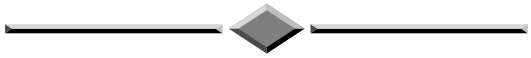
ALLEN COUNTY, OHIO

STORMWATER MANAGEMENT

& SEDIMENT CONTROL

REGULATIONS

(SMSCR)



BOARD OF COUNTY COMMISSIONERS
ALLEN COUNTY, OHIO

3rd District Court of Appeals Building
204 N. Main Street, Suite 301, Lima, OH 45801

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ARTICLE 1
GENERAL PROVISIONS

1.1 STATUTORY AUTHORITY AND TITLE

These Regulations have been adopted by the Board of County Commissioners, Allen County, Ohio (BOACC) in accordance with and pursuant to the legal authority of Article XVIII, Section 3 of the Ohio Constitution, Section 307.79 of the Ohio Revised Code, and the Rules of 1501: 15-1-01 and 02 of the Ohio Administrative Code to be administered by a BOACC appointed agency ("Administrator").

The official title of these Regulations shall be known as the Allen County, Ohio Stormwater Management & Sediment Control Regulations (SMSCR).

1.2 PURPOSE

1.2.1 These Regulations are to establish stormwater management using Best Management Practices (BMPs) and conservation practices to minimize the impact to public waters from accelerated soil erosion and stormwater runoff caused by earth disturbing activities, subsurface drainage and land use changes connected with activities within a development area. These Regulations are intended to:

1.2.1.1 Reduce flooding, erosion, and sedimentation damages caused by land disturbance and development;

1.2.1.2 Reduce damage to receiving streams, storm sewers, or channels caused by increased runoff or pollutant loading of the water being discharged into them due to development or that may be caused by illicit discharges;

1.2.1.3 Establish the systematic submittal of plans and designs and implementation of appropriate BMPs through preconstruction stormwater management plan (SWMP) review, site inspections and penalties for non-compliance with these Regulations and related state and federal permits; and,

1.2.1.4 Establish the systematic submittal and review of appropriate post-construction structural and non-structural BMPs within new development and redevelopment areas, including assurances of the long-term operation of BMPs.

1.3 SCOPE

1.3.1 These Regulations shall apply to all earth-disturbing activities of one or more acres, or less than one acre but are part of a larger common plan of development or sale that will ultimately disturb one or more acres, performed both inside and outside of the MS4, within Allen County, Ohio along with any entity that has adopted these regulations. Additionally, any entity that has adopted these regulations shall notify The Allen County Engineer's Office of acceptance and establish an agreement for the acceptance of the stormwater management within

their respective entity. Exemptions are those activities as outlined in Section 307.79 of the Ohio Revised Code and additionally as follows:

1.3.1.1 No permit or plan shall be required for 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 BOACC or the chief of the division of soil and water conservation in the department of agriculture.

1.3.1.2 Activities related to crop production or silviculture operations or areas regulated by the Ohio Agricultural Sediment Pollution Abatement Rules.

1.3.1.3 Strip mining operations regulated under section 1513.01 of the Ohio Revised Code.

1.3.1.4 Surface mining operations regulated under section 1514.01 of the Ohio Revised Code.

1.3.2 In the event that an earth disturbing activity occurs within the property of a separate public entity and that entity has its own SWMP and SWP3 requirements, application shall be made to both Allen County and that entity. All Allen County requirements will remain in force, but the more stringent of the two entities' requirements will govern.

1.4 VARIANCE POLICY AND PROCEDURE

1.4.1 It is conceivable that earth-disturbing activities may have exceptional circumstances applicable to the site such that strict adherence to the provisions of these Regulations will result in unnecessary hardship and not fulfill the intent of these Regulations. Therefore, a variance request procedure is established as follows:

1.4.1.1 The owner of the property may submit a written request to the BOACC for variance from a requirement. This written request shall state the reason for proposed variance and how the requirements pose an unnecessary hardship and what measures are proposed to meet the intent of these Regulations;

1.4.1.2 The BOACC will grant or deny the variance or request a modification to the variance;

1.4.1.3 In the event the property owner or their designee disagrees with the decision of the BOACC they may appeal the BOACC decision in accordance with these Regulations.

1.5 SEVERABILITY

1.5.1 If any article, clause, section, or provision of these Regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remaining provisions shall not be affected thereby.

1.6 DISCLAIMER OF LIABILITY

1.6.1 Neither submission of a plan under the provisions herein, nor compliance with the provisions of these Regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed by law; nor impose any liability upon the BOACC or its representatives for damage to any person or property.

1.7 RELATION TO OTHER REGULATIONS

Addressing only the requirements associated with the OEPA NPDES Construction General Permit (CGP) does not relieve the applicant of responsibility for obtaining all subsequent permits and/or approvals from the Ohio Environmental Protection Agency (OEPA), the United States Army Corp of Engineers (USACE) or any other federal, state and/or county agencies. Should the requirements vary, the more restrictive requirements will govern. Additional permits may include, but are not limited to those listed below. Proof of compliance with these state and federal regulations shall be submitted with the project plans prior to permit issuance.

1.7.1 If a SWMP developed under these Regulations is in conflict with requirements of the Allen County Subdivision Regulations, a variance may be granted to the Allen County Subdivision Regulations by the Lima-Allen County Regional Planning Commission where it is determined that such exception will enhance the management of stormwater and not be detrimental to the health, safety and general well-being of life and inhabitants within the county.

1.7.1.1 Subdivision plat prepared in conjunction with a SWMP shall include the necessary covenants and restrictions to assure compliance to these Regulations.

1.7.2 All SWMPs shall conform to all local, state and federal regulations and requirements, including, but not limited to:

1.7.2.1 The Board of County Commissioners Allen County, Stormwater Design Specifications.

1.7.2.2 The most current OEPA NPDES CGP.

1.7.2.3 The most current Allen County Floodplain Regulations.

1.7.2.4 The regulations Prohibiting Illicit Discharges to the Separate Storm Sewer System in the Unincorporated Area of Allen County.

1.7.2.5 All applicable local Zoning Regulations and Requirements.

1.7.2.6 All applicable Comprehensive Development Plans.

1.7.2.7 All regulations promulgated by the Allen County Public Health District. ie: Wells, Plumbing and Household Sewage Treatment.

1.7.2.8 OEPA - Authorization of Stormwater Discharges Associated with Construction Activity - Proof of compliance will consist of an OEPA approved Notice of Intent (NOI) including NPDES project permit number.

1.7.2.9 OEPA - Municipal Separate Storm Sewer System – NPDES Phase II permit - Allen County's Stormwater Management Plan.

1.7.2.10 OEPA – Clean Hard Fill permit program and Notice of Intent to Fill.

1.7.2.11 All applicable regulations pertaining to Waters of the U.S. and Waters of the State - All proposed development sites must be checked for the existence of streams, wetlands and other regulated waters by a qualified professional. If no streams, wetlands, or other regulated waters are on the site, a letter from the qualified professional stating so shall be included with the submittal of the project construction plan packet. If regulated waters are found to be on the site one or all of the following may be required based on the determined extent of the impact:

a. Proof of compliance shall be a copy of the Jurisdictional Determination from the USACE, confirming the findings of a qualified professionals survey and report.

b. Proof of compliance shall be a copy of the permit application, public notice, or permit approval under applicable regulation as described in sections 1.7.2.12-14 or any other applicable regulations promulgated under local, state or federal law.

1.7.2.12 USACE-Section 404 of Clean Water Act - Proof of compliance will consist of a copy of the USACE Individual Permit Application, public notice or project approval. Should an Individual Permit not be required, proof of compliance shall be a copy of the USACE Letter of Permission or Nationwide Permit including a site plan indicating proposed fill areas in proximity to waters of the U.S.

1.7.2.13 OEPA-Section 401 of Clean Water Act - Proof of compliance will consist of a copy of the OEPA's Water Quality Certification Application, Director's Authorization Application, public notice, or project approval.

1.7.2.14 OEPA-Isolated Wetland Permit Program - Proof of compliance will consist of a copy of the OEPA's Isolated Permit Application, public notice or project approval.

