RESOLUTION NO. 2020-34
INTRODUCED BY: Mayor Bodnar

A RESOLUTION AUTHORIZING THE MAYOR AND PRESIDENT OF COUNCIL TO ENTER INTO AN AMENDMENT TO THE THE MEMORANDUM OF UNDERSTANDING WITH THE CHAGRIN RIVER WATERSHED PARTNERS, INC. FOR PROVIDING ASSISTANCE TO MAYFIELD VILLAGE RELATIVE TO FULFILLING OBLIGATIONS UNDER ITS STORMWATER MANAGEMENT PROGRAM

WHEREAS, Chagrin River Watershed Partners, Inc. is a non-profit corporation formed by communities in the Chagrin River watershed to assist those communities in the management of stormwater runoff and related resource management issues.

WHEREAS, Chagrin River Watershed Partners, through its staff, is a recognized expert in stormwater management issues.

WHEREAS, Mayfield Village is a member in good standing of the Chagrin River Watershed Partners, Inc.

WHEREAS, Mayfield Village is required to obtain a permit from the Ohio Environmental Protection Agency under General National Pollution Discharge and Elimination System (NPDES) Permit No.: OHQ000003 for stormwater discharges from its MS4, as defined in the permit.

WHEREAS, Mayfield Village entered into a Memorandum of Understanding with Chagrin River Watershed Partners, Inc. to provide services and assistance in the management of stormwater runoff and related resource management issues.

WHEREAS, the Memorandum of Understanding entered into with the Chagrin River Watershed Partners, Inc. for providing assistance in fulfilling obligations under its stormwater management program has expired.

WHEREAS, Ohio EPA's Small MS4 general permit states that an expired general permit continues in force and effect until a new general permit is issued.

WHEREAS, the Council deems it necessary and in the best interest to the health, safety and welfare of all Mayfield Village residents to enter into an amendment to the Memorandum of Understanding with the Chagrin River Watershed Partners, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. Council hereby authorizes the Mayor and President of Council to enter into an amendment to the Memorandum of Understanding with the Chagrin River Watershed Partners, Inc. from January 1, 2020 to December 31, 2020 or 90 days following issuance of a new Small MS4 general permit, whichever is later. (Exhibit A attached hereto).

SECTION 2. The Council finds and determines that all formal actions of the Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the reason that it provides for necessary and time sensitive services and to provide stormwater management services required by law. It shall, therefore, take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

STEPHEN SCHUTT, Council President

First Reading: July 20, 2020

Second Reading: _____, 2020

Third Reading: _____, 2020

PASSED: July 20, 2020

Brenda T Bodnar

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

ANTHONY J. COYNE, ESQ., Director of Law

ATTEST: Mary E. Betsa

MARY E. BETSA, MMC, Clerk of Council

CHAGRIN RIVER WATERSHED PARTNERS

March 4, 2020

Memorandum of Understanding Amendment
Phase II Member Assistance

Mayfield Village
And
Chagrin River Watershed Partners, Inc.

Mayfield Village and the Chagrin River Watershed Partners, Inc. (CRWP) entered into a Memorandum of Understanding (MOU) to acknowledge certain duties undertaken by the Village in fulfillment of a permit from the Ohio Environmental Protection Agency, (Ohio EPA) authorizing discharges of stormwater from a municipal separate storm sewer system (MS4), and to define the role of CRWP in assisting the Village to fulfill those duties. The parties to this MOU hereby recognize the following background to this MOU:

WHEREAS, Ohio EPA's Small MS4 General Permit was issued on September 11, 2014 and expired on September 10, 2019.

WHEREAS, Part III.C of the Small MS4 general permit states that written acceptance of the obligation to share responsibility for implementation of one or more of the minimum measures must be maintained as part of the Village's Stormwater Management Plan (SWMP).

WHEREAS, Part V.B of the Small MS4 general permit states that an expired general permit continues in force and effect until a new general permit is issued.

WHEREAS, the duration of this MOU shall be extended to include the period of January 1 through December 31, 2020, or 90 days following issuance of a new Small MS4 general permit, whichever is later.

