ORDINANCE NO. 21-16

AN ORDINANCE ENACTING CHAPTER 1351 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO; RELATIVE TO EROSION AND SEDIMENT CONTROL FOR DEVELOPMENT ACTIVITIES; AND DECLARING AN EMERGENCY.

Whereas, this Council desires to enact Chapter 1351 of the Codified Ordinances of the City of Ashland, Ohio in order to implement established erosion and sediment control practices within the City; and

Whereas, the Ohio Environmental Protection Agency's Small Municipal Separate Storm Sewer System (MS4) General Permit requires a local ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance; now therefore,

Be It Ordained by the Council of the City of Ashland, Ohio 5 members thereto concurring:

Section 1. That Chapter 1351 of the Codified Ordinances of the City of Ashland, Ohio be, and the same is hereby, enacted as follows:

1351.01 PURPOSE AND SCOPE.
(a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of the City of Ashland
(b) This regulation will:
(1) Allow development while minimizing increases in erosion and sedimentation.
(2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
(c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in Section 1351.01(d).
(d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

1351.02 DEFINITIONS
For purpose of this regulation, the following terms shall have the meaning herein indicated:
(a) ABBREVIATED STORM WATER POLLUTION PREVENTON PLAN
(ABBREVIATED SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
(b) ACRE: A measurement of area equaling 43,560 square feet.
(c) BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and wetlands. BMPs also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.

(d) CONSTRUCTION ENTRANCE: The permitted points of ingress and egress to development areas regulated under this regulation.
(e) DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
(f) DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
(g) DRAINAGE: (1) The area of land contributing surface water to a specific point. (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.
(h) EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
(i) EROSION AND SEDIMENT CONTROL: The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
(j) FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.
(k) LANDSCAPE ARCHITECT: A Professional Landscape Architect registered in the State of Ohio.
(l) LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
(m) MAXIMUM EXTENT PRACTICABLE: The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.
(n) NPDES: National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
(o) 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 Ashland County Auditor's Office.
(p) 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 thereof.
(q) PHASING: Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
(r) PROFESSIONAL ENGINEER: A Professional Engineer registered in the State of Ohio.
(s) QUALIFIED INSPECTION PERSONNEL: A person 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 storm water quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of storm water discharges from the construction activity.
(t) RAINWATER AND LAND DEVELOPMENT: Ohio's standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.
(u) RUNOFF: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.

(v) SEDIMENT: The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
(w) SEDIMENTATION: The deposition or settling of sediment.
(x) SETBACK: A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.
(y) SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
(z) SOIL & WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Ashland County SWCD.
(aa) STABILIZATION: The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
(bb) STORM WATER POLLUTION PREVENTION PLAN (SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
(cc) SURFACE WATERS OF THE STATE: All streams, lakes, reservoirs, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
(dd) UNSTABLE SOILS: A portion of land that is identified by the City Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.
(ee) WATER RESOURCE: Any public or private body of water including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.
(ff) WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

1351.03 DISCLAIMER OF LIABILITY
Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

1351.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY
(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.
(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
(c) This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

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

1351.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS

(a) This regulation requires that a Storm Water Pollution Prevention Plan be developed and implemented for all parcels disturbing one (1) acre or more and on which any regulated activity of Section 1351.01(c) is proposed.

(b)The following activities shall submit an Abbreviated Storm Water Pollution Prevention Plan:

(1) New single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(2) Additions or accessory buildings for single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(3) All non-residential construction on parcels of less than one (1) acre.

(4) General clearing activities not related to construction and regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(c)Activities disturbing 1/10th (one tenth) or less of an acre are not required to submit a Storm Water Pollution Prevention Plan or an Abbreviated Storm Water Pollution Prevention Plan, unless required by the City Engineer. These activities must comply with all other provisions of this regulation.

1351.06 APPLICATION PROCEDURES

(a) Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the SWP3 and the applicable fees to the City:

(1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.

(2) For other construction projects: Before issuance of a Site Development permit by the City Engineer.

(3) For general clearing projects: Prior to issuance of a Demolition permit by the City Engineer.

(b) Soil Disturbing Activities Submitting an Abbreviated Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the Abbreviated SWP3 and the applicable fees to the City as follows:

(1) For single-family home construction: Before issuance of a Building permit by the Building Official.

(2) For other construction projects: Before issuance of a Site Development permit by the City Engineer.

(3) For general clearing projects: Prior to issuance of a Demolition permit by the City Engineer.

(c) The City Engineer shall review the plans submitted under 1351.06 (a) or (b) for conformance with this regulation and approve, or return for revisions with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan.

(d) Soil disturbing activities shall not begin and permits shall not be issued without an approved SWP3 or Abbreviated SWP3.
(e) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the sublot is in compliance with this regulation.
(f) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

1351.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS
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, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these state and federal regulations shall be submitted with Storm Water Pollution Prevention Plans or Abbreviated Storm Water Pollution Prevention Plans.

(a) Ohio EPA NPDES Permits authorizing storm water 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) number 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 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 an application is made under 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 an application is made under this regulation.
(d) Section 404 of the Clean Water Act: Proof of compliance shall be 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. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
(1) 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.
(2) 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, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
(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.

1351.08 STORM WATER POLLUTION PREVENTION PLAN

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit a SWP3 in accordance with the requirements of this regulation.

(b) The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

(c) The SWP3 shall incorporate measures as recommended by the most current edition of Rainwater and Land Development as published by the Ohio Department of Natural Resources and shall include the following information:

(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., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).

C. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity.

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

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

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

G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).

H. 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.

I. 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.

J. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the best management practices to address pollutants in these storm water discharges.

K. Site map showing:

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

ii. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils.

iii. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres.

iv. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the 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 ponds, including their sediment settling 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 in-stream activities including stream crossings.
(2) A soils engineering report. The City Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her 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 City Engineer 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 is completed.
E. Design criteria for corrective measures when necessary.
F. Opinions and recommendations covering the stability of the site.

1351.09 PERFORMANCE STANDARDS
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 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 SWP3 shall identify all subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3.

The controls shall include the following minimum components:

(a) 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 or grubbing practices.

(b) 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 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 following requirements:

(1) Stabilization. Disturbed areas must be stabilized as specified in Tables 1 and 2 below.

Table 1: Permanent Stabilization

Area Requiring Permanent Stabilization	*Time Frame to Apply Erosion Controls*
Any area that will lie dormant for one year or more.	Within 7 days of the most recent disturbance.
Any area within 50 feet of a stream and at final grade.	Within 2 days of reaching final grade.
Any area at final grade.	Within 7 days of reaching final grade within that area.

Table 1: Temporary Stabilization

Area Requiring Temporary Stabilization	*Time Frame to Apply Erosion Controls*
Any disturbed areas within 50 feet of a surface water of the State and not at final grade.	Within 2 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 surface water of the State.	Within 7 days of the most recent disturbance within the area. For residential subdivisions, disturbed areas must be stabilized at least 7 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.

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

(2) 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 most recent edition of Rainwater and Land Development or the Field Office Technical Guide available at www.nrcs.usda.gov/technical/efotg/.

(c) 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, 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.

(d) 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 14 days. Such practices may include, among others: sediment settling ponds, silt fences, 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:

(1) Timing. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is stabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
(2) Sediment settling ponds. A sediment settling pond, or equivalent best management practice upon approval from the City Engineer, is required for any one of the following conditions, as determined in Table 3 below:

A. Concentrated storm water runoff.
B. Runoff from drainage areas that exceeds the design capacity of silt fence or inlet protection.
C. Runoff from common drainage locations with 10-acres of disturbed land.
The sediment-settling pond shall provide both a sediment storage zone and a dewatering zone. The volume of the dewatering zone shall be at least 67 cubic yards (1,800 cubic feet) of storage per acre of total contributing drainage area and have a minimum of 48-hour drain time for sediment basins serving a drainage area over 5 acres. If feasible, dewatering shall occur at the pond surface using a skimmer or equivalent device.

The volume of the sediment storage zone shall be calculated by one of the following methods:

A. The volume of the sediment storage zone shall be 1000 cubic feet per disturbed acre within the watershed of the basin.

B. The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with a generally accepted erosion prediction model.

When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not comingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five (5) feet. The configuration between the inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length:width ratio), however a length to width ration of 4:1 is recommended. Sediment must be removed from the sediment-settling pond when the design capacity has been reduced by 40 percent. This limit is typically reached when sediment occupies one-half of the basin depth. When designing sediment settling ponds, the applicant must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.
(3) Silt fence and diversions. Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties, water resources, and wetlands from sediment transported via

sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres. Placing silt fence in parallel does not extend the permissible drainage area to the silt fence.

Table 3: Silt Fence Maximum Drainage Area Based on Slope

Maximum Drainage Area (in acres) to 100 Linear Feet of Silt Fence	***Range of Slope for a Particular Drainage Area (in percent)***
0.5	< 2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

(4) Inlet protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems, unless the storm drain system drains to a sediment settling pond. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond. Straw or hay bales are not acceptable forms of inlet protection.
(5) Off-site tracking of sediment and dust control. Best management practices must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These best management practices 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 or cement sized greater than 2" in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the 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 City Engineer may require additional best management practices to control off site tracking and dust. These additional BMPs may include:
C. Silt fence or construction fence installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.
D. Designated wheel-washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment-settling pond, or to a sump pump for dewatering in conformance with Section 1351.09 (g) of this regulation.
E. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The City Engineer may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles, temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.

(6) Surface Waters of the State protection. Construction vehicles shall avoid water resources and wetlands. If the applicant is permitted to disturb areas within 50 feet of a water resource or wetland, the following conditions shall be addressed in the SWP3:

A. All BMPs and stream crossings shall be designed as specified in the most recent edition of the Rainwater and Land Development Manual.
B. Structural practices shall be designated and implemented on site to protect water resources or wetlands from the impacts of sediment runoff.
C. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond in-stream) shall be used in a water resource or wetland.
D. Where stream crossings for roads or utilities are necessary and permitted, the project shall be designed such that the number of stream crossings and the width of the disturbance are minimized.
E. Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.
F. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.

(7) Modifying controls. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the applicant shall replace or modify the control for site conditions.

