

REGULAR MEETING - MONDAY, JUNE 22, 2009

The Board of County Commissioners of Medina County, Ohio, met in regular session on this date with the following members present:

SHARON A. RAY

PATRICIA G. GEISSMAN

Mrs. Geissman offered the following resolution and moved adoption of same which was duly seconded by Ms. Ray

RESOLUTION NO. 09 - 0568

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF MEDINA COUNTY, OHIO ADOPTING RULES, REGULATIONS,  
PROCEDURES AND GENERAL SPECIFICATIONS FOR REGULATING  
EARTH-DISTURBING ACTIVITIES TO CONTROL SEDIMENT POLLUTION

WHEREAS, in the interest of preserving the public health and general welfare of the present and future residents of Medina County, it is necessary in the opinion of this Board to adopt rules, regulations, procedures and general specifications for regulating earth-disturbing activities to control sediment pollution as allowed by Section 307.79 of the Ohio Revised Code; and

WHEREAS, Medina County, Ohio, was granted permit coverage to discharge stormwater to the waters of the State, by the Ohio Environmental Protection Agency (OPEA); and

WHEREAS, the Ohio Environmental Protection Agency (OPEA) permit obligates Medina County, Ohio, to adopt rules and regulations to control sediment from earth-disturbing activities; and

WHEREAS, after due consideration of the recommendations of the Medina County Engineer and consideration of comments received at the public hearings, held on June 8, 2009 and June 15, 2009, as required under Section 307.79 of the Ohio Revised Code, this Board is of the opinion that said "Medina County Sediment Control Rules and Regulations" is reasonable and should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Medina County, Ohio, that the "Medina County Sediment Control Rules and Regulations" attached hereto as "Exhibit A" is hereby approved.

BE IT FURTHER RESOLVED that the Medina County Engineer, or his/her duly authorized agent, shall act as the administrator for these regulations.

Voting AYE thereon: Ms. Ray and Mrs. Geissman

Adopted: June 22, 2009

Prepared by: Medina County Engineer's Office

EXHIBIT "A"

## Medina County Sediment Control Rules and Regulations

Prepared by:

MEDINA COUNTY ENGINEER

Michael J. Salay, P.E., P.S.

for

MEDINA COUNTY COMMISSIONERS

Stephen D. Hambley  
Patricia G. Geissman  
Sharon A. Ray

June 2009

## Medina County Sediment Control Rules and Regulations

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## Section 1 GENERAL PROVISIONS

### SECTION 1.01 TITLE

These regulations shall be cited as the Medina County Sediment Control Rules and Regulations and are hereinafter referred to as the/these "Regulations."

### SECTION 1.02 STATUTORY AUTHORIZATION

These Regulations of Medina County are promulgated pursuant to the Ohio Revised Code (O.R.C.) 307.79 and thereafter as amended, whereby a board of county commissioners may adopt rules to abate soil erosion and water pollution by soil sediment.

### SECTION 1.03 ADMINISTRATION

The Medina County Board of Commissioners, hereinafter referred to as "Commissioners," shall appoint an official or person to be the Administrator of these Regulations. This Administrator shall be responsible for determination of compliance with these Regulations and shall issue such notices and orders as may be necessary and in accordance with the law.

### SECTION 1.04 PURPOSE

The Commissioners adopt these Regulations to establish feasible and economically reasonable standards aimed at achieving a level of management and conservation practices that will abate erosion of the soil and degradation of the waters of the state by soil sediment, caused by non-farm soil-disturbing activities.

These Regulations further intend, but are not limited to:

- A. Permit development while keeping downstream flooding, erosion, and sedimentation at existing levels.
- B. Reduce damage to receiving watercourses that may be caused by increases in the quantity and/or rate of water discharged, and impairment of their capacity that may be caused by sedimentation.

### SECTION 1.05 SCOPE

- A. These Regulations shall apply to all non-farm soil-disturbing activities performed on unincorporated lands of Medina County, Ohio except those specifically exempted by law.
- B. A Stormwater Pollution Prevention Plan is not required for a public highway, transportation, or drainage improvement, or maintenance thereof, undertaken by a government agency or political subdivision in accordance with a statement of its Standard Sediment Control Policies that is approved by the Medina County Board of Commissioners or by the Chief of the Ohio Department Natural Resources Division of Soil and Water Conservation.

- C. Where these Regulations are in conflict with other provisions of law or ordinance, the most restrictive shall prevail.

**SECTION 1.06          DISCLAIMER OF LIABILITY**

Neither submission of a plan under provisions of these Regulations, nor compliance with provisions of these Regulations, shall relieve any person or other entity 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 Administrator, to those damaged by soil sediment pollution or construction site runoff.

**SECTION 1.07          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.

**SECTION 1.08          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.

**SECTION 1.09          RESPONSIBILITY**

Failure of the Administrator to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the Commissioners or the Administrator, its officers, employees, or agents being responsible from any conditions or damage resulting therefrom.

**SECTION 1.10          EFFECTIVE DATE**

These Regulations shall replace the existing regulations on the 31st day after adoption by the Medina County Board of Commissioners.