1.7.2.15 Ohio Dam Safety Law - Proof of compliance will consist of a copy of the ODNR's - Division of Water permit application or a copy of the project approval letter for ODNR.

1.7.2.16 Federal Emergency Management Agency (FEMA) - Projects shall meet the requirements of the current published version of the Lima-Allen

County Regional Planning Commission Flood Damage Reduction Resolution and Floodplain Management Regulations..

1.7.2.17 OEPA NPDES Notice of Intent (NOI) / Notice of Termination (NOT) - Copies of the approved NOI shall accompany the construction plans. NOT's shall be submitted within 45 days of completing all OEPA NPDES CGP permit requirements and a copy forwarded to the Allen County Engineer's office as documentation of project close out.

1.7.2.18 All other local, state and federal requirements.

ARTICLE 2
ADMINISTRATION

2.1 DELEGATION OF PROGRAM RESPONSIBILITIES

2.1.1 The BOACC may delegate authority over the following components of the Allen County Stormwater Management & Sediment Control Regulations (SMSCR):

2.1.1.1 SWMP review and approval authority and collection of fees;

2.1.1.2 Inspection before, during, and after construction and maintenance reviews of temporary and permanent BMPs;

2.1.1.3 Enforcement; and,

2.1.1.4 Resource reviews of proposed development sites.

2.1.2 The BOACC appointed agency shall be the Allen County Engineer ("Administrator") or its delegate for administration of these regulations.

2.2 AUTHORIZED PLAN PROVIDERS

2.2.1 The BOACC shall require all design plans, quantities and itemized cost estimates for the stormwater facilities be prepared and stamped by:

2.2.1.1 An Ohio Registered Professional Civil Engineer; or,

2.2.1.2 A Certified Professional in Erosion and Sediment Control (CPESC) experienced in the design and implementation of standard erosion and sedimentation controls and stormwater management practices addressing all phases of construction; or,

2.2.1.3 An Ohio Registered Landscape Architect when the duties to be performed or the certifications that are to be made are within the powers and authority of a Landscape Architect pursuant to sections 4703.30 to 4703.49 of the Ohio Revised Code; or,

2.3 PLAN REVIEW AND APPROVAL

2.3.1 The Administrator shall review the SWMP within thirty (30) days of receipt and indicate approval or disapproval with the person who filed the plan. Indication of disapproval shall include the plan deficiencies and the procedure for filing a revised plan. No earth disturbing activities shall take place before preparation and approval of a SWMP and all permits being obtained.

During the plan review, the Administrator may request, review, and make recommendations pertaining to the proposed SWMP, SWP3, and post-construction water quality BMP Operation and Maintenance (O&M) Plan. The Administrator or their designee shall be responsible for review and approval of all

hydrologic and runoff calculations, as well as design and construction inspection for all stormwater management facilities.

2.4 PERMIT PROCESS

2.4.1 Permit Application Forms will be made available by the Administrator. Information required will be sufficient for the Administrator to determine if the SWMP is complete and that the developer and/or property owner intends to comply with these Regulations. During the permit process all responsible parties will be identified, and are to be consistent with the OEPA NPDES CGP signatory and reporting requirements.

When a permit and the SWMP are required, the permit will be issued upon approval of detail design, payment of required permit application, plan review and site inspection fees. All permits will expire after twelve (12) months from the date of issuance of the permit. Permit holders who require an extension may make application for continuance of the permit by contacting the Administrator within thirty (30) days of expiration. Extensions may be granted at the discretion of the Engineer, and will be granted where good cause is shown and where an extension is found to be reasonable. Failure to renew within this time period may result in a cessation of all construction activity and civil penalties as set forth in Ohio Revised Code 307.79 until a valid application for renewal is received by the Allen County Engineer's Office. The continuance of a permit may result in an additional fee to be determined by the Administrator. Construction activity may not resume until the application is approved and appropriate on-site measures have been implemented.

2.4.2 If the Responsible Party that applied for and signed the Stormwater Management and Sediment Control Permit changes, the Administrator must be notified of who the responsible party is. All contact information will be updated and a determination by the Administrator shall be made as to the applicability of the existing permit. The new permittee may be required to re-apply for a permit.

2.4.3 Ohio EPA NPDES Permits authorizing stormwater discharges associated with construction activity or the most current version thereof - Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.

2.4.3.1 Deadlines for notification:

a. Initial coverage: Operators who intend to obtain initial coverage for a stormwater discharge associated with construction activity under this general permit must submit a complete and accurate NOI application form and appropriate fee at least twenty-one (21) days prior to the commencement of construction activity. If there is more than one operator, as engaged at a site, each operator shall seek coverage under this general permit. Where one operator has already submitted an NOI prior to other operator(s) being identified, the additional

operator shall request modification of coverage to become a co-permittee.

b. Individual lot transfer of coverage: Operators must each submit an individual lot notice of intent (Individual Lot NOI) application form (no fee required) to Ohio EPA at least seven (7) days prior to the date that they intend to accept responsibility for permit requirements for their portion of the original permitted development from the previous permittee. The original permittee may submit an Individual Lot NOT at the time the Individual Lot NOI is submitted.

2.4.3.2 Failure to notify - Operators who fail to notify the Director of their intent to be covered and who discharge pollutants to surface waters of the state without an NPDES permit are in violation of Ohio Revised Code Chapter 6111. In such instances, Ohio EPA may bring an enforcement action for any discharges of stormwater associated with construction activity.

2.4.4 The Operator is required to have readily available on site the County permit, approved NOI, SWP3, weekly and rain event inspection reports per the OEPA NPDES CGP.

2.5 APPLICATION, PERMITTING AND OTHER FEES

2.5.1 Permit Application, Plan Review and Inspection Fees - The BOACC shall establish all permit application, plan review and site inspection fees by resolution to be paid to the Administrator.

A person requiring the approval of a Stormwater Management Plan which involves design and construction of stormwater management facilities, shall submit design plans, quantities and construction timeline for review and approval. Payment for the cost of the plan review, permitting, and site development field inspections, as determined by the most current BOACC resolution, shall be provided to the Administrator.

2.5.2 The permit application, plan review and site inspection fees shall be based upon the resolution and project timeline.

The duration for the site inspection fees shall begin at the initial clearing and grubbing of the site and shall end at the time of final grading and site stabilization. The construction timeline shall be specified in the permit application. The site inspection fees shall be required for all building sites except single family residential lots and utility construction. Projects extending beyond the specified project duration may incur additional inspection costs at the specified rate for the site inspection fees.

Upon issuance of the Notice of Termination (NOT) and certification that the permit holder has met the requirements of the permit, the permit holder may file for return of any remaining site development fees not expended during inspection of the project.

For projects completed in phases, these fees will be assessed for each phase of construction.

No permit fee will be required for earth-disturbing activities which have been provided for in an already approved SWMP (i.e. home construction on a lot in an approved subdivision with an approved SWMP).

2.5.3 Additional Fees - Applicants shall be charged additional fees, based on an hourly rate, for additional time spent reviewing plans and conducting inspection, above and beyond the initial submission, and in the event that construction duration exceeds the initial estimate. A deposit may be required at time of application.

If the stormwater management facilities to be constructed are part of a subdivision being developed under the "Subdivision Regulations for Allen County, Ohio" and the application and permit fees for stormwater management facilities are in said Regulations, then this provision of the Allen County Stormwater Management & Sediment Control Regulations (SMSCR) shall run in concurrence with them.

If the stormwater management facilities to be constructed are part of a major subdivision being developed under Municipal Subdivision Regulations, the Engineer of jurisdiction is hereby authorized by the County Commissioners to review, inspect and enforce these Regulations within subdivisions being developed under the Municipality's Subdivision Regulations. The Engineer of jurisdiction is further authorized to establish and to collect a fee to cover the cost of such services.

