

Memorandum of Understanding between the City of Canton Service Director and City of Canton Health Department for Assistance

Upon this 24th day of August, 2015, this Memorandum of Understanding (MOU) is entered into by and between the City of Canton Director of Public Service (herein referred to as "the Director"), and the City of Canton Health Department (herein referred to as "the Health Department"). This Memorandum shall be effective indefinitely from the date above until otherwise terminated by the provisions set forth herein.

The Director and Health Department recognize the need for effective relationships and assistance in satisfying certain provisions of Chapter 961 (Storm Water Management) of the City of Canton Codified Ordinances with respect to elimination of illicit discharges in the City of Canton's Municipal Separate Storm Sewer System (herein referred to as "MS4"). The MS4 is any storm drainage system including storm sewers, roadside ditches, storm drains/catch basins, detention/retention basins, etc. that is owned and operated by the City of Canton. Private drainage systems in themselves are not part of the MS4, although some may discharge to it.

Both parties acknowledge that Chapter 961.04 authorizes the Director to designate and/or contract with the Health Department or other City Departments or agencies for assistance in administration and enforcement of provisions of Chapter 961, and agree that such assistance includes:

- Designation of responsibility for response to illicit discharges in the MS4;
- Investigation of reports of illicit discharges in the MS4;
- Taking appropriate field-actions upon investigation to contain and/or prevent illicit discharges from further discharge into the MS4;
- Enforcement of violations of Chapter 961 with respect to illicit discharges in the MS4;
- Coordination with other City departments and local agencies as needed for the investigation, containment, and enforcement of illicit discharges in the MS4; and
- Compiling information pertaining to illicit discharges in the MS4 and providing such information to the City Engineering Department.

The Director and Health Department accept this MOU as the document which describes the process for exchange. Cooperation between the two parties facilitates solutions to requirements of Chapter 961 as mandated by the City of Canton's National Pollutant Discharges Elimination System (NPDES) Small MS4 Permit administered by Ohio EPA.

Responsibilities of the Director:

1. **Designate the Health Department to be Responsible for Responding to Illicit Discharges in the MS4:** The Director designates the Health Department to be the responsible department to be contacted upon report of illicit discharges to the MS4 in accordance with the City of Canton Illicit Discharge Detection and Elimination (IDDE) Response Protocol. This designation includes authorization to inspect in accordance with the provisions of Chapter 961 as well as enforcement in accordance with the provisions as stated within this MOU.

2. **Illicit Discharge Detection and Elimination (IDDE) Response Protocol:** The Director will provide, via the Engineering Department, written IDDE response protocol to be followed by all City employees. Such protocol will designate the Health Department and other appropriate departments to be contacted upon report of illicit discharge, substance, or debris in the City MS4, water of the state, or other drainage system.
3. **Assist the Health Department:** The Director will designate the Engineering Department, Collection Systems Department, Street Department, Fire Department, Police Department, and/or any other City Department to provide assistance to the Health Department as appropriate for effectively carrying out responsibilities as described herein. Provision of additional assistance that may be needed above and beyond the capacities of the designated departments will be discussed and mutually agreed upon by both parties.
4. **Enforcement:** The Director will provide enforcement above the level of authority granted to the Health Department as otherwise described herein.
5. **Record Maintenance:** The Director will designate the City Engineering Department to maintain files of illicit discharges in the MS4, including Reports of Illicit Discharges as prepared by the Health Department and other applicable departments, maps, records, enforcement correspondence, and other corresponding documentation. Such information may be required to be submitted to Ohio EPA for compliance with NPDES Small MS4 Permit requirements.

Responsibilities of the Health Department:

1. **Responsible for Responding to Illicit Discharges in the MS4:** The Health Department will be the responsible department designated by the Director to be contacted and to respond upon report of illicit discharges to the MS4 in accordance with the City of Canton Illicit Discharge Detection and Elimination (IDDE) Response Protocol. This designation includes authorization to inspect in accordance with the provisions of Chapter 961 as well as enforcement in accordance with the provisions as stated within this MOU.
2. **Inclusion in Illicit Discharge Detection and Elimination (IDDE) Response Protocol:** The Health Department agrees to be included as part of the written City of Canton IDDE Response Protocol that is to be followed by all City employees. Such protocol will be provided by the Director and will designate the Health Department and other appropriate departments to be contacted upon report of illicit discharge, substance, or debris in the City MS4, water of the state, or other drainage system.
3. **Assist the Director:** The Health Department will assist the Director or other City departments or local agencies as appropriate for respective involvement in illicit discharge detection and elimination in the MS4.
4. **Enforcement:** The Health Department is authorized to provide the following measures of enforcement for violations of illicit discharge prohibitions in accordance with the provisions of Chapter 961.13: Notice of Violation of Regulations; Stop Work Order; and Injunctive Relief. The Health Department will prepare and utilize templates as appropriate for the measure of enforcement used.

5. **Documentation:** The Health Department will complete a "Report for Illicit Discharge in MS4" upon each response to a report of an illicit discharge and only when it has been confirmed by inspection that such discharge has entered the MS4. The Health Department will provide a copy of the completed "Report for Illicit Discharge in MS4" to the City Engineering Department along with copies of any other documentation corresponding to the incident such as, but not limited to: enforcement measures; supplemental investigation documentation; records, correspondence, etc. Such information may be required to be submitted to Ohio EPA for compliance with NPDES Small MS4 Permit requirements.

Agreed Procedures:

1. The Director and the Health Department shall meet yearly to review the effectiveness of this agreement, coordinate individual and joint progress, and exchange information.
2. The Director and Health Department recognize the obligation to make correspondence, inspection reports, and other written materials available to the public upon request in accordance with the Ohio Public Records Act.
3. The Director and Health Department agree that the cost for the Health Department to carry out the responsibilities described herein will be in the amount of **\$0.00** per year.
4. This agreement may be amended or terminated at any time by mutual consent of both parties or terminated by either party giving sixty (60) days notice in writing to the other.

In witness thereof, this Agreement is executed and agreed to on the date entered above by:

Director

Health Department

Name (print) William L. Bortos
Signature William Bortos
Title Director of Public Service
Date 8/5/2015

Name (print) James M. Adams
Signature James M. Adams
Title Health Commissioner
Date 8/24/2015

APPROVED AS TO FORM CEC 9-5-15

[Signature]
CANTON LAW DIRECTOR