**Section 2          APPLICABILITY**

**SECTION 2.01          GENERAL APPLICABILITY CRITERIA FOR EROSION AND SEDIMENT CONTROL**

No person shall cause or allow non-farm soil-disturbing activities to occur on their land without full compliance with the criteria established by these Regulations.

Submittal of a Stormwater Pollution Prevention Plan (SWP3) and approval by the Administrator does not relieve the owner from complying with the full requirements of the Ohio EPA NPDES #OHC000002 Authorization for Stormwater Discharges Associated with Construction Activities under the National Pollutant Discharge Elimination System if applicable for the site.

A SWP3 in accordance with these Regulations, the Medina County Stormwater Management Regulations, and any supplemental regulations is required to be developed for all non-farm soil disturbing activities greater than 5000 square feet.

If a site owner desires to begin clearing operations prior to approval or submission of a SWP3 for the entire site, a separate SWP3 must be submitted and approved for the clearing operation along with the appropriate fees.

Although a SWP3 may not be required for approval by the Administrator under these Regulations for certain soil-disturbing activities, these activities must comply with the intent and all other provisions of these Regulations.

## Section 3 DEFINITIONS

### SECTION 3.01 INTERPRETATION OF TERMS AND WORDS

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. A word or term not interpreted or defined by this section shall be construed according to the rules of grammar and common usage so as to give these Regulations their most reasonable application.

### SECTION 3.02 WORDS AND TERMS DEFINED

**ACRE:** A measurement of area equaling 43,560 square feet.

**ADMINISTRATOR:** The official or person designated by the Board of County Commissioners to administer these Regulations.

**BEST MANAGEMENT PRACTICE (BMP):** Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

**CHANNEL:** A natural stream that conveys water, or a ditch excavated for the natural flow of water.

**CUT:** An excavation that reduces an existing elevation.

**DETENTION STRUCTURE:** A permanent stormwater management facility for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.

**DISTURBED AREA:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.

**DRAINAGE:** The removal of excess surface water or groundwater from land by surface or subsurface drains.

- EARTH MATERIAL:** Soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.
- ENGINEER:** A Professional Engineer registered in the State of Ohio in accordance with O.R.C. 4733.
- EROSION:** The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- EROSION and SEDIMENT CONTROL:** The control of soil material, both mineral and organic, to minimize the removal of soil material from the land surface and to prevent its transport out of a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- FILL:** The placement of material that raises the existing elevation.
- FINAL STABILIZATION:** All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% cover for the area has been established or equivalent stabilization measures, such as the use of mulches, geotextiles, or other means have been employed.
- GRADING:** Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.
- GRUBBING:** Removing, clearing or scalping material such as roots, stumps or sod.
- HYDRIC SOILS:** Soils that are saturated, flooded, or ponded for a long enough time period during the growing season that anaerobic conditions develop in the upper part of the soil. Soils that are considered "wetland" soils.
- HYDROPHYTIC VEGETATION:** Plants that are found in wetland areas. These plants have been classified by their frequency of occurrence in wetlands.
- IMPERVIOUS:** Not allowing infiltration which means any paved, hardened or structural surface regardless of its composition.
- MAXIMUM EXTENT PRACTICABLE:** The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 50 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.
- NOI:** Notice of Intent - Form obtained from and filed with the Ohio EPA under the NPDES Phase 2 Program
- NOT:** Notice of Termination - Form obtained from and filed with the Ohio EPA under the NPDES Phase 2 Program
- NPDES:** National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface water of the United States without a permit.
- OHIO EPA:** Ohio Environmental Protection Agency
- ODNR-DSWC:** Ohio Department of Natural Resources, Division of Soil and Water Conservation.
- PERSON:** Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent or combination thereof.
- PHASING:** Development of a parcel of land in distinct sections, with the stabilization of each section occurring before clearing the next.
- RAINWATER AND LAND DEVELOPMENT - OHIO'S STANDARDS FOR STORMWATER MANAGEMENT, LAND DEVELOPMENT, AND URBAN STREAM PROTECTION:** A manual published by the Ohio Department of Natural Resources that provides standards and specifications for stormwater practices. The most current edition of these standards shall be used with these Regulations.

- RETENTION STRUCTURE:** A permanent stormwater management facility that provides for the storage of runoff by means of a permanent pool of water.
- RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources, watercourses, or wetlands.
- SEDIMENT:** Soils or other surface materials that are or have been transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
- SEDIMENTATION:** The deposition or settling of sediment.
- 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 soil-disturbing activities on land used or being developed for commercial, institutional, industrial, residential, or other non-farm purposes.
- SLOUGHING:** A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the soil-disturbing activity of man.
- SOIL AND WATER CONSERVATION DISTRICT:** An entity organized under Chapter 1515 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board, or its designated employee(s), hereinafter referred to as the Medina SWCD.
- SOIL DISTURBING ACTIVITY:** Clearing, grubbing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to erosion and sediment pollution.
- STABILIZATION:** The use of Best Management Practices, such as seeding and mulching, that reduces or prevents soil erosion.
- STORM FREQUENCY:** The average period of time within which a storm of a given duration and intensity can be expected to be equaled or exceeded.
- STORMWATER MANAGEMENT:** Safely conveying, temporarily storing, providing treatment of, and/or releasing stormwater runoff at an allowable rate to minimize erosion, flooding, and water quality impacts.
- STORMWATER POLLUTION PREVENTION PLAN (SWP3):** A plan consisting of a narrative, drawings, and plan notes that detail the BMPs for (1) sediment and erosion control, (2) controlling pollutants other than sediments, and (3) stormwater management. This plan is required by Ohio EPA to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) Permit program for construction activities.
- TEMPORARY SOIL STABILIZATION:** 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.
- USDA-NRCS:** United States Department of Agriculture, Natural Resources Conservation Service.
- WATERCOURSE:** A definite channel with defined bed and banks within which concentrated water flows, either continuously or intermittently.
- WATERSHED:** The total drainage area contributing runoff to a single point.
- WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and contain a predominance of hydric soils, and that under normal circumstances do support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 Codified Federal Register 232, as amended).