2.6 INSPECTION AND COMPLIANCE

2.6.1 Inspections by Administrator - The Administrator or their designated representative shall inspect land disturbance areas to determine that these Regulations are being complied with. The Administrator or their designated representative may, upon identification to the owner or person in charge, enter any land upon obtaining agreement with the owner, tenant, or manager of the land in order to determine whether there is compliance with these Regulations. If the Administrator or their designated representative is unable to obtain such an agreement, the Administrator or their designated representative may apply for, and a judge of the Allen County Common Pleas Court may issue, an appropriate inspection warrant as necessary to achieve the purposes of Ohio Revised Code307.79 and these Regulations. With the submittal of a permit application and approval of plans, permission for ingress and egress is granted to the BOACC or designee for continuous inspection.

2.6.1.1 Written documentation of Inspector site visits shall be provided to the designated construction site manager for all inspections as a means of documenting said inspections. This written documentation will indicate compliance or non-compliance with the requirements of these Regulations.

a. At a minimum, applicable construction sites which have the following compliance issues shall be inspected once every 14 calendar days instead of on a monthly basis:

1. Construction activities have started at a site with no SWP3 reviewed and approved by the MS4;

2. Failure to install sediment basin(s) when the SWP3 and/or site drainage clearly indicate as a first step (with 7 days prior to grading and within 7 days of grubbing);

3. Construction activities taking place with no sediment/erosion controls; or

4. Dewatering activities resulting in turbid discharges.

Your inspections can be returned to a monthly basis for the construction site once compliance with the above compliance issues have been addressed and verified.

2.6.1.2 If the Administrator determines that a violation of these Regulations exists, the Administrator 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.

2.6.1.3 In addition, if the Administrator determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the Administrator may authorize the issuance of a Notice of Violation (NOV). Upon receipt of the NOV, the Operator is required to respond in writing to the Inspector and the Administrator within ten (10) days stating what the site manager intends to do to rectify non-compliance to these Regulations.

a. If, after a period of not less than thirty (30) days has elapsed following the issuance of the NOV, the violation continues, the Administrator shall issue a second NOV.

b. If, after a period of not less than fifteen (15) days has elapsed following the issuance of the second NOV, the violation continues, the Administrator may issue a stop work order after first obtaining the written approval of the Allen County Prosecuting Attorney if, in the opinion of the prosecuting attorney, the violation is egregious.

2.6.1.4 Once a stop work order is issued, the Administrator shall request, in writing, the Allen County Prosecuting Attorney to seek an injunction or other appropriate relief in the Allen County Common Pleas Court to abate excessive erosion or sedimentation and secure compliance with these

Regulations. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the Allen County 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 dollars ($100.00) or more than five hundred dollars ($500.00). Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine.

2.6.1.5 The person to whom a stop work order is issued under this section may appeal the order to the Allen County Common Pleas Court, seeking any equitable or other appropriate relief from that order.

2.6.1.6 No person shall violate any rule or order issued under these Regulations. Notwithstanding sections 2.6.1.2 and 2.6.1.3 above, if the Administrator determines that a violation of any rule or administrative order issued under these Regulations, the Administrator may request, in writing, the Allen County Prosecuting Attorney to seek an injunction or other appropriate relief in the Allen County Common Pleas Court to abate excessive erosion or sedimentation and secure compliance with the rules or order.

a. In granting relief, the 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 ($100.00) or more than five hundred dollars ($500.00).

b. Each day of violation of a rule adopted or administrative order issued under this section shall be considered a separate violation subject to a civil fine.

2.6.2 Inspections by Operator - see Article 4.1.1.8.

2.7 STORMWATER AND SEDIMENT COMPLAINTS

2.7.1 Upon receipt of a complaint made by an interested party, the Administrator and/or Inspector, shall investigate within a reasonable time the site and follow the procedures as outlined in these Regulations.

2.8 APPEALS

2.8.1 Any person aggrieved by any order, requirement, determination, or any other action or inaction by the BOACC in relation to these Regulations may appeal to the Allen County Common Pleas Court. 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 BOACC.

ARTICLE 3
SPECIAL CONSIDERATIONS

3.1 REGULATED ACTIVITIES AND APPLICABILITY

3.1.1 No person shall cause or allow soil-disturbing activities, land clearing, grading, excavating or filling within the scope of these Regulations without full compliance with the requirements set forth in these Regulations.

3.1.1.1 Any person performing any earth-disturbing activity on one (1) or more contiguous acres of land owned by one person or operated as one development unit, single family residential, major subdivisions, commercial development and industrial development will be required to make application for a Stormwater Management and Sediment Control Permit. Areas of less than one (1) contiguous acre shall not be exempt from compliance with all other provisions of these Regulations.

3.1.1.2 Agricultural or farming earth disturbances are not exempt from these Regulations with the exception of Crop Production and Silviculture Operations as set forth in Article 1, Section 1.3.1.2.

3.1.1.3 In the event that a subdivision/development may be constructed in phases the developer is required to meet the requirements of 3.1.1.1.

3.1.1.4 Construction activities covered include all new and existing discharges composed entirely of stormwater discharges associated with construction activity that enter surface waters of the state or a storm drain leading to surface waters of the state.

For the purposes of this permit, construction activities include any clearing and grubbing, grading, excavating, structural demolition and/or filling activities that disturb the threshold acreage described in the next paragraph. Discharges from trench dewatering are also covered by this permit as long as the dewatering activity is carried out in accordance with the practices outlined in the OEPA NPDES CGP.

Construction activities disturbing one or more acres of total land, or will disturb less than one acre of land but are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land will be eligible for coverage under this permit. The threshold acreage includes the entire area disturbed in the larger common plan of development or sale. Areas of less than one contiguous acre shall not be exempt from compliance with all other provisions of these Regulations.

This permit also authorizes stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

a. The support activity is directly related to a construction site that is required to have OEPA NPDES permit coverage for discharges of stormwater associated with construction activity;

b. The support activity is not a commercial operation serving multiple unrelated construction projects and does not operate beyond the completion of the construction activity at the site it supports;

c. Appropriate controls and measures are identified in a stormwater pollution prevention plan (SWP3) covering the discharges from the support activity; and

d. The support activity is on or contiguous with the property defined in the NOI (offsite borrow pits and soil disposal areas, which serve only one project, do not have to be contiguous with the construction site).

3.1.1.5 When a new residential dwelling unit on an individual lot is proposed which is one acre or greater, and is not part of a larger common plan of development, the owner of said land shall be required to make application for a Stormwater Management and Sediment Control Permit.

3.1.1.6 Along with the application for a Stormwater Management and Sediment Control Permit a SWP3 must be submitted and approved by the Administrator of these Regulations or its designee prior to the start of any soil-disturbing activity. The owner of said land shall notify the Administrator or its designee no less than two (2) working days before the start of soil-disturbing activity. The Administrator or its designee shall also be notified by the owner no later than two (2) working days after project completion.

3.1.1.7 The SWP3 shall be submitted to the Administrator or its designee for review no less than thirty (30) working days prior to any soil-disturbing activity at the proposed site.

3.1.1.8 The SWP3 shall contain a narrative and drawings that explain practices to be used to prevent soil erosion and off-site discharge of soil sediment during and after land development. (See Article 5 for plan requirements and review schedules.)

3.1.1.9 Erosion and sediment control practices used to satisfy the performance criteria of these Regulations shall meet the specifications provided in the current edition of the *Ohio Rainwater and Land Development Manual*, Ohio's Standards for Stormwater Management and Land Development, and Urban Stream Protection, and provisions of the Allen County Floodplain Regulations (See Article 4 for performance standards and requirements).

3.1.1.10 Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, county and/or township agencies. If requirements

vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals require showing proof of compliance with these state and federal regulations.

a. Ohio EPA NPDES Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.

b. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification or Director's Authorization application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

c. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

d. Section 404 of the Clean Water Act: Proof of compliance shall include one of the following:

    (i) A copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project.

    (ii) A copy of the U.S. Army Corps of Engineers Pre-Construction Notification, project approval, or other proof of compliance with U.S. Army Corps of Engineer's Nationwide Permit Program.