All other terms and conditions of this Agreement remain unchanged.

Mayfield Village

Brenda T Bodnar

Mayor Brenda T. Bodnar

7.20.20

Date

Stephen Schutt, Council President

7/20/2020

Date

APPROVED AS TO FORM:

Anthony J. Coyne

Anthony J. Coyne, Esq.
Director of Law

Chagrin River Watershed Partners, Inc.

Heather Elmer, Executive Director

Date

Chagrin River Watershed Partners, Inc.
Phase II Member Assistance

MEMORANDUM OF UNDERSTANDING
Chagrin River Watershed Partners, Inc. & Mayfield Village

This Memorandum of Understanding (MOU) is between Mayfield Village (the Village) and the Chagrin River Watershed Partners, Inc. (CRWP). The duration of this agreement shall be from January 1, 2015 to December 31, 2019, subject to annual review and modification as provided below.

Section A
The purpose of this MOU is to acknowledge certain duties undertaken by Mayfield Village in fulfillment of a permit from the Ohio Environmental Protection Agency, (Ohio EPA) authorizing discharges of stormwater from a municipal separate storm sewer system (MS4), and to define the role of the CRWP in assisting Mayfield Village to fulfill those duties. The parties to this MOU hereby recognize the following background to this MOU:

1. CRWP is a non-profit corporation formed by communities in the Chagrin River watershed to assist those communities in the management of stormwater runoff and related resource management issues. CRWP, through its staff, is a recognized expert in stormwater management issues.

2. Mayfield Village is a member in good standing of the CRWP.

3. Mayfield Village is required to obtain a permit from Ohio EPA under General National Pollution Discharge and Elimination System (NPDES) Permit No.: OHQ000003 for stormwater discharges from its MS4, as defined in the permit.

Section B
Under this MOU, Mayfield Village agrees to the following:
1. It will use its best faith efforts to provide CRWP with information about its obligations under the permit, issues pertinent to stormwater management, and the plans, programs, and resources that it has committed to fulfilling its obligations under the permit.

2. It will consider in good faith each year its decision to retain membership in CRWP and will continue such membership as long as it is deemed in the best interests of Mayfield Village. Nothing in this agreement shall be construed to commit Mayfield Village to continuing membership in CRWP.

3. Its permit obligations are solely its responsibility and will continue in accordance with the terms of the permit whether or not Mayfield Village remains a member of the CRWP.

Section C
Under this MOU, CRWP agrees to the following:
1. It will use best faith efforts to collect information, consult with Mayfield Village on its program and plans, and assist Mayfield Village in review and implementation of its Stormwater Management Program and fulfilling its obligations under the permit.

2. All costs for time spent by staff on regular and customary work will be covered by Mayfield Village's annual dues to CRWP. Any increases to CRWP Member dues are determined by the CRWP Board of Trustees, on which Mayfield Village is represented. Mayfield Village shall reimburse CRWP for all out of pocket costs incurred on its behalf. Any additional costs for specific materials, consulting, or programs will be negotiated and accepted by mutual agreement at the time such materials or service are provided. Nothing in the MOU shall be construed to commit Mayfield Village to any specific expenditure.

Section D

Under this MOU, CRWP further agrees to provide the following services to Mayfield Village:

1. **Minimum Control Measures #1:** Public Education and Outreach. CRWP will provide the following services:

    a. No fewer than two (2) articles per year to be used by Mayfield Village for print media, digital media, or social media related to stormwater and watershed management issues, and other printed or digital materials as requested.
    b. Participate as a speaker and offer technical advice for public meetings and events as requested by Mayfield Village. CRWP's participation may include developing presentations and related handouts and researching and recommending other speakers as dictated by the topic. CRWP will also notify Mayfield Village of meetings outside of the Village and assist the Village in advertising these to residents. Mayfield Village, or sponsoring organization, will organize and advertise these public meetings.
    c. Assist in the preparation and presentation of public educational materials and presentations offered through the Northeast Ohio Public Involvement and Public Education workgroup.

