



**MEMORANDUM OF AGREEMENT  
BETWEEN  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
AND  
U.S. ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT  
TO ESTABLISH INTERAGENCY FUNDING PURSUANT TO SECTION 214 OF THE  
FEDERAL WATER RESOURCES DEVELOPMENT ACT OF 2000, AS AMENDED**

THIS MEMORANDUM OF AGREEMENT (“MOA”) is entered into between the Northeast Ohio Regional Sewer District (hereinafter the “NEORS”), pursuant to Board of Trustees Resolution No. 67-19, adopted March 21, 2019, and the United States Army Corps of Engineers, Buffalo District (hereinafter the “Corps”), collectively referred to as the “Parties.”

**RECITALS**

WHEREAS, the Corps has jurisdiction over certain activities occurring in waters of the United States pursuant to Section 404 of the Clean Water Act (“CWA”) of 1972, as amended, and navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (“RHA”), as amended; and

WHEREAS, Section 214 of the Federal Water Resources Development Act of 2000, 33 U.S.C. 2352 (“Section 214”), as amended, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit application of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army; and

WHEREAS, the Secretary of the Army has delegated the authority to carry out Section 214 to the Assistant Secretary of the Army for Civil Works (ASA(CW)) and the ASA(CW) has re-delegated the same authority to the Chief of Engineers by memorandum dated January 8, 2018 and January 19, 2018, respectively; and

WHEREAS, the Chief of Engineers, by memorandum dated April 18, 2018, has authorized Corps District and Division Engineers to carry out the Section 214 authority, subject to certain limitations; and

WHEREAS, the Corps has indicated it is not able, without additional resources, to expedite the evaluation of NEORS permit applications that have a public purpose; and

WHEREAS, NEORS is a non-Federal public entity and believes it is in its best interest to provide funds to the Corps pursuant to this MOA to streamline and expedite Corps’ review under Section 404 of the CWA and/or Section 10 of the RHA for NEORS projects with a public purpose, as more fully described in this MOA; and

WHEREAS, the Corps issued an initial public notice dated May 8, 2019 regarding its intent to accept and expend funds contributed by NEORS under Section 214; and

WHEREAS, it is understood and acknowledged by all Parties that the Corps' review of NEORSD's permit applications will be completely impartial and in accordance with all applicable Federal laws and regulations and the current Corps Headquarters policy for implementation of Section 214; and

WHEREAS, this MOA establishes the responsibilities and operating procedures of the Parties with respect to the Corps' priority review of NEORSD permit applications for projects with a public purpose requiring a Corps' permit pursuant to Section 404 of the CWA and/or Section 10 of the RHA; and

WHEREAS, this MOA is intended to: (1) enable the Parties to fully consider, address, and protect environmental resources early in the development of proposed actions; (2) avoid conflicts late in project development through close coordination during early planning and development stages; (3) provide sufficient information to the Corps for timely analysis of project effects and to assist NEORSD in developing appropriate mitigation measures; (4) maximize the effective use of limited Corps personnel resources by focusing attention on projects that would most affect aquatic resources; (5) provide a mechanism for expediting project coordination when necessary; and (6) provide procedures for resolving disputes in this resource partnering effort.

NOW, THEREFORE, the Parties agree as follows:

## AGREEMENT

### Article I. - PURPOSE AND AUTHORITIES

A. This MOA is entered into by the Parties for the purpose of establishing a mutual framework governing the respective responsibilities of the Parties for the Corps' acceptance and expenditure of funds contributed by NEORSD to provide expedited permit application evaluation-related services for NEORSD permit applications requiring Corps' authorization pursuant to Section 404 of the CWA and/or Section 10 of the RHA. This MOA is not intended as the exclusive means of obtaining review of NEORSD permit applications. This MOA is a vehicle by which NEORSD will obtain expedited permit application evaluation-related services.

B. NEORSD enters into this MOA pursuant to its authority under, inter alia, Ohio Revised Code Chapter 6119 and the Board of Trustees Resolution referenced above.