    (iii) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, streams and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(iv) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.

e. Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

3.1.1.11 The owner of said land and the developer, engineer and contractor of the project, and other principal parties, shall meet with the Administrator or its designee for a Pre-Construction Meeting no less than seven (7) days prior to soil-disturbing or tree clearing activity at the site in order to ensure that erosion and sediment control BMPs are properly installed, limits of disturbance and buffer areas are properly delineated and construction personnel are aware of such devices and areas. Pre-Construction Meetings may be conducted by telecommunication or waived at the discretion of the Administrator or its designee.

3.1.1.12 If site is, or planned, to remain active through the winter months, a Pre-Winter Stabilization Meeting shall be held by the owner of said land and the Developer, Engineer and Contractor of the project and the Administrator or its designee prior to October 1, in order to plan and approve winter erosion and sediment controls as defined in the most current edition of the *Ohio Rainwater and Land Development Manual*.

3.1.1.13 Upon completion of all construction and final stabilization of the entire construction site, the owner of said land shall contact the Administrator or its designee through written notification that construction is complete and final stabilization has been achieved. This is the appropriate time to file for an NOT with the OEPA NPDES CGP.

3.2 PERMIT REQUIREMENTS WHEN PORTIONS OF A SITE ARE SOLD

If an operator obtains a permit for a development, and then the operator (permittee) sells off lots or parcels within that development, permit coverage must be continued on those lots until a Notice of Termination (NOT) in accordance with the OEPA NPDES CGP is submitted. For developments which require the use of centralized sediment and erosion controls (i.e., controls that address stormwater runoff from one or more lots) for which the current permittee intends to terminate responsibilities under this permit for a lot after sale of the lot to a new owner and such termination will either prevent or impair the implementation of the controls and therefore jeopardize compliance with the terms and conditions of this permit, the permittee will be required to maintain responsibility for the implementation of those controls. For developments where this is not the case, it is the permittee's responsibility to temporarily stabilize all lots sold to individual lot owners unless an exception is approved. In cases where permit responsibilities for individual lot(s) will be terminated after sale of the lot, the permittee shall inform the individual lot owner of the obligations under this permit and ensure that the Individual Lot NOI application is submitted to OEPA.

ARTICLE 4

PERFORMANCE STANDARDS

All properties adjacent to the site of soil-disturbing activity shall be protected from soil erosion and sediment runoff and damage, including, but not limited to, private properties, natural and artificial waterways, wetlands, storm sewers and public lands.

Construction site erosion and sediment control practices used to satisfy this requirement shall conform, as a minimum, to State of Ohio standards as set forth in the current edition of the *Ohio Rainwater and Land Development Manual* and shall conform to the current Ohio Environmental Protection Agency, Ohio Revised Code Chapter 6111, requirements.

SWP3 approvals issued in accordance with these Regulations do not relieve the owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state and/or county agencies. If requirements vary, the most stringent requirement shall be followed.

4.1 EROSION AND SEDIMENT CONTROL PRACTICES

Erosion and sediment control practices at the site and as identified in the SWP3, shall comply with the following:

4.1.1 The SWP3 must contain a description of the controls appropriate for each construction operation and the applicant must implement such controls. The SWP3 must clearly describe the following for each major construction activity: the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the contractor 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 controls shall include the following minimum components:

4.1.1.1 Non-Structural Preservation Measures - The SWP3 must make use of 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 of 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 and grubbing practices.

4.1.1.2 Erosion Control Practices - The SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils. A description of control practices designed to re-stabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must 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, the use of construction entrances, and the use of alternative ground cover. Erosion control practices must meet the requirements included within the OEPA NPDES CGP.

a. Temporary Stabilization: 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.

b. Permanent Stabilization of Conveyance Channels: Applicants shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control, matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams, all as defined in the current edition of the *Ohio Rainwater and Land Development Manual* or the NRCS Field Office Technical Guide (FOTG).

4.1.1.3 Runoff Control Practices - The SWP3 shall incorporate measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains and 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.

4.1.1.4 Sediment Control Practices - The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall 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, but are not limited to, sediment-settling ponds, silt fences, rolled erosion control products, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment-settling pond. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment-settling pond. Sediment control practices must meet the following requirements as specified in the OEPA NPDES CGP:

a. Timing

b. Sediment-Settling Ponds
c. Sediment Barriers and Diversions

d. Inlet Protection

f. Surface Waters of the State Protection

g. Modifying controls

4.1.1.5 Non-Sediment Pollutant Controls – in accordance to the OEPA NPDES CGP; No solid or liquid waste, including building materials, shall be discharged in stormwater runoff. The applicant must implement site BMPs to prevent toxic materials, hazardous materials, or other debris

from entering water resources or wetlands. These practices shall include, but are not limited to, the following:

a. Waste Materials: A covered dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.

b. Concrete Truck Wash Out: The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available.

c. Fuel/Liquid Tank Storage: All fuel/liquid 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 one hundred ten percent (110%) of the volume of all containers in the storage area unless secondary containment is provided by the product manufacturer.

d. Toxic or Hazardous Waste Disposal: Any toxic or hazardous waste shall be disposed of properly.

e. Contaminated Soils Disposal and Runoff: Contaminated soils from redevelopment sites shall be disposed of according to guidelines within the OEPA CGP Part I. B. 5 covering spills and unintended releases. Runoff from contaminated soils shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites or redevelopment sites.

4.1.1.6 Off-site Tracking of Sediment and Dust Control: BMPs must be implemented to ensure sediment is not tracking off-site and that dust is controlled. These BMPs must include, but are not limited to, the following:

a. Construction entrances Shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete sized greater than two inches (2”) In diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the current edition of the *Ohio Rainwater and Land Development Manual.*

b. Streets directly adjacent to construction entrances and receiving traffic from the development area shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly.

Based on site conditions the Administrator or its designee may require additional BMPs to control off-site tracking and dust. These additional BMPs may include:

i. Silt fences or construction fences installed around the parameter of the development area to ensure that all vehicle traffic adheres to the designated construction entrances.

ii. Designated wheel washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment-settling pond, or a sump pump for dewatering in conformance with OEPA NPDES CGP.

1. Applicants shall take all necessary measures to comply with the applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The Administrator or its designee may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles, temporary stabilization of disturbed areas, chemical amendments to the soil, and regulation of the speed of vehicles on the site.

4.1.1.7 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 located within the development area.

4.1.1.8 Trench and Ground Water Control - There shall be no sediment-laden discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must 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. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

4.1.1.9 Inspections by Operator - All erosion and sediment controls on the site shall be inspected at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event greater than one-half (.5) inch of rain per twenty-four (24) hour period. The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls. These inspections shall meet the following requirements:

a. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. The applicant

shall utilize an inspection form to be provided to the Administrator or its designee or an alternate form acceptable to the Administrator or its designee upon request.

b. 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.

(i) Non-Sediment Pollutant Controls: As defined in 4.1.1.4 of this document.

c. Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.

d. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

e. The inspection frequency may be reduced to at least once every month for dormant sites if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions for extended periods of time (e.g. site is covered with snow, ice, or the ground is frozen), as determined by the Inspector, in conjunction with the Engineer.

f. The applicant shall maintain for three (3) years following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the SWP3, a certification as to whether the facility is in compliance with the SWP3, and information on any incidents of non-compliance determined by these inspections.

4.1.1.10 Maintenance - The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all upslope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party to conduct this maintenance.

When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

a. When practices require repair or maintenance: If an 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 an internal inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3 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 an 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 internal 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.

4.1.1.11 Final Stabilization - Final stabilization shall be determined by the Administrator or its designee. At a minimum, 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 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.

ARTICLE 5
APPLICATION PROCEDURES FOR
STORMWATER POLLUTION PREVENTION PLAN (SWP3)

The standalone Stormwater Pollution Prevention Plan (SWP3) for all development projects shall be submitted to the Administrator or its designee following the approval of the preliminary plans. In the case of other construction projects, the SWP3 shall be submitted at least **thirty (30) working days** prior to any soil-disturbing activity for general clearing projects.