## Section 4            STORMWATER POLLUTION PREVENTION PLAN CONTENT

### SECTION 4.01        GENERAL REQUIREMENTS

- A.     The Stormwater Pollution Prevention Plan shall incorporate measures as recommended by the performance & design standards as referenced herein (Section 5) and the most current edition of the Rainwater and Land Development Manual or approved equal, in addition to the following items as listed in these Regulations.
  
- B.     A Registered Professional Engineer (PE) or a Certified Professional in Erosion and Sediment Control (CPESC) shall certify the design and plan sheets of the SWP3 when structural best management practices are utilized that require supporting calculations. To the extent necessary, a Registered Professional Surveyor (PS) may be required to certify boundary lines, measurements, or land surfaces.
  
- C.     Pursuant Ohio EPA NPDES Permit regulations, the permittee shall maintain a written document containing the signatures of all contractors involved in the implementation of the SWP3 as proof acknowledging that they reviewed and understand the conditions and responsibilities of the SWP3.

### SECTION 4.02        STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS

The SWP3 shall include construction plan sheets containing narrative information and notes, construction schedules and sequences, and erosion and sediment control measures and details for proper management of the site during and after construction. A detailed listing of the components of the SWP3 to be included directly on the plan sheets is as follows:

- A.     Narrative Information:  
A written site description for each SWP3 shall provide:
  - 1.     A description of the nature and type of the construction activity (e.g., low density residential, shopping mall, highway, etc.):
  - 2.     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):
  - 3.     An estimate of the impervious area and percent imperviousness created by the construction activity;
  - 4.     A calculation of the runoff coefficients for both the pre-construction and post construction site conditions;
  - 5.     Existing data describing the soil and, if available, the quality of any discharge from the site;

6. A description of prior land uses at the site;
7. 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 an MS4, the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a stream or surface water of the State must be indicated;
8. Location and description of any stormwater discharges associated with dedicated asphalt and dedicated concrete plants covered by this permit and the best management practices to address pollutants in these stormwater discharges;
9. A copy of any requirements from the OEPA NPDES Permit No. OHC000002, or the most current version thereof, (attaching a copy of the issued permit is acceptable);
10. 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;
11. A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence; and
12. List of any conservation easements or other restrictive uses of the properties that are part of the project.

B. Plan Notes:

The following italicized text shall be included on the plan drawings:

1. Perimeter Controls:

*"Sediment basins/traps and perimeter sediment controls shall be implemented as the first step of grading and within seven (7) days from the start of grubbing. Upon completion of construction of ponds, seeding and mulching shall immediately follow to aid in the stabilization and minimize erosion and sediment transport of the soil before water leaves the pond. All erosion and sediment controls shall continue to function until upland areas are permanently stabilized, or as directed by the Administrator."*

2. Vegetative Stabilization:

*"Disturbed areas, which will remain un-worked for a period of twenty-one (21) days or greater, shall be stabilized with seeding and mulching or other appropriate means within seven (7) days after the last disturbance. Disturbed areas that will remain*

*dormant for more than twenty-one (21) days within fifty (50) feet of a stream shall have temporary erosion control measures, including but not limited to seeding and mulching, applied within two (2) days. Disturbed areas that have reached final grade shall be stabilized within seven (7) days of reaching final grade."*

3. Rainwater Manual:

*"All erosion and sediment control practices specified on this plan shall conform with details and specifications outlined in the current version of the Ohio Department of Natural Resources booklet, "Rainwater and Land Development.""*

4. Additional Best Management Practices (BMPs):

*"Erosion and sediment control practices not already specified on this plan may be necessary due to unforeseen environmental conditions, construction phasing, and/or changes in drainage patterns caused by earth-moving activity. Additional practices, and/or a revised SWP3 shall be required at the developer's expense as directed by the Administrator."*

5. Best Management Practice (BMP) Decommissioning:

*"No erosion and sediment control BMPs shall be removed from the site prior to adequate permanent stabilization of the associated upland drainage areas and without first obtaining authorization from the Administrator, unless their removal is specifically provided for within the site's approved plan."*

6. Additional Wastes:

*"No solid or liquid waste shall be discharged into stormwater runoff. Any and all waste materials (solid, hazardous, construction & demolition, sanitary, toxic, etc.) generated at the site shall be properly disposed of in accordance with all applicable local, state, and federal rules/regulations. It is prohibited to burn, bury or pour out onto the ground or into the storm sewers any solvents, paints, gasoline, diesel fuel, used motor oil, hydraulic fluid, antifreeze, cement curing compounds and any other such toxic or hazardous materials or wastes."*