C. The Corps enters into this MOA pursuant to its authority under Section 214.

D. This MOA is specific to Section 404 of the CWA and/or Section 10 of the RHA permit reviews only.

### Article II. - SCOPE OF WORK

A. NEORSD will provide funds to the Corps to expedite permit application evaluation related services for NEORSD projects with impacts to waters of the United States under the jurisdiction of the Corps. The Corps' Regulatory Program is funded as a Congressionally

appropriated line item in the annual Federal budget. NEORSD will provide the Corps with funds in accordance with the provisions of Section 214.

B. The Corps will provide staffing resources exclusively dedicated to expediting permit application evaluation related services, as described below, for NEORSD-identified priority applications and/or other programmatic efforts to support efficient decision-making related to NEORSD's CWA Section 404 and/or RHA Section 10 permitting needs.

C. The Corps will establish a separate internal financial account to track receipt and expenditure of the funds associated with its review of permit applications submitted by NEORSD pursuant to this MOA. Corps Regulatory personnel will charge their time and expenses against the account when they perform work to either expedite permit application evaluation related requests subject to this MOA or undertake other programmatic efforts to support efficient decision-making related to NEORSD's permitting needs. The Corps will provide to NEORSD quarterly reports listed in Article V.B.5., and, upon reasonable notice, access to or copies of the financial records and supporting documentation related to the expenditure of funds pursuant to this MOA.

D. Funds contributed by NEORSD hereunder will be expended by the Corps to defray the costs of Regulatory Branch personnel (including salary, associated benefits, overhead and travel expenses) and other costs in order to expedite the evaluation of permit applications submitted under this MOA. The fully-burdened cost per hour for Regulatory personnel will vary from \$50.43 (GS-7/1 Regulatory Project Manager) to \$116.28 (GS-12/10 Senior Regulatory Project Manager). Activities covered by this MOA will include, but not be limited to, the following: application intake review; initiating and monitoring consultations with U.S. Fish and Wildlife Service (USFWS) under the Endangered Species Act and with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act; permit database entry; drawing correction; jurisdictional determinations; site visits; travel; preparing and distributing public notices; preparing correspondence; performing the public interest review; preparing draft permit decision documents; meetings with NEORSD and other agencies; permit compliance and compensatory mitigation monitoring; preparing reports for NEORSD and audits of funds expended; technical writing; travel related to NEORSD permitting needs (to be reimbursed by NEORSD at the federal government per diem rates); copying; coordination activities; programmatic tool development and/or improvements that would contribute to streamlining reviews for NEORSD permit applications; relevant training; and any other Section 404 of the CWA and Section 10 of the RHA permit application evaluation-related responsibilities performed by the Buffalo District under Section 214 authority. Activities not contemplated by this agreement may also be performed using funds accepted pursuant to this MOA if the activity would contribute toward expediting evaluating permit applications for NEORSD's projects with a public purpose, and are agreed upon in advance by the Parties.

E. The Corps may expend funds provided by NEORSD to hire contractors to perform select duties, including but not limited to: site visits; preparing and providing technical materials, including environmental documentation; GIS-related services; and meeting coordination for the purpose of augmenting the resources available to the Corps for expediting its review of NEORSD permit applications. If such expenditures when combined with the costs of the

Regulatory Branch personnel require funding in excess of the amount available under this MOA, then the Corps, as appropriate, shall not hire said contractors until and unless additional funds are provided by NEORS and the Parties execute a written amendment to this MOA.

F. If the funds provided by NEORS are expended and not replenished, any remaining NEORS permit applications will be handled like those of any permit applicant.

### Article III. - INTERAGENCY COMMUNICATIONS

To provide for consistent and effective communication between the Parties, each party will appoint a Principal Representative to serve as its central point of contact on matters relating to this MOA. Additional representatives may also be appointed to serve as points of contact on specific actions or issues. For the purposes of this MOA, NEORS's Principal Representative will be Ms. Sarah Rehner, Senior Environmental Specialist and the Corps' Principal Representative will be Ms. Diane Kozlowski, Chief, Regulatory Branch. Either Principal Representative may be changed upon written notification to the other party.