The Administrator or its designee shall review the SWP3 and approve, or return for revision with comments and recommendations for revision, within twenty-one (21) working days after receipt of said plan. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedure for filing a revised plan. At the time of receipt of a revised plan, another twenty-one (21) day review period shall commence. Approved plans shall remain valid for the duration of the permit. Retained plans shall be stamped approved.

5.1 STORMWATER POLLUTION PREVENTION PLAN (SWP3)

Three sets of the SWP3 will be provided for the consideration and use of the Administrator, Contractor and Inspector. The SWP3 is considered complete when it contains the following:

5.1.1 Site construction plans intended for contractor's bid.

5.1.2 Contact information for the owner of the land, the developer and project engineer; project engineer's certification; project name; estimated dates the construction will start and be completed; and, project vicinity map.

5.1.3 Permit Verification -

5.1.3.1 Jurisdictional Wetlands - In areas where jurisdictional wetlands, streams, or other waters as defined by an on-site delineation verified by the United States Army Corps of Engineers will be affected, a copy of the delineation report shall be submitted with the SWP3. If an Individual Permit is required, a copy of that Permit, showing project approval and any restrictions that apply to site activities, shall also be submitted. If an Individual Permit is not required for the proposed project, the site owner shall submit proof of compliance with the Nationwide Permit Program as detailed under Article 3.1. If an OEPA Section 401 Water Quality Certification and/or an OEPA Isolated Wetland Permit is required the site owner shall submit proof of compliance with the OEPA Water Quality Certification and/or Isolated Wetland Permit program as detailed in Article 3.1.

5.1.3.2 An OEPA Notice of Intent (NOI) and National Pollutant Discharge Elimination System (NPDES) permit with a copy of the OEPA Director's Authorization Letter shall be submitted with the SWP3.

5.1.4 Project Description - A brief description of the project and types of soil-disturbing activities. Note specifically items not self-evident from the plan drawings. The

project description shall list total project acreage, north arrow and adjacent property boundaries.

5.1.4.1 Site description - The SWP3 shall provide:

a. A description of the nature and type of the construction activity (e.g. 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., clearing and grubbing, excavation, and filling or grading). Off-site borrow areas or export sites shall be designated on the plan. Additional consideration and permitting may be required.

c. Measure of the impervious area and percent imperviousness created by the construction activity (existing, new and total impervious area after construction).

d. Stormwater calculations, including the volumetric runoff coefficients for both the pre-construction and post- construction site conditions, and resulting water quality volume; design details for post-construction stormwater facilities and pretreatment practices such as contributing drainage areas, capacities, elevations, outlet details and drain times. Reference the Allen County Stormwater Design Specifications for post-construction water quality BMP design requirements.

e. Existing data describing the soil and, if available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.

f. A description of prior land uses at the site.

g. A description of the condition of any on-site streams (e.g. prior channelization, bed instability or headcuts, channels on public maintenance, or natural channels).

h. A construction and implementation schedule which describes the sequence of major soil-disturbing operations (i.e., clearing and grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence.

i. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s). 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 shall be indicated.

j. The aerial (plan view) 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.

k. 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.

l. A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence.

m. Site map showing:

(i) Limits of soil-disturbing activity of the site, including off site spoil and borrow areas.

(ii) Soils types for all areas of the site, including locations of unstable or highly erodible and/or known contaminated soils.

(ii) Existing and proposed one-foot (1') contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres.

(iii) Location, condition and outlet of existing drainage infrastructure.

(iv) Sensitive areas to be protected such as surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within two hundred feet (200') of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.

(v) Existing and planned locations of buildings, roads, parking facilities, and utilities.

(vi) 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.

(vii) Sediment basin/ponds, noting their sediment storage and dewatering
(detention) volume and contributing drainage area.

(viii) Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for concrete truck washout, and vehicle fueling.

(ix) The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.

(x) The location of any areas of proposed floodplain fill, floodplain excavation, stream restoration or known temporary or permanent stream crossings.

(xi) The location of permanent stormwater management practices (new and existing) including pretreatment practices to be used to control pollutants in stormwater after construction operations have been completed along with the location of existing and planned drainage features including catch basins, culverts, ditches, swales, surface inlets and outlet structures.

5.1.4.2 A soils engineering report - The Administrator or its designee may require the SWP3 to include a Soils Engineering Report based upon the determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the Administrator or its designee shall be incorporated in the grading plans and/or other specifications for site development.

a. Data regarding the nature, distribution, strength, and erodibility of existing soils.

b. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.

c. Conclusions and recommendations for grading procedures.

d. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction are completed.

e. Design criteria for corrective measures when necessary.

f. Opinions and recommendations covering the stability of the site.

5.1.5 The Erosion and Sediment Control plan shall show the location, type and construction detail for perimeter controls; sediment settling devices; limits of disturbance; buffers for streams, wetlands, ponds and drainages; seeding mixtures and rates; and, type and quantity of mulching; application of water or fertilizer. SWP3s shall also provide a detailed construction sequence. Updates and/or corrections to schedules and/or sequencing shall be clearly marked or listed on approved plans, which shall be located at the site.

5.1.6 Stormwater Control Methods adequate to prevent pollution of public waters by soil sediment from accelerated stormwater runoff from development areas.

5.1.7 Contractor's Construction Sequence that estimates the time frame required for the following:

5.1.7.1 Pre-Construction meeting.

5.1.7.2 Initial clearing and grubbing to gain access and installation of perimeter controls within seven (7) days of clearing and grubbing.

5.1.7.3 Clearing and grubbing followed by excavation of sediment traps and basins and temporary soil stabilization for these sediment settling devices within seven (7) days from the start of grubbing.

5.1.7.4 Project engineer's, or other qualified personnel's, as defined by the OEPA NDPES CGP, initial inspection of erosion and sediment controls for "as-built" certification.

5.1.7.5 Maintenance inspection schedule and party responsible for inspection and repair of BMPs.

5.1.7.6 Pre-Winter Stabilization meeting if project is to be through the winter.

5.1.7.7 Final grading and permanent soil stabilization within seven (7) days of finishing final grade.

5.1.7.8 Installation of the post-construction water quality controls.

5.1.7.9 Removal of temporary sediment control devices shall not occur until approved by the Inspector.

5.1.8 Review, Permit and Inspection Fees shall be submitted with the Erosion and Sediment Control Plan. The permit shall not be processed until all permit fees have been paid.

APPENDIX A
ACRONYMS

ASWCD – Allen Soil and Water Conservation District

BMP – Best Management Practices

BOACC – Board of County Commissioners, Allen County, Ohio

CFR – Code of Federal Regulations

CGP – Construction General Permit

CN – Curve Number

CPESC – Certified Professional in Erosion and Sediment Control

CPWQv – Channel Protection and Water Quality Volume

CWA – Clean Water Act

FEMA – Federal Emergency Management Agency

FOTG – Field Office Technical Guide of the USDA, NRCS

GIS – Geographic Information System

HSG – Hydrologic Soil Group

MS4 – Municipal Separated Storm Sewer System

NOI – Notice of Intent

NOT – Notice of Termination

NOV – Notice of Violation

NPDES – National Pollutant Discharge Elimination System

NRCS – Natural Resources Conservation Service

NRR – Natural Resources Review

OEPA – Ohio Environmental Protection Agency

ORC – Ohio Revised Code

PMB – Permanent Maintenance Base

SMSCR – Stormwater Management & Sediment Control Regulations

SPCC – Spill Prevention Control and Countermeasure

SWMP – Stormwater Management Plan

SWP3 – Stormwater Pollution Prevention Plan

T – Tolerable Soil Loss Value or Factor as defined by USDA, NRCS

USACE – United States Army Corp of Engineers

WQv – Water Quality Volume

APPENDIX B
DEFINITIONS

ACCELERATED SOIL EROSION: The increased loss of the land surface that occurs as a result of human activities.

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

ADMINISTRATOR: The person or entity having the responsibility and duty of administering and ensuring compliance with these Regulations. The Administrator shall be appointed by the BOACC.

