

SEDIMENT AND STORMWATER CONTROL REGULATIONS  
**Revised 2021**

ARTICLE I GENERAL PROVISIONS

Section 1.1 Title

This resolution shall be cited as the Jefferson County Sediment and Stormwater Control Regulations.

Section 1.2 Statutory Authorization

This resolution of Jefferson County is adopted in accordance with and pursuant to the legal grant of authority of Article XVIII, Section 3 of the Ohio Constitution (Ohio Revised Code 307.79) to adopt rules to abate soil erosion and water pollution by soil sediment.

Therefore, Jefferson County, State of Ohio, does the following.

Section 1.3 Purpose

This resolution is adopted for the purpose of controlling the pollution of public waters by sediment from accelerated soil erosion and accelerated stormwater runoff caused by earth disturbing activities and land use changes connected with developing urban areas. Control of such pollution will promote and maintain the health, safety, and general well being of all life and inhabitants within Jefferson County.

Section 1.4 Scope

1.41 This resolution shall apply to earth disturbing activities on areas designated below which are within jurisdiction of Jefferson County unless otherwise excluded within this resolution or unless expressly excluded by state law:

Land used or being developed for commercial, industrial, residential, recreational, public service, or other non-farm purposes.

1.42 This resolution shall not apply to:

- (a) Strip mining operations regulated by Section 1513 of the Ohio Revised Code; or
- (b) Surface mining operations regulated by Section 1514.01 of the Ohio Revised Code; or

- (c) Normal cemetery operations including the opening or closing of graves or the construction of mausoleums.

#### Section 1.5 Disclaimer of Liability

Neither submission of a plan under provisions of this resolution nor compliance with provisions of this resolution shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon Jefferson County for damage to any person or property.

#### Section 1.6 Severability

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

#### Section 1.7 Effective Date

This resolution shall become effective on and after October 24, 1991.

### ARTICLE II SEDIMENT AND STORMWATER CONTROL REGULATIONS

#### Section 2.1 Requirements

Soil disturbing activities regulated under these regulations shall not begin until all necessary local, state, and federal permits and/or requirements have been granted and/or met or obtained by the site owner. These permits/requirements may include, but are not limited to, the following:

- (1) Cities, villages, and townships may have permits/requirements for conducting earth disturbing activities, i.e. grading/building permits. Check with the municipality that the earth disturbing activity will take place in prior to the start of construction.
- (2) OEPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof  
Proof of conformance with these requirements shall be a copy of the OEPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner why the NPDES Permit is not applicable. A copy of the Authorization Letter or the letter from the site owner must be submitted to the reviewing agency, JSWCD.

- (3) Section 401 of the Clean Water Act: Proof of conformance shall be a copy of the OEPA Water Quality Certification application, public notice, or project approval, or a letter from the site owner verifying that a qualified professional has surveyed the site and found no waters of the United States. Such a letter shall be noted on site plans submitted to the reviewing agency, JSWCD. Wetlands and other waters of the United States, shall be delineated by protocols accepted by the OEPA at the time of application of these regulations.
- (4) OEPA Isolated Wetland Permit: Proof of conformance shall be a copy of OEPA's Isolated Wetland Permit application, public notice, or project approval, or a letter from the site owner verifying that a qualified professional has surveyed the site and found no isolated wetlands. Such a letter shall be noted on site plans submitted to the reviewing agency, JSWCD. Isolated wetlands shall be delineated by protocols accepted by the OEPA at the time of application of this regulation.
- (5) Section 404 of the Clean Water Act: Proof of conformance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the site owner shall submit proof of conformance with the U.S. Army Corps of Engineers Nationwide Permit Program. This shall include one of the following:
- (a) A letter from the site owner verifying that a qualified professional has surveyed the site and found no waters of the United States. Such a letter shall be noted on site plans submitted to the reviewing agency, JSWCD.
  - (b) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. 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 these regulations.
- (6) Ohio Dam Safety Law: Proof of conformance shall be a copy of the ODNR Division of Water Resources permit application, a copy of the project approval letter from the ODNR Division of Dam Safety, or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable.

## Section 2.11

No person shall cause or allow earth disturbing activities on a development area except in compliance with the standards and criteria set out in Section 2.3 and the applicable item (1) or (2) below:

Operators who intend to obtain initial coverage for a stormwater discharge associated with construction activity under a general permit must submit a complete and accurate Notice of Intent (NOI) and appropriate fee at least 21 days prior to the commencement of construction activity to the OEPA.

- (1) When a proposed development area consists of one (1) or more acres and earth disturbing activities are proposed for the whole area or any part thereof, the responsible person shall develop and submit for approval a stormwater pollution prevention plan (SWP3) and a copy of the Notice of Intent to the OEPA 30 days prior to any earth disturbing activity. Such a plan must contain sediment control practices so that compliance with other provisions of this resolution will be achieved during and after development. Such a plan shall include specific requirements established by the reviewing agency, JSWCD and be filed with the reviewing agency, JSWCD.

The stormwater pollution prevention plan (SWP3) shall be certified by a professional engineer, or a certified erosion and sediment control specialist registered in the State of Ohio.

- (2) When a proposed development area involves less than one (1) acre, and meets the requirements of a low hazard site it is not necessary to submit a detailed stormwater pollution prevention plan (SWP3); however, the responsible person must file a control plan for a low hazard site to comply with the other provisions of this resolution 30 days prior to any earth disturbing activity. All earth disturbing activities shall be subject to surveillance and site investigation by the reviewing agency, JSWCD to determine compliance with the standards and regulations.
  - (a) Regarding a low hazard site, the responsible person may apply for exemption if stormwater runoff is addressed. Exemption will be granted on a case-by-case basis by JSWCD.
- (3) A SWP3 review application and fee shall be submitted along with the stormwater pollution prevention plan (SWP3) and a copy of the Notice of Intent to JSWCD. The technical review fee shall be based on total disturbed acres. See JSWCD Urban Page for application and fee schedule:  
<http://www.jeffersonswcd.org/stormwater-pollution-prevention-swp3-review.html>.

## LOGGING PLANS AND SPECIFICATIONS

- (1) Logging operations shall conform to the Ohio Forestry Pollution Abatement Rules and Standards
- (2) Logging operations shall be covered by the Silvicultural Non-Point Source Pollution requirements in The BMPs for Erosion Control for Logging Practices In Ohio (Ohio Department of Natural Resources Division of Forestry).
- (3) Timber Harvest Plan/Timber Harvest Notice of Intent (NOI) must be submitted to JSWCD for review and approval by the district board of supervisors.

## DITCH MAINTENANCE REQUIREMENTS – In MS4 Areas Only (See Consortium Group Members)

- (1) When doing ditch maintenance (re-construction/re-vegetation) the following guidelines should be followed:
  - (a) Save as much existing vegetation on the slope above the channel. This is to prevent unstabilized soil from eroding into the newly re-constructed channel. Continued maintenance becomes an issue.
  - (b) If the slope above the re-constructed channel must be completely stripped of vegetation, then immediately after re-construction, the slope must be stabilized. The use of erosion control blanketing (roll on or spray on) should be used. If blanketing cannot be used then, mulching with netting should be used.
  - (c) Permanent stabilization of conveyance channels. Operators shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding (as defined in the Rainwater and Land Development manual), mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams in conjunction with permanent stabilization.

### Section 2.2 Exceptions

No SWP3 shall be required for the maintenance of a public road, highway, other transportation, or drainage improvement, undertaken by a government agency or entity if such agency or entity plans to follow a statement of sediment control policy which has been submitted by the sponsoring agency or entity and reviewed by the reviewing agency.

Building a new road or excavating below sub-base for projects one (1) acre or more will require an OEPA Construction Site Stormwater NPDES permit and SWP3.

Section 2.21 Pre-Construction Meetings

After permit coverage for a stormwater discharge associated with construction activity has been obtained from the OEPA and plan approval from JSWCD has been received, prior to commencing any site disturbance activity, a pre-construction meeting is required. The pre-construction meeting shall take place on-site. Those that should attend the pre-construction meeting shall be the operator, site contractor, any municipality representative and JSWCD.

Section 2.3 Standards and Criteria

2.31 In order to control sediment pollution of water resources the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established by the following standards:

(1) Timing of Sediment-Trapping Practices

Sediment control practices shall be functional throughout earth disturbing activity. Settling facilities, perimeter controls, and other practices intended to trap sediment shall be installed/implemented within 7 days of general site clearing and grubbing.

The only clearing and grubbing that shall take place at the start of construction shall be for the installation of the erosion and sediment controls. They shall continue to function until the upslope development area is re-stabilized.

(2) Stabilization of Denuded Areas

Table 1: Permanent Stabilization

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

Table 2: Temporary Stabilization

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

(3) Settling Facilities

Concentrated stormwater runoff from denuded areas shall pass through a sediment-settling facility such as a sediment basin or sediment trap.

Refer to the Sediment Basin or sediment trap Technical Standards and Specifications contained in the Rainwater and Land Development manual.

(4) Sediment Barriers

Sheet flow runoff from denuded areas shall be filtered or diverted to settling facility.

Sediment barriers such as sediment fence, silt sock or diversions to settling facilities shall protect adjacent properties and water resources from sediment transported by sheet flow. Refer to the Rainwater and Land Development manual.

(5) Storm Sewer Inlet Protection

All storm sewer inlets which accept water runoff from the development area shall be protected so that sediment-laden water will not enter the storm sewer system without first being filtered or otherwise treated to remove sediment, unless the storm sewer system drains to a settling facility. The SWP3 should address flushing of the inlets prior to the removal/conversion of settling facility if inlet protection will not be used.

(6) Working in or Crossing Streams

- (a) Streams including bed and banks shall be re-established immediately after in-channel work is completed, interrupted, or stopped.

To the extent practicable, construction vehicles shall be kept out of streams. All work should be done from the top of bank. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. A crossing must be installed and/or the stream must be diverted during work. All in-stream work should take place in the dry. Ford crossings should not be installed during work. Installation of permanent ford crossings must conform to the U.S. Army Corps of Engineers and/or OEPA 401 permit regulations. ALL IN-STREAM WORK SHOULD BE ADDRESSED IN A SWP3.

All in-stream work shall be done as per the Rainwater and Land Development manual specifications.

The Army Corps of Engineers and the OEPA must be contacted to determine whether a permit for in-stream work will be required.

- (b) If a stream must be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided as per the Rainwater and Land Development manual. No ford crossings during work.

#### (7) Working in or Crossing Wetlands

- (a) Contact the Army Corps of Engineers and the OEPA for guidelines and permits for any work in wetlands.

Other than working in or crossing streams and wetlands, all earth disturbing activity must stay a minimum of 50 feet back from top of streambank, wetlands and other water resources. The setback may be increased or decreased on a case-by-case basis by municipal engineer, reviewing agency or other governmental agency.

#### (8) Construction Access Routes

Measures shall be taken to prevent soil transport onto surfaces where runoff is not checked by sediment controls, or onto public roads. Rock construction entrances must be installed. Vehicle wash down areas with sediment settling facilities may also need to be installed dependent on the specific situations. Refer to the Rainwater and Land Development manual specifications.

(9) Sloughing and Dumping

- (a) No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip, or erode into a water resource unless such dumping or placing is authorized by the U.S. Army Corps of Engineers and OEPA, for such purposes as, but not limited to, constructing bridges, culverts, and erosion control structures.
- (b) Unstable soils prone to slipping or landsliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is done in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.

(10) Cut and Fill Slopes

Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Consideration shall be given to the length and steepness of the slope, soil type, upslope drainage area, groundwater conditions, and slope stabilization.

(11) Stabilization of Outfalls and Channels

Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post-development, ten (10) year frequency storm without eroding.

(12) Establishment of Permanent Vegetation

A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized.

Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the reviewing agency, JSWCD provides adequate cover is mature enough to control soil erosion satisfactorily and to survive adverse weather conditions. Adequate cover shall be defined as uniform 70% perennial vegetative cover.

(13) Removal of Temporary Practices

All temporary erosion and sediment control practices shall be removed within (30) days after final site stabilization is achieved or after the temporary practices are no longer needed, unless other wise authorized by the reviewing agency, JSWCD.

Trapped sediment shall be permanently stabilized to prevent further erosion. The disposal of trapped sediment must be addressed in the SWP3. The SWP3 must say whether or not the sediment will be disposed on-site or off-site. If on-site explain how it will be stabilized. If off-site, a SWP3 needs to be submitted showing the location, along with the proper erosion and sediment controls.

(14) Maintenance

All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements they shall be maintained and repaired as needed to assure continued performance of their intended function. The person or entity responsible for the continued maintenance of permanent erosion controls shall be identified to the satisfaction of the plan-approving authority. Maintenance of erosion and sediment controls must take place weekly and after each runoff event. The SWP3 must address the maintenance of all erosion and sediment control BMPs.

(15) Inspection Requirements for Erosion and Sediment Controls

- (a) Inspections must be conducted by “qualified inspection personnel”
- (b) Inspections must be performed once every 7 days and after every rain event  $\geq 0.5$ -inch in a 24-hour period by the end of next calendar day (excluding non-working weekends & holidays)
- (c) Inspection frequency may be reduced to monthly 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. frozen ground)
- (d) Inspection checklists used during inspections must meet OEPA requirements
- (e) Inspection records must be kept for 3 years after termination of construction activities

(16) Construction Details

Construction details should include cross-sections and all relative information for all channels, sediment traps/basins, etc. All construction details shall be shown on the SWP3 and conform to the Rainwater and Land Development manual.

(17) Borrow and Waste Area Sites

If earthen fill material needs to be brought on-site or disposed off-site then a SWP3 must be submitted for these areas. If the borrow or waste area is 1 acre or more, an OEPA Construction Site Stormwater permit is required.

2.32 The standards are general guidelines and shall not limit the right of the reviewing agency, JSWCD to impose additional, more stringent requirements, nor shall the standards limit the right of the approving agency to waive individual requirements.

2.33 Erosion and sediment control practices used to satisfy the standards shall meet the specifications in the current edition of Rainwater and Land Development manual.

2.34 Stream Channel and Flood Plain Erosion

To control pollution of public waters by soil sediment from accelerated stream channel erosion and to control floodplain erosion caused by accelerated stormwater runoff from development areas, the increased peak rates and volumes of runoff shall be controlled such that:

- (a) The peak rate of runoff from the critical storm and all more frequent storms occurring on the development area does not exceed the pre-development peak rate of runoff from one (1) year frequency, twenty-four (24) hour storm occurring on the same area under pre-development conditions.
- (b) Storms of less frequent occurrence than the critical storm up to the one hundred (100) year storm have peak runoff no greater than the peak runoff rates from equivalent size storms under pre-development conditions. Consideration of the one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) year storms will be considered adequate in designing and developing to meet this standard.

The critical storm for a specific development area is determined as follows:

- (c) Determine by U.S. Department of Agriculture, Soil Conservation Service Technical Release 55 Urban Hydrology for Small Watersheds, or other appropriate hydrologic methods as determined by the approving agency the total volume of runoff from a one (1) year frequency, twenty-four (24) hour storm occurring on the development area before and after development.
- (d) From the volumes determined in (a), calculate the percent increase in volume of runoff due to the development.

- (e) Determine the watershed type from Table 2.1 and a map delineating the watershed boundaries on file at the county engineer's office and the SWCD office.
- (f) Using the percent increase calculated in (b) and the watershed type determined in (c), select the critical storm from Table 2.2.

TABLE 2.1

WATERSHED	TYPE
Permars Run and Other Problem Watersheds	I
Suburbanized/Surburbanizing Watersheds	II
Rural/Agricultural/Wooded Watersheds	III
Urban/Older Established Developed Watersheds	IV

TABLE 2.2

If the percentage of increase for in volume of runoff is		The critical storm year discharge limitation will be			
equal to or greater than	and less than	Watershed Type			
		I	II	III	IV
-	10	1	1	1	1
10	20	2	1	1	1
20	50	5	2	1	1
50	100	10	5	2	1
100	250	25	10	5	2
250	500	50	25	10	5
500	-	100	50	25	10

Methods for controlling increased in stormwater runoff peaks and volumes may include but are not limited to:

- (g) Maximum permitted velocities for water carrying structures shall be determined by using Rainwater and Land Development manual.
- (h) Grading and construction of terraces and diversions to slow runoff and use of grade control structures to provide a level of control in flow paths and stream gradients;

- (i) Induced infiltration of increased stormwater runoff into the soil where practical; for example, constructing special infiltration areas where soils are suitable; retaining topsoil for all areas to be re-vegetated; or providing good infiltration areas with proper emergency overflow facilities; and
- (j) Provisions for detention and retention; for example, permanent ponds and lakes with stormwater basins provided with proper drainage, multiple use areas for stormwater detention and recreation, wildlife, transportation, fire protection, aesthetics, or subsurface storage areas.

### 2.35 Post-Construction Water Quality Requirements

- (1) Post-Construction Water Quality BMPs must be installed as per OEPA Construction Site Stormwater permit requirements
- (2) Post-Construction Water Quality BMPs must be designed as per OEPA Construction Site Stormwater permit requirements
- (3) Post-Construction Water Quality BMPs must have long-term maintenance plans as per the OEPA Construction Site Stormwater permit
- (4) If construction activity is a linear project (e.g. pipeline or utility line installation) and does not increase impervious surface then post-construction BMPs are not required

### 2.36 Non-Sediment Pollution Controls

Other than sediment, no solid or liquid waste, including building materials, shall be discharged in stormwater runoff. The site owner must implement site best management practices to prevent toxic materials, or other debris from entering water resources or wetlands. These practices shall include but are not limited to the following:

- (1) Construction Site Waste Materials: A covered dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout or gypsum. Final disposal must be at an approved landfill.
- (2) Concrete Truck Wash Out: The washing of excess concrete material into a street, catch basin or other public facility or natural resource shall not occur. A designated area for concrete washout shall be made available.

- (3) Fuel Tank Storage: All fuel tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area. If a spill occurs, contact the local emergency management agency.
- (4) Toxic or Hazardous Waste Disposal: Any toxic or hazardous waste shall be disposed of properly at an approved landfill. If a spill occurs, contact the local emergency management agency.
- (5) Contaminated Soils Disposal and Runoff: Contaminated soils from redevelopment sites shall be disposed of properly at an approved landfill. Runoff from contaminated sites shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites.

## ARTICLE III ADMINISTRATION

### Section 3.1 SWP3 Content

In compliance with Section 2.1, a SWP3 for a proposed development area, with maps drawn to a scale of one inch equals fifty (50) feet, shall be submitted containing the following information. One (1) copy shall be provided.

- (1) Site description. Each SWP3 shall provide:
  - (a) A description of the nature and type of the construction activity (i.e., low density residential, shopping mall, highway, etc.);
  - (b) Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling, or grading, including off-site borrow areas);
  - (c) A calculation of the runoff coefficients for both the pre-construction and post construction site conditions; maps of drainage areas showing pre and post construction runoff
  - (d) An estimate of the impervious area and percent impervious created by the construction activity;
  - (e) Existing data describing the predominant soil types, their location, and their limitations and resolutions for the proposed use from the Jefferson County Soil Survey.

- (1) If hydric soils are on-site then a wetland delineation report verified by the U.S. Army Corps of Engineers and OEPA is required;
  - (2) A soils engineering report may also be required on a case-by-case basis as determined by municipal engineer or the reviewing agency
- (f) A description of prior land uses at the site;
  - (g) A description of the condition of on-site streams (e.g. prior channelization, bed instability or headcuts, channels on public maintenance, or natural channels);
  - (h) The name and location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from the disturbed areas of the project;
  - (i) Design computations and applicable assumptions for all structural measures for sediment and stormwater control. Volume and velocity of flow must be given for all surface water conveyance. This information shall also be provided for surface water outlets.
  - (j) For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.  
  
This does not remove the responsibility to designate specific erosion and sediment control practices in the SWP3 for critical areas such as steep slopes, stream banks, drainage ways, and riparian zones.
  - (k) Location and description of any storm water discharges associated with dedicated asphalt and concrete plants and the best management practices to address pollutants in these stormwater discharges;
  - (l) A cover page identifying the name and location of the site, the name and contact information for the site operators and SWP3 authorization agents as well as preparation date, start date and completion date
  - (m) A log documenting grading and stabilization as well as SWP3 amendments that occur after construction commencement

(2) Site map showing:

- (a) Limits of earth-disturbing of the site including associated off-site borrow or spoil areas that are not addressed by a separate permit and associated SWP3. The limits of disturbance and permit boundaries shall be represented by separate designated lines on the SWP3;
- (b) Soil types should be depicted for all areas of the site, including locations of unstable or highly erodible soils;
- (c) Existing and proposed contours. The proposed contours shall represent areas of excavation, grading, and filling. The finished grade, shall be stated in feet horizontal to feet vertical, of cut and fill slopes. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres;
- (d) Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and the first subsequent named receiving water(s) the permittee/operator intends to fill or relocate for which the permittee/operator is seeking approval from the Army Corps of Engineers and/or Ohio EPA;
- (e) Existing and planned locations of buildings, roads, parking facilities and utilities
- (f) The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of sit
- (g) Sediment and stormwater management basins noting their sediment settling volume and contributing drainage area, derived from on-site and upper watershed areas, including the control of accelerated on-site runoff, to a stable receiving outlet;

- (h) Permanent stormwater management practices to be used to control pollutants in stormwater after construction operations have been completed
- (i) Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling;
- (j) The location of designated construction entrances where the vehicles will access the construction site;
- (k) The location of any in-stream activities including stream and wetland crossings;
- (l) Proposed paved and covered areas in square feet drawn to scale on a plan map.
- (m) Proposed kind of cover on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: lawn, turfgrass, shrubbery, trees, forest cover, rip-rap, mulch, etc.;
- (n) Provisions for maintenance of control facilities including easements to insure short as well as long term sediment and stormwater control. All maintenance schedule information should be on the SWP3
- (o) An implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities, and infrastructure installation) and the implementation of erosion, sediment, and stormwater management practices or facilities to be employed during each operation of the sequence;
- (p) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures. All seeding, mulching, lime and fertilizer rates shall be shown on the SWP3;
- (q) A location will be provided using the U.S.G.S. quadrangles scale one inch equals two thousand feet (1" = 2000') showing township, range, and section.
- (r) Title, scale, direction, legend, and date of all plan maps;
- (s) Names, addresses, and phone number of the person(s) preparing the SWP3, the owner, and the person responsible for the development area;

- (t) The owner or person responsible shall certify that all earth disturbance, construction, and development will be done pursuant to the plan. If changes to the SWP3 are required, the OEPA and the reviewing agency, JSWCD must be sent the changes.

The reviewing agency, JSWCD may waive specific requirements for plan detail or may require additional information to show that work will confirm to basic requirements of this resolution.

### Section 3.2 Plan Review

A complete application must be received in order to start the plan review. A complete application consists of the following:

- (1) 1 complete copy of the stormwater pollution prevention plan (SWP3)
- (2) Copy of the Notice of Intent to the OEPA
- (3) Technical Review Application and Fee

The reviewing agency, JSWCD shall within thirty (30) working days of receipt of a stormwater pollution prevention plan (SWP3), application and review fee indicate its approval or disapproval to the person who filed the plan. Indication of disapproval shall include the plan deficiencies and the procedures for filing a revised plan. Pending preparation and approval of a revised plan, earth disturbing activities shall proceed only in accordance with conditions outlined by the reviewing agency, JSWCD.

After the deficiency letter has been sent out, the plan preparer must address the comments as per the deficiency letter, within 30 days, and re-submit to the reviewing agency.

### Section 3.3 Guarantees for Completion of Work

Before any Sediment and Stormwater Management Plan is approved which proposes to dedicate stormwater management facilities to a Home Owners Association, or the Village, County, or Township, as may be applicable in a given case, the owner or person in control shall post financial security with a bonding or lending institution of his choice. Also, where an earth disturbance activity necessitates protection, relocation or modification of a water, sanitary sewer or storm sewer line or watercourse, the responsible agency shall not approve the application for the permit until the owner or person in control posts financial security with a bonding or lending institution of his choice. Bonding or lending institutions used should be authorized to conduct business in the State of Ohio (either a Federal or State chartered lending institution). The acceptable types of financial security as follows:

- (a) Performance bond or Corporate bond with an acceptable surety, and of form satisfactory to the responsible agency

- (b) Certified check payable to the responsible agency;
- (c) Irrevocable letter of credit provided by a qualified lending institution which guarantees payment to the responsible agency should the owner or person in control fail to complete stormwater management facilities satisfactorily.

Financial security in an amount approved by the responsible agency equal to one hundred (100) percent of the cost of the required stormwater management facilities shall be posted by the owner or person in control, to secure the completion of such facilities pursuant to these regulations. Additional financial security in an amount approved by the responsible agency to secure the structural integrity of such facilities for a term not to exceed five (5) years from the date of acceptance and approval by the responsible agency shall be required. The amount of such financial security shall not exceed ten (10) percent of the actual cost of replacement. All stormwater management facilities shall be completed by the owner or person in control at no expense to the Village, County, or Township, as applicable.

#### Section 3.4 Inspection to Ensure Compliance

The municipality or its representative will at least once a month inspect development areas to determine compliance with these regulations. If it is determined that a violation of these regulations exists, the responsible person will be notified of the deficiency or noncompliance to Jefferson County, municipality or township. The municipality or JSWCD upon determination that a person is not complying with these regulations may issue, by certified mail and/or email (electronic communications), an order to comply. The order shall describe the problem and the work needed, and specify a date whereby the work must be completed.

The site owner, operator or appointed representative shall inspect all erosion and stormwater controls weekly and each runoff event. A written log of inspections that pertains to the appropriate permit number shall be kept on site. The inspections shall include the date of inspection, name of construction inspector, weather conditions, the actions taken to correct any problems and the date the actions were taken. See Section 2.3 Standards and Criteria (15) Inspection Requirements for Erosion and Sediment Controls for more information.

#### Section 3.5 Appeals

Any person aggrieved by any order, requirement, determination, or any other action or inaction in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made within twenty (20) days of the date of an order or decision and shall specify the grounds for appeal.

### Section 3.6 Maintenance

In meeting maintenance requirements, the following priority is herein established:

- (1) As a first priority, the stormwater management facilities should be incorporated wholly within individual lots, tracts, parcels or sites, so that respective lot owners will own and be responsible for maintenance of facilities in accordance with recorded deed restrictions binding the owner and his heirs and/or assigns to maintain the required facilities throughout the life of the use to which they are accessory.
- (2) As a second priority, in the event the first priority cannot be achieved, ownership and maintenance of stormwater management facilities shall be the responsibility of a Homeowners Association. The stated responsibilities of the Homeowners Association in terms of owning and maintaining the stormwater management facilities shall be submitted with Sediment and Stormwater Control Plans for determination of their adequacy and upon their approval, shall be recorded among the deed records of Jefferson County, Ohio. In addition, any deed written from a subdivision plat for a lot or lots shall contain a condition that it shall be mandatory for the owner or owners of said lot to be members of the Homeowners Association.
- (3) The third priority, in the event the above priorities cannot be achieved, is to dedicate the stormwater management facilities to Village, County, or Township, as applicable, in accordance with the procedures established herein. The responsible agency may accept only those stormwater management facilities which are a part of its overall stormwater collection system, and not those which are solely for the benefit of a particular site or development. As a condition of its acceptance of such facilities, the owner or person in control shall provide the responsible agency with a corporate surety bond in an amount estimated by the responsible agency, to secure the structural integrity of stormwater management facilities for a term not to exceed five (5) years from the date of acceptance of dedication. The amount of such bond shall not exceed ten (10) percent of the actual cost of installation of said facilities.

## ARTICLE IV PENALTIES FOR VIOLATION

Violation of the provisions of this resolution or failure to comply with any of its requirements shall constitute a minor misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars for each offense, and in addition pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the responsible agency from taking such other lawful action as is necessary to prevent or remedy any violation.

If the responsible agency determines that a violation exists and requests the Prosecuting Attorney of Jefferson County in writing, the Prosecuting Attorney of Jefferson County may seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with these regulations. In granting relief the court may order the construction of sediment and stormwater control improvements or implementation of other control measures.

## ARTICLE V DEFINITIONS

For the purpose of this ordinance certain rules or word usage apply to the text as follows:

- (1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The term “shall” is always mandatory and not discretionary; the word “may” is permissive.
- (3) The word or term not interpreted or defined by this article shall be used with a meaning of common or standard utilization, so as to give this ordinance its most reasonable application.

BMP – Best Management Practice

Channel – means a natural stream that conveys water; a ditch or channel excavated for the flow of water.

Consortium Group-representatives from the MS4 permitted areas, which include Jefferson County, City of Steubenville, City of Toronto, Village of Mingo Junction, Village of Tiltonsville, Village of Wintersville, Village of Yorkville, Cross Creek Township, Island Creek Township, Steubenville Township, Wayne Township and Wells Township.

Development Area – means any contiguous area owned by one person or operated as one development unit and used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes upon which earth disturbing activities are planned or underway.

District – means a soil and water conservation district, organized under Chapter 1515 of the Ohio Revised Code.

Ditch – means an excavation either dug or natural for the purpose of drainage or irrigation with intermittent flow.

Drainageway – means an area of concentrated water flow other than a river, stream, ditch, or grassed waterway.

Dumping – means grading, pushing, piling, throwing, unloading, or placing.

Earth Disturbing Activity – means any grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

Earth Material – means soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

Erosion – means:

- (1) The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.
- (2) Detachment and movement of soil or rock fragments by wind, water, ice, or gravity.
- (3) Erosion includes:
  - (a) Accelerated erosion: erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
  - (b) Floodplain erosion: abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.

- (c) Gully erosion: the erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.
- (d) Natural erosion: wearing away of the earth's surface by water, ice or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.
- (e) Normal erosion: the gradual erosion of land used by man which does not greatly exceed natural erosion.
- (f) Rill erosion: an erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.
- (g) Sheet erosion: the removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

Grassed Waterway – means a broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to construct surface water.

Hydric Soil - The definition of a hydric soil is a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part. The concept of hydric soils includes soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation. Soils that are sufficiently wet because of artificial measures are included in the concept of hydric soils. Also, soils in which the hydrology has been artificially modified are hydric if the soil, in an unaltered state, was hydric.

JSWCD – Jefferson Soil and Water Conservation District

Landslide – means the rapid downward and outward movement of large rock material and/or soil mass under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

MS4 – municipal separate storm sewer system which means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that are:

- (1) Owned or operated by the federal government, state, municipality, township, county, district(s), or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district or drainage districts or similar entity or a designated and approved waters of the state; and
- (2) Designated or used for collecting or conveying solely stormwater;
- (3) Which is not a combined sewer and
- (4) Which is not a part of a publicly owned treatment works.

“National Pollutant Discharge Elimination System (NPDES)” means 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 CWA. The term includes an “approved program.”

NOI – Notice of Intent

Operator-means 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);

There can be more than one operator at a site and under these circumstances, the operators shall be co-permittees.

Owner or operator-means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

Person – means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government or any combination thereof.

Public Waters – means water within rivers, streams, ditches, and lakes except private ponds and lakes wholly within single properties, or waters leaving property on which surface water originates.

Rainwater and Land Development manual is a manual describing construction and post-construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the OEPA.

Reviewing Agency – means the governing body of Jefferson County or its duly designated representative.

Runoff – means that portion of a rainfall or snow melt which flows over the surface.

Sediment – means solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface above or below sea level.

Sediment Basin – means a barrier, dam, or other suitable detention facility built across an area of water flow to settle and retain sediment carried by runoff waters.

Sediment Control Plan – means a written description, acceptable to the approving agency, of methods for controlling sediment pollution from accelerated erosion on a development area of five or more contiguous acres or from erosion caused by accelerated runoff from a development area of five or more contiguous acres.

Sediment Pollution – means failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes.

Slip – means landslide as defined above.

Sloughing – means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or earth-disturbing activity of man.

Soil Loss – means soil relocated on or removed from a given site by forces of erosion and the redeposit of the soil at another site on land or in a body of water.

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.

Stream – means a body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow may be seasonally intermittent. Must have defined bed and banks. Must be designated by Army Corps of Engineers and OEPA.

Surface waters of the state or water bodies – means all streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do combine or effect a junction

with natural surface or underground waters. Waters defined as sewerage systems, treatment works, or disposal systems in Section 6111.01 of the Ohio Revised Code (ORC) are not included.

SWP3 – stormwater pollution prevention plan

Topsoil – means surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

Water Resource – means any waters of the state that are available or maybe made available to agricultural, industrial, commercial and domestic uses.

Wetland – An area which meets the criteria (hydric soils, hydrophytic plants and hydrology) set forth in the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The areas have either shallow standing water or are saturated within the surface soils. To be considered a wetland, an area does not have to hold water all year. In fact, many wetlands dry up for at least part of the year.