### Article IV. - NOTICES

A. All notices or statements specified in this MOA shall be deemed to have been duly given if in writing and delivered personally, or mailed by first-class, registered, certified mail, or electronic submission with verification of receipt, as follows:

If to NEORS:

Sarah Rehner, Watersheds  
Northeast Ohio Regional Sewer District  
3900 Euclid Ave.  
Cleveland, OH 44115  
RehnerS@neorsd.org

If to the Corps:

Chief, Regulatory Branch  
U.S. Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207  
Diane.c.kozlowski@usace.army.mil

B. A party may change the address to which such communications are to be directed by giving written notice to the Corps or to NEORS in the manner provided in this Article.

C. Any notice, request, demand, or other communication made pursuant to this Article shall be deemed to have been received by the addressee at the earlier of such time as it is actually received or seven (7) calendar days after it is mailed.

## Article V. - RESPONSIBILITIES OF THE PARTIES

A. NEORSD will provide funding necessary for existing or additional Corps Regulatory personnel for the purpose of expediting the review of NEORSD permit applications and other identified activities. To facilitate the Corps' reviews and activities, NEORSD will:

1. Provide adequate information regarding NEORSD projects, scheduling requirements, and other specific activities to initiate permit application evaluation. Information required for the Corps to deem a permit application complete, thereby allowing initiation of the permit review process, can be found in Corps regulations at 33 C.F.R. §§ 325.1(d), 325.3(a), and in General Condition 31 of the Nationwide Permit Program. Upon request, NEORSD shall provide supplemental information necessary to complete the permit application. Additional information [33 C.F.R. § 325.1(e)] required to complete the permit application evaluation process may exceed what is needed to initiate the process. On a case-by-case basis, if requested by the Corps, NEORSD shall provide such additional information so as to ensure the Corps can effectively accomplish the required review.

2. NEORSD will designate permit applications intended to be evaluated in accordance with this MOA. The Corps has discretion in determining whether a single and complete project identified by NEORSD has a public purpose and therefore the associated permit may be evaluated using funds accepted pursuant to this MOA.

3. On a quarterly basis and as needed, NEORSD will establish a priority listing of applications for the Corps which will guide Corps supplemental or reassigned staff efforts under this MOA. Within sixty (60) calendar days following the last signature on this MOA, NEORSD shall provide the Corps with a one-year-out project planning list that will be updated and submitted to the Corps at least quarterly. NEORSD may update this list more frequently, if needed.

4. To the best of its ability, ensure the participation of all essential personnel during the permit application evaluation or compliance process.

5. Work closely with the Corps to establish priorities and schedules in order to optimize available Regulatory Branch staff resources.

6. Provide funding pursuant to the terms of this MOA.

B. The Corps shall supplement or reassign its existing Regulatory Branch personnel, which currently reviews NEORSD permit applications on a routine basis, with qualified personnel within projected funding levels provided by NEORSD. The Corps shall use the funds provided to defray the costs of salaries and associated benefits, relevant training, and to reimburse travel expenses in order to:

1. Expedite the review of NEORSD permit applications in accordance with the purpose, terms, and conditions of this MOA or any amendments thereto. The Corps shall not redirect resources from, or otherwise postpone, permit applications related to non-priority

applications submitted by NEORSD for review by personnel not funded through funds accepted pursuant to this agreement.

2. Render decisions in accordance with the Performance Measures specified in Appendix A. Performance measure results can be used to determine the effectiveness of the MOA, which will help all Parties to understand, manage, and allow for modification of the MOA, as necessary.

3. Following any pre-application meetings and/or discussions to clarify the scope of anticipated permit application review processes, provide NEORSD with an estimated completion date for the permit application evaluation process for each complete application submitted (for projects that require endangered species consultations with the USFWS and/or Section 106 consultation with SHPO, the Corps will only be able to provide an estimated completion date if the USFWS and/or SHPO provide an estimated completion date for the given consultation). NEORSD shall be able to comment on the estimated completion date and adjust the prioritization of review or list of applications, or provide additional resources per Article VI below.