AS-BUILT (DRAWING): Drawing or certification of conditions as they were actually constructed.

BACKWATER (TAILWATER): Water backed up in its course by an obstruction or opposing current.

BASIN: A structure designed to impound stormwater runoff.

BEST MANAGEMENT PRACTICE (BMP): Structural or nonstructural practice which is designed to minimize the impacts of changes in land use on surface and groundwater systems. Structural BMP refers to basins or facilities (such as Bioretention, constructed stormwater wetlands, etc.) engineered for the purpose of reducing the pollutant load in stormwater runoff. Nonstructural BMP refers to land use or development practices (such as preservation of open space and stream buffers, disconnection of impervious surfaces, etc.) which are determined to be effective in minimizing the impact on receiving stream systems.

BIOLOGICAL PROCESSES: A pollutant removal strategy in which microbes break down organic pollutants and transform nutrients.

BIORETENTION BASIN: Water quality BMP engineered to filter the water quality volume through an engineered, planted bed, consisting of a vegetated surface layer (vegetation, mulch, ground cover), planting soil, and sand bed (optional), and into the in-situ material. Also called rain gardens.

BUFFER AREA: A designated transitional area adjacent to or around a stream or wetland left in a natural, usually vegetated, state so as to protect a stream or wetland from runoff pollution. Construction activities in this area shall be restricted or prohibited based on the sensitivity of the stream or wetland and the recommendation of the Administrator or its designee. See also Setback.

CATCH BASIN: An inlet chamber usually built at the curb line of a street or low area for collection of surface runoff and admission into a sewer or sub-drain. These structures commonly have a sediment sump in their base, below the sewer or sub-drain discharge elevation, designed to retain solids below the point of overflow.

CHANNEL: A natural or manmade stream bed or ditch, existing or excavated for the conveyance of water.

CHECK DAM: Small dam constructed in a channel for the purpose of decreasing the flow velocity, minimizing channel scour, and promoting deposition of sediment. Check dams are a component of grassed swale BMPs.

COMMON PLAN OF DEVELOPMENT: A term used to define the entire scope of a development project, both on-site and off-site, regardless of ownership, including phases (future and existing), sublots, and parcels of development, associated easements, road and utility right of ways, and other land development or soil disturbances in support of the development project.

CONSTRUCTED STORMWATER WETLANDS: Areas intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from stormwater.

CONTOUR: A line representing a specific elevation on the land surface or a map.

CRITICAL STORM: That storm which is calculated using the post-construction percentage increase in volume of runoff from a proposed development. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a developed site.

CROP PRODUCTION: The growth of plant-based crops using soil and/or water in a non-enclosed structure. Examples are grain crops, forages, vineyards, vegetable crops and oil crops.

CURVE NUMBER (CN): A numerical representation of a given area's hydrologic soil group, plant cover, impervious cover, interception, and surface storage derived in accordance with Natural Resource Conservation Service methods. This number is used to convert rainfall depth into runoff volume. Sometimes referred to as Runoff Curve Number.

CUT: An excavation that reduces an existing elevation, as in road or foundation construction.

DESIGN STORM: A selected rainfall hyetograph of specified amount, intensity, duration, and frequency that is used as a basis for design.

DESIGN STORM FREQUENCY: The recurrence interval of storm events having the same duration and volume. The frequency of a specified design storm can be expressed either in terms of exceedance probability or return period. Exceedance probability is the probability that an event having a specified volume and duration will be exceeded in one-time period, usually assumed to be one year. If a storm has a one percent chance of occurring in any given year, than it has an exceedance probability of 0.01. The return period is the average length of time between events having the same volume and duration. If a storm has a one percent chance of occurring in any given year, than it has a return period of 100 years.

DETENTION BASIN: A stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and, therefore, are not considered in the facility's design. Since an extended detention basin impounds runoff only temporarily, it is normally dry during non-rainfall periods.

DEVELOPMENT AREA: A lot or contiguous lots owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential,

institutional, or other non-farm construction or alternative that changes runoff characteristics, upon which soil-disturbing activities occur.

DEVELOPMENT DRAINAGE AREA: A combination of each hydraulically unique drainage area with individual outlet points on the development area.

DEVELOPMENT PROJECT: An area of land, parcel or parcels, portions of parcels, and associated land disturbance that is being developed, redeveloped, or disturbed in support of development, for non-farm commercial, industrial, residential or other institutional construction or alteration which changes, either permanently or temporarily, the runoff characteristics or grade of the lands therein.

DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil moving activities, including filling.

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

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

DRAINAGE IMPROVEMENT: An improvement as defined in O.R.C. 6131.01(C), and/or conservation works of improvement as defined in O.R.C. 1511 and 1515.

DRAINAGE WAY: A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity. See also watercourse, channel, and stream.

DROP STRUCTURE: A manmade device constructed to transition water to a lower elevation.

DURATION: The length of time over which precipitation occurs.

EGREGIOUS: Extraordinary, but in a negative way; glaring and flagrant. Conspicuously bad or offensive.

EMERGENCY SPILLWAY: A channel, usually an open channel constructed adjacent to an embankment, which conveys flows in excess of the design capacity of the principle spillway.

ENGINEER: A Professional Engineer registered in the State of Ohio.

EROSION: The weathering of the land surface by running water, wind, ice, or other geological agents. Accelerated erosion - erosion in excess of what is presumed or estimated to be naturally occurring levels and which is a direct result of human activities. Gully erosion - erosion process whereby water accumulates in narrow channels and removes the soil to depths ranging from a few inches to 1 or 2 feet to as much as 75 to 100 feet. Rill erosion - erosion process in which numerous small channels only several inches deep are formed. Sheet erosion - spattering of small soil particles caused by the impact of raindrops on wet soils. The loosened and spattered particles may subsequently be removed by surface runoff.

EROSION AND SEDIMENT CONTROL: The control of soil material, both mineral and organic, during soil-disturbing activity to prevent its transport out of the disturbed area by means of wind, water, ice, gravity, or human actions.

EROSION AND SEDIMENT CONTROL PLAN (SWP3): The written document meeting the requirements of Articles 3, 4 and 5 of these Regulations which sets forth the plans and practices to be used to minimize soil erosion and prevent off-site transport of soil sediment by containing sediment on-site or bypassing sediment-laden runoff through a sediment control measure during and after land development.

FARM: Land or water devoted to growing crops or cultivated in connection with raising or harvesting any agricultural or horticultural commodity, including nursery stock, and the raising, shearing, feeding, caring for, training, and management of livestock, poultry, and fish.

FINAL STABILIZATION: 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% 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 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.

FLOODING: When the volume or rate flow exceeds the capacity of the natural or manmade conveyance system and overflows onto adjacent lands, causing or threatening damage.

FLOODPLAIN: For a given flood event, that area of land adjoining a continuous water course which has been covered temporarily by water.

FOREBAY: Storage space, commonly referred to as a sediment forebay, located near a stormwater BMP inlet that serves to trap incoming coarse sediments before they accumulate in the main treatment area.

GABION: A flexible wire mesh cage filled with large cobbles or riprap. Gabions may be assembled into many types of structures such as revetments, retaining walls, channel liners, drop structures, diversions, and check dams.

GIS: A method of overlaying spatial land and land use data of different kinds. The data are referenced to a set of geographical coordinates and encoded in a computer software system. GIS is used by many localities to map utilities and sewer lines and to delineate zoning areas.

GRADING: The excavating, filling, or stockpiling of soil material, or any combination thereof, including the land in its excavated or filled condition.

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.

HYDROLOGIC SOIL GROUP (HSG): NRCS classification system of soils based on the permeability and infiltration rates of the soils. ‘A’ type soils are primarily sandy in nature with a high permeability while ‘D’ type soils are primarily clayey in nature with a low permeability.

HYDROLOGY: Science dealing with the distribution and movement of water.

ILLICIT DISCHARGE: As defined in 40 CFR, Section 122.26 (b)(2) means any discharge to the separate storm sewer system that is not composed entirely of stormwater, except as exempted in the Regulations Prohibiting Illicit Discharges to the Separate Storm Sewer System in the Unincorporated Areas of Allen County.

