

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BERKS COUNTY CONSERVATION DISTRICT WHICH SHALL SERVE AS A JOINT COMMITMENT BETWEEN THE SIGNATORIES TO CONTROL ACCELERATED EROSION AND TO PREVENT SEDIMENT POLLUTION TO THE WATERS OF THE COMMONWEALTH WHICH MAY RESULT FROM THE CONDUCT OF EARTH DISTURBANCE ACTIVITIES IN THE CITY OF READING

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. SHORT TITLE. The short title of this Ordinance shall be "The Berks County Conservation District Erosion and Sediment Control Memorandum of Understanding Ordinance."

SECTION 2. PURPOSE. The purpose of this Ordinance is to enable the City of Reading to partner with the Berks County Conservation District to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from conduct of earth disturbance activities in the City of Reading.

SECTION 3. AUTHORIZATION. The City approves entering into Memorandum of Understanding with the Berks County Conservation District (the "MOU"), a copy of which is attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 4. EXECUTION. The Mayor is hereby authorized and directed on behalf of the City: (i) to execute and deliver the MOU; and (ii) to execute and deliver such additional instruments, and to take such further actions as may be necessary or appropriate to carry forth the MOU and the transactions to be effected under the MOU, including payment of expenses, as may be due from the City under the MOU.

SECTION 5. RATIFICATION. All actions of any officer, agent or other representative of the City heretofore taken in the pursuit of the Berks County Conservation District and/or the City's participation therein are hereby ratified and approved in all respects.

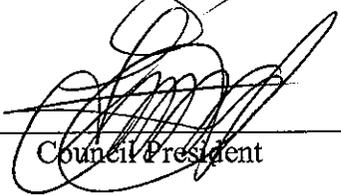
SECTION 6. NECESSARY ACTS. The City is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the MOU.

SECTION 7. REPEAL OF ORDINANCES. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 8. SEVERABILITY. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

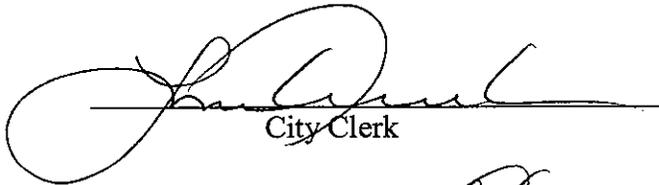
SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted Aug 27, 2012



Council President

Attest:



City Clerk

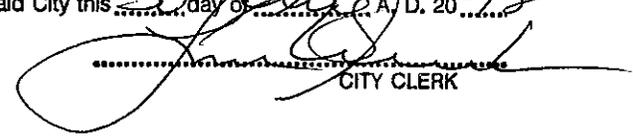
Submitted to Mayor: _____
Date: 8/29/12

Received by the Mayor's Office: _____
Date: 8/29/12

Approved by Mayor: _____
Date: 8/30/12

Vetoed by Mayor: _____
Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original _____ passed by the Council of the City of Reading, on the 27 day of Aug A. D. 2012. Witness my hand and seal of the said City this 30 day of Aug A. D. 2012.



CITY CLERK

EXHIBIT "A"- Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
Between the
BERKS COUNTY CONSERVATION DISTRICT
and

This Memorandum has been prepared jointly and agreed upon by each party for the following purposes:

To serve as a joint commitment by the signatory parties to control accelerated erosion and to prevent sediment pollution to the Waters of the Commonwealth which may result from the conduct of earth disturbance activities in _____.

- I. In carrying out the intent of this Memorandum, the Berks County Conservation District ("District") shall:
 1. Provide the Municipality with District application packets and promptly notify Municipality of any changes in the plan review fee schedule.
 2. Receive and review all Erosion and Sedimentation Plans (Plan), for earth disturbances 5,000 square feet or greater, as required in accordance with Chapter 102 of the PA Code.
 3. Within ten (10) working days of completion of review, notify the consultant, the applicant, and the municipality of all E&S Plan approvals, deficiencies, and all determinations.
 4. Notify the consultant, the applicant, and the municipality that a Plan submission has been returned based on either the lack of response within the specified time period or the lack of the development of a complete Plan in compliance with PA DEP Chapter 102 Erosion and Sediment Control Rules and Regulations.
 5. Upon request, provide all applicants with the PA DEP Erosion and Sediment Control Program Manual and related forms, worksheets, checklists, etc., necessary to successfully prepare a Plan.
 6. Upon the filing of a complaint by the Municipality and/or a third party, the following will occur:
 - a. The District will inspect the complaint within (10) ten calendar days of their receipt.
 - b. If warranted, the District will provide documentation of the associated findings. The source of the complaint shall remain anonymous in accordance with PA DEP policy.
 7. Serve as the repository for all Plans, complaints, Earth Disturbance Inspection Reports, correspondence, etc., that involve earth disturbance activities within the said Municipality. All such information, except the complaint forms, shall be contained in a filing system which shall be available for inspection by Municipality officials upon request.
 8. Support Municipality with respect to Municipality's MS4 reporting requirements as required to satisfy Minimum Control Measure #4 related to services provided under this Memorandum

08/16/2011

In carrying out the intent of this Memorandum, Municipality shall:

1. Retain a sufficient quantity of the District's application packets and provide such packets to all parties for projects that require a review. The Municipality shall provide instructions to have the Plans (residential, commercial, industrial, timber harvest, etc.) for earth disturbances greater than 5,000 square feet submitted to the District for review per Chapter 102 of the PA Code.
 2. Notify the District within (5) five days of receipt of an application for a project disturbing greater than 1 one acre, pursuant to Chapter 102.42.
 3. Pursuant to Chapter 102.43, **the municipality** shall not issue building or other permit or approval to those proposing or conducting earth disturbance activities requiring a Department permit until the Department or District has issued the E&S or individual NPDES Permit or approved coverage under a general NPDES Permit for Stormwater Discharges Associated with Construction Activities under Chapter 102.5.
 4. Forward all questions pertaining to the preparation of Plans and applications to the District.
 5. Forward all third party complaints about ongoing earth disturbance activities to the District for its inspection.
 6. Not issue final close-out, or grant final release of improvement/E&S escrow till the applicant has submitted a Notice of Termination for all NPDES Permitted activities and received Permit termination correspondence from the District.
- II. This Memorandum of Understanding shall become effective immediately. It shall be reviewed annually, or as the need arises by either or both parties, and may be amended by mutual consent of both parties. This Memorandum of Understanding may be terminated at any time, by either party, following a thirty (30) day written notice to the other party.

FOR _____

By: _____

DATE

Attest: _____

FOR THE BERKS COUNTY CONSERVATION DISTRICT

CHAIRMAN

DATE

08/16/2011