2. **Minimum Control Measures #2:** Public Involvement and Participation. CRWP will provide direct outreach and technical assistance to landowners at Mayfield Village's request.

3. **Minimum Control Measures #3:** Illicit Discharge Detection and Elimination. At the request of Mayfield Village, CRWP will provide technical assistance for meeting the requirements of this MCM.

4. **Minimum Control Measure #4:** Construction Site Stormwater Runoff Control. CRWP will provide a model code and assist the community with updating its erosion and sediment control code to be compliant with Ohio EPA's most recent MS4 and Construction General permits. CRWP will also support Mayfield Village in implementing its erosion and sediment control code.

5. **Minimum Control Measure #5:** Post-Construction Stormwater Runoff Control on New Development and Redevelopment. CRWP will provide the following services:
    a. CRWP will assist the community with updating its comprehensive stormwater management code to be compliant with Ohio EPA's most recent MS4 and Construction General Permits. CRWP will also support Mayfield Village in implementing its comprehensive stormwater management code.

b. CRWP will provide model codes as needed to implement Mayfield Village's Stormwater Management Program under this MCM, and consult with Mayfield Village, as well as other agencies, to assist in the adoption and revision of codes. These model codes may include comprehensive stormwater management, riparian and wetland setbacks, conservation development, off street parking and other policies intended to limit long-term stormwater quality and quantity concerns.
c. Assist in the preparation and presentation of professional-level educational materials and presentations on post-construction stormwater management offered through the Northeast Ohio Stormwater Training Council.
d. At Mayfield Village's request, review development plans and advise on effective post-construction stormwater management techniques including stormwater control measures that address water quality problems noted in the U.S. EPA approved Total Maximum Daily Loads for the Chagrin River Watershed (http://www.epa.ohio.gov/portals/35/tmdl/ChagrinRiverTMDL_final_may07.pdf).

6. **Minimum Control Measure #6:** Pollution Prevention and Good Housekeeping on Community Operations. At Mayfield Village's request, CRWP will assist in the preparation and presentation of educational materials and presentations on this MCM. CRWP can provide walk-throughs of municipal facilities and provide recommendations regarding implementing this MCM.

7. CRWP will cooperate with other providers of services to Mayfield Village in fulfillment of permit requirements including, but not limited to, local health districts and Soil and Water Conservation Districts.

8. CRWP will assist Mayfield Village in the preparation of grant proposals as requested to improve stormwater management.

9. CRWP will provide a list of services rendered to Mayfield Village to aid in the preparation of its Phase II annual report.

10. CRWP may provide other services, as appropriate, as requested by Mayfield Village.

Section E

It is intended by the parties that this MOU clearly express the intentions and understandings of the parties that will govern their best faith efforts to cooperate in the fulfillment of Mayfield Village's obligations under the Ohio EPA Permit. Nothing herein shall be considered a contractual commitment by either party.

Mayfield Village's binding obligations shall be limited to the terms of the permit and to decisions that may be made by the appropriate officials, acting in accordance with Ohio law.

CRWP's good faith efforts to provide the assistance described herein shall continue only as long as Mayfield Village remains a member in good standing of CRWP, in accordance with the ordinances of the corporation. CRWP's provision of services under this MOU shall also be

consistent with its mandate to provide similar services to its other member communities and park districts on a fair and equitable basis.

Section F
This MOU may be reviewed on an annual basis and modified to the extent necessary to effectively meet the goals of each of the parties. Either party may terminate this agreement upon 30 days written notice. Upon termination, the parties will seek to fulfill pending projects and commitments based upon mutual agreement.

This memorandum and the understandings contained herein are hereby accepted by Mayfield Village and CRWP.

Chagrin River Watershed Partners, Inc.