IMPERVIOUS COVER: A surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

INSPECTOR: A person representing the Administrator who is 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 stormwater quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.

INTENSITY: The depth of rainfall divided by duration.

INVERT: The lowest flow line elevation in any component of a conveyance system, including storm sewers, channels, weirs, etc.

LAND DEVELOPMENT: A manmade change to, or construction on, the land surface that changes its runoff characteristics. Certain types of land development are exempted from stormwater management requirements as provided in these Regulations, Article 1, Section 1.3.

LANDSCAPE ARCHITECT: A Professional Landscape Architect registered in the State of Ohio.

LARGER COMMON PLAN OF DEVELOPMENT: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

LINEAR DEVELOPMENT PROJECT: A land development project that is linear in nature such as, but not limited to, (a) the construction of electric and telephone utility lines, and natural gas pipelines; (b) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; and (c) highway construction projects.

LOT: A tract of land occupied or intended to be occupied by a use, building, or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A lot may contain more than one contiguous lot.

MAXIMUM EXTENT PRACTICABLE: The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 50 CFR Parts 9, 122, 123, and 124, referred to as NPDES Stormwater Phase II, must meet.

MS4: A Municipal Separate Storm Sewer Systems (MS4) is a conveyance or a system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): owned and operated by a public entity that discharges into surface waters and is designed or used collecting or conveying stormwater only.

MULCH COVER: Any material (such as straw, sawdust, leaves, wood chips, etc.) that is spread or formed upon the surface of the soil to protect the soil and/or plant roots from the effects of erosion by raindrops, wind, soil crusting, freezing, evaporation, etc.

MULTI-FAMILY DEVELOPMENT: Apartments, condominiums, townhouses, duplexes, or other similar buildings housing more than one family.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the Clean Water Act (CWA). The term includes an "approved program."

NATURAL RESOURCES REVIEW (NRR): A review of an individual parcel prior to development for the purpose of minimizing negative effects to the property and neighboring land. An NRR is intended to bring critical issues to the consideration of the Zoning Board and/or the Township Trustees prior to rezoning, permitting, and/or construction. An NRR includes identification of the following: soil types (limitations and capabilities), surface drainage patterns, known subsurface drainage/tile, floodplains, wetlands, setbacks based on zoning regulations (including access management), established drainage projects and associated setbacks, adjoining landowners, location of known utilities, general placement of structures and other key features, and contacts for agencies relevant to the development of the property.

NATURAL WATERWAY: A waterway that is part of the natural topography, which usually maintains continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course.

NOTICE OF INTENT (NOI): Notice of Intent obtained from the Ohio EPA under the NPDES CGP Program.

NOTICE OF TERMINATION (NOT): Notice of Termination obtained from the Ohio EPA under the NPDES CGP Program.

OHIO RAINWATER AND LAND DEVELOPMENT MANUAL: Ohio’s standards for stormwater management, land development, and urban stream protection developed by the t Ohio Environmental Protection Agency. The most current edition of these standards shall be used with these Regulations.

OPERATOR: Any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or,

2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions.

OUTFALL: The place where effluent is discharged into receiving waters, most generally occurring as a pipe or earthen channel.

OWNER: The owner of any "facility or activity" subject to regulation under the NPDES program.

PARCEL: Means a tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the Allen County Auditor's Office.

PERMANENT MAINTENANCE BASE (PMB): As referenced in the ORC Chapter 6137: the original schedule of benefit assessments upon owners for the construction of any drainage maintenance improvement shall be maintained by the county auditor as the permanent base for maintenance assessments. The maintenance assessments shall be levied by the county auditor in such percentage of the permanent base as is authorized by the board of county commissioners.

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 of combination thereof.

PHASING: Clearing/grubbing/excavating a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

POST-DEVELOPMENT: Refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

PRE-CONSTRUCTION MEETING: A meeting between the Administrator or its designee and all principal parties, prior to the start of any soil-disturbing activities, at a site that requires an Erosion Sediment Control Plan.

PRE-DEVELOPMENT: Refers to the conditions that exist at the time plans for the land development of an area are approved by the plan approval authority. Where phased development occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted establishes the pre-development conditions.

PRETREATMENT: The techniques employed in a stormwater management plan to provide storage or filtering to help trap coarse materials before they enter the stormwater BMP. Pretreatment is required on some BMPs to help avoid costly maintenance.

PRE-WINTER STABILIZATION MEETING: A meeting between the Administrator or its designee and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires an Erosion Sediment Control Plan.

QUALIFIED INSPECTION PERSONNEL: Individuals knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.

RATIONAL METHOD: Means of computing peak storm drainage flow rates based on average percent imperviousness of the site, mean rainfall intensity, and drainage area.

REDEVELOPMENT: Any construction, alteration, or improvement on existing development.

RESPONSIBLE PARTY: The individual(s) that controls, manages, or directs the entity and/or the project and the disposition of the entity's funds and assets. For the purpose of these Regulations, the responsible party is to be consistent with the OEPA CGP Part V.G.1 signatory and reporting requirements.

RETENTION BASIN: A stormwater management facility which includes a permanent impoundment, or normal pool of water, for the purpose of enhancing water quality and, therefore, is normally wet, even during non-rainfall periods. Storm runoff inflows may be temporarily stored above this permanent impoundment for the purpose of releasing stormwater at a slower rate, reducing flooding, and mitigating stream channel erosion.

RIPARIAN AREA: The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation 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 water resources, watercourses, or wetlands.

RUNOFF COEFFICIENT: The fraction of total rainfall that appears as runoff. Represented as C in the rational method formula.

SEDIMENT: Material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water, wind, ice, gravity, or any combination of those forces, as a product of erosion.

SEDIMENT FOREBAY: A settling basin or plunge pool constructed at the incoming discharge points of a stormwater facility.

SEDIMENT BASIN: A temporary barrier or other suitable retention structure built across an area of water flow to intercept runoff and allow transported sediment to settle and be retained prior to discharge into waters of the State.

SEDIMENT POLLUTION: The 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.

SEDIMENTATION OR SETTLING: A pollutant removal method to treat stormwater runoff in which gravity is utilized to remove particulate pollutants. Pollutants are removed from the stormwater as sediment settles or falls out of the water column. An example of a BMP utilizing sedimentation is a detention basin.

SETBACK: A designated transition area adjacent to or around water resources or wetlands that is left in a natural, usually vegetated, state to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited as required in this regulation. See also buffer area.

SHEET FLOW RUNOFF: Water, usually storm runoff, flowing in a thin layer over the ground surface. This is also referred to as overland flow.

SILVICULTURE: Silviculture is the art and science of controlling the establishment, growth, composition, and quality of forest and woodland vegetation for the full range of forest resource management and harvest objectives. The agricultural exemption in these Regulations is specific to silviculture operations in non-enclosed structures.

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 Allen SWCD.

SOIL-DISTURBING ACTIVITY: A clearing, 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. Grubbing and stump removal that occurs during clearing or timber activities constitutes a soil disturbing activity.

SOIL LOSS: The soil moved from a given site by the forces of erosion, measured using “T” or tolerable soil loss as defined by the USDA Natural Resources Conservation Service (NRCS).

STABILIZATION: The use of Best Management Practices, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.

STANDARD SEDIMENT CONTROL POLICY: The policy that documents the erosion and sediment control standard operating procedures, measures and practices used by an agency in land disturbance projects and activities.

STORM DRAIN: A conduit, pipe or human-made structure, which serves to transport stormwater runoff.

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.

STORM SEWER: A sewer used for conveying rainwater and/or similar discharges, but not sewage or industrial waste, to a point of disposal. Commonly involves a network of catch basins, subsurface drainage pipes, and surface channels that eventually outlet to a ditch and/or stream.

STORMWATER: Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER MANAGEMENT: Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

STORMWATER POLLUTION PREVENTION PLAN (SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of the state and local permits.