7. General Notes must be provided to clearly indicate the methods, timing and implementation of all temporary and permanent stormwater management, erosion and sediment control items. The following notes or similar, but not less restrictive, notes should be provided:

- a. *"Tracking of sediments onto roadways by vehicles shall be minimized by utilizing the construction entrance as the only entrance for vehicles. This entrance shall be maintained with stone as needed to prevent dirt and mud from tracking onto the roadway. Regular sweeping of the roadway may be necessary to ensure that sediments do not build upon the roadway."*

- b. *"No solid or liquid waste shall be discharged into stormwater runoff. (This includes washing out of cement trucks.) Designated wash pit areas shown on the plans shall be used for this purpose. All waste must be kept away from areas of stormwater runoff."*

- 8. Any additional information and/or notes as determined by the Administrator.

C. Schedules and Phasing

1. Implementation Schedule:

An implementation schedule specific to the proposed site which describes the sequence and phasing of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and stormwater management practices or facilities to be employed during each operation of the sequence shall be provided. It is recommended the schedule be divided into separate sections identified as the following: "Initial Project Stage", "Intermediate Project Stage", and "Final Project Stage". The Administrator reserves the right to require that the schedule be presented in this manner, depending upon the complexity of the proposed work.

Each section shall, at a minimum, contain the items of work specified below:

- a. Initial Project Stage: should generally address the BMPs that will be necessary from the moment of initial clearing and grubbing up until the time when all initial perimeter control BMPs designed to function throughout the period of mass grading, and perhaps beyond, are in place.
  - i. Initial installation of the site's construction entrance(s).
  - ii. Limited clearing and grubbing as necessary to allow for installation of appropriate perimeter BMPs (i.e. those BMPs designated for installation within seven (7) days of the start of grubbing operations). Emphasis shall be placed on clearing only those areas necessary to install the required erosion and sediment controls.
  - iii. An outline of the specific BMPs to be installed within seven (7) days of the start of grubbing operations. Notes relevant to any special provisions related to these controls/practices shall be identified.
- b. Intermediate Project Stage: should generally address the interim BMPs that will be necessary after the start of mass grading up until the site is ready for final grading. This may include the clearing and grubbing of additional areas and corresponding perimeter controls, BMPs that will be utilized to control erosion and sediment caused by altered drainage patterns, and final grading and stabilization of critical areas prior to final grading of the entire site.

- i. Remaining clearing and grubbing. Emphasis shall be placed on sequentially clearing and grubbing the site in a manner that will coincide with the site's planned development sequence and/or as necessary for the installation of BMPs needed to control erosion and sediment.
    - ii. Schedule for any remaining BMPs that are not installed during the initial project stage.
    - iii. Schedule related to earthmoving activities.
    - iv. Schedule related to decommissioning any interim/transitional BMPs.
    - v. Pre-Winter Stabilization meeting: If the project is to proceed through the winter, then the meeting shall be held prior to October 1st. Any upgrades or changes to BMPs for winter activity shall be provided for in the site's schedule for BMP Inspection & Maintenance.
  - c. Final Project Stage: should generally reflect how final grading and stabilization of remaining bare areas will be accomplished and which sediment control BMPs will remain in place to serve disturbances caused by individual lot construction. Should also address typical erosion and sediment control BMPs that will be utilized on each individual lot.
    - i. Final grading and permanent soil stabilization.
    - ii. Implementation of decommissioning procedures for unneeded temporary erosion and sediment control devices.
    - iii. Final Stabilization meeting: Detail provisions for maintenance and repair of stormwater facilities serving as temporary sediment controls after construction is complete, but prior to permanent stabilization, including mechanisms for notification of future responsible parties and/or property owners.
2. Inspection and Maintenance Schedule:

A schedule relevant to the inspection and maintenance/repair of erosion and sediment control devices shall be provided. This schedule shall describe in detail the actual inspection and maintenance procedures for each particular BMP. The party responsible for implementation of the items described within the schedule shall be clearly identified as well.

The following italicized text shall be included as a part of the aforementioned schedule:

*"Regular inspections and maintenance by the developer or their representative shall be provided for all temporary and permanent erosion and sediment control practices. Permanent records of maintenance and inspection activities shall be kept on-site throughout the construction period. Inspections must be made at a minimum of once every 7 days and immediately after storm events greater than 0.5 inches of rain in a 24-hour period. Provide name of inspector, date of inspection, major observations (identify type and location of each separate BMP requiring attention, describe condition of damaged BMP, specify type of remedial action required, etc.), and specific corrective measures taken since the time of the previous inspection to achieve compliance with the requirements of the site's approved plan, the "Rainwater and Land Development" manual, and any other required erosion control permits."*

*Maintenance shall occur as detailed below:*

- a. *When practices require repair or maintenance. If the internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.*
- b. *When practices fail to provide their intended function. If the internal inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.*
- c. *When practices depicted on the SWP3 are not installed. If the internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.*

3. Decommissioning Schedule:

A schedule for the removal of erosion and sediment control devices shall be provided. This schedule shall describe in detail the actual procedures/steps to be followed during removal of each particular BMP. The party responsible for implementation of the items described within the schedule shall be clearly identified as well. Please note, maintenance and decommissioning of sediment control retrofits on permanent stormwater facilities serving multiple sublots shall remain the responsibility of the site developer until such a time the Administrator releases the developer of such responsibility.