4. Consult with NEORSD regarding an adjustment of priorities if the current and/or projected workload of applications subject to this MOA and activities exceeds the Corps' ability to provide the services specified herein or negotiate additional funding in accordance with Article VII below.

5. Provide NEORSD a brief quarterly summary report of progress made under this MOA covering the items stipulated in **Appendix A** and **Appendix B** within twenty-one (21) calendar days following the end of each quarter.

6. If possible, the Corps will designate the same Project Manager for all NEORSD submissions under this MOA to ensure consistency and maintain efficiency of the review process. The NEORSD may provide input on the qualifications for the Corps-designated Project Manager. The Corps shall notify NEORSD prior to making relevant staff changes. If the Project Manager's work pursuant to this MOA is unsatisfactory to the NEORSD, the NEORSD should present their concerns to the Corps Principal Representative for this MOA or appropriate designee, such as during the quarterly agreement assessment meetings amongst Corps and NEORSD management.

7. Meet with NEORSD on a quarterly basis to discuss progress and evaluate work performed under this MOA. Meetings may take place by teleconference, based on availability.

8. At least ninety (90) calendar days prior to expiration of the MOA, convene a final meeting with NEORSD to review a summary of permit application streamlining and other activities under this MOA, as well as provide recommendations for future coordination between the Parties.

Article VI. - IMPARTIAL DECISION-MAKING:

A. It is understood and agreed that, in order to ensure that the acceptance and expenditure of funds pursuant to this MOA will not impact impartial decision-making with respect to permit review and permit decision-making for NEORSR projects, either substantively or procedurally, the Corps will comply with the following standards, as well as any additional standards that are included in the current version of the Corps Headquarters guidance for the implementation of Section 214:

1. All final permit decisions (including individual permit decisions and all reporting general permit verifications, such as nationwide and regional general permits) and associated decision documents must be reviewed and signed by a responsible official that is at least one level above the decision-maker. For example, if the decision-maker would be a Regulatory Section Chief, then the one-level-above reviewer would be the Branch Chief. In addition, the one-level-above review must not be a position partially or fully funded by NEORSR for at least one year. As such, the Corps will not expend funds provided by NEORSR for costs associated with the review of the Corps' work undertaken by supervisors or other persons or elements of the Corps in the decision-making chain of command. However, if a supervisor is performing staff work and not supervisory oversight, funds may be used, though that supervisor will not be able to review work performed under this agreement for at least one year. If a supervisor is performing staff work, NEORSR shall be billed at the staff rate.

2. All final permit decisions for cases where funds provided by NEORSR to the Corps are used will be made available on the USACE Headquarters Regulatory ORM2 public web page.

3. The Corps will utilize the same procedures or decision criteria that would otherwise be required for the specific type of project and permit application under consideration.

4. The Corps must comply with all applicable Federal laws and regulations.

5. The Corps will not expend funds provided by NEORSR to defray the costs of activities related to the Corps' enforcement functions. The Corps may use funds provided by NEORSR to defray costs of activities related to permit compliance functions, but such funds may not be used to resolve non-compliance issues.

6. Mitigation bank or in-lieu-fee program instruments developed for NEORSR must be signed by the Regulatory Branch Chief or a higher-level position not funded by any funding agreement.

7. All preliminary jurisdictional determinations (JDs) and approved JDs where funds are used must be reviewed by a Corps regulatory employee that is not funded by this MOA. The review does not need to be a field review. For those approved JDs that require coordination with the U.S. Environmental Protection Agency, additional internal Corps review is not required.

