

1 RESOLUTION NO. 2019-424

2
3 SPONSOR Ms. Shapiro

4
5 DATE December 2, 2019 COMMITTEE Public Works

6
7 **A Resolution authorizing the County Executive to execute and agree to the Ohio**
8 **Environmental Protection Agency's ("OEPA") Director's Final Findings and Orders**
9 **pertaining to an overflow at the Hudson/Tinkers Creek Pump Station and authorizing the**
10 **Executive to issue payment in the amount of \$50,000.00 to the Summit Metro Parks for the**
11 **Tenbroeck Conservation Area Restoration Plan, in Council District 3, for the Executive's**
12 **Department of Sanitary Sewer Services, and declaring an emergency.**

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14 WHEREAS, on December 7, 2018, DSSS personnel discovered a sanitary sewer
15 overflow into a Category 3 Wetland caused by a hole(s) in the force main sanitary sewer line at
16 the Hudson/Tinkers Creek Pump Station, a pump station operated by the County, in the City of
17 Hudson, in Council District 3; and

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19 WHEREAS, as a result of the overflow at the Hudson/Tinkers Creek Pump Station, the
20 Director of the Ohio Environmental Protection Agency ("OEPA") made findings that the County
21 was in violation of Ohio Revised Code Sections 6111.04(A) and 6111.07(A); and

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23 WHEREAS, in accordance to said findings, the County and the OEPA have reached an
24 agreement in the form of the OEPA Director's Final Findings and Orders; and

25
26 WHEREAS, pursuant to said OEPA's Director's Final Findings and Orders, which is
27 attached hereto as Exhibit A, the County is committed to remitting \$50,000.00 to Summit Metro
28 Parks to fund mitigation efforts in wetlands in the Tenbroeck Conservation Area, adjacent to
29 Tinker's Creek, as specified in the Tenbroeck Conservation Area Restoration Plan incorporated
30 in the Final Findings and Orders; and

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32 WHEREAS, this Council finds and determines after reviewing all pertinent information,
33 that it is necessary and in the best interest of the County of Summit to authorize the County
34 Executive to execute and agree to said OEPA Director's Final Findings and Orders;

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36 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
37 of Ohio, that:

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39 SECTION 1

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41 The County Executive is hereby authorized to execute and agree to the Ohio
42 Environmental Protection Agency's ("OEPA") Director's Final Findings and Orders in
43 substantially the form attached to this Resolution as Exhibit A. The Executive is further
44 authorized to issue payment in the amount of \$50,000.00 to the Summit Metro Parks for the
45 Tenbroeck Conservation Area Restoration Plan, pursuant to said OEPA Director's Final Findings
46 and Orders.

1 RESOLUTION NO. 2019-424

2 PAGE TWO

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4 SECTION 2

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6 This Resolution is declared an emergency in the interest of the health, safety and welfare
7 of the residents of the County of Summit, and for the further purpose to immediately abate
8 environmental issues caused by overflow to a wetland in the Tenbroeck Conservation Area
9 adjacent to Tinker's Creek, and to immediately further a necessary Restoration project with the
10 Summit Metro Parks.

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12 SECTION 3

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14 Provided this Resolution receives the affirmative vote of eight members, it shall take
15 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
16 effect and be in force at the earliest time provided by law.

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19 SECTION 4

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21 It is found and determined that all formal actions of the Council concerning and relating
22 to the adoption of the Resolution were adopted in an open meeting of this Council, and that all
23 deliberations of this Council and of any of its committees that resulted in such formal action,
24 were in meetings open to the public, in compliance with all legal requirements, including Section
25 121.22 of the Ohio Revised Code.

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29 INTRODUCED November 18, 2019

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31 ADOPTED December 2, 2019

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35 CLERK OF COUNCIL

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37 APPROVED December 4, 2019

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41 EXECUTIVE

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43 ENACTED EFFECTIVE December 4, 2019

Voice Vote: YES: 10-0 - Dickinson, Donofrio, Feeman, Hamilton,
Koehler, McKenney, Rodgers, Schmidt, Walters, Wilhite
ABSENT: Prentice