(e) NON-SEDIMENT POLLUTANT CONTROLS: No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant must implement site best management practices 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 110% of the volume of all containers in the storage area.
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 properly. 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.
(f) 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.
(g) TRENCH AND GROUND WATER CONTROL. There shall be no sediment-laden or turbid 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.
(h) INTERNAL INSPECTIONS. All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen). A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if prior written approval has been attained from the City Engineer and all of the following conditions are met:
A. The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e. more than one (1) month).
B. Land disturbance activities have been suspended, and temporary stabilization is achieved.
C. The beginning date and ending dates of the waiver period are documented in the SWP3.
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:

(1) 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.
(2) 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 acceptable to the City Engineer. The inspection form shall include:
A. The inspection date.
B. Names, titles and qualifications of personnel making the inspection.
C. Weather information for the period since the last inspection, including a best estimate of the beginning of each storm event, duration of each storm event and approximate amount of rainfall for each storm event in inches, and whether any discharges occurred.
D. Weather information and a description of any discharges occurring at the time of inspection.
E. Locations of:

1. Discharges of sediment or other pollutants from site.
2. BMPs that need to be maintained.
3. BMPs that failed to operate as designed or prove inadequate for a particular location.
4. Where additional BMPs are needed that did not exist at the time of inspection.
F. Corrective action required including any necessary changes to the SWP3 and implementation dates.
(3) 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.
(4) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
(5) 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.

(i) 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 up slope 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 and adequate funding to conduct this maintenance, all as determined by the City Engineer.

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

(1) 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.
(2) 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.
(3) 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.

(j) FINAL STABLIZATION. Final stabilization shall be determined by the City Engineer. Once a definable area has achieved final stabilization, the applicant may note this on the SWP3 and no further inspection requirement applies to that portion of the site.

1351.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.
(b) The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.
(c) The Abbreviated SWP3 shall include a minimum of the following BMPs. The City Engineer may require other BMPs as site conditions warrant.

(1) Construction Entrances: 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 or cement sized greater than 2" in diameter, placed over a geotextile

fabric, and constructed in conformance with specifications in the most recent edition of the Rainwater and Land Development Manual.
(2) 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.
(3) Street Sweeping: 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 be cleaned weekly.
(4) Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Stabilization

Area Requiring Stabilization	*Time Frame to Apply Erosion Controls*
Any disturbed areas within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if the area will remain idle for more than 14 days.
For all construction activities, any disturbed areas, including soil stockpiles, which will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to the onset of winter weather.

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

(5) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. Straw or hay bales are not acceptable forms of inlet protection.
(6) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period.
Maintenance shall occur as detailed below:
A. When practices require repair or maintenance. If the internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
B. When practices fail to provide their intended function. If the internal inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated 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 Abbreviated SWP3 are not installed. If the internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

(7) Final Stabilization: Final stabilization shall be determined by the City Engineer.

1351.11 FEES
The Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Plan review, filing and inspection fee is part of a complete Site Development submittal and is required to be submitted to the City before the review process begins. The review and inspection fees are incorporated within the Site Development Permit.

1351.12 BOND
(a) If a Storm Water Pollution Prevention Plan or Abbreviated Storm Water Pollution Prevention Plan is required by this regulation, soil disturbing activities may not be permitted until a cash bond has been deposited with the City Finance Department. The bond amount shall be a $1,500 minimum, and an additional $1,500 paid for each subsequent acre or fraction thereof. The bond will be used for the City to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the City Engineer.
(b) No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved by the City Engineer.

1351.13 ENFORCEMENT
(a) All development areas may be subject to external inspections by the City to ensure compliance with the approved SWP3 or Abbreviated SWP3.
(b) After each external inspection, the City Engineer may prepare and distribute a status report to the applicant.
(c) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3, the City may take action as detailed in Section 1351.14 of this regulation.

1351.14 VIOLATIONS
(a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.
(b) Upon notice, the City may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, and may require immediate erosion and sediment control measures whenever it's determined that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which work may be resumed. In instances, however, where the City finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

1351.15 APPEALS
Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with the Ohio Revised Code. Written notice of appeal shall be served on the City and a copy shall be provided to the Ashland County SWCD.

1351.99 PENALTY

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars ($500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the City instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City.

Section 2. That in order to comply with the Ohio Environmental Protection Agency's Small Municipal Separate Storm Sewer System (MS4) General Permit, this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare.

Section 3. That this Ordinance shall take effect and be in force from and after its passage by Council and approval pursuant to Section 12 of the Charter of the City of Ashland, Ohio.

Passed: March 19th, 2016

Ruth G. Detrow, President of Council

Attest: Jody M. Toms, Clerk of Council

Approved: Glen P. Stewart, Mayor

Approved as to form and correctness:

Richard P. Wolfe II, Director of Law

Date: March 19th, 2016

CHAPTER 1351
Erosion and Sediment Control for Development Activities

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1351.02 Definitions
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CROSS REFERENCES
OEPA Phase II storm water rules – See Ohio R.C Ch. 3745-39
Division of Soil and Water Conservation – see Ohio R.C. Ch. 1511
Building permit fees – see BLDG. Ch. 1315

1351.01 PURPOSE AND SCOPE.

(a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of the City of Ashland

(b) This regulation will:
  (1) Allow development while minimizing increases in erosion and sedimentation.
  (2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

(c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables,

or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in Section 1351.01(d).

(d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

1351.02 DEFINITIONS

For purpose of this regulation, the following terms shall have the meaning herein indicated:

(a) ABBREVIATED STORM WATER POLLUTION PREVENTON PLAN (ABBREVIATED SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

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

(c) BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and wetlands. BMPs also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.

(d) CONSTRUCTION ENTRANCE: The permitted points of ingress and egress to development areas regulated under this regulation.

(e) DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

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

(g) DRAINAGE: (1) The area of land contributing surface water to a specific point. (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.

(h) EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

(i) EROSION AND SEDIMENT CONTROL: The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.

(j) FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.

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

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

(m) MAXIMUM EXTENT PRACTICABLE: The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.

(n) NPDES: National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.

(o) 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 Ashland County Auditor's Office.

(p) 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 thereof.