Article VII. - FUNDING

A. Funding Periods and Amounts.

Funding Period	Funding for period	Amount and Payment Details
July 1, 2019 – September 30, 2019	\$18,750	Paid in lump sum prior to the funding period.
October 1, 2019 – September 30, 2020	\$75,000.00	\$37,500.00 to be paid by September 1, 2019 \$37,500.00 to be paid by March 1, 2020
October 1, 2020 – September 30, 2021	\$75,000.00	\$37,500.00 to be paid by September 1, 2020 \$37,500.00 to be paid by March 1, 2021

B. Prior to the Corps incurring any expenditure to expedite permit evaluation-related activities as specified in this MOA, NEORS D will make a payment to the Corps for each funding period as specified in subparagraph A above. Payments by NEORS D shall be made by delivering a check payable to "FAO, USAED, Buffalo District," or by providing an Electronic Funds Transfer of such required funds in accordance with procedures established by the Corps. If making payment by check, payments shall be mailed to:

U.S. Army Corps of Engineers, Buffalo District  
Finance and Accounting Officer  
1776 Niagara Street  
Buffalo, NY 14207

C. The Corps will carry-over any unobligated funds from year to year, or will refund such unobligated funds if this MOA is terminated or expires in accordance with Article XI.

D. If the Corps' actual costs for providing the agreed upon level of service will at any time during the term of this MOA exceed the amount of funds available, the Corps will notify NEORS D at least ninety (90) calendar days prior to fund exhaustion of the incremental amount of funds needed to defray the remaining anticipated costs. NEORS D will either provide additional funding, authorize the advancement of funding from a later Funding Period, or agree to a reduced level of service. The total funding for this agreement shall not exceed \$181,250. If additional funding is required beyond \$181,250 to provide the agreed upon level of service, NEORS D will either initiate an amendment to this MOA to increase the funding amount, or agree to a reduced level of service.

#### Article VIII. - APPLICABLE LAWS

The applicable statutes, regulations, policies, directives, and procedures of the United States will govern this MOA and all documents and actions pursuant to it. Unless otherwise required by law, all expediting of permit applications undertaken by the Corps will be governed by Corps regulations, policies and procedures.

#### Article IX. - DISPUTE RESOLUTION

In the event of a dispute, the Parties agree to use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the Parties. The Parties agree that, in the event such measures fail to resolve the dispute, they shall refer the dispute for resolution to an appropriate forum in accordance with Federal law.

#### Article X. - PUBLIC INFORMATION

Justification and explanation of NEORSD's programs or projects before other agencies, departments and offices will not be the responsibility of the Corps. The Corps may provide, upon request from NEORSD, any assistance necessary to support justification or explanations of activities conducted under this MOA. In general, the Corps is responsible only for public information regarding Corps regulatory activities. NEORSD will give the Corps, as appropriate, advance notice before making formal, official statements regarding activities funded under this MOA.

#### Article XI. - AMENDMENT, MODIFICATION, AND TERMINATION

A. This MOA may be modified or amended only by written, mutual agreement of the Parties.

B. Any party reserves the right to terminate its participation in this MOA without cause upon thirty (30) calendar days' written notice to the other party. In the event of termination, NEORSD will continue to be responsible for all costs incurred by the Corps in performing expedited environmental permit review services up to the time of notice and for the costs of closing out any ongoing contracts in support of the provision of services by the Corps under this MOA.

C. Within ninety (90) calendar days of termination of the MOA, or the expiration of the MOA, the Corps shall provide NEORSD with a final statement of expenditures. Within sixty (60) calendar days after submittal of the Corps' final statement of expenditures, the Corps, subject to compliance with the Anti-Deficiency Act (31 U.S.C. 1341 et. seq.), shall directly remit to NEORSD the unexpended balance of the advance payments, if any. Funds may be provided to NEORSD either by check or electronic funds transfer.

#### Article XII. - MISCELLANEOUS

A. This MOA will not affect any pre-existing or independent relationships or obligations between Parties.

B. The Corps' participation in this MOA does not imply endorsement of NEORSD projects nor does it diminish, modify, or otherwise affect Corps statutory or regulatory authorities.

C. If any provision of this MOA is determined to be invalid or unenforceable, the remaining provisions will remain in force and unaffected to the fullest extent permitted by law and regulation.

