concurring:

Section 1. Approve and authorize the Mayor and Director of Finance to execute an Agreement for calendar year 2024, 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.

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Adopted this 2nd day of November, 2023

Attest:  
Petrina D. Williams, Director of Finance/Clerk James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date –
Vote - ___ Yeas		
___ Nays		
First Reading – <u>10/19/2023</u>		Effective Date – <u>12/2/2023</u>
Second Reading – <u>11/2/2023</u>		
Vote - <u>6</u> Yeas		
___ Nays		

Prepared by and approved as to form:

ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

By: 
Date: 11/2/2023

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

This working agreement becomes effective on January 1, 2024. The agreement expires on December 31, 2024. The agreement is subject to the limitations of authorities, resources and policies of the Warren County Soil and Water Conservation District (WCSWCD) and the City of South Lebanon.

The City of South Lebanon has elected to join Warren County Commissioners as a co-permittee on the EPA National Pollutant Discharge Elimination System (NPDES) Small MS4 (municipal separate storm sewer system) Permit (permit). The purpose of this agreement is to detail services that WCSWCD will provide to assist the City of South Lebanon in meeting the terms of the permit as a co-permittee. WCSWCD works with 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.

WCSWCD will provide the following services for the City of South Lebanon:

1. Write and update the Stormwater Management Plan (SWMP) for Warren County and its' co-permittees (Clearcreek, Franklin, Hamilton, Turtlecreek, and Union Townships and the Villages of Maineville, Morrow, and City of 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 WCSWSD's related services are as follows:
 - MCM 1 – Public Education & Outreach: WCSWCD will provide leadership for MCM 1 by providing 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: WCSWCD will provide leadership for MCM 2 by providing 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 WCSWCD will provide leadership for MCM 3 by,
 - a. Leading the IDDE Advisory committee which includes the City of South Lebanon as a collaborator,
 - b. conducting dry-weather screening of 20 percent of total outfalls so that all outfalls are screened within the 5-year permit term,
 - c. reviewing IDDE points of interest that have been identified by the City of South Lebanon,
 - d. testing of potential illicit discharge water samples will be provided by WCSWCD, WCSWCD will provide pre-communication before any testing is conducted,
 - e. responding to and investigating illicit discharge complaints or reports,
 - f. maintaining the system map by adding new infrastructure and track yearly reported outfalls, and
 - g. collaborating with City of South Lebanon, Warren County prosecutor and Warren County Engineer for program enforcement.

- 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. WCSWCD will provide leadership for MCM 4 by,
 - a. Collaborating with the City of South Lebanon in reviewing and approving of all active construction by utilizing construction drawings, operation and maintenance documents and SWP3 documents (these documents should be shared for review and approval before pre-construction meetings and earth disturbance is permitted) for all projects greater than one acre in size,
 - b. requiring an earth disturbing application for each construction site before earth disturbance can commence,
 - c. inspecting all active sites in accordance with the OEPA inspection frequency policy,
 - d. issuing Notices of Violation to construction site contractors and developers/owners on behalf of the City of South Lebanon as it's designated agent and copying through email all inspectors and engineers,
 - e. responding to all construction stormwater complaints and tracking the number of complaints, and
 - f. assisting the City of South Lebanon 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. WCSWCD will provide leadership for MCM 5 by,
 - a. Inspecting 20 percent of all County stormwater control basins so that all basins are inspected once per 5-year permit term,

- b. updating the County basin map, in conjunction with the County GIS department, with results of basin inspections,
 - c. notifying property/basin owners that an inspection has been performed and providing electronic versions of inspection data on the WCSWCD website for basin owners to view and download, and
 - d. providing 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. WCSWCD will provide leadership for MCM 6 by,
 - a. Providing 1 yearly training for municipal workers,
 - b. providing yearly inspections for municipality owned facilities as outlined in the Stormwater Pollution Prevention Plans (SWPPPs), and
 - c. providing SWPPPs as deemed necessary for municipal facilities.
 - d. Write and update the MS4 annual report for Warren County and its’ co-permittees as required by the permit.
3. Write and update the MS4 annual report for Warren County and its’ co-permittees as required by the permit.

The City of South Lebanon will:

1. Compensate the WCSWCD \$24,360.00 for the services provided as outlined in Exhibit “A”.
2. Submit a Notice of Intent (NOI) with the Ohio Environmental Protection Agency requesting coverage under the NPDES Small MS4 Stormwater Permit and request co-permittee status with Warren County Commissioner NPDES Small MS4 Stormwater Permit.
3. Enforce the City of South Lebanon’s stormwater regulations, erosion and sediment control regulations and the illicit discharge regulations.
4. Conduct regular and quarterly inspections of the 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, 2024, 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.

WCSWCD:

IN EXECUTION WHEREOF, _____, the _____ of the Warren County Soil & Water Conservation District, has caused this Agreement to be executed on the date stated below.

Witness:

SIGNATURE: _____
PRINTED NAME: _____
DATE: _____

SIGNATURE: _____
PRINTED NAME: _____
TITLE: _____
DATE: _____

CITY:

IN EXECUTION WHEREOF, the Council of the City of South Lebanon, Ohio, has caused this Agreement to be executed on the date stated below by its Mayor and its Director of Finance Officer, pursuant to Resolution No. 2023- 42, dated November 2, 2023.

SIGNATURE: James D. Smith
PRINTED NAME: James D. Smith
TITLE: Mayor
DATE: 11/2/2023

SIGNATURE: Tina Williams
PRINTED NAME: Tina Williams
TITLE: Director of Finance
DATE: 11/2/23

APPROVED AS TO FORM:

ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

By: Andrew P. Meier
Date: 11/2/2023

2024 Phase II MS4 Program Costs For Co-Permittees to Warren County MS4 City of South Lebanon					
MCM	Description	%	@ \$12 per developed lot	Program Cost (Lots)	
MCM 1	Public Education & Outreach	25	\$3.00	\$6,090.00	
MCM 2	Public Involvement & Participation	5	\$0.60	\$1,218.00	
MCM 3	Illicit Discharge Detection and Elimination	20	\$2.40	\$4,872.00	
MCM 4	Construction Site Storm Water Runoff Control	30	\$3.60	\$7,308.00	
MCM 5	Post Construction	15	\$1.80	\$3,654.00	
MCM 6	Good Housekeeping & Pollution Prevention	5	\$0.60	\$1,218.00	
	Total	100	\$12.00	\$24,360.00	

- * Village of South Lebanon paid \$20,336.40 for Phase II MS4 services in 2020.
- * Village of South Lebanon paid \$21,096.00 for Phase II MS4 services in 2021.
- * Village of South Lebanon paid \$22,368.00 for Phase II MS4 services in 2022.
- * Village of South Lebanon paid \$23,352.00 for Phase II MS4 services in 2023.