(q) PHASING: Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

(r) PROFESSIONAL ENGINEER: A Professional Engineer registered in the State of Ohio.

(s) QUALIFIED INSPECTION PERSONNEL: A person 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 storm water quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of storm water discharges from the construction activity.

(t) RAINWATER AND LAND DEVELOPMENT: Ohio's standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.

(u) RUNOFF: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.

(v) SEDIMENT: The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.

(w) SEDIMENTATION: The deposition or settling of sediment.

(x) SETBACK: A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.

(y) SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.

(z) SOIL & WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Ashland County SWCD.

(aa) STABILIZATION: The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.

(bb) STORM WATER POLLUTION PREVENTION PLAN (SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

(cc) SURFACE WATERS OF THE STATE: All streams, lakes, reservoirs, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

(dd) UNSTABLE SOILS: A portion of land that is identified by the City Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.

(ee) WATER RESOURCE: Any public or private body of water including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.

(ff) WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

1351.03 DISCLAIMER OF LIABILITY

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

1351.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.

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

(c) This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result

in the City, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

1351.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS

(a) This regulation requires that a Storm Water Pollution Prevention Plan be developed and implemented for all parcels disturbing one (1) acre or more and on which any regulated activity of Section 1351.01(c) is proposed.

(b) The following activities shall submit an Abbreviated Storm Water Pollution Prevention Plan:

(1) New single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(2) Additions or accessory buildings for single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(3) All non-residential construction on parcels of less than one (1) acre.

(4) General clearing activities not related to construction and regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(c) Activities disturbing 1/10th (one tenth) or less of an acre are not required to submit a Storm Water Pollution Prevention Plan or an Abbreviated Storm Water Pollution Prevention Plan, unless required by the City Engineer. These activities must comply with all other provisions of this regulation.

1351.06 APPLICATION PROCEDURES

(a) Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the SWP3 and the applicable fees to the City:

(1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.

(2) For other construction projects: Before issuance of a Site Development permit by the City Engineer.

(3) For general clearing projects: Prior to issuance of a Demolition permit by the City Engineer.

(b) Soil Disturbing Activities Submitting an Abbreviated Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the Abbreviated SWP3 and the applicable fees to the City as follows:

(1) For single-family home construction: Before issuance of a Building permit by the Building Official.

(2) For other construction projects: Before issuance of a Site Development permit by the City Engineer.

(3) For general clearing projects: Prior to issuance of a Demolition permit by the City Engineer.

(c) The City Engineer shall review the plans submitted under 1351.06 (a) or (b) for conformance with this regulation and approve, or return for revisions with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan.

(d) Soil disturbing activities shall not begin and permits shall not be issued without an approved SWP3 or Abbreviated SWP3.

(e) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the sublot is in compliance with this regulation.

(f) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

1351.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

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, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these state and federal regulations shall be submitted with Storm Water Pollution Prevention Plans or Abbreviated Storm Water Pollution Prevention Plans.

(a) Ohio EPA NPDES Permits authorizing storm water 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) number 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 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 an application is made under 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 an application is made under this regulation.

(d) Section 404 of the Clean Water Act: Proof of compliance shall be 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. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

(1) 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.

(2) 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, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.

(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.

1351.08 STORM WATER POLLUTION PREVENTION PLAN

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit a SWP3 in accordance with the requirements of this regulation.

(b) The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

(c) The SWP3 shall incorporate measures as recommended by the most current edition of Rainwater and Land Development as published by the Ohio Department of Natural Resources and shall include the following information:

(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., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).

C. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity.

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

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

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

G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).

H. 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.

I. 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.

J. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the best management practices to address pollutants in these storm water discharges.

K. Site map showing:

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

ii. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils.

iii. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres.

iv. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the 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 ponds, including their sediment settling 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 in-stream activities including stream crossings.

(2) A soils engineering report. The City Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her 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 City Engineer 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 is completed.
E. Design criteria for corrective measures when necessary.
F. Opinions and recommendations covering the stability of the site.

1351.09 PERFORMANCE STANDARDS

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 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 SWP3 shall identify all subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3.

The controls shall include the following minimum components:

(a) 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 or grubbing practices.

(b) 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 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 following requirements:

(1) Stabilization. Disturbed areas must be stabilized as specified in Tables 1 and 2 below.

Table 1: Permanent Stabilization

Area Requiring Permanent Stabilization	*Time Frame to Apply Erosion Controls*
Any area that will lie dormant for one year or more.	Within 7 days of the most recent disturbance.
Any area within 50 feet of a stream and at final grade.	Within 2 days of reaching final grade.
Any area at final grade.	Within 7 days of reaching final grade within that area.

Table 1: Temporary Stabilization

Area Requiring Temporary Stabilization	*Time Frame to Apply Erosion Controls*
Any disturbed areas within 50 feet of a surface water of the State and not at final grade.	Within 2 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 surface water of the State.	Within 7 days of the most recent disturbance within the area. For residential subdivisions, disturbed areas must be stabilized at least 7 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.

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

(2) 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 most recent edition of Rainwater and Land Development or the Field Office Technical Guide available at www.nrcs.usda.gov/technical/efotg/.

(c) 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, 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.

(d) 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 14 days. Such practices may include, among others: sediment settling ponds, silt fences, 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:

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

(2) Sediment settling ponds. A sediment settling pond, or equivalent best management practice upon approval from the City Engineer, is required for any one of the following conditions, as determined in Table 3 below:

A. Concentrated storm water runoff.
B. Runoff from drainage areas that exceeds the design capacity of silt fence or inlet protection.
C. Runoff from common drainage locations with 10-acres of disturbed land.