D. Plan View Content

The SWP3 shall include construction plan sheets containing drainage measures, erosion and sediment control measures, and other appropriate controls for proper management of the site during and after construction. A detailed listing of the components required are as follows:

1. Vicinity Map: A map should be shown on the plans indicating the site in relation to the surrounding area.
2. Site Plan: A plan sheet (or sheets) shall be provided that is drawn at a standard engineering scale of sufficient size to show adequate detail (1" = 50' or smaller, typically) and in all cases, plans should be clearly legible. The plan shall indicate all temporary and permanent BMP's proposed to be used during all phases of construction. It is preferred that at least one sheet be provided which allows a view of the entire site for analysis. If a smaller scale is used to permit inclusion of the entire site on one sheet, separate sheets providing an enlarged view of areas on individual sheets should also be provided. The site plan must make use of non-structural practices that preserve the existing natural condition to the maximum extent practicable.

The plan drawing(s) should illustrate the Project Stages as described in Section 4.02.C.1, and shall be configured in a manner that illustrates the appropriate sequential installation and removal of BMPs throughout the life of the project. If necessary, multiple sheets should be used to illustrate the separate stages. A maximum scale of 1" = 100' and 2' contour intervals shall be utilized. The following items shall be provided within the plans and follow the applicable performance and design standards as outlined in Section 5 of these regulations:

- a. North arrow, title block, and existing and proposed parcel lines;
- b. Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas that are not addressed by a separate NOI and associated SWP3.
- c. Soils types should be depicted for all areas of the site and locations of any unstable or highly erodible soils are to be highlighted;
- d. Existing and proposed two (2) foot contours with both labeled accordingly. A delineation of drainage watersheds expected during and after major grading activities as well as labeling of the size of each drainage watershed, in acres;
- e. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site;
- f. 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;

- g. Existing and planned locations of buildings, roads, parking facilities and utilities;
- h. 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;
- i. Sediment ponds and/or sediment traps, including their dimensions drawn to scale. A grading plan for the sediment pond/trap shall be provided. Provide the calculation of the available sediment settling volume and label the contributing drainage area. Ponds and traps shall be labeled as either temporary or permanent. A detail of the outlet structure shall be provided. Supporting calculations shall be provided, but may be provided on a separate sheet;
- j. Permanent stormwater management practices to be used to control pollutants in stormwater after construction operations have been completed, subject to applicable regulations;
- k. 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;
- l. The location of designated construction entrances where the vehicles will access the construction site;
- m. The location of any in-stream activities including stream crossings;
- n. 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.  
  
This does 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;
- o. Detail drawings of all permanent and temporary structural stormwater management and erosion control methods and practices;
- p. Description and specifications for stabilization of all disturbed areas of the site and guidance to which method of stabilization should be employed for various times of the year shall be provided. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.
- q. The location of non-structural practices that preserve the existing natural



condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.

- r. A delineation of drainage watersheds, as they relate to proposed erosion and sediment control best management practices, expected during and after major grading activities shall be provided, but may be provided on a separate sheet. However, the size of each drainage watershed, in acres, shall be labeled on the SWP3.
- s. Any additional information and/or notes as determined by the Administrator.

## Section 5 PERFORMANCE AND DESIGN STANDARDS

### SECTION 5.01 NOTIFICATION

A SWP3 must be reviewed and found to be in compliance with these regulations by the Administrator prior to the commencement of any soil-disturbing activities. Standards found within the most current edition of Rainwater and Land Development Manual shall apply to all best management practices proposed in the SWP3. In the case of conflicts with standards adopted by the Administrator, the stricter standard shall apply. The Administrator shall be notified upon project completion to grant final site approval of the project as well as to ensure any required "as-built" drawings have been submitted.

### SECTION 5.02 PROTECTION OF ADJACENT PROPERTIES

Properties adjacent to the site, including public land and waters of the state, shall be protected from sediment deposition resulting from land disturbance during construction. This may be accomplished by a combination of measures including, but not limited to, preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance and installing perimeter controls such as sediment barriers, diversion swales, filters or dikes, or sediment basins.

When water must be pumped for the purposes of dewatering, such as culvert construction, storm sewer construction or pond maintenance/construction, this water must pass through a filtering device which has been designed for such purposes and will effectively reduce the amount of sediment being released to adjacent properties, drainageways, or receiving waters.

### SECTION 5.03 OFF-SITE RUNOFF CONTROL

Off-site runoff control is important on developing sites to minimize on-site erosion and to prevent off-site sediment discharge. Off-site water that passes through an active construction site should be kept as clean as possible. This is accomplished by routing this flow through the site without the opportunity to mix with untreated site runoff or by diverting clean water around construction areas.