D. This MOA, including any documents incorporated by reference or attachments thereto, but excluding the pre-existing relationships or obligations between the Parties referenced in subparagraph A above, constitute the entire agreement between the Parties. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein and shall be of no further force or effect.

#### Article XIII. - EFFECTIVE DATE AND DURATION

This MOA and any amendments will be effective on the date of execution by the last party. Unless amended or modified, this MOA shall remain in force until whichever of these events occurs first: 1) September 30, 2021, or 2) the MOA is terminated pursuant to Article XI.B.

[REMAINDER LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Engineer, Buffalo District.

FOR THE NORTHEAST OHIO REGIONAL SEWER DISTRICT

By: Kyle Dreyfuss-Wells

Kyle Dreyfuss-Wells  
Chief Executive Officer

Date: 6/26/19

And: Darnell Brown

Darnell Brown, President  
Board of Trustees

Date: 6-29-19

APPROVED AS TO FORM:

Katarina K. Waag  
Assistant General Counsel

Katarina K Waag

U.S. ARMY CORPS OF ENGINEERS, BUFFALO

By: Jason A. Toth

Jason A. Toth  
Lieutenant Colonel, U.S. Army  
District Engineer, Buffalo District

Date: 27 JUN 19

## Appendix A: Performance Measures

The Northeast Ohio Regional Sewer District (NEORSRD) and the U.S. Army Corps of Engineers, Buffalo District (the Corps) have agreed to utilize the following performance measures to evaluate permit processing under the Memorandum of Agreement (MOA) between NEORSRD and the Corps under Section 214 authority. These Performance Measures may be revised by mutual agreement of NEORSRD and the Corps without necessitating a formal revision of the MOA. The results of the Performance Measure analysis will be presented to NEORSRD on a quarterly basis, within thirty (30) calendar days after the end of the quarter. Additional analysis may be presented throughout the year.

Performance Objective	Performance Measure (% Objective Met)
1. The Corps will conduct a review of all Nationwide Permit (NWP) applications for completeness and notify NEORSRD of any deficiencies within thirty (30) calendar days of receipt.	95% = Exceeds Expectations 80-95% = Expected <80% = Needs Improvement
2. The Corps will issue all NWPs within forty-five (45) calendar days of receipt of a completed application. Exceptions include Section 7 delays; Section 106 delays; plan modification and delays initiated by the NEORSRD; and plan modifications and delays associated with real estate outgrants or Section 408 approval.	90% = Exceeds Expectations 85-90% = Expected <85% = Needs Improvement
3. The Corps will conduct a review of all Individual 404 Permit applications for completeness and notify NEORSRD of any deficiencies within fifteen (15) calendar days of receipt.	95% = Exceeds Expectations 80-95% = Expected <80% = Needs Improvement
4. The Corps will complete all Individual 404 Permits and Letters of Permission within one hundred and twenty (120) calendar days of a completed application. Exceptions include Section 7 delays; Section 106 delays; plan modification and delays initiated by the NEORSRD; and plan modifications and delays associated with real estate outgrants or Section 408 approval.	80% = Exceeds Expectations 60-80% = Expected <60% = Needs Improvement

### Appendix B: Itemization of Expenditures

Quarterly Itemization of Expenditures will be documented in a spreadsheet that contains the following information for each Buffalo District employee who expended funds under the Section 214 agreement during the reporting quarter:

1. The initials of the employee.
2. The fully-burdened rate for the employee.
3. The total hours the employee worked under the Section 214 agreement, with the smallest increment being a quarter of an hour.
4. By multiplying the fully-burdened rate and the hours worked, the total funds expended on labor costs within the reporting quarter.
5. Any additional, non-labor costs expended, identified by resource code (e.g. travel).

Each spreadsheet will also include:

1. The total hours worked by all Buffalo District employees on NEORSD applications under the Section 214 agreement for the reporting quarter.
2. The total funds expended on NEORSD application reviews under the Section 214 agreement for the reporting quarter.

