

ARTICLE 1: GENERAL PROVISIONS

1.01: Title

These regulations shall be cited as the Wayne County Storm Water Management Regulations and are hereinafter referred to as “these regulations.”

1.02: Statutory Authorization

These regulations are adopted in accordance with and pursuant to the Ohio Revised Code Chapters 1515, 3707, 3767, 6101 and 6117 and Section 307.79 and thereafter as amended, whereby the Wayne County Board of Commissioners hereinafter referred to as “the Commissioners,” may adopt rules for storm water management.

1.03: Administration

The Wayne County Water Management Engineer hereinafter referred to as “Water Management Engineer,” acting as the Commissioners’ duly authorized representative, shall administer, implement and enforce the provisions of these regulations. Staff of the Water Management Engineer shall be responsible for the determination of compliance with these regulations and shall, through the Water Management Engineer, issue notices and orders as may be necessary.

1.04: Purpose, Intent and Objectives

The Commissioners adopt these Storm Water Management Regulations to establish technically feasible and economically reasonable standards to achieve management and conservation practices to abate wind or water erosion of the soil or abate the degradation of the Waters of the State by soil sediment in conjunction with land grading, excavating, filling or other soil disturbing activities on land used or being developed for non-farm commercial, industrial, residential or other non-farm purposes; minimize damage to property and promote and maintain the health, safety and general well-being of all life and inhabitants of Wayne County to the maximum extent practicable as required by federal and state law.

Further, these regulations intend to, but are not limited to, establish methods for:

- A.** Permitting development while preventing negative downstream impacts throughout the drainage basin;
- B.** Reducing damage to receiving streams and drainage systems that may be caused by the quality, quantity and/or rate of water discharged;
- C.** Establishing a basis for the design of all storm water systems that will preserve the rights and options of both the dominant and subservient property owners and help assure the long-term adequacy of storm water systems;

- D. Protecting water and habitat quality in all watercourses flowing throughout the County; and
- E. Educating and encouraging the public to reduce storm water pollution.

The objectives of these regulations include, but are not limited to:

- A. Controlling and regulating the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the NPDES permit process;
- B. Prohibiting illicit connections and discharges to the MS4;
- C. Establishing legal authority to ensure compliance with these regulations;
- D. Controlling materials and debris from construction sites and construction access routes;
- E. Ensuring future access to storm water management facilities;
- F. Minimizing increases in storm water runoff and non-point source pollution from earth-disturbing activity;
- G. Minimizing the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
- H. Reducing storm water runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through storm water management and to ensure that these controls are properly maintained and pose no threat to public safety.

1.05: Scope

These regulations shall apply to all unincorporated lands and Waters of the State within the unincorporated lands in Wayne County, Ohio, unless excluded in Ohio Revised Code Section 307.79 or Chapter 6101.

1.06: Disclaimer of Liability

Compliance with provisions of these regulations shall not relieve any person from responsibility for damage to any person or property otherwise imposed by law; nor shall it create a duty by the Commissioners or by the Water Management Engineer to those damaged by storm water management.

1.07: Environmental Laws

No conditions of these regulations shall release a person from any responsibility or requirements under other environmental statutes or regulations, including but not limited

to the U.S. Army Corps of Engineers and the Ohio EPA. In particular, these regulations include many requirements and regulations that coincide with the Ohio EPA NPDES Construction General Permit (CGP) OH000003. Any conflict or differences between these regulations and the current or future CGP shall result in compliance with the most stringent or most conservative interpretation of the separate regulations. Nothing in these regulations shall be construed to preclude the institution of any legal action or relieve a person from any responsibilities, liabilities or penalties to which the person is or may be subject to under Section 311 of the Clean Water Act or 40 Code of Federal Regulations Part 112.

1.08: Severability

If any clause, section or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

1.09: Nuisances

These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on his property, and compliance with the provisions of these regulations shall not be a defense in any action to abate such a nuisance.

1.10: Property Rights

These regulations do not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property, nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

1.11: Responsibility

Failure of the Commissioners or the Water Management Engineer to observe or recognize hazardous or unacceptable conditions or to recommend corrective measures shall not relieve a person from the responsibility for the condition or damage resulting there from and shall not result in the Commissioners or the Water Management Engineer, its officers, employees or agents being responsible for any conditions or damage resulting therefrom.

1.12: Duty to Mitigate

All reasonable steps shall be taken by a person to minimize or prevent any discharge in violation of these regulations which has a reasonable likelihood of adversely affecting human health or the environment.

1.13: Information

When any person becomes aware that any relevant facts or information were incorrectly submitted, the Water Management Engineer shall promptly be notified of such facts or information.

1.14: Effective Date

These regulations shall be effective as June 19, 2009.

ARTICLE 2: DEFINITIONS

2.01: Interpretation

For the purpose of these regulations, certain rules or word usage apply to the text as follows:

- A. Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The term “shall” is always mandatory and not discretionary. The word “may” is permissive. The term “should” is permissive but indicates strong suggestion.
- C. The word or term not interpreted or defined by this Article shall be construed according to the rules of grammar and common usage so as to give these rules their most reasonable application.

2.02: Words and Terms Defined

Best management practice(s) (BMP): Schedules of activities, prohibitions of practices, maintenance procedures and other management practices and techniques (both structural and non-structural) used to lessen the environmental impacts of land use and to prevent or reduce the pollution of Waters of the State. BMPs also include treatment requirements, operating procedures and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage. Techniques may involve basins, vegetation, altering construction operations, open space development, riparian buffers or other means of limiting environmental impacts.

Code of Federal Regulations (CFR): A codification of the final rules published daily in the Federal Register. Title 40 of the CFR contains the environmental regulations.

Commencement of earth-disturbing activity: The initial disturbance of soils associated with clearing, grubbing, grading, placement of fill or excavating activities or other construction activities.

Concentrated storm water runoff: Any storm water runoff which flows through a drainage pipe, ditch, diversion or other discrete conveyance channel.

Construction Application for Permit (CAP): The application required by Wayne County to be submitted by the operator/owner to the Water Management Engineer for any earth-disturbing activity, except those exempted from the CAP.

Channel: A natural bed that conveys water; a ditch excavated for the flow of water.

Development drainage area: Any contiguous area operated as one development unit and used or being developed for non-farm commercial, industrial, residential or other non-farm purposes upon which earth-disturbing activities will occur.

Discharge: Any substance introduced to the Waters of the State or to surface runoff which is collected or channeled by the Municipal Separate Storm Sewer System (MS4) which do not lead to treatment works and/or the addition of any pollutant to the Waters of the State from a point source.

Ditch: An open channel, either dug or natural, for the purpose of drainage or irrigation with intermittent flow.

Dwelling: A building or structure used, intended or designed for living purposes by human occupants.

Earth-disturbing activity: Any clearing, grubbing, grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed, which may result in or contribute to erosion and sediment pollution or changes in runoff.

Engineer: A Professional Engineer registered in the State of Ohio according to Chapter 4733 of the Ohio Revised Code.

Erosion: The process by which the land surface is worn away by the action of wind, water, ice or gravity.

Farm: Land or water devoted to agriculture as defined by Section 303.01 of the Ohio Revised Code.

Final stabilization: That either

- A.** All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of at least 70 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of landscape mulches, rip-rap, gabions or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion; or
- B.** For individual lots in residential construction by either:
 - i.** The homebuilder completing final stabilization as specified in A. above or
 - ii.** The homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for and benefits of, final stabilization. (Homeowners typically have an

incentive to put in the landscaping functionally equivalent to final stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or

- C. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were previously used for agricultural activities, such as buffer strips immediately adjacent to Waters of the State and which are not being returned to their pre-construction agricultural use, shall meet the final stabilization criteria in A. or B. above.

Hydrologic soil group: One of four classifications of soil based on the minimum infiltration for bare soil after prolonged wetting as used by the United States Department of Agriculture Natural Resources Conservation Service Technical Release No. 55 *Urban Hydrology for Small Watersheds*.

Illicit connection: Any conveyance pipe or other direct connection that discharges or has the potential to discharge pollutants or non-storm water materials into the municipal separate storm sewer system (MS4) without a permit.

Illicit discharge: Any discharge to a Municipal Separate Storm Sewer System (MS4) that is not composed entirely of storm water.