STORMWATER RUNOFF: The direct response of a watershed to precipitation, which includes the surface and subsurface runoff that enters a stream, ditch, storm sewer or other concentrated flow during and following the precipitation.

STREAM: A body of water running or flowing on the earth's surface in which flow may be perennial, seasonally intermittent and/or ephemeral.

SUBSOIL: That portion of the soil below the topsoil or plow layer, typically beginning 6-12" below the surface, but can also extend to 48" or deeper in the case of prime farmland soils, down to bedrock parent material.

TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES: Interim control measures, which are installed or constructed to control soil erosion or sedimentation until permanent soil erosion control measures are established.

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.

TIME OF CONCENTRATION: The time required for water to flow from the hydrologic most distant point (in time of flow) of the drainage area to the point of analysis (outlet). This time will vary, generally depending on the slope and character of the surfaces.

TOPSOIL: The upper layer of soil that is usually darker in color and richer in organic matter and nutrients than the subsoil.

WATERCOURSE: A definite channel with defined bed and banks within which concentrated water flows, either continuously or intermittently, (e.g., brooks, channels, creeks, rivers, or streams.

WATER QUALITY VOLUME (WQv): The extended detention volume captured for the purposes of treating pollutants and protecting stream stability downstream. This volume is prescribed by the Ohio EPA Construction General Permit.

WATER RESOURCE: Any public or private body of water including lakes and ponds, as well as streams, gullies, ditches, swales, or ravines that have banks, a defined bed, and a definite direction of course, either continuously or intermittently flowing.

WATERSHED: A defined land area drained by a river, stream, or drainage way, or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows through a single outlet.

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 CFR 232, as amended).

APPENDIX C
STORMWATER POLLUTION PREVENTION PLAN (SWP3)

SWP3 Objective

The primary objective of a Stormwater Pollution Prevention Plan (SWP3) is to protect the waters of the state from runoff leaving the site and laden with sediment. Preventing soil particles, litter and other pollutants from migrating off the site is also an important objective. The following are basic principles of pollution prevention to be addressed on an individual home construction site:

Duration of Construction and Staging

Develop a realistic and honest time table for the total earth disturbance. Most home construction projects can be completed in a reasonable amount of time, such as six (6) months. Sometimes availability of funding and other resources causes a project to extend over multiple years. In this case, it is best to stage earth disturbances and keep all pre-existing vegetation on idle portions of the lot for as long as construction operations allow. Time tables should give careful consideration to completing activities in a season where grass can be planted and expected to have enough time to establish itself ahead of adverse growing weather or season.

Protection of Streams, Ditches, Swale, Drainage Structures and Wetlands

A. Identify and protect all existing and constructed water conveyances and drainage structures, both on the site and nearby. Such conveyances and structures would include catch basins, yard drains, road side swales, ditches, streams and wetlands.
B. A fifty foot (50') protective zone or buffer should be maintained between the limits of earth disturbance and open ditches, streams and wetlands. Placement of construction materials, soil stockpiles, fuel tanks, waste containers, portable toilets, and other potential pollution sources should also be maintained outside the fifty foot (50') buffer zone.
C. A common practice for storm drain inlet protection is the use of geotextile material or filtering fabric. This practice must remain in place until the grass seeding reaches at least seventy percent (70%) establishment over the entire disturbed area – something that often is not achieved for six (6) to twelve (12) months after the seed is planted.
D. Installation of silt fences or rolled erosion control products like wattles on the downslope of the construction site is an effective practice in detaining and filtering sediments before they exit the site. Inlet protection and silt fence will require weekly inspection and repair or replacement throughout the construction season. This practice must also remain in place until the grass seeding reaches at least seventy percent (70%) establishment over the entire disturbed area.

Installation of a Construction Entrance

The construction entrance is generally a single point, located at the end of the permanent driveway where it meets the roadway. It is a stabilized pad of large stone underlain with a geotextile material. This practice is used to reduce the amount of dirt and sediment tracked off-site with construction traffic. Sediment on streets/roads or soil particles deposited around curb inlet protection is to be removed daily to prevent it from accumulating. Removal should be performed by sweeping, shoveling or scraping and is not to be washed off paved surfaces into storm drains. Sediments removed are to be placed where it will not be subject to erosion or concentrated runoff.

Management of Soil Stockpiles
Capturing the topsoil or uppermost eight inch (8") layer on the site and stockpiling it for redistribution over the landscape after construction and final grading are completed is an excellent practice. Soil stockpiles do represent a considerable disturbed area that will require erosion control protection including surrounding the base with silt fence or rolled erosion control products such as wattles. Small piles can effectively be covered with a secured tarp. Temporary seeding and mulch cover are other measures.

Waste Management on the Construction Site
Landowners have a responsibility to prevent the migration of all construction associated wastes off the site by wind, rain and human activities. Critical consideration needs to be given to maintaining lids on trash receptacles, having a designated collection location and structure for concrete truck washout, securing the base of portable toilets so that disinfects and other contents are not spilled, placing fuel tanks in secondary containment, and preventing spills including securing lids on all liquid construction materials.

Temporary and Permanent Seeding to Stabilize Bare Soil
When bare soil such as rough graded areas and soil stockpiles lay undisturbed for more than fourteen (14) days, a temporary seeding and/or mulch cover must be applied. Permanent seeding and mulch protection should be completed within fourteen (14) days after the site has reached final grade, and in a season conducive to allow grass growth and establishment. All erosion control practices are to remain in place until the seeding has established itself over a minimum of seventy percent (70%) of the soil surface.

Responsibility of Inspection
The above practices require weekly inspection by the landowner or developer every week and after every one-half inch (0.5”) rainfall event. Keeping a rain gage on the site is a useful tool. Repairs and corrections to erosion and sediment control practices must be made throughout the entire construction period. Use the *SWP3 Compliance Checklist* provided with the Allen County Stormwater Management & Sediment Control Regulations (SMSCR) to perform and record these inspections over the life of the construction.

APPENDIX D
SWP3 COMPLIANCE CHECKLIST

Project evaluation and weekly construction site inspection tool

Date _____ Weekly Inspection ☐ Post Rainfall Inspection ☐

Inspection/Evaluation conducted by _____

Target construction end date and restored vegetation on all disturbed areas _____

Duration of Construction and Staging	**Y**	**N**	**N/A**	**Observations/Notes**
Are any areas being staged and left in vegetation, to minimize overall earth disturbance?				
Protection of Streams, Ditches, Drainage Structures, Swale/Drain ways and Wetlands				
Are all connections to the waters of the state being protected?				
Is a 50' vegetated buffer area being protected along ditches, streams and wetlands?				
Are catch basin grates or inlets being fully protected?				
Do any catch basins require inlet protection to be cleaned or replaced at this time?				
Are sediment barriers or sediment basins being used and managed?				
Are sediment barriers staying securely fastened at their base so that stormwater cannot flow underneath?				
Installation of a Construction Entrance				
Are construction entrances limited to single location?				
Is coarse rock being maintained at construction entrance?				
Is soil and mud tracked onto the roadway removed daily?				
Management of Soil Stockpiles				
Are bases of stockpiles protected with silt fence/straw wattles?				
If the stockpile has not been disturbed for 14 or more days, has it been seeded, mulched or otherwise covered?				
Waste Management on the Construction Site				
Is trash being managed so that there is no transport of litter off site by wind or rain?				
Is concrete washout being collected in a controlled area, away from stormwater conveyances?				
Are portable toilets secured at their base and kept away from or moved as needed from construction equipment?				
Are fuel tanks maintained in secondary containment?				
Are all liquid materials maintained securely and away from active equipment?				
Temporary and Permanent Seeding to Stabilize Bare Soil				
If there are bare areas of soil that have not been disturbed for 14 or more days, have they been seeded, mulched or covered?				
Have all landscape areas that have reached final grade been seeded and mulched?				
Does any seeded area require watering?				
Are all erosion control practices being left in place until the seeding reaches 70% established cover?				

APPENDIX E
LEGAL NOTICE & RESOLUTION