NORTHEAST OHIO REGIONAL SEWER DISTRICT  
RESOLUTION NO. 67-19

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AUTHORIZATION TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE U.S. ARMY CORPS OF ENGINEERS (USACE), BUFFALO DISTRICT TO FUND ONE-HALF OF A USACE FULL-TIME EQUIVALENT EMPLOYEE FOR 29 MONTHS UNDER SECTION 214 OF THE WATER RESOURCES DEVELOPMENT ACT OF 2000 FOR THE PURPOSE OF EXPEDITING CLEAN WATER ACT SECTION 404 PERMIT REVIEWS RELATED TO DISTRICT PROJECTS, IN AN AMOUNT NOT-TO-EXCEED \$181,250.00  
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***WHEREAS***, the District requests to enter into a Memorandum of Agreement with the USACE Buffalo District to fund one-half of a USACE full-time equivalent employee for 29 months under Section 214 of the Water Resources Development Act of 2000 for the purpose of expediting Clean Water Act Section 404 permit reviews related to District projects in an amount not-to-exceed One Hundred and Eighty-One Thousand Two Hundred and Fifty and 00/100 Dollars (\$181,250.00); and

***WHEREAS***, Section 214 of the Water Resources Development Act of 2000 allows for the funding of U.S. Army Corps of Engineers (USACE) positions for the purpose of expediting Clean Water Act Section 404 permit reviews for non-federal public entity projects; and

***WHEREAS***, the District's Clean Water Act Section 404 permitting needs are substantially increasing and the permitting section of USACE is federally underfunded and permit issuance timeframes have significantly increased in recent years; and

***WHEREAS***, funding a designated USACE Buffalo District employee will expedite permit reviews, ensure consistency and predictability for permit approvals and enable the District to better prioritize projects;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

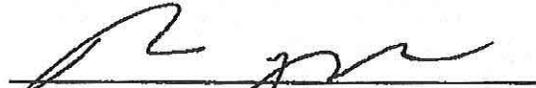
**Section 1.** That this Board hereby authorizes the District to enter into a Memorandum of Agreement with the U.S. Army Corps of Engineers Buffalo District to fund one-half of a U.S. Army Corps full-time equivalent employee for 29 months under Section 214 of the Water Resources Development Act of 2000 for the purpose of expediting Clean Water Act Section 404 permit reviews related to District projects in an amount not-to-exceed to exceed One Hundred and Eighty-One Thousand Two Hundred and Fifty and 00/100 Dollars (\$181,250.00).

**Section 2.** That this Board further finds that the Memorandum of Agreement serves a public purpose as it will expedite permit reviews, ensure consistency and predictability for permit approvals and enable the District to better prioritize projects.

**Section 3.** That this Board hereby authorizes the Chief Executive Officer, at the request of the Director of Watershed Programs, to execute all documents and do all things necessary to effectuate the terms and conditions of the agreement.

**Section 4.** That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mayor Stefanik, seconded by Mr. Ciaccia, the foregoing resolution was unanimously adopted on March 21, 2019.

  
\_\_\_\_\_  
Timothy J. DeGester, Secretary  
Board of Trustees  
Northeast Ohio Regional Sewer District

# CONTRACT NO.

NORTHEAST OHIO REGIONAL SEWER  
DISTRICT

WITH

U.S. ARMY CORP OF ENGINEERS,  
BUFFALO DISTRICT

FOR

MEMORANDUM OF AGREEMENT TO  
ESTABLISH INTERAGENCY FUNDING  
PURSUANT TO SECTION 214 OF THE  
FEDERAL WATER RESOURCES  
DEVELOPMENT ACT OF 2000, AS  
AMENDED

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Total Approximate Cost:           \$181,250.00

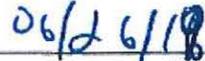
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## CERTIFICATION

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or in process of collection to the credit of the fund free from any obligation or certification now outstanding.



CHIEF FINANCIAL OFFICER



Date

The legal form and correctness of the within instrument are hereby approved.



CHIEF LEGAL OFFICER



Date