

Resolution authorizing the settlement of a lawsuit with the Sierra Club of Central Ohio brought in the United States District Court, Southern District of Ohio (Commissioners)

WHEREAS, the Board of Commissioners of Franklin County were served with notice of an impending lawsuit brought by the Sierra Club pursuant to Section 505 of the Clean Water Act, 33 U.S.C. § 1365; and

WHEREAS, the Sierra Club alleged a number of violations of the Franklin County municipal separate storm sewer system permit issued by the Ohio Environmental Protection Agency, and has delivered to Franklin County the Complaint to be filed in this matter; and

WHEREAS, the County and its various agencies and contractors have undertaken vigorous and lengthy negotiations with the Sierra Club to reach an agreement on the issues presented in the Complaint; and

WHEREAS, the negotiations have included a number of innovative approaches to storm water management, and the management of the Franklin County storm water system, including staffing levels of various County agencies; and

WHEREAS, the parties to the negotiations understand the complexity involved in operating a storm water system so geographically spread out and diverse as the Franklin County system, and

WHEREAS, the parties approached these negotiations with an understanding of the evolving regulatory structure being proposed by the federal government and the State of Ohio, and have proactively begun to prepare for such anticipated changes including a multi-faceted approach involving several county level agencies; and

WHEREAS, the parties to the proposed litigation have reached a resolution of the matters in dispute, which resolution is embodied in the Consent Decree attached hereto and incorporated herein;

BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

Section 1: That in accordance with the preamble, which is incorporated herein, the execution of the Consent Decree attached hereto as Exhibit A is hereby approved; and

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Section 2: That the County Administrator is authorized to execute the attached Consent Decree on behalf of the Board of Franklin County Commissioners.