Heather Elmer

Heather Elmer, Director

Mayfield Village

Mayor Bruce Rinker

CHAGRIN RIVER WATERSHED PARTNERS

March 4, 2020

Summary of Services

Mayfield Village Phase II 2019 Annual Report

Chagrin River Watershed Partners (CRWP) assists Mayfield Village in complying with the requirements of the Ohio EPA Nonpoint Source Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) Permit. CRWP advises members in the preparation of annual reports and on meeting Storm Water Management Program requirements, suggests changes to improve programs, and provides technical assistance and support related to Phase II Minimum Control Measures (MCMs). Services in this summary can be used to populate your annual report to Ohio EPA, which is due on April 1, 2020. If you would like assistance with populating your annual report, please contact Kristen Hebebrand at khebebrand@crwp.org or 440-975-3870 x1004.

MCM 1 – Public Education

- Plan Your Spring Permeable Pavement Maintenance: CRWP developed and shared this article with all member communities.
- CRWP and partner watershed organizations have developed stream stewardship and stormwater management fact sheets that are available electronically on crwp.org to all CRWP members for use in public outreach.
- CRWP provided educational materials focused on for Mayfield Village to distribute at events and meetings with residents.
    - CRWP assisted with development of Northeast Ohio Public Involvement Public Education (NEOPIPE) calendar. This calendar was developed to increase public awareness of stormwater issues and opportunities to protect our shared waters and was distributed at CRWP's September and December 2019 Board of Directors meetings, Willoughby Hills library, Mentor Senior Center and a workshop for private landowners.
- Stream Stewardship and Stormwater Management
    - 2 attendees from Mayfield Village
- Rain Garden Workshop
    - 2 residents from Mayfield Village attended

MCM 2 – Public Involvement and Participation

- CRWP conducted a site visit at 6842 MetroPark Drive on June 20, 2019 and provided recommendations to the homeowner including rain garden installation, native plants, and lawn core aeration.

MCM 3 – Illicit Discharge Detection and Elimination

- CRWP Participated in the Ohio Stormwater Association Regulatory Subcommittee and communicated stormwater regulation updates to MS4 communities.

MCM 4 – Construction Site Erosion and Sediment Control

- CRWP Participated in the Ohio Stormwater Association Regulatory Subcommittee and communicated stormwater regulation updates to MS4 communities.

MCM 5 – Post-Construction Stormwater Management

- CRWP Participated in the Ohio Stormwater Association Regulatory Subcommittee and communicated stormwater regulation updates to MS4 communities.

CRWP assists Mayfield Village in complying with the requirements of the Ohio EPA NPDES Phase II Municipal Separate Storm Sewer System (MS4) Permit. Ohio EPA's small MS4 General Permit expired on September 10, 2019. Ohio EPA is currently working on a draft general permit renewal and agency staff anticipate public noticing the new permit in spring 2020. Per Part V.B of the small MS4 general permit, an expired general permit continues in force and effect until a new general permit is issued. Mayfield Village's general permit coverage therefore remains active until the new permit is issued. Communities should not submit a Notice of Intent to renew permit coverage at this time. Permittees must wait until the general permit renewal is issued final before coverage can be renewed. Once the general permit is issued, Ohio EPA will provide instructions on how to renew coverage.

Mayfield Village must execute the attached amendment to this MOU to maintain MS4 permit compliance until the new permit is issued.

2020 Proposed Phase II Stormwater Technical Assistance:

- CRWP is revising our model comprehensive stormwater, erosion and sediment control and illicit discharge detection and elimination ordinances and will share draft model ordinances with communities, SWCDs, and Ohio EPA for review as soon as they are available. Once model ordinance updates are complete, CRWP is available to assist communities with adoption and implementation of these ordinances required for MS4 permit compliance.
- Upon request, CRWP can provide at least one article per year to be used by the Mayfield Village for print media, digital media, or social media related to stormwater and watershed management issues, and other printed or digital materials as requested.
- CRWP can provide walk-throughs of municipal facilities and provide recommendations regarding implementation of MCM 6: Pollution Prevention and Good Housekeeping for Municipal Operations. CRWP can also provide staff trainings for MCM 6.

Please review the Phase II Member Assistance Memorandum of Understanding between CRWP and Mayfield Village for additional assistance CRWP can provide.