SECTION 5.04 PROTECTION OF EXISTING VEGETATION

Every effort shall be made to limit the extent of disturbed areas and maintain the existing vegetation. Estimated clearing limits shall be indicated on the SWP3 and must include portions of the site where construction traffic may destroy existing vegetative cover. When it is possible, construction activities shall be phased for the purpose of minimizing the duration of time areas remain bare and are exposed to the elements. Developments should be designed to fit around the natural site conditions (e.g. topography, drainage, and vegetation), which will involve less disturbance.

SECTION 5.05 SOIL STABILIZATION

Soil stabilization is the most effective means to minimize erosion on development sites. Stabilized soils have vegetative or other types of cover left during construction or replaced following disturbance. Once the clearing and grading operations begin, erosion will occur until the site is re-stabilized. The site should be brought to final grade and provided with final stabilization on the disturbed areas as quickly as possible.

SECTION 5.06 INSTALLATION OF SEDIMENT CONTROLS

Sediment basins and traps, diversion dikes and swales, sediment barriers, and other measures intended to trap sediment on-site shall be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Sediment control practices shall be functional throughout all phases of upslope earth disturbing activity. Such practices shall continue to function until the upslope development area is permanently restabilized. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented prior to grading and within seven (7) days from the start of grubbing. Earthen structures, both permanent and temporary, such as dams, dikes, sediment basins, storm water basins and diversions shall be seeded and mulched within seven (7) days after installation is complete. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.

SECTION 5.07 CUT AND FILL SLOPES

Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Consideration should be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes should be no steeper than 3:1 (horizontal:vertical) and preferably 4:1 (h:v) or flatter. Slopes steeper than 3:1 (h:v) should be stabilized with excelsior matting over seeding or with other equivalent stabilization measures. Non-reinforced slopes that are found to be eroding excessively shall be provided with additional slope stabilizing measures by the owner until the problem is corrected. The following guidelines are provided to aid in developing an adequate design:

- A. Roughened soil surfaces are generally preferred to smooth surfaces on slopes. Tracking should be done perpendicular to the direction of flow to retard runoff.
- B. Diversions should be constructed at the top of long steep slopes that have significant

drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.

- C. Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate channel, flume, or slope drain structure.
- D. Wherever a slope face crosses a water seepage plane that endangers the stability of the slope, adequate drainage or other protection should be provided.
- E. Slopes, which are not yet seeded when the late fall/winter conditions prevent seeding, shall be stabilized with anchored straw mulch.

#### SECTION 5.08 TEMPORARY SEDIMENT SETTLING PONDS

Stormwater runoff that exceeds the design capacity of silt fence or other acceptable sediment barriers and concentrated stormwater flows, shall pass through a sediment settling facility.

- A. Public safety, especially as it relates to children, must be considered in the design. Alternative sediment controls must be used where site limitations would preclude a safe design. At a minimum, the perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:
  - 1. Side slopes of an aquatic bench (starting from shoreline of normal water elevation and sloping inward) shall not be steeper than 5:1 (h:v) for a minimum of 6 feet.
  - 2. Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (h:v).
  - 3. The contours of the pond will be designed and managed to eliminate drop-offs and other hazards.
- B. Temporary sediment settling ponds will not be constructed in any stream channel.

#### SECTION 5.09 RUNOFF CONTROL PRACTICES

Runoff control practices and associated details must be provided to control the flow of runoff from disturbed areas to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soil, and protective grading practices. These practices may receive stormwater runoff from areas up to ten (10) acres and shall divert runoff away from the disturbed areas and steep slopes where practicable. Diverted runoff shall be returned to the original watershed prior to discharging from the project site. Stormwater diversion practices alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.

#### SECTION 5.10 WORKING IN OR CROSSING WATERCOURSES

- A. Construction vehicles should be kept out of watercourses to the extent possible. Where

in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall always be restabilized immediately after in-channel work is completed. An Ohio EPA 401 Permit and/or a U.S. Army Corps Section 404 Permit may be necessary to perform projects within watercourses.

- B. Where a live (wet) watercourse will be crossed by construction vehicles regularly during construction, a temporary vehicular watercourse crossing shall be provided. See specification for "Temporary Stream Crossing" in the current edition of Rainwater & Land Development Manual.
- C. If construction activities will disturb areas adjacent to watercourses, structural practices shall be designed and implemented to protect all adjacent watercourses 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 watercourse. For all construction activities immediately adjacent to surface waters of the state, a setback of at least 25-feet should be maintained in its natural state as a permanent buffer. The setback is to be measured from the top of bank. When the local zoning code is in conflict with these requirements, the more restrictive shall apply.
- D. No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving authority and, when applicable, the US Army Corps Of Engineers and Ohio EPA, for such purposes as, but not limited to, constructing bridges, culverts, streambank stabilization, and erosion or sediment control structures.

