

MEMORANDUM OF AGREEMENT

BETWEEN

OCMULGEE RIVER SOIL AND WATER CONSERVATION DISTRICT

AND

THE CITY OF WARNER ROBINS

THIS MEMORANDUM OF AGREEMENT ENTERED INTO BETWEEN THE OCMULGEE RIVER SOIL AND WATER CONSERVATION DISTRICT, HEREINAFTER REFERRED TO AS THE "DISTRICT" AND THE CITY OF WARNER ROBINS, HEREINAFTER REFERRED TO AS THE "CITY".

WHEREAS, THE CITY HAS ADOPTED AN EROSION AND SEDIMENTATION CONTROL ORDINANCE GOVERNING LAND-DISTURBING ACTIVITIES, WHICH ORDINANCE MEETS OR EXCEEDS THE STANDARDS, REQUIREMENTS AND PROVISIONS OF THE EROSION AND SEDIMENTATION ACT OF 1975, GA LAWS 1975, P. 994, AS AMENDED BY GA LAWS 1980, P. ____ (ACT NO. 1075); AND

WHEREAS, THE CITY HAS BEEN CERTIFIED BY THE DIRECTOR OF THE ENVIRONMENTAL PROTECTION DIVISION AS AN ISSUING AUTHORITY FOR PURPOSES OF THE EROSION AND SEDIMENTATION ACT OF 1975, AS AMENDED; AND

WHEREAS, THE CITY HAS DEMONSTRATED TO THE DISTRICT ITS CAPABILITIES TO REVIEW AND APPROVE EROSION AND SEDIMENT CONTROL PLANS AND HAS REQUESTED AN AGREEMENT WITH THE DISTRICT TO CONDUCT SUCH REVIEW AND APPROVAL; AND

WHEREAS, THE DISTRICT ENTERS INTO THIS AGREEMENT WITH THE INTENT OF ALLOWING THE CITY TO CONDUCT THE REVIEW AND APPROVAL OF EROSION AND SEDIMENT CONTROL PLANS WITHOUT REFERRING THE APPLICATIONS AND PLANS TO THE DISTRICT, IN COMPLIANCE WITH § 7 (B) OF THE EROSION AND SEDIMENTATION ACT OF 1975, AS AMENDED; AND

WHEREAS BOTH PARTIES OF THIS AGREEMENT, THE DISTRICT AND THE CITY, UNDERSTAND THAT THIS AGREEMENT CANNOT BE EFFECTIVE UNTIL THE STATE SOIL AND WATER CONSERVATION COMMITTEE GIVES ITS WRITTEN CONCURRENCE HERETO, AS INDICATED BY EXECUTION OF THIS DOCUMENT;

NOW THEREFORE, THE PARTIES TO THIS AGREEMENT, THE DISTRICT AND THE CITY, BASED ON THE MUTUAL CONSIDERATIONS AS SET FORTH BELOW, HEREBY AGREE AS FOLLOWS:

- I. 1. THE CITY SHALL CONDUCT TECHNICAL REVIEW AND APPROVAL OF EROSION AND SEDIMENT CONTROL PLANS IN ACCORDANCE WITH STANDARDS SET FORTH IN THE ORDINANCE OF THE CITY.

2. THE CITY SHALL SUBMIT TO THE DISTRICT ON A QUARTERLY BASIS A REPORT OF THE EROSION AND SEDIMENT CONTROL PROGRAM. SUCH REPORT SHALL CONTAIN THE NUMBER OF PLANS REVIEWED AND THE OVERALL PROGRAM STATUS.

3. THE CITY SHALL KEEP THE DISTRICT INFORMED OF LAND-DISTURBING PLANS THAT MIGHT AFFECT SOIL AND WATER CONSERVATION.

4. THE CITY SHALL MAINTAIN A SYSTEM OF RECORDS, PLANS, APPLICATIONS, ETC. OF ALL ACTIONS TAKEN UNDER THIS AGREEMENT, AND SHALL MAKE SUCH RECORDS AVAILABLE TO THE DISTRICT OR ITS REPRESENTATIVE UPON REQUEST.

II. 1. THE DISTRICT WILL ALLOW THE CITY TO CONDUCT THE REVIEW AND APPROVAL OF EROSION AND SEDIMENT CONTROL PLANS WITHOUT THE NECESSITY OF REFERRING THE APPLICATION AND PLAN TO THE DISTRICT, SO LONG AS THE CITY COMPLIES WITH THE CONDITIONS SPECIFIED IN THIS AGREEMENT.

2. THE DISTRICT WILL PERIODICALLY REVIEW AND CAREFULLY CONSIDER THE REPORTS SUBMITTED BY THE CITY AND SHALL MAKE RECOMMENDATIONS WITH REGARD TO THE ADEQUACY OF THE PROGRAM AND ITS COMPLIANCE WITH THE EROSION AND SEDIMENTATION ACT OF 1975, AS AMENDED.

3. THE DISTRICT SHALL PROVIDE THE CITY WITH EXPERTISE AVAILABLE THROUGH THE DISTRICT AND THROUGH MEMORANDA OF AGREEMENT BETWEEN THE DISTRICT AND OTHER AGENCIES.

4. THE DISTRICT ASSURES THAT EROSION AND SEDIMENT CONTROL ASSISTANCE SHALL CONTINUE TO BE A PRIORITY ITEM OF THE DISTRICT PROGRAM.

5. THE DISTRICT SHALL, UPON REQUEST, PROVIDE OR CONDUCT INFORMATIONAL AND EDUCATIONAL PROGRAMS TO TRAIN INDIVIDUALS CHARGED WITH REVIEW OF EROSION AND SEDIMENT CONTROL PLANS, MANPOWER AND FUNDING PERMITTING.

6. THE DISTRICT SHALL PROVIDE TO THE CITY AN ANNUAL EVALUATION OF THE EFFECTIVENESS OF ITS

EROSION AND SEDIMENT CONTROL PROGRAM.

III. IT IS MUTUALLY UNDERSTOOD AND AGREED AS FOLLOWS:

1. THIS MEMORANDUM SHALL NOT BE AMENDED WITHOUT CONSENT OF BOTH PARTIES AND CONCURRENCE OF THE STATE SOIL AND WATER CONSERVATION COMMITTEE.
2. THE CITY FILES OF EROSION AND SEDIMENT CONTROL PLANS AND ACTIONS SHALL REMAIN ACCESSIBLE TO THE DISTRICT.
3. THE DISTRICT MAY SECURE ADDITIONAL REVIEW SERVICES BEFORE MAKING RECOMMENDATIONS ON THE ADEQUACY OF THE PROGRAM OF THE CITY.
4. THIS MEMORANDUM MAY BE TERMINATED AT ANY TIME BY EITHER PARTY, UPON SIXTY (60) DAYS WRITTEN NOTICE. IT WILL TERMINATE AUTOMATICALLY AND WITHOUT WRITTEN NOTICE IF THE ENVIRONMENTAL PROTECTION DIVISION REVOKES THE CERTIFICATION OF THE CITY PROGRAM PURSUANT TO § 12 (B) OF THE EROSION AND SEDIMENTATION ACT OF 1975, AS AMENDED.
5. THIS MEMORANDUM SHALL BE EFFECTIVE ON THE DATE OF THE CONCURRENCE HERewith BY THE STATE SOIL AND WATER CONSERVATION COMMITTEE.

SWORN TO AND
SUBSCRIBED
BEFORE ME THIS

11th DAY OF
September, 1981.

Beverly H. Jones
NOTARY PUBLIC

CITY OF WARNER ROBINS

BY: Fryman

TITLE: Mayor

MY COMMISSION EXPIRES:
Notary Public, Houston County, Georgia
My Commission Expires Oct. 22, 1984

THIS MEMORANDUM IS HEREBY CONCURRED IN BY THE STATE SOIL
AND WATER CONSERVATION COMMITTEE THIS 22nd DAY OF October, 1981.

SWORN TO AND
SUBSCRIBED
BEFORE ME THIS
22nd DAY OF

October, 1981.

Mary E. Harness
NOTARY PUBLIC

MY COMMISSION EXPIRES:

My Commission Expires June 23, 1985

STATE SOIL AND WATER
CONSERVATION COMMITTEE

BY: *J. Graham Hill*

TITLE: Executive Director