Impervious Surface: A surface which cannot be penetrated by water.

Larger common plan of development or sale: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

Lot: A part of a subdivision plat recorded in the Office of the County Recorder or a parcel described by metes and bounds, the description, instrument or conveyance of which has been so recorded.

Municipal Separate Storm Sewer System (MS4): As defined at 40 CFR 122.26(b)(8), “means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district or similar entity;
- B. Designed or used for collecting or conveying storm water;
- C. Which is not a combined sewer; and

- D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.”

National Pollutant Discharge Elimination System (NPDES): A national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

Notice of Termination (NOT): Form required by Wayne County to be submitted by the operator/owner to the Water Management Engineer upon final stabilization of a construction site with coverage under a Storm Water Construction Permit.

Operator/Owner: For the purpose of the CAP and Storm Water Construction Permit and in the context of storm water associated with construction activity, any person associated with a construction project that meets either of the following two criteria:

- A. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications
- B. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a Storm Water Construction Permit for the site or other permit conditions (e.g., authorized to direct workers at a site to carry out activities required by the Storm Water Construction Permit or comply with other permit conditions).

Ordinary high water mark: The line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas.

Part per million (PPM): A unit of concentration commonly used when measuring levels of pollutants in air, water, etc. One ppm is 1 part in 1,000,000 parts. One ppm is equivalent to one mg/liter.

Percent imperviousness: The impervious area divided by the total area of the project site.

Permanent stabilization: The establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.

Person: Any individual, corporation, partnership, joint venture, agency, unincorporated associate, party, operator/owner, municipal corporation, County or state agency, the federal government or any combination thereof, subject to these regulations.

Point source: Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container,

rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Qualified inspection personnel: A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.

Rainwater and Land Development: A manual describing construction and post-construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.

Riparian area: An area of trees, shrubs, and surrounding vegetation located adjacent to streams, lakes, ponds, and wetlands which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

Runoff: The portion of rainfall, melted snow or irrigation water that flows across the ground surface and is eventually returned to streams.

Runoff coefficient: The fraction of total rainfall that will appear at the conveyance as runoff.

Sediment: Soils or other rock, sand, gravel and organic material or residue associated with or attached to the soil that can be transported or deposited by the action of wind, water, ice or gravity as a product of erosion (sedimentation).

Sediment and erosion control: Conservation measures used to control sediment pollution, including but not limited to, structural practices, vegetative practices and management techniques.

Sediment pollution: Degradation of Waters of the State by sediment as a result of failure to apply management or conservation practices to abate wind or water soil erosion, specifically in conjunction with earth-disturbing activities on land used or being developed for commercial, industrial, residential or other non-farm purposes.

Sediment settling pond: A sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of the Rainwater and Land Development manual.

Stabilization: Vegetative or structural soil cover-controlling erosion, and includes permanent and temporary seed, mulch, sod, pavement, etc.

Storm water: Storm water runoff, snow melt runoff, and surface runoff and drainage according to 40 Code of Federal Regulation 122.26(b)(13).

Storm Water Construction Permit: The permit signed by the Water Management Engineer indicating that all requirements of the CAP were met and that earth-disturbing activity may commence.

Storm water conveyance system: All storm sewers, channels, streams, ponds, lakes, etc. used for conveying concentrated storm water runoff or storing storm water runoff and filtering pollutants.

Storm water management: The implementation of methods and practices for the purpose of controlling sediment and erosion during construction and rainfall runoff after construction is complete.

Storm Water Pollution Prevention Plan (SWP3): A plan, certified by an Engineer, that determines the storm water management strategy, prepared and approved in accordance with the specific requirements of the Water Management Engineer and the provisions of these regulations.

Stream: Any naturally occurring perennial or intermittent stream, river, or creek flowing within a defined bed and banks. Streams may appear on Soil Surveys, Aerial Photographs, or a USGS resource, whether or not flow may be seasonally intermittent.

Temporary stabilization: The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.

Water Quality Volume (WQv): The volume of storm water runoff which shall be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.

Watercourse: A definite channel with bed and banks, within which concentrated storm water runoff flows, either continuously or intermittently, e.g. streams.

Water Management Engineer: The registered professional engineer employed or appointed by the Commissioners, and his or her agents, experienced in the practice of storm water management analysis and design, sediment and erosion control, and NPDES permit compliance, who administers and/or enforces these regulations.

Waters of the State: All rivers, streams, lakes, ponds, wetlands, watercourses, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, that are situated wholly or partly within or border upon this State, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the ORC are not included.

ARTICLE 3: ILLICIT DISCHARGE STORM WATER MANAGEMENT

3.01: Discharges

Discharges to the Municipal Separate Storm Sewer System (MS4) or other Waters of the State within unincorporated lands of Wayne County shall be subject to and compliant with Ohio Revised Code Chapters 3767, 6117, 3707 and these regulations.

3.02: Prohibition of Illicit Discharges

No person shall discharge or cause to be discharged into the MS4 or other Waters of the State within unincorporated lands of Wayne County any materials other than storm water, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.

An actual or threatened illicit discharge to the MS4 or other Waters of the State within Wayne County that violates or would violate these regulations shall be subject to Article 8 of these regulations.

3.03: Exemptions

The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described as follows:

- A.** The following discharges are exempt from illicit discharge prohibitions established by these regulations: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools dechlorinated to less than one part per million (PPM) chlorine, fire fighting activities, and any other water source not containing pollutants, unless the Water Management Engineer identifies them as significant contributors of pollutants to the MS4.
- B.** Diverted stream flows shall not be exempt from compliance with Ohio Revised Code Chapter 3767.
- C.** Discharges specified in writing by the Water Management Engineer and approved by the Commissioners as being necessary to protect public health and safety are allowable.
- D.** Dye testing is an allowable discharge, but requires a verbal notification to the Water Management Engineer prior to the time of the test.
- E.** The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the

discharger and administered under the authority of the Ohio Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the Waters of the State.

3.04: Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of illicit connections to the MS4 or other Waters of the State within the unincorporated lands of Wayne County is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Any person who allows such prohibitions to continue is considered to be in violation of these regulations.

Owners of property within the unincorporated lands of Wayne County whose property is served by a connection to sewers maintained and operated by the County or to sewers that are connected to interceptor sewers maintained and operated by the County shall conform to Ohio Revised Code Section 6117.012.

3.05: Control of Materials and Debris

Practices shall be implemented by any and all persons at all times to prevent toxic materials, hazardous materials, or other debris from entering the County's and State's water resources or wetlands. These practices shall include, but are not limited to, the following:

- A.** At construction sites, an appropriately sized covered dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum, etc. A second covered dumpster shall be provided for the proper disposal of toxic and hazardous materials.
- B.** The washing of excess concrete material into a street, catch basin, or other public facility or natural resource is prohibited.
- C.** All fuel tanks and drums shall be stored in marked storage areas. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area. If the fuel tanks have a self-contained "dike," the plug shall be kept in the "dike" tank at all times.
- D.** Any toxic or hazardous material and contaminated soils shall be disposed of properly. Runoff from contaminated sites shall not be allowed to leave the site.
- E.** Proper permits shall be obtained for earth-disturbing activity on solid waste landfill sites.

- F. Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls. Gravel construction entrance(s) shall be implemented as required by the Water Management Engineer and the Ohio EPA.
- G. At construction sites where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment.

3.06: Watercourse Protection

Every person owning, operating and/or maintaining property through which a watercourse passes, or such person's lessee or designated agent, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. Natural riparian vegetation associated with intermittent or perennial streams is not to be eliminated or reduced. The person, person's lessee and/or designated agent shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures shall not be a hazard to the use, function, or physical integrity of the watercourse.

Vehicles shall avoid water resources, including but not limited to, wetlands, riparian areas and setbacks. A written approval is required by the Water Management Engineer if vehicles must enter and/or cross these areas repeatedly. This regulation includes, but is not limited to, construction vehicles. All efforts should be made to minimize the impact of the vehicle on the resource.

No rock, soil or debris shall be placed or disposed of in or upon the banks of a ditch, stream, river or Waters of the State within Wayne County. Rock may be used for stream bank stabilization when approved by the Water Management Engineer and designed and installed in accordance with the most current edition of Rainwater and Land Development manual, current ODOT construction and material specifications and US Army Corps of Engineers 404 permit requirements. No litter or material shall be placed or disposed of upon the banks of a ditch, stream, river or Waters of the State within Wayne County according to Ohio Revised Code Sections 3767.32 and 3767.33.