SECTION 5.11 STABILIZATION OF WATERWAYS AND OUTLETS

- A. Permanent stabilization of conveyance channels must be shown for all channels and outfalls to prevent erosive flows. Measures may include erosion control matting, sodding, or rock riprap. All on-site stormwater conveyance channels, except roadway ditches, shall be minimally designed and constructed to withstand the expected velocity of flow from a 10-year, 24-hour frequency storm without erosion. Stabilization adequate to prevent erosion shall also be provided at the outlets of all pipes and paved channels. Permanent stabilization of all non-paved channels carrying stormwater including roadside ditches must consist of excelsior matting over seeding in the bottom of the channel where flow velocities exceed 3.5 fps. Anchored straw mulch will be required over seeding in all other channels. Rock check dams in conjunction with anchored straw mulch should be used in lieu of excelsior matting when late fall/winter conditions prevent seeding. Roadway ditches shall be designed according to the regulations adopted by the Commissioners pursuant to O.R.C. 711.101 and any standard specifications required by the Administrator.
- B. All constructed waterways/drainage ways not directed to a sediment basin must be stabilized either temporarily or permanently immediately following construction to prevent scour and erosion from occurring. All culvert outlets must have rock channel protection placed immediately following construction.

- C. All storm sewers, footer drains, roof gutter drains and all other drains are to outlet at the bottom of slopes. The slope below the outlet should be able to control the water being drained through the storm sewer or other drains without causing erosion of the stream or channel banks or channel bottom or other areas.
- D. Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from the planned post-development frequency storm without eroding the channel. The planned post-construction velocity and flow shall include the entire contributing watershed.

SECTION 5.12 SINGLE-FAMILY RESIDENTIAL LOTS AND SMALL SITES

The following principles of stormwater pollution prevention shall apply to individual, single-family, residential lots and other sites with less than one acre of disturbance:

- A. Pre-existing vegetation shall be retained on idle portions of the building lot for as long as construction operations allow. Clearing shall be done so only active working areas are bare.
- B. Temporary seed (annual rye, oats, etc.) and or mulch shall be applied to areas, such as stockpiles, that are bare and not actively being worked. This shall apply to areas that will not be reworked for 14 days or more.
- C. Stockpiles excavated from basements shall be situated away from streets, storm sewer inlets, swales, or other waterways and shall be covered (i.e. seeded and/or mulched, or covered with tarps/plastic sheeting).
- D. Silt fence shall control sheet flow runoff from the building lot. It shall not be constructed in channels or areas of concentrated flow. Other sediment controls such as inlet protection and sediment traps shall also be used as needed to control sediment runoff.
- E. Construction vehicle access shall be limited to one route, to the greatest extent practical. The access shall be gravel or crushed rock applied to the driveway area.
- F. Mud tracked onto the street or sediment settled around curb inlet protection shall be removed daily or as needed to prevent it from accumulating. It shall be removed by shoveling and scraping and shall not be washed off paved surfaces or into storm drains.

SECTION 5.13 OTHER POLLUTANT CONTROLS

No solid (other than sediment) or liquid waste, including building materials, shall be discharged in stormwater runoff. Wash pit areas must be constructed in pre-designated areas as shown on the plans. The applicant must implement all necessary BMP's to prevent the discharge of non-sediment pollutants to the drainage system of the site or surface waters of the state. No exposure of stormwater to waste materials is recommended. These practices shall include, but are not limited to, the following:

- A. A covered dumpster shall be made available for the proper disposal of construction site waste

materials, garbage, plaster, drywall, grout, gypsum and etc. A second covered dumpster will be provided for the proper disposal of toxic and hazardous wastes.

- B. The washing of excess concrete material into a street, catch basin, or other public facility or natural resource shall not occur. A designated area for concrete washouts shall be made available and used for all concrete washouts. The site developer or owner shall be responsible for the maintenance and removal of washout areas.
- C. All fuel tanks and drums shall be stored in a marked storage area. 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. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained "dike", the plug will be kept in the "dike" tank at all times.
- D. Any toxic or hazardous wastes and/or contaminated soils must be disposed of according to all applicable environmental laws and statutes. Local health districts and the Ohio EPA can provide guidance on these issues.

#### SECTION 5.14 POND, TRENCH AND GROUND WATER DEWATERING

There shall be no turbid discharges to surface waters of the state resulting from dewatering activities. Pumped discharges of sediment-laden water must pass through a sediment-settling pond or equally effective sediment control device, such as a sump pit or filter bag, prior to being discharged from the construction site. Trench and ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging trench and ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

When dewatering a pond, the maximum rate of dewatering shall be limited to lowering the water surface one foot per day. This may be accomplished by opening a drain valve, pumps or siphons. In no case, shall breaching the embankment of a pond be permitted.

#### SECTION 5.15 MAINTENANCE OF BEST MANAGEMENT PRACTICES

All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended function throughout the course of soil-disturbing activities and until any upslope development area is restabilized. Regular inspections and maintenance by the owner or their representative shall be provided for all temporary and permanent erosion and sediment control practices. Inspections must be made at a minimum of once every 7 days and immediately after storm events greater than 0.5 inches of rain in a 24-hour period. Permanent records of maintenance and inspection activities shall be kept on-site throughout the construction period. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the applicant must replace or modify the control for site conditions. Other erosion and sediment control items may be necessary due to environmental conditions and may be required at the discretion of the Administrator. The owner will be responsible for such maintenance until final inspection approval by the Administrator.

SECTION 5.16 DISPOSITION OF TEMPORARY MEASURES

All temporary erosion and sediment control measures shall be disposed of within 30 days after final stabilization of the site is achieved and approved by the Administrator or after the temporary measures are no longer needed, unless otherwise authorized by the Administrator. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sediment accumulation.