The sediment-settling pond shall provide both a sediment storage zone and a dewatering zone. The volume of the dewatering zone shall be at least 67 cubic yards (1,800 cubic feet) of storage per acre of total contributing drainage area and have a minimum of 48-hour drain time for sediment basins serving a drainage area over 5 acres. If feasible, dewatering shall occur at the pond surface using a skimmer or equivalent device.

The volume of the sediment storage zone shall be calculated by one of the following methods:

A. The volume of the sediment storage zone shall be 1000 cubic feet per disturbed acre within the watershed of the basin.

B. The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with a generally accepted erosion prediction model.

When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not comingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five (5) feet. The configuration between the inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length:width ratio), however a length to width ration of 4:1 is recommended. Sediment must be removed from the sediment-settling pond when the design capacity has been reduced by 40 percent. This limit is typically reached when sediment occupies one-half of the basin depth. When designing sediment settling ponds, the applicant must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

(3) Silt fence and diversions. Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties, water resources, and wetlands from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres. Placing silt fence in parallel does not extend the permissible drainage area to the silt fence.

Table 3: Silt Fence Maximum Drainage Area Based on Slope

Maximum Drainage Area (in acres) to 100 Linear Feet of Silt Fence	***Range of Slope for a Particular Drainage Area (in percent)***
0.5	< 2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

(4) Inlet protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems, unless the storm drain system drains to a sediment settling pond. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond. Straw or hay bales are not acceptable forms of inlet protection.

(5) Off-site tracking of sediment and dust control. Best management practices must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These best management practices 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 or cement sized greater than 2" in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the 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 City Engineer may require additional best management practices to control off site tracking and dust. These additional BMPs may include:

C. Silt fence or construction fence installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.

D. Designated wheel-washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment-settling pond, or to a sump pump for dewatering in conformance with Section 1351.09 (g) of this regulation.

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

(6) Surface Waters of the State protection. Construction vehicles shall avoid water resources and wetlands. If the applicant is permitted to disturb areas within 50 feet of a water resource or wetland, the following conditions shall be addressed in the SWP3:

A. All BMPs and stream crossings shall be designed as specified in the most recent edition of the Rainwater and Land Development Manual.

B. Structural practices shall be designated and implemented on site to protect water resources or wetlands from the impacts of sediment runoff.

C. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond in-stream) shall be used in a water resource or wetland.

D. Where stream crossings for roads or utilities are necessary and permitted, the project shall be designed such that the number of stream crossings and the width of the disturbance are minimized.

E. Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.

F. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.

(7) Modifying controls. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the applicant shall replace or modify the control for site conditions.

(e) NON-SEDIMENT POLLUTANT CONTROLS: No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant must implement site best management practices 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 110% of the volume of all containers in the storage area.

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 properly. 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.

(f) 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.

(g) TRENCH AND GROUND WATER CONTROL. There shall be no sediment-laden or turbid 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.

(h) INTERNAL INSPECTIONS. All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen). A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if prior written approval has been attained from the City Engineer and all of the following conditions are met:

A. The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e. more than one (1) month).

B. Land disturbance activities have been suspended, and temporary stabilization is achieved.

C. The beginning date and ending dates of the waiver period are documented in the SWP3.

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:

(1) 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.

(2) 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 acceptable to the City Engineer.
The inspection form shall include:

A. The inspection date.

B. Names, titles and qualifications of personnel making the inspection.

C. Weather information for the period since the last inspection, including a best estimate of the beginning of each storm event, duration of each storm event and approximate amount of rainfall

for each storm event in inches, and whether any discharges occurred.

D. Weather information and a description of any discharges occurring at the time of inspection.

E. Locations of:

1. Discharges of sediment or other pollutants from site.
2. BMPs that need to be maintained.
3. BMPs that failed to operate as designed or prove inadequate for a particular location.
4. Where additional BMPs are needed that did not exist at the time of inspection.

F. Corrective action required including any necessary changes to the SWP3 and implementation dates.

(3) 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.

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

(5) 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.

(i) 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 up slope 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 and adequate funding to conduct this maintenance, all as determined by the City Engineer.

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

(1) 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.

(2) 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.

(3) 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.

(j) FINAL STABLIZATION. Final stabilization shall be determined by the City Engineer. Once a definable area has achieved final stabilization, the applicant may note this on the SWP3 and no further inspection requirement applies to that portion of the site.

1351.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.

(b) The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

(c) The Abbreviated SWP3 shall include a minimum of the following BMPs. The City Engineer may require other BMPs as site conditions warrant.

(1) Construction Entrances: 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 or cement sized greater than 2" in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the Rainwater and Land Development Manual.

(2) 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.

(3) Street Sweeping: 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 be cleaned weekly.

(4) Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Stabilization

Area Requiring Stabilization	*Time Frame to Apply Erosion Controls*
Any disturbed areas within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if the area will remain idle for more than 14 days.
For all construction activities, any disturbed areas, including soil stockpiles, that will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to the onset of winter weather.

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

(5) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. Straw or hay bales are not acceptable forms of inlet protection.

(6) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period.
Maintenance shall occur as detailed below:

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

B. When practices fail to provide their intended function. If the internal inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated 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 Abbreviated SWP3 are not installed. If the internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

(7) Final Stabilization: Final stabilization shall be determined by the City Engineer.