3.07: Notification of Spills

Notwithstanding other requirements of law, as soon as any person has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the MS4, or Waters of the State said person shall take all necessary steps to notify the Wayne County Emergency Management Agency.

3.08: Spill Records

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner of record of such establishment, or owner's designated agent, shall retain an on-site written record of the discharge and the actions taken to prevent its recurrence. This provision does not relieve the owner of record of any other requirements by law.

ARTICLE 4: CONSTRUCTION AND POST-CONSTRUCTION STORM WATER MANAGEMENT

4.01: General Requirements

These regulations shall control earth-disturbing activities resulting from construction activities and establish procedures for issuance, approval, administration, and enforcement of a permit. The Guidance Document for the Storm Water Management Regulations is incorporated by reference into these regulations.

No person shall cause or allow earth-disturbing activities on a development area except in compliance with the requirements set forth in these regulations and the criteria established by the following documents, but not limited to:

- A. Wayne County Engineering Code for Subdivision Development
- B. Wayne County Floodplain Regulations
- C. Wayne County Subdivision Regulations

Where conflicting information exists between the documents above and these regulations, these regulations shall govern.

4.02: Construction Application for Permit (CAP)

The operator/owner shall assemble and submit a Construction Application for Permit (CAP) to the Water Management Engineer to obtain a Storm Water Construction Permit for any earth-disturbing activity. Activities exempt from the CAP process are listed in Section 4.06. The CAP form is available through the Wayne Soil & Water Conservation District. The Water Management Engineer shall notify the applicant within ten (10) business days if the CAP is incomplete. Review of individual CAP attachments shall begin once the attachment is complete. Incomplete CAPs will be returned to the applicant with a list of missing items. The thirty (30) calendar day CAP review period begins when the CAP is complete.

The CAP shall be accompanied by review and permitting fees as determined by Section 6.15 of these regulations.

4.03: CAP Content

The CAP submittal shall include all forms and documents as outlined in Articles 5 and 6 of these regulations.

4.04: Storm Water Construction Permit

No earth-disturbing activities, requiring the completion of a CAP, shall commence prior to the issuance of a Storm Water Construction Permit or Permit Waiver (See Section 4.07) by the Water Management Engineer. The Storm Water Construction Permit or

Permit Waiver shall be issued according to the principles set forth in Article 6 of these regulations. Any runoff or water generated from any land-disturbing activity and/or post-construction activity and/or site shall be considered illicit discharge and subject to Article 8 of these regulations unless permitted by the provisions of these regulations.

4.05: Variance

The Water Management Engineer may recommend that the Commissioners grant a variance to these regulations whenever the operator/owner, or his appointed representative, can show evidence that a hardship exists, whereby, compliance with these regulations is not appropriate, based upon the following:

- A.** That exceptional and/or unusual topographic or other physical conditions exist that are peculiar to the particular parcel of land to which variance is requested;
- B.** That the peculiar condition in paragraph A did not result from previous actions by the operator/owner; and
- C.** That such a literal interpretation of these regulations would deprive a property owner of rights that are enjoyed by other property owners.

Adverse economic conditions shall not be considered as a valid reason or hardship for variance request to be granted. No variances shall be granted where activities occur that may defeat the purposes of these regulations. Request for a variance shall be submitted to the Water Management Engineer's office with a review and permitting fee. Request shall state the specific variances being sought and include sufficient data to justify granting of the variance. The Commissioners may grant or deny a request for variance.

4.06: Exemptions

No Construction Application for Permit (CAP) is required for the following activities:

- A.** Any emergency activity which is immediately necessary for the protection of life, property or natural resources, as advised by the Water Management Engineer and authorized by the Commissioners;
- B.** Existing nursery and agricultural operations conducted as a permitted main or accessory use;
- C.** Cemetery graves;
- D.** A public highway, transportation or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the Commissioners or the Chief of the Division of Soil and Water Conservation in the Department of Natural Resources pursuant to Ohio Revised Code Section 307.79;

- E. Sign installation; construction of fences over six feet in height; or activities that do not require a Building Permit from the Wayne County Building Department and do not include grading or filling of 10,000 square feet or more or the creation of 20,000 square feet or more of new impervious area.
- F. A residential building, structure or addition that is not a dwelling and is 600 square feet or less, except swimming pools and attached garages.
- G. A non-residential building, structure or addition that is not adapted for carrying on business and is 600 square feet or less.

4.07: Waivers

The Water Management Engineer may recommend that the Commissioners grant a waiver of the Storm Water Construction Permit for earth disturbing activities that are not subject to the post-construction storm water management requirements of these regulations or the criteria established by the documents listed in 4.01. The Permit Waiver waives only the post-construction storm water requirements in these regulations.

4.08: Notification

The Water Management Engineer shall be notified forty-eight (48) hours prior to commencement of earth-disturbing activities and upon project completion for all development with an approved Storm Water Construction Permit.

4.09: Pre-Construction Meeting

The owner, developer, engineer, contractor and other principal parties of the proposed project shall meet with the Wayne SWCD for a Pre-construction Meeting no less than two (2) days prior to earth-disturbing activity at a site with an approved Storm Water Construction Permit.

ARTICLE 5: STORM WATER POLLUTION PREVENTION PLAN

5.01: Storm Water Pollution Prevention Plan Applicability and Requirements

When the proposed earth-disturbing activity is subject to Section 4.02 of these regulations, the operator/owner shall provide for storm water management. A comprehensive Storm Water Pollution Prevention Plan (SWP3) for storm water management during construction and post-construction is required for any construction activity involving the disturbance of one (1) or more acres of land or will disturb less than one (1) acre, but is part of a larger common plan of development or sale which will disturb one (1) or more acres of land or meets the large construction site definition in Section 5.18 A. The operator/owner shall develop and submit the SWP3, certified by an Engineer, as part of the CAP and in accordance with the criteria in Article 5 of these regulations.

The SWP3 shall be prepared with sound engineering and/or conservation practices by an Engineer experienced in the design and implementation of standard erosion and sediment controls, storm water management practices, and pollution prevention addressing all phases of construction. The SWP3 shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activities. The SWP3 shall be a comprehensive, stand-alone document, which is not complete, unless it contains the information required in Article 5 of these regulations. The SWP3 shall describe and ensure the implementation of storm water management control practices or Best Management Practices (BMPs), that reduce the pollutants in storm water discharges during construction and pollutants associated with post-construction activities, to ensure compliance with these regulations and with the terms and conditions of the Storm Water Construction Permit.

5.02: Exceptions

If specific site conditions prohibit the implementation of any of the controls and BMPs outlined in these regulations or site specific conditions are such that implementation of any BMPs outlined in Article 5 of these regulations will result in no environmental benefit, the SWP3 shall provide justification for rejecting each practice based on site conditions. Exceptions from implementing BMPs outlined in Article 5 of these regulations shall be approved or denied by the Water Management Engineer on a case-by-case basis.

5.03: Site Description

The SWP3 shall include a site description providing:

- A.** A description of the nature and type of the construction activity (e.g., low density residential, shopping mall, highway, etc.);
- B.** Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas);

- C.** A calculation of the runoff coefficients for both the pre-construction and post-construction site conditions;
- D.** An estimate of the impervious area and percent imperviousness created by the construction activity;
- E.** Existing data describing the soil and, if available, the quality of any discharge from the site;
- F.** A description of prior land uses at the site;
- G.** An implementation schedule which describes the sequence of major construction operations (i.e., designation of vegetative preservation areas, grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence;
- H.** The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project. For discharges to a Municipal Separate Storm Sewer (MS4), the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a stream or State surface water must be indicated;
- I.** Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants, concrete washout areas, structure painting, structure cleaning, demolition debris disposal, drilling and blasting operations, material storage, slag, solid waste, hazardous waste, contaminated soils, sanitary and septic wastes, vehicle fueling and maintenance activities and landscaping operations and the BMPs to address pollutants in these storm water discharges and methods to limit the exposure of these pollutants to precipitation, storm water runoff and snow melt and to minimize the discharge of pollutants from vehicle washing, wheel wash water and other wash waters;
- J.** A cover page or title identifying the name and location of the site, the name and contact information of all construction site operators, the name and contact information for the person responsible for authorizing and amending the SWP3, preparation date and the estimated dates that construction will start and be complete;
- K.** A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence; and
- L.** A site plan. The site plan shall show the following:
 - i.** A maximum scale of 1"=200';

- ii. Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas that are not addressed by a separate Storm Water Construction Permit and associated SWP3;
- iii. Soil types for all areas of the site, including locations of unstable or highly erodible soils;
- iv. Existing and proposed contours at 2-ft intervals with a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres;
- v. Surface water locations including springs, wetlands, streams, lakes water wells, etc. on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA
- vi. Existing and planned locations of buildings, roads, parking facilities and utilities;
- vii. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development;
- viii. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area;
- ix. The location of permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed;
- x. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling;
- xi. The location of designated construction entrances where the vehicles will access the construction site; and
- xii. The location of any in-stream activities including stream crossings.

5.04: Subdivided Developments

For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices shall be required. This shall not remove the responsibility to designate specific erosion and sediment control practices in the SWP3 for critical areas such as steep slopes, stream banks, drainage ways and riparian zones.

5.05: Control Methods

The SWP3 shall contain a description of the controls appropriate for each construction operation covered by the Storm Water Construction Permit and the owner/operator shall implement such controls. For each major construction activity identified in the implementation schedule, the SWP3 shall clearly describe:

- A. Appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and
- B. Which contractor is responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).

The erosion, sediment, and post-construction storm water management control practices and methods used to satisfy the conditions of the Storm Water Construction Permit shall meet the standards and specifications in the current edition of Ohio's Rainwater and Land Development Manual published by the Ohio Department of Natural Resources (ODNR), Division of Soil and Water Conservation, Wayne County Engineering Code for Subdivision Development or other technical references as approved by Water Management Engineer.

5.06: Non-Structural Preservation Methods

The SWP3 shall include and make use of practices which preserve the existing natural condition as much as feasible. Such non-structural preservation BMPs may include:

- A. Preserving riparian areas adjacent to waters of the State;
- B. Preserving existing vegetation and vegetative buffer strips;
- C. Phasing of construction operations in order to minimize the amount of disturbed land at any one time; and
- D. Designation of tree preservation areas or other protective clearing or grubbing practices.

A fifty (50) foot permanent buffer for an intermittent stream and a seventy-five (75) foot permanent buffer for a perennial stream should be left undisturbed along waters of the State measured from the ordinary high water mark of the surface water. Such permanent buffers shall be recorded in major subdivisions.

5.07: Erosion Control Practices

The SWP3 shall make use of erosion control BMPs that are capable of providing cover over disturbed soils. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 shall provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year.

Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, use of construction entrances and use of alternative ground cover.

Disturbed areas shall be stabilized as specified in Table 1 and Table 2.

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques shall be employed.

Special measures shall be undertaken to permanently stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding (as defined in the most current edition of the Rainwater and Land Development Manual), mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams.

Table 1. Permanent Stabilization

| Area requiring permanent stabilization | Time frame to apply erosion controls |
|---|--|
| Any areas that will lie dormant for one year or more | Within seven days of the most recent disturbance |
| Any areas within 50 feet of a water of the State and at final grade | Within two days of reaching final grade |
| Any other areas at final grade | Within seven days of reaching final grade within that area |

Table 2. Temporary Stabilization

| Area requiring temporary stabilization | Time frame to apply erosion controls |
|--|---|
| Any disturbed areas within 50 feet of a water of the State and not at final grade | Within two days of the most recent disturbance if the area will remain idle for more than 14 days |
| For all construction activities, any disturbed areas that will be dormant for more than 14 days but less than one year, and not within 50 feet of a water of the State | Within seven days of the most recent disturbance within the area For residential subdivisions, disturbed areas shall be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s). |
| Disturbed areas that will be idle over winter | Prior to the onset of winter weather |

5.08: Runoff Control Practices

The SWP3 shall incorporate measures which control the flow of runoff from disturbed areas so as to prevent erosion from occurring. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable. Velocity dissipation devices shall be placed at discharge

locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

5.09: Sediment Control Practices

The SWP3 shall include a description of structural practices that store runoff allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than fourteen (14) days. Such practices may include sediment settling ponds, silt fences, earth diversion dikes or channels which direct runoff to a sediment settling pond, storm drain inlet protection and other practices outlined in the Rainwater and Land Development Manual. All sediment control practices shall be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone shall not be considered a sediment control practice unless used in conjunction with a sediment settling pond. The SWP3 shall contain detail drawings for all structural practices.

Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven (7) days from the start of grubbing and shall continue to function until the up-slope development area is restabilized. As construction progresses and the topography is altered, appropriate controls shall be constructed or existing controls shall be altered to address changing drainage patterns.

If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee shall replace or modify the control for site conditions.

The Water Management Engineer may require discharges from control structures to be monitored to ensure compliance with the Storm Water Construction Permit.

5.10: Sediment Settling Ponds

Concentrated storm water runoff or runoff from drainage areas, which exceed the design capacity of silt fence, inlet protection or other sediment barriers, shall pass through a sediment settling pond, also referred to as a sediment basin or sediment trap. For common drainage locations that serve an area with five (5) or more acres disturbed at one time, a temporary (or permanent) sediment settling basin shall be provided until final stabilization of the site. The permittee may request approval from the Water Management Engineer to use alternative controls if it can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond. For drainage locations serving less than five (5) acres, smaller sediment basins or sediment traps may be used.

Sediment settling ponds shall be dewatered at the pond surface using a skimmer or equivalent device, if feasible. The sediment settling pond volume consists of both a dewatering zone and sediment storage zone. The volume of the dewatering zone shall be

a minimum of 1800 cubic feet (ft³) per acre of drainage (67 yd³/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods: Method 1: the volume of the sediment storage zone shall be 1000 ft³ per disturbed acre within the watershed of the basin. OR Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model. The accumulated sediment shall be removed from the sediment storage zone once it is full. A stake marking this cleanout depth shall be located in the center of the pond. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity shall be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone shall be less than or equal to five (5) feet. The configuration between inlets and the outlet of the basin shall provide at least two (2) units of length for each one (1) unit of width (> 2:1 length:width ratio), however, a length to width ratio of 4:1 is recommended. If necessary, baffles shall be added to achieve the length to width ratio. When designing sediment settling ponds, the permittee shall consider public safety, especially as it relates to children, as a design factor for the sediment basin. Sediment settling ponds shall have a side slope not to exceed 1:2 (rise:run). Alternative sediment controls shall be used where site limitations preclude a safe design. The combination of sediment and erosion control measures may be used in order to achieve maximum pollutant removal.

5.11: Silt Fence and Diversions

Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties and water resources from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour downslope of the disturbed area. These regulations shall not preclude the use of other sediment barriers designed to control sheet flow runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3.

Table 3. Silt Fence

| Maximum drainage area (in acres) to 100 linear feet of silt fence | Range of slope for a particular drainage area (in percent) |
|---|--|
| 0.5 | < 2% |
| 0.25 | > 2% but < 20% |
| 0.125 | > 20% but < 50% |

Placing silt fence in parallel series does not extend the size of the drainage area. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to ten (10) acres.

5.12: Inlet Protection

Other erosion and sediment control practices shall minimize sediment laden water entering active storm drain systems, unless the storm drain system drains to a sediment settling pond. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond.

5.13: Waters of the State Protection

If construction activities disturb areas adjacent to waters of the State, structural practices shall be designed and implemented on site to protect all adjacent waters of the State from the impacts of sediment runoff. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond) shall be used in a waters of the State. For all construction activities immediately adjacent to surface waters of the State, a fifty (50) foot permanent buffer setback from an intermittent stream and a seventy-five (75) foot permanent buffer setback from a perennial stream should be maintained in its natural state and left undisturbed along waters of the State, as measured from the ordinary high water mark of the surface water. Such permanent buffers shall be recorded in major subdivisions. Where impacts within this setback area are unavoidable due to the nature of the construction activity (e.g., stream crossings for roads or utilities) the project shall be designed such that the number of stream crossings and the width of the disturbance within the setback area are minimized.

5.14: Non-Sediment Pollutant Controls

No solid or liquid waste, including, but not limited to, building materials, chemicals, litter and sanitary waste shall be discharged in storm water runoff. All necessary BMPs shall be implemented to prevent the discharge of non-sediment pollutants to the drainage system of the site or waters of the State. Under no circumstance shall concrete trucks wash out, stucco, paint, form release oils, curing compounds and other construction materials be discharged directly into a drainage channel, storm sewer or Waters of the State. Waste materials shall not be exposed to storm water.

5.15: Construction Entrances

Off-site vehicle tracking of sediments and dust generation shall be minimized. Construction site entrances as specified in the most current edition of Rainwater and Land Development Manual shall be used at all points of ingress and egress to the construction site. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.

5.16: Trench and Ground Water Control

There shall be no turbid discharges to waters of the State resulting from dewatering activities. If trench or ground water contains sediment, it shall pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place

or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. Care shall be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

5.17: Post-Construction Storm Water Management Requirements

Permanent storm water management facilities are required for post-construction storm water management. Post-construction storm water practices shall provide perpetual management of runoff quality and quantity so that receiving stream's physical, chemical, and biological characteristics are protected and stream functions are maintained. The SWP3 shall contain a description of the post-construction BMPs that will be installed during construction for the site and the rationale for their selection to meet the post-construction requirements of construction activity of these regulations. The rationale shall address the anticipated impacts on the channel and floodplain morphology, hydrology, water quality and adjacent and downstream properties. Post-construction BMP's cannot be installed within a surface water of the State (e.g. wetland or stream) unless it's authorized by a CWA 401 water quality certification, CWA 404 permit or Ohio EPA non-jurisdictional wetland/stream program approval.

Detail drawings and maintenance plans shall be developed for all post-construction BMPs and included in the SWP3. The design of post-construction storm water facilities shall consider public safety as a design factor. The SWP3 shall contain sufficient detail information, drawings and explanations to describe the method of storm water management after development. For sites located within a community with a regulated municipal separate storm sewer system (MS4), the Storm Water Construction permittee, land owner or other entity with legal control of the property may be required to develop and implement a maintenance plan to comply with the requirements of the MS4. Maintenance plans shall ensure that pollutants collected within structural post-construction practices are disposed of in accordance with local, state, and federal regulations.

To ensure that storm water management systems function as they were designed and constructed, the post construction operation and maintenance plan must be a stand-alone document, which contains: (1) a designated entity for storm water inspection and maintenance responsibilities; (2) the routine and non-routine maintenance tasks to be undertaken; (3) a schedule for inspection and maintenance; (4) any necessary legally binding maintenance easements and agreements; and (5) a map showing all access and maintenance easements. The entity identified in the maintenance agreement shall be responsible for operation and maintenance of post-construction practices once coverage under this permit is terminated.

5.18: Post-Construction Storm Water Management Applicability

- A.** Storm water detention, water quality requirements and groundwater recharge, outlined in Sections 5.19, 5.20 and 5.21 of these regulations, are required for

large construction site post-construction storm water management as part of the SWP3. A large construction site shall be defined as:

- i.** Any construction activity involving the disturbance of five (5) or more acres of land or will disturb less than five (5) acres, but is part of a larger common plan of development or sale which will disturb five (5) or more acres of land;
 - ii.** Any major subdivision, as defined by the Wayne County Subdivision Regulations, where new impervious surface comprises twenty percent (20%) or more of any drainage area of a portion of a lot;
 - iii.** Any other subdivision of land consisting of twenty thousand (20,000) square feet (0.46 acres) or more of new impervious surface that comprises twenty percent (20%) or more of any drainage area of a portion of a lot; or
 - iv.** Any grubbing and land clearing with twenty thousand (20,000) square feet or more of new impervious surface.
- B.** Earth-disturbing activity that does not meet the specifications of 5.18 A. shall be considered a small construction activity. Post-construction storm water management requirements for small construction activities shall be satisfied through Section 5.22 of these regulations.
- C.** Construction activities, which do not include the installation of any impervious surface (e.g., soccer fields), abandoned mine land reclamation activities regulated by the Ohio Department of Natural Resources, stream and wetland restoration activities, and wetland mitigation activities are not required to include post-construction storm water management plans as part of the SWP3.
- D.** Linear construction projects, (e.g., pipeline or utility line installation), which do not result in the installation of impervious surface, are not required to include post-construction storm water management plans as part of the SWP3. However, linear construction projects shall be designed to minimize the number of stream crossings and the width of disturbance and achieve final stabilization of the disturbed area.
- E.** Routine road and bridge maintenance activities as defined by the Ohio Environmental Protection Agency (e.g. bridge deck replacement, ditch cleanout, etc.), disturbing less than five (5) acres are not required to include post-construction storm water management plans as a part of the SWP3.
- F.** Bike paths, walking trails and roadway projects are required to provide storm water detention per Section 5.19 for only those portions of the project where new impervious areas of 20,000 square feet or more drain to a single discharge point from the project site.

The owner of record of a proposed project, regulated by Section 5.18 A., may commission a report by an Engineer to determine the need for storm water detention, water quality requirements and groundwater recharge, in accordance with the design procedures of Sections 5.19, 5.20 and 5.21 of these regulations, if the activity is consistent with the promotion of public health, safety, welfare, and protection of adjacent and downstream properties in light of the public's paramount concern for protection of its natural resources. If submitted, the Water Management Engineer shall review this report and subsequently direct the operator/owner either to provide storm water detention, water quality requirements and groundwater recharge in the SWP3, in accordance with the criteria of Sections 5.19, 5.20 and 5.21 of these regulations, or shall notify the operator/owner that the requirement(s) in the applicable section(s) of the SWP3 has been waived, and that the provisions of Section 5.18 B. instead apply.

5.19: Storm Water Detention

When a proposed earth-disturbing activity is subject to Section 5.18 A. of these regulations, increased peak rates and volumes of runoffs shall be controlled such that:

- A.** The peak discharge rate of runoff from the critical storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a one-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.
- B.** Storms of less frequent occurrence (longer return periods) than the critical storms up to the 100-year storm have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. Consideration of the one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50), and one-hundred (100) year storms shall be considered adequate in designing and developing the storm water management facilities to meet these standards. Rainfall data shall be based on the Precipitation – Frequency Atlas of the United States, NOAA Atlas 14 available at the National Weather Service Website <http://hdsc.nws.noaa.gov/hdsc/pfds/>, inputting the longitude and latitude of the project site.
- C.** The critical storm for a specific development drainage shall be determined by using the Natural Resources Conservation Service (NRCS) TR-55, “Urban Hydrology for Small Watersheds” or equivalent method to determine the total runoff volume (acre-feet) from a one (1) year, twenty-four (24) hour storm occurring on the development drainage area before and after development.
- D.** The peak discharge rate of runoff under post-development conditions shall be determined using the hydrologic soil group one level more severe than the pre-development hydrologic soil group using Natural Resource Conservation Service Technical Release No. 55, “Urban Hydrology for Small Watersheds.”
- E.** From the volumes determined in C., the percent increase in volume of runoff due to development shall be determined and the twenty-four (24) hour critical storm shall be selected from Table 4:

Table 4. Critical Storm Selection

| If the percentage of increase in volume of runoff is: | | The critical storm will be: |
|---|------------|-----------------------------|
| Equal to or greater than: | Less than: | |
| -- | 10 | 1 year |
| 10 | 20 | 2 year |
| 20 | 50 | 5 year |
| 50 | 100 | 10 year |
| 100 | 250 | 25 year |
| 250 | 500 | 50 year |
| 500 | -- | 100 year |

5.20: Water Quality Requirements

When a proposed earth-disturbing activity is subject to Section 5.18 A. of these regulations, structural post-construction storm water BMPs shall be capable of capturing the Water Quality Volume (WQv) and draining it over a prescribed number of hours. Post-construction BMPs chosen shall be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality. The BMPs chosen shall be compatible with site and soil conditions. Structural (designed) post-construction storm water treatment practices shall be incorporated into the permanent drainage system for the site. The BMPs chosen shall be sized to treat the WQv and ensure compliance with Ohio’s Water Quality Standards in OAC Chapter 3745-1. The WQv shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to the following equation:

$$WQv = C * P * A / 12$$

where,

WQv = water quality volume in acre-feet

C = runoff coefficient appropriate for storms less than 1 inch using the following equation or Table 5:

$$C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04$$

where,

i = fraction of post-construction impervious surface

P = 0.75 inch precipitation depth

A = area draining into the BMP in acres

Table 5. Runoff Coefficients Based on the Type of Land Use

| Land Use | Runoff Coefficient |
|--|--------------------|
| Industrial & Commercial | 0.8 |
| High Density Residential (>8 dwellings/acre) | 0.5 |
| Medium Density Residential (4 to 8 dwellings/acre) | 0.4 |
| Low Density Residential (<4 dwellings/acre) | 0.3 |
| Open Space and Recreational Areas | 0.2 |

Where the land use will be mixed, the runoff coefficient shall be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35$.

An additional volume equal to twenty (20) percent of the WQv shall be incorporated into the BMP for sediment storage. BMPs shall be designed according to the methodology included in the most current addition of the Rainwater and Land Development Manual or in standards as accepted by the Water Management Engineer.

The BMPs listed in Table 6 below shall be considered standard BMPs approved for general use. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events and avoid the creation of nuisance conditions. The outlet structure for the post-construction BMP must not discharge more than the first half of the WQv or extended detention volume (EDv) in less than one-third of the drain time. The EDv is the volume of storm water runoff that must be detained by a structural post-construction BMP. The EDv is equal to 75 percent of the WQv for wet extended detention basins, but is equal to the WQv for all other BMPs listed in Table 6.

Table 6. Structural Post-Construction BMPs & Associated Drain (Drawdown) Times

| Best Management Practice | Drain Time of WQv |
|---|-------------------|
| Infiltration Basin and Trench ¹ | 48 hours |
| Permeable Pavement – Infiltration ¹ | 48 hours |
| Permeable Pavement – Extended Detention | 24 hours |
| Dry Extended Detention Basin ² | 48 hours |
| Wet Extended Detention Basin ³ | 24 hours |
| Constructed Wetland (above permanent pool) ⁴ | 24 hours |
| Sand & Other Media Filtration ⁵ | 24 hours |
| Bioretention Area/Cell ^{5,6} | 24 hours |
| Pocket Wetland ⁷ | 24 hours |

¹ Practices that are designed to fully infiltrate the WQv (basin, trench, permeable pavement) shall empty within 48 hours to provide storage for the subsequent storm events.

² Dry basins must include forebay and micropool each sized at 10% of the WQv.

³ Provide both a permanent pool and an EDv above the permanent pool, each sized at 0.75 WQv

⁴ Extended detention shall be provided for the WQv above the permanent water pool.

⁵The surface ponding area (WQv) shall completely empty within 24 hours so that there is no standing water. Shorter drawdown times are acceptable as long as design criteria in Ohio's Rainwater and Land Development manual have been met.

⁶This would include Grassed Linear Bioretention which was previously called Enhanced Water Quality Swale.⁷ Pocket wetlands must have a wet pool equal to the WQv, with 25% of the WQv in a pool and 75% in marshes. The EDv above the permanent pool must be equal to the WQv.

A graph or table of the Drawdown Time in hours vs. the Water Quality Volume (WQv) in cubic feet shall be provided in order to verify that no more than one half of the WQv is discharged in the first one-third of the drawdown time.

Approval may be requested from the Water Management Engineer to use alternative structural post-construction BMPs if the permittee can demonstrate that the alternative BMPs are equivalent in effectiveness to those listed in Table 6. Construction activities shall be exempt from this condition if it can be demonstrated that the WQv is provided within an existing structural post-construction BMP that is part of a larger common plan

of development or if structural post-construction BMPs are addressed in a regional or local storm water management plan. A municipally operated regional storm water BMP can be used as a post-construction BMP provided that the BMP can detain the WQv from its entire drainage area and release it over a 24 hour period.

Transportation Projects: The construction of new roads and roadway improvement projects by public entities (i.e., the state, counties, townships, cities, or villages) may implement post-construction BMPs in compliance with the current version of the Ohio Department of Transportation’s “Location and Design Manual, Volume Two Drainage Design” that has been accepted by Ohio EPA as an alternative to the conditions of these regulations.

Redevelopment Projects: Sites that have been previously developed where no post-construction BMPs were installed shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two. A one-for-one credit towards the 20 percent net reduction of impervious area can be obtained through the use of green roofs. Where projects are a combination of new development and redevelopment, the total WQv that must be treated shall be calculated by a weighted average based on acreage, with the new development at 100 percent WQv and redevelopment at 20 percent WQv.

Non-Structural Post-Construction BMPs: The size of the structural post-construction can be reduced by incorporating non-structural post-construction BMPs into the design. Practices such as preserving open space will reduce the runoff coefficient and, thus, the WQv. Practices which reduce storm water runoff include permeable pavements, green roofs, rain barrels, conservation development, smart growth and low-impact development.

Use of Alternative Post-Construction BMPs: Permittees must request approval from Ohio EPA to use alternative post-construction BMP’s if the permittee can demonstrate that the alternative BMP’s are equivalent in effectiveness to those listed in Table 6 above. To demonstrate this equivalency, the permittee must show that the alternative BMP has a minimum total suspended solids (TSS) removal efficiency of 80 percent. Also, the WQv discharge rate from the practice must be reduced to prevent stream bed erosion and protect the physical and biological stream integrity unless there will be negligible hydrological impact to the receiving surface water of the State. The discharges will have a negligible impact if the permittee can demonstrate that one of the following four conditions exist:

- i. The entire WQv is recharged to groundwater;
- ii. The larger common plan of development or sale will create less than one acre of impervious surface;
- iii. The project is a redevelopment project within an ultra-urban setting (i.e., a downtown area or on a site where 100 percent of the project area is already impervious surface and the storm water discharge is directed into an existing storm sewer system); or
- iv. The storm water drainage system of the development discharges directly into a large river (fourth order or greater) or to a lake and where the

development area is less than 5 percent of the watershed area upstream of the development site, unless a TMDL identified water quality problems in the receiving surface waters of the State.

The Water Management Engineer shall only consider the use of alternative BMPs on projects where the permittee can demonstrate that the implementation of the BMPs listed in Table 6 is infeasible due to physical site constraints that prevent the ability to provide functional BMP design. Alternative practices may include, but are not limited to, underground detention structures, vegetated swales and vegetated filter strips designed using water quality flow, natural depressions, rain barrels, permeable pavements, green roofs, rain gardens, catch basin inserts and hydrodynamic separators.

Innovative or experimental post-construction storm water management technologies must be approved by the Ohio EPA prior to their use.

5.21: Groundwater Recharge

When a proposed earth-disturbing activity is subject to Section 5.18 A. of these regulations, the SWP3 must consider the viability of using ground water recharge to control post-construction storm water runoff. The SWP3 must contain a written argument on the viability of ground water recharging and, if viable, contain drawings, calculation and other applicable documentation and a description of maintenance. Where technically-feasible and economically-viable, ground water recharge methods should be employed.

5.22: Post-Construction Requirements for Small Construction Activities

When a proposed earth-disturbing activity is subject to Section 5.18 B of these regulations, the SWP3 shall describe the measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable.

Such practices may include, but are not limited to: storm water detention structures (including wet basins), storm water retention structures, flow attenuation by use of open vegetated swales and natural depressions, infiltration of runoff onsite through infiltration trenches or bioretention cells, rain barrels, permeable pavements, stream buffers, riparian preservation and sequential systems (which combine several practices). The SWP3 shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels. Design methods for storm water detention and water quality requirements shall be consistent with those required for large construction activities.

5.23: Compliance with Other Requirements

The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer or septic system regulations, including provisions prohibiting waste disposal by open burning and shall provide for the proper disposal of contaminated soils to the extent

these are located within the permitted area. The Ohio EPA should be consulted prior to obtaining a Storm Water Construction Permit for earth-disturbing activity to be conducted on a site with soil contaminated from previous activities.

5.24: Maintenance

The SWP3 shall be designed to minimize maintenance requirements. A description of maintenance procedures needed to ensure the continued performance of control practices and compliance with Article 7 of these regulations shall be provided as part of the SWP3.

5.25 SWP3 Review

The SWP3 shall identify the subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3. The primary site operator should review the SWP3 with the primary contractor prior to commencement of construction activities and keep a SWP3 training log to demonstrate that this review has occurred.

ARTICLE 6: PERMITTING ADMINISTRATION

6.01: Application and Approval

For the purpose of administering these regulations, no person shall be granted a Storm Water Construction Permit or Permit Waiver for any earth-disturbing activity subject to Section 4.02 of these regulations without the approval and signature of the Construction Application for Permit (CAP) by the Water Management Engineer. The Water Management Engineer may assign a designee(s) to approve Permit Waivers. The Storm Water Construction Permit or Permit Waiver shall be:

- A.** Obtained by submitting the CAP; and
- B.** Issued to the operator/owner once all requirements are met in conformance with the provisions of these regulations with such reasonable conditions as deemed necessary to secure the objectives of these regulations and all other applicable environmental regulations.

6.02: Storm Water Construction Permit Coverage

The Storm Water Construction Permit or Permit Waiver shall cover requirements set forth by these regulations within the unincorporated lands of Wayne County for earth-disturbing activities.

6.03: Failure to Obtain Storm Water Construction Permit

Failure to obtain a Storm Water Construction Permit or Permit Waiver prior to any earth-disturbing activity, not exempted from the CAP process in Section 4.06, shall be a violation of these regulations and shall be subject to penalties in accordance with Article 8 of these regulations.

6.04: Signatory Requirements

All reports, certifications or information either submitted to the Water Management Engineer or that these regulations require to be maintained by the permittee shall be signed as follows:

- A.** For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means
 - i.** A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii.** The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility

including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- B.** For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
- C.** For a municipality, State, Federal or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes
 - i.** The chief executive officer of the agency; or
 - ii.** A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA).

All reports required by the permits and other information requested by the Water Management Engineer shall be signed by such person or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- A.** The authorization is made in writing;
- B.** The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator of a well or well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- C.** The written authorization is submitted to the Water Management Engineer.

If an authorization under this section of these regulations is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the signatory requirements of these regulations shall be submitted to the Water Management Engineer prior to or together with any reports, information or applications to be signed by an authorized representative.

6.05: Duty to Comply

The permittee shall comply with all conditions of the Storm Water Construction Permit and all other applicable regulations which apply to uses within the jurisdiction of these regulations. Any permit noncompliance constitutes a violation and is grounds for enforcement action as defined in Article 8 of these regulations. It shall not be a defense for a permittee in an enforcement action defined in Article 8 that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the Storm Water Construction Permit.

6.06: Duty to Inform

The permittee shall inform all contractors and subcontractors who shall be involved in the implementation of any or all parts of the Storm Water Construction Permit, of the terms and conditions of the Storm Water Construction Permit prior to commencement of any earth-disturbing activity.

6.07: Amendments

The permittee shall notify the Water Management Engineer whenever there is a change in design, construction, operation or maintenance of a construction activity and request an amendment to the Storm Water Construction Permit. Field modifications of a minor nature may be authorized by the Water Management Engineer by written authorization to the permittee. Any field modifications shall be consistent with the most current version of Rainwater and Land Development Manual. No modifications shall be made without the approval of the Water Management Engineer.

6.08: Availability

The permittee shall furnish to the Water Management Engineer any information which the Water Management Engineer may request to determine compliance with the Storm Water Construction Permit and copies of records required to be kept by this permit.

The Storm Water Construction Permit and all of its components are considered reports that shall be available to the public in accordance with the Ohio Public Records Law. The permittee shall make documents available to the public upon request or provide a copy at public expense, at cost. However, the permittee may claim any component of a Storm Water Construction Permit as confidential in accordance with Ohio law.

6.09: Permit Maintenance

The permittee shall furnish self-inspection reports to the Water Management Engineer to remain in compliance with these regulations. Failure to submit self-inspection reports is subject to Article 8 of these regulations.

6.10: Renewal

The Storm Water Construction Permit is renewable through the Water Management Engineer.

6.11: Expired Storm Water Construction Permit

Continuation of work with an expired Storm Water Construction Permit constitutes a violation of these regulations and shall be subject to the provisions of Article 8 of these regulations.

6.12: Transfers

The Storm Water Construction Permit coverage is transferable. The Water Management Engineer shall be notified prior to any proposed transfer of coverage of any or all plans and/or permits of the Storm Water Construction Permit.

6.13: Post-Construction Certification by Registered Professional Engineer

Upon completion of work and final stabilization of the site, a certification letter and/or a report shall be submitted to the Water Management Engineer certifying that all post-construction storm water management facilities have been completed, installed and/or constructed in accordance with the conditions of the approved SWP3 and all other specifications. The certification letter and/or report shall be prepared by an Engineer and submitted with accompanying as-built data. The certification letter and/or report shall include a specific listing of all approved changes and modifications.

6.14: Notice of Termination (NOT)

A signed Notice of Termination (NOT) shall be submitted by the operator/owner upon final stabilization of the site to the Water Management Engineer for acceptance. The NOT form may be obtained from the Soil and Water Conservation District Office. The notice shall be accompanied by requirements set forth by Section 6.13 of these regulations and a copy of the post-construction operation and maintenance plan submitted with the SWP3, including a completed cover/signature page provided by the Soil and Water Conservation District. The operation and maintenance plan shall be modified, as necessary, to include approved modifications made during construction. The operator/owner shall also submit with the NOT a copy of any deed or plat covenants, easements and restrictions or Easement Agreement for review by the Water Management Engineer. Enforcement actions may be taken in accordance with Article 8 of these regulations if a permittee submits an NOT without meeting conditions of these regulations.

6.15: Review and Permitting Fees

CAP review and Storm Water Construction Permit fees shall be assessed for the review, permitting and inspection of regulated activities. The current fee schedules, as adopted by the Commissioners, shall be requested from the Water Management Engineer. Fees

are due at the time the CAP is submitted or the Storm Water Construction Permit is amended, transferred or renewed. A Permit Fund may be established under Ohio Revised Code Chapters 6117 or 1515. Fees paid into the Fund established under 6117 or the General Fund shall be drawn upon by the Water Management Engineer, with the approval of the Commissioners. Fees paid into the Fund established under Ohio Revised Code Chapter 1515 shall be drawn upon by the Wayne Soil & Water Conservation District.

6.16: Appeals

Denial of a permit may be appealed pursuant to Ohio Revised Code Chapter 2506.

ARTICLE 7: OPERATION, MAINTENANCE AND INSPECTION

7.01: Proper Operation and Maintenance

All temporary and permanent control practices shall be maintained and repaired as needed to ensure continued performance of their intended function. All sediment control practices shall be maintained in a functional condition until all up slope areas they control are permanently stabilized.

The permittee shall at all times properly operate and maintain all facilities and systems of storm water management (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the Storm Water Construction Permit. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee when necessary to achieve compliance with the conditions of the Storm Water Construction Permit.

7.02: Inspection

All permitted earth-disturbing activities may be subject to site inspection and monitoring by the Water Management Engineer, or his or her designated agents, to determine and record compliance with these regulations during the permit and warranty period.

The Water Management Engineer, or his or her agents, may, upon identification to the operator/owner or person in charge, enter any land upon obtaining agreement with the operator/owner tenant or manager for the land or with the appropriate inspection warrant from the Court of Common Pleas, in order to determine whether there is compliance with the rules adopted under these regulations.

All improvements, including permanent storm water management facilities, shall be constructed in conformity with approved SWP3 and the Storm Water Construction Permit stipulations. If it appears that a violation of these regulations exists, the operator/owner shall be subject to Article 8 of these regulations.

7.03: Self-Inspection Requirements

All controls on a site shall be inspected at least one (1) time every seven (7) calendar days and within twenty-four (24) hours after any storm event greater than one-half (1/2) inch of rain per twenty-four (24) hour period. The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice or the ground is frozen).

A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following conditions are met: the project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month); land disturbance activities have been suspended; and the beginning and ending dates of the waiver period are documented in the SWP3.

Once a definable area has been finally stabilized, this area may be marked on the SWP3 and no further inspection requirements shall apply to that portion of the site.

Qualified inspection personnel shall be assigned by the permittee to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with these regulations or whether additional control measures are required.

Following each inspection, a checklist must be completed and signed by the qualified inspection personnel representative. At a minimum, the self-inspection report must include:

- the inspection date;
- names, titles and qualifications of personnel making the inspection;
- weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
- weather information and a description of any discharges occurring at the time of the inspection;
- location(s) of discharges of sediment or other pollutants from the site;
- location(s) of BMPs that need to be maintained;
- location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- location(s) where additional BMPs are needed that did not exist at the time of inspection; and
- corrective action required including any changes to the SWP3 necessary and implementation dates.

Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage system. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that those are operating correctly. Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it shall be repaired or maintained within three (3) calendar days of the inspection. Sediment settling ponds shall be repaired or maintained within ten (10) calendar days of the inspection.

If the inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the SWP3 shall be amended and the new control practice shall be installed within ten (10) calendar days of the inspection.

If the inspection reveals that a control practice has not been implemented in accordance with the implementation schedule of the SWP3, the control practice shall be implemented within ten (10) calendar days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record shall contain a statement of explanation as to why the control practice is not needed.

A record summarizing the results of the inspection, names(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWP3 and a certification as to whether the facility is in compliance with the SWP3 and the permit and identify any incidents of non-compliance shall be maintained by the permittee for three (3) years following final stabilization of a site. The record and certification shall be signed in accordance with Section 6.04 of these regulations.

7.04: Storm Water Management Easements

Access shall be ensured to all permanent storm water management practices at a site for the purpose of free flow of storm water and future administration, inspection, maintenance, repair and replacement by securing all the storm water easements needed on a permanent basis as required by these regulations. Those lots crossed by an easement shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and shall also be restricted against the changing of final grade from that described by the grading plan. Construction of such plantings, structures or changes of grade constitute a violation of these regulations and are subject to the penalties indicated in Article 8. Removal of such plantings, structures or grade changes by the County will be at the expense of the property owner.

For publicly dedicated storm water management facilities, storm water management easements shall be provided by the operator/owner to all waterways, outside dedicated public road rights of way, as required for:

- A.** Access for facility inspections and maintenance, or
- B.** Preservation of storm water management facilities, conveyance, infiltration, and detention areas.

An easement agreement shall be approved by the Water Management Engineer when required and signed by the operator/owner as part of the NOT. The purpose and physical characteristics of an easement shall be specified by the Water Management Engineer. Easements shall be properly recorded and shall remain in effect even with transfer of title to the property.

7.05: Storm Water Warranty Period

Acceptance of the Notice of Termination (NOT) by the Water Management Engineer shall mark the beginning of a one (1) year storm water warranty period. All storm water management facilities shall be maintained to meet the design standards and the provisions of these regulations during the warranty period by the operator/owner. Failure to maintain the improvements during the warranty period may result in action against the operator/owner according to Article 8 of these regulations.

7.06: Storm Water Management Facilities Operation and Maintenance

All storm water management facilities shall be maintained to meet the design standards and the provisions of these regulations in perpetuity. Failure to maintain the improvements may result in action against the owner/operator according to Article 8 of these regulations. The owner/operator of a storm water management facility in the Municipal Separate Storm Sewer System (MS4) area in Chippewa Township shall submit to the Water Management Engineer once a year an inspection report of the storm water facility. The inspection report shall address the items outlined in the facility's post-construction operation and maintenance plan.

7.07: Deed or Final Plat Requirements

All post-construction storm water operation and maintenance plans shall be recorded with the deed or attached to the plat for the property and any subsequent splits(s) of the property, and reference thereon shall be made to the person or entity which shall be responsible for long-term maintenance. The locations, dimensions and bearings of all storm water management facilities, drainage and any access easements, regardless of maintenance provisions, shall be recorded as a deed restriction, or when in an approved subdivision, with the final plat, or be included in covenants and restriction filed with the deed or plat. Further, a note on the plat or restriction in the deed shall prohibit unauthorized alterations to any watercourse or improvement without the approval of the Commissioners and shall further provide access to the facility according to these regulations.

The deed or plat covenants, easements and restrictions shall be submitted to the Water Management Engineer for review prior to filing in the Recorder's Office. All fees associated with filing the covenants, easements and restrictions shall be paid by the owner/operator.

ARTICLE 8: ENFORCEMENT, PENALTIES AND APPEALS

8.01: Enforcement

No person shall violate any rule adopted or order issued under these regulations. If the Water Management Engineer determines that a violation of any rule adopted or administrative order issued under these regulations exist, the Water Management Engineer may request, in writing, the Prosecuting Attorney of the County to seek an injunction or other appropriate relief in the Court of Common Pleas to abate excessive erosion or sedimentation and secure compliance with the rules of order.

8.02: Stop Work Order

If the Water Management Engineer determines that a violation of the rules adopted under these regulations exists, the Water Management Engineer may issue an immediate Stop Work Order if the violator failed to obtain any federal, state or local permit necessary for sediment and erosion control, earth movement, clearing or cut and fill activity, or fail to comply with these regulations.

8.03: Notice of Violation

If the Water Management Engineer determines a rule violation of these regulations exists, regardless of whether or not the violator has obtained the proper permits, the Water Management Engineer may issue a Notice of Violation.

If after a period of not less than thirty (30) days has elapsed following the issuance of the Notice of Violation, the violation continues, the Water Management Engineer shall issue a second Notice of Violation.

Except as provided in Section 8.06 of these regulations, if, after a period of fifteen (15) days has elapsed following the issuance of the second Notice of Violation, the violation continues, the Water Management Engineer may issue a Stop Work Order after first obtaining the written approval of the Prosecuting Attorney of the County if, in the opinion of the Prosecuting Attorney, the violation is egregious.

The Notice of Violation shall:

- A.** Be put in writing;
- B.** Include a list of violations, referring to the Section(s) of these regulations that have been violated, and order remedial action which, if taken, will affect compliance with the provisions of these regulations;
- C.** Advise a person of the right to appeal; and
- D.** Be served on the violator in person.

This notice and requirement(s) shall be deemed to be properly served upon a person if a copy thereof is sent by registered or certified mail to the last known mailing address of the person, residence or place of business and/or a copy is posted in a conspicuous place in or on the dwelling affected.

Such notice may require without limitation:

- A. The elimination of illicit connections or discharges;
- B. That violating discharges, practices, or operations shall cease and desist;
- C. Preliminary or permanent injunction restraining the person from activities which would create further violations;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Require plans to be approved by the Water Management Engineer for correction of the violation;
- F. Payment of a fine to cover administrative and remediation costs; and
- G. The implementations of source control and/or treatment Best Management Practices (BMP).

8.04: Injunction

Once a stop work order is issued, the Water Management Engineer shall request, in writing, the Prosecuting Attorney of the County to seek an injunction or other appropriate relief in the Court of Common Pleas to abate excessive erosion or sedimentation and secure the compliance with the rules adopted under these regulations.

8.05: Granting Relief

If the Prosecuting Attorney seeks an injunction or other appropriate relief under Sections 8.01 or 8.03 of these regulations, then, in granting relief, the Wayne County Court of Common Pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred (100) or more than five hundred (500) dollars. Each day that a violation of a rule adopted under these regulations continues or after a Stop Work Order has been issued under these regulations shall be considered a separate violation subject to a civil fine.

8.06: Notice of Appeal and Hearing

The person to whom a Stop Work Order is issued under these regulations may appeal the order to the Wayne County Court of Common Pleas, as provided in Chapter 2506 of the

Ohio Revised Code, seeking any equitable or other appropriate relief from that order. The decision of the hearing shall be final.

8.07: Government Projects Exempt

No Stop Work Order shall be issued under these regulations against any public highway, transportation or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the Commissioners or the Chief of the Division of Soil and Water Conservation in the Department of Natural Resources.

8.08: Compensatory Action

In addition to enforcement proceedings, penalties, and remedies authorized by these regulations, the County may seek an alternative compensatory action against a violator, including but not limited to storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

8.09: Fee Recovery

The County may seek to recover all attorneys' fees, court costs and other expenses associated with enforcement of these regulations, including but not limited to sampling and monitoring expenses.

8.10: Remedies Not Exclusive

The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law. It is within the discretion of the Commissioners and the Water Management Engineer to seek cumulative remedies.