SECTION 5.17 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.

Section 6 ADMINISTRATION

SECTION 6.01 STORMWATER POLLUTION PREVENTION PLAN SUBMITTAL & REVIEW

- A. When a Stormwater Pollution Prevention Plan (SWP3) is required, two (2) copies shall be submitted to the Administrator along with the applicable fee, completed Stormwater Management and Sediment Control Permit application, and all necessary supporting calculations. The Administrator should be consulted for the current fee schedule.
- B. For a proposed major subdivision, an SWP3 shall be submitted to the Administrator after the acceptance of the preliminary plan by the Medina County Planning Commission, and concurrently with the submittal of construction drawings to the Medina County Highway Engineer. Approval of the SWP3 shall be a condition precedent to final plat approval by the Medina County Planning Commission.

SECTION 6.02 PERMIT ISSUANCE

- A. A Stormwater Management and Sediment Control Permit must be applied for and obtained prior to commencing any regulated soil-disturbing activity that will disturb more than 5000 square feet. To apply for this permit, a completed application form and accompanying SWP3 with supporting calculations must be submitted to the Administrator for review. Upon the Administrator's approval of the SWP3 and the applicant's payment of permit fees, the Stormwater Management and Sediment Control Permit will be issued.
- B. A Stormwater Management and Sediment Control Permit is also required to ensure compliance with the Medina County Stormwater Regulations and the Medina County Flood Damage Reduction Regulations. Therefore, the SWP3 shall also show conformance with these additional regulations, when applicable.

SECTION 6.03 INSPECTION, COMPLIANCE, AND VIOLATIONS

- A. No person or entity shall violate, cause or knowingly permit to be violated any provisions of this regulation, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use, cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.
- B. The Administrator will make regular inspections of development areas to determine compliance with these rules and regulations. All construction activities, including permanent stormwater facilities, will be constructed in conformity with approved SWP3 plans. If it appears that a violation of these regulations has occurred, the owner or his appointed representative shall be notified of the deficiencies or non-compliance by the Administrator in writing.
- C. If the Commissioners determine that a violation of any rule adopted hereunder or an administrative order allowed under O.R.C. 307.79 or other applicable provision of the law exists, then the Commissioners may request, in writing, that the Prosecuting Attorney of Medina County, seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with these regulations, or order. In accordance with O.R.C. 307.79 in granting relief, the court 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 or more than five hundred dollars. Each day of a violation of a rule adopted or administrative order issued in accordance with the law shall be considered a separate violation subject to a civil fine.

SECTION 6.04 VARIANCE

- A. The Commissioners may grant a variance to these regulations where the owner or his appointed representative can show that a hardship exists whereby compliance with these regulations is not appropriate, based upon the following:
  - 1. That exceptional topographic or other physical conditions exist that are peculiar to the particular parcel of land.
  - 2. That the peculiar condition in 6.03.A.1 did not result from previous actions by the owner.
  - 3. That a literal interpretation of these regulations would deprive the owner of rights enjoyed by other property owners.
- B. Adverse economic conditions shall not be considered as a valid reason or hardship for a variance request to be granted. No variances will be granted where activities occur that will defeat the purposes of these regulations.
- C. The request for a variance shall be submitted to the Administrator and shall state the specific variances sought and include sufficient data to justify the granting of a variance.



SECTION 6.05 APPEALS

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the Commissioners in relation to these regulations may appeal to the court of common pleas. Such an appeal shall be made in conformity with Chapters 2505 and 2506 of the Ohio Revised Code. Written notice of appeal shall be served on the clerk of the Medina County Board of Commissioners and the Administrator.

SECTION 6.06 FINAL INSPECTION APPROVAL & MAINTENANCE

To receive final inspection and acceptance of any project, the following must be provided or completed:

- A. Removal and restoration, as required, of all temporary erosion and sediment control measures.
- B. Final stabilization and all permanent erosion and sediment control measures must be established.
- C. Permanent stormwater management facilities must be installed and made functional per the approved SWP3.
- D. Provide an "as-built" survey of all structural and non-structural practices as required by the Administrator. The "as-built survey" must be certified (sealed, signed and dated) by a Registered Surveyor and/or Engineer, as applicable, with a statement certifying that the stormwater facilities as designed and installed meet the requirements of the SWP3 originally found in compliance by the Administrator. This may include a new set of stormwater facility calculations to be provided if the design was altered significantly. The "as-built" survey must minimally provide the location and dimensions of such facilities and reference the entity or individual(s) responsible for long-term maintenance.

SECTION 6.07 COMPLIANCE WITH OTHER REGULATIONS

Approvals issued in accordance with these regulations do not relieve the applicant of the responsibility for obtaining all other necessary permits and/or approvals from the US Army Corps of Engineers, the Ohio EPA, and other federal, state, and/or county agencies not listed herein. If requirements vary, the most restrictive requirement shall prevail.

Projects disturbing one or more acres of land are required to conform with the Ohio EPA General Construction Permit that authorizes stormwater discharges associated with construction activity. Proof that a NOI for the site has been submitted to the Ohio EPA shall be required by the Administrator prior to the issuance of a Medina County Stormwater Management & Sediment Control Permit.