1351.11 FEES

The Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Plan review, filing and inspection fee is part of a complete Site Development submittal and is required to be submitted to the City before the review process begins. The review and inspection fees are incorporated within the Site Development Permit.

1351.12 BOND

(a) If a Storm Water Pollution Prevention Plan or Abbreviated Storm Water Pollution Prevention Plan is required by this regulation, soil disturbing activities may not be permitted until a cash bond has been deposited with the City Finance Department. The bond amount shall be a $1,500 minimum, and an additional $1,500 paid for each subsequent acre or fraction thereof. The bond will be used for the City to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the City Engineer.

(b) No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved by the City Engineer.

1351.13 ENFORCEMENT

(a) All development areas may be subject to external inspections by the City to ensure compliance with the approved SWP3 or Abbreviated SWP3.

(b) After each external inspection, the City Engineer shall prepare and distribute a status report to the applicant.

(c) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3, the City may take action as detailed in Section 1351.14 of this regulation.

1351.14 VIOLATIONS

(a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

(b) Upon notice, the City may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, and may require immediate erosion and sediment control measures whenever it's determined that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which work may be resumed. In instances, however, where the City finds that immediate action is necessary for

public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

1351.15 APPEALS

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with the Ohio Revised Code. Written notice of appeal shall be served on the City and a copy shall be provided to the Ashland County SWCD.

1351.99 PENALTY

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars ($500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the City instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City.

OhioEPA

NPDES Small MS4 General Permit (OHQ000003) Annual Reporting Form

Instructions for completing this form:

- OHQ000003 requires that this form be used when submitting annual reports. You may request approval to use your own reporting format.
- Annual Reports are due annually on or before April 1st.
- Complete the form and sign and date the certification statement below.
- If more space is needed than is provided, identify within the provided space that Attachment A, B, C, etc. has been attached.
- If an item of the form is not applicable for your program (such as street sweeping), fill in N/A in the space provided.
- Don't include attachments such as brochures, newspaper clips, sign-in sheets, etc. related to your program with this form. You only need to summarize these within this report. These records must be filed and will be needed during program audits.
- When complete, submit this Annual Report form to the following address:
  Ohio Environmental Protection Agency
  Division of Surface Water
  Storm Water Program – Small MS4
  P.O. Box 1049
  Columbus, Ohio 43216-1049

Small MS4 Annual Report for Year: 2014		
Ohio EPA Facility Permit Number: 2GQ00038*AG		
Name of MS4: City of Ashland		
Primary Contact: Shane Kremser, P.E.	Title: City Engineer	
Mailing Address: 206 Claremont Avenue		
City: Ashland	Zip Code: 44805	County: Ashland
Telephone Number: 419-289-8331	Email Address: kremser.shane@ashland-ohio.com	

Include or attach a Table of Organization. Indicate who (name and contact information) is responsible for overall management and implementation of your program, and if different, each minimum control measure of your program. Identify how development and implementation across multiple positions, agencies and departments occur. Also, identify any Memorandum of Understandings (MOUs) or other such agreements that exist.

Mayor Glen Stewart
-Appointing Authority

Shane Kremser, P.E. – City Engineer
-Responsible for administration and implementation of the MS4 Program

Michael Hunter – Director of Public Utilities
-Responsible for management of Utility Crews and Good Housekeeping implementation at wastewater and water treatment facilities.

Jerry Mack – Director of City Services
-Responsible for street sweeping, de-icing and good housekeeping implementation at Street, Parks and Sanitation facilities.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possibility of fine and imprisonment for knowing violations.

Print Name: Shane Kremser, P.E.

Print Title: City Engineer

Signature: _____ Date: 5/21/15

PUBLIC EDUCATION & OUTREACH
Estimate Your Permit Area's Total Population: 20,362

BMP (mechanism) & Responsible Party	Measurable Goal	Theme or Message	Target Audience	% of Target Audience Reached	Summary of Results	Effective (Yes or No)
Water Bill Mailings	Distributed printed brochures with residential/commercial water bills.	Educate property owners about storm water runoff and its effects on the local watershed.	Property Owners	95%	No measureable feedback, presumed to be effective.	Yes
City Hall Bulletin Board and Distributable Flyers.	Create educational display and flyers available to residents and contractors who obtain permits through the City.	Educate property owners about storm water runoff and its effects on the local watershed.	Residents, Developers, And Contractors.	5%	No quantifiable results to report.	Undetermined
City Storm Water Website	Implement a storm water education web page as part of the City's website.	Inform residents and property owners about storm water pollution and practices that can lead to storm water pollution.	Residents and Property Owners.	10%	No quantifiable results to report.	Undetermined

PUBLIC EDUCATION & OUTREACH

- Summarize activities you plan to undertake during the next reporting cycle.

BMP (mechanism) & Responsible Party	Measurable Goal	Theme or Message	Target Audience	% of Target Audience to be Reached	Summary of Planned Activities	Proposed Schedule
Water Bill Mailings	Distribute printed brochures with residential/commercial water bills.	Educate property owners about storm water runoff and its effects on the local watershed.	Property Owners	95%	Distribute educational material.	August 2015
City Hall Bulletin Board and Distributable Flyers.	Create educational display and flyers available to residents and contractors who obtain permits through the City.	Educate property owners about storm water runoff and its effects on the local watershed.	Residents, Developers, And Contractors.	5%	Maintain Bulletin Board with updated educational information.	Continual
City Storm Water Website	Implement a storm water education/complaint web page as part of the City's website.	Inform residents and property owners about storm water pollution and practices that can lead to storm water pollution.	Residents and Property Owners.	10%	Continue adding new educational material to the webpage and follow up on compliants.	Continual

SMALL MS4 ANNUAL REPORT FORM

PUBLIC INVOLVEMENT/PARTICIPATION

BMP (Activity) & Responsible Party	Measurable Goal	Theme or Message	Target Audience	Estimate of People Participated	Summary of Results	Effective (Yes or No)

PUBLIC INVOLVEMENT/PARTICIPATION

- Summarize activities you plan to undertake during the next reporting cycle.

BMP (Activity) & Responsible Party	Measurable Goal	Theme or Message	Target Audience	Estimate of People to Participate	Summary of Planned Activities	Proposed Schedule
Volunteer Stream Cleanup Event	Sponsor a stream cleanup event with local partners.	Participation and education relative to stream water quality and erosion impacts.	Residents	25	Work to organize an event with local agencies such as YMCA and Kroc Center.	Fall 2015

SMALL MS4 ANNUAL REPORT FORM

ILLICIT DISCHARGE DETECTION & ELIMINATION (IDDE)

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Cite Local Code(s) Being Used (If available, web link for code(s))	Summary of Results or Activities	Effective (Yes or No)
Ordinance or Other Regulatory Mechanism Engineering	Illicit Discharge Codified Ordinance	No, In Process	Utilizing Chagrin River Watershed Partners Model Ordinance		

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Summary of Activities or Updates	Effective (Yes or No)
Storm Sewer System Map Engineering	Map storm sewer system	Yes		Yes

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Summary of Activities or Updates	Effective (Yes or No)
HSTS Mapping and List Engineering	Create Map showing existing HSTS with the City	Yes	Coordinating with County Board of Health. No existing HSTS's identified within City limits	Yes

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Summary of Activities or Updates	Effective (Yes or No)
IDDE Plan Engineering		No		

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	# of Outfalls Screened	# of Dry-Weather Flows Identified	# Of Illicit Discharges:		Effective (Yes or No)
					Identified*	Eliminated	
Dry-Weather Screening of Outfalls Total # of Outfalls _____		No					

*Include an attachment which provides schedules for elimination of illicit connections that have been identified but have yet to be eliminated.

ILLICIT DISCHARGE DETECTION & ELIMINATION (IDDE)

- Summarize activities you plan to undertake for the next reporting cycle.

BMP & Responsible Party	Measurable Goal	Summary of Planned Activities	Proposed Schedule
Ordinance or Other Regulatory Mechanism	Illicit Discharge Codified Ordinance	Submit to Council.	June 2015
Engineering			
Storm Sewer System Map	Develop a storm sewer outfall inventory.	Hire a Consultant to locate and identify all storm sewer outfalls along major waterways.	Budget Dependent
Engineering			
HSTS Mapping and List	Work with County Board of Health to document HSTS map of properties bordering City corporation limits	Coordinate with Board of Health	Fall 2015
Engineering			
IDDE Plan	Reference IDDE Guidance Manual	Implement Cuyahoga County Board of Health IDDE Guidance Manual	Fall
Engineering			
Dry-Weather Screening of Outfalls	Identify outfalls with high pollutant levels and trace contamination back to the source to determine remediation.	Once the outfalls have been catalogued we will contract with a third party agency for testing	Develop an incremental testing plan over a 5 year period.
Engineering			

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SMALL MS4 ANNUAL REPORT FORM

CONSTRUCTION SITE RUNOFF CONTROL

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Cite Local Code(s) Being Used (If available, web link for code(s))	Summary of Results or Activities	Effective (Yes or No)
Ordinance or Other Regulatory Mechanism Engineering	Storm Water Management Codified Ordinance Update	No, In Process	Existing Storm Water Management Ordinance in affect, but not completely compliant with new regulations.		Yes

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Standards Being Used	Summary of Results or Activities	Effective (Yes or No)
Sediment and Erosion Control Requirements Engineering	Storm Water Management Codified Ordinance Update	No	NOI General Permit, ODNR Rainwater Manual, Latest Edition	Currently enforcing based off OEPA regulations	Yes

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Complaints		Summary of Results or Activities	Effective (Yes or No)
			Received	Followed-Up On		
Complaint Process Engineering	Implemented Storm Water relating complaints within Stormwater webpage.	Yes	0	0	Complaints still come in via phone.	No

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	# of Applicable Sites Requiring Plans	# of Plans Reviewed	Summary of Results or Activities	Effective (Yes or No)
Site Plan Review Procedures Engineering	Review SWPPP for required sediment and erosion control measures.	Yes	4	4	Proposed Projects which disturb more than 1 acre were reviewed for compliance with General Permit.	Yes

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Site Inspections Performed			Summary of Results or Activities	Effective (Yes or No)
			# of Applicable Sites	# Performed	Avg. Frequency		
Site Inspection Procedures Engineering	Inspect sites for approved SWPPP compliance.	Yes	4	4	Weekly	Active construction sites were inspected for approved SWPPP compliance.	

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Violations		Summary of Results or Activities	Effective (Yes or No)
			# of Violation Letters	# of Enforcement Actions		
Enforcement Procedures Engineering	Notify Contractor and /or Developer for deficiency remediation.	Yes	2	0	Violation Letters Sent out to address lack of maintenance of construction entrances.	Yes

SMALL MS4 ANNUAL REPORT FORM

*Include an attachment which identifies applicable sites within your jurisdiction for this reporting period.

CONSTRUCTION SITE RUNOFF CONTROL

- Summarize activities you plan to undertake during the next reporting cycle.

BMP & Responsible Party	Measurable Goal	Summary of Planned Activities	Proposed Schedule
Ordinance or Other Regulatory Mechanism Engineering	Storm Water Management Codified Ordinance Update	Submit to Council	July 2015
Sediment and Erosion Control Requirements Engineering	Storm Water Management Codified Ordinance Update	Submit to Council	July 2015
Complaint Process Engineering	Continue to promote use of stormwater webpage for complaint submission and tracking		Ongoing
Site Plan Review Procedures Engineering	Continue to review SWPPP for required sediment and erosion control measures.		Ongoing
Site Inspection Procedures Engineering	Continue to inspect Sites for approved SWPPP compliance.		Ongoing
Enforcement Procedures Engineering	Enforcement correspondence	Issue enforcement letters as required when verbal notification is not adhered to.	Ongoing

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SMALL MS4 ANNUAL REPORT FORM

POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Cite Local Code(s) Being Used (If available, web link for code(s))		Summary of Results or Activities	Effective (Yes or No)
Ordinance or Other Regulatory Mechanism Engineering	Storm Water Management Codified Ordinance Update	No, in process	Existing Storm Water Management Ordinance does not include Post Construction BMP.		Currently enforcing General Permit requirements.	Yes
BMP & Responsible Party	**Measurable Goal**	**Completed (Yes or No)**	**Structural and/or Non-Structural Standards Being Used**		**Summary of Results or Activities**	**Effective (Yes or No)**
Post-Construction Requirements Engineering	Storm Water Management Codified Ordinance Update	No, in process	Existing Storm Water Management Ordinance does not include Post Construction BMP.		Currently enforcing General Permit requirements.	Yes
BMP & Responsible Party	**Measurable Goal**	**Completed (Yes or No)**	**# of Applicable Sites Requiring Post-Const. BMPs**	**# of Plans Reviewed**	**Summary of Results or Activities**	**Effective (Yes or No)**
Site Plan Review Procedures Engineering	Review SWPPP for required post construction BMP's.	Yes	4	4	Post-Construction BMP's are being installed for sites greater than 5 acres.	Yes
BMP & Responsible Party	**Measurable Goal**	**Completed (Yes or No)**	**Site Inspections Performed**		**Summary of Results or Activities**	**Effective (Yes or No)**
			# Performed	**Avg. Frequency**		
Site Inspection Procedures Engineering	Inspect applicable Sites for approved BMP compliance.	Yes	4	Semi-annual	Ensure planned maintenance is being performed.	Yes
BMP & Responsible Party	**Measurable Goal**	**Completed (Yes or No)**	**Violations**		**Summary of Results or Activities**	**Effective (Yes or No)**
			# of Violation Letters	**# of Enforcement Actions**		
Enforcement Procedures Engineering	Enforcement correspondence	Yes	0	0		Yes
BMP & Responsible Party	**Measurable Goal**	**Completed (Yes or No)**	**# of Sites Requiring Plans/Agreements**	**# of Plans Developed/Agreements in Place**	**Summary of Results or Activities**	**Effective (Yes or No)**
Long-Term O&M Plans/Agreements Engineering	Require BMP maintenance agreements as part of engineering permit issuance. Must be conveyed when property transfers.	No	4	0		No

POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

- Summarize activities you plan to undertake for the next reporting cycle.

BMP & Responsible Party	Measurable Goal	Summary of Planned Activities	Proposed Schedule
Ordinance or Other Regulatory Mechanism Engineering	Storm Water Management Codified Ordinance Update	Present to Council	July 2015
Post-Construction Requirements Engineering	Storm Water Management Codified Ordinance Update	Present to Council	July 2015
Site Plan Review Procedures Engineering	Review SWPPP for required post construction BMP's.	Continue to review SWPPP for required post construction BMP's, where applicable.	Ongoing
Site Inspection Procedures Engineering	Inspect sites for approved BMP compliance.	Continue to review applicable Sites for approved BMP compliance.	Ongoing
Enforcement Procedures Engineering	Enforcement correspondence	Continue enforcement correspondence as required.	Ongoing
Long-Term O&M Plans/Agreements Engineering	Incorporate long term O&M Agreements as a part of the City Permit process.	Develop long term O&M Agreement and require it as a part of the Permit process.	In Process

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SMALL MS4 ANNUAL REPORT FORM

POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

BMP & Responsible Party	Measurable Goal	Completed (Yes or No)	Topic(s)	Targeted Audience	# of Employees Attended	Summary of Activity	Effective (Yes or No)
Employee Training Program Engineering	Annual training program for Municipal Employees	No					

List of Municipal Facilities Subject to Program	O&M Procedures Developed for Facilities (Yes or No)	# of Facility Inspections Performed	Frequencies of Such Inspections
Street Department, Sanitation Garage, Water Treatment Plant, Wastewater Treatment Plant, Park Facilities, Public Golf Course, Fire Station, Justice Center and Municipal Building.	Not for all Facilitites	4	Annual

MS4 Maintenance	Summarize Maintenance Activities and Schedules	Summarize Activities Performed
	Continual Catch Basin Replacement, video inspection and cleaning of gravity sewers.	Year Round

Disposal of Wastes	Procedures Developed (Yes or No)	Document Amounts of Wastes Properly Disposed	
	Yes		
Road Salt	Covered (Yes or No)	Tons Used	Summarize Measures Taken to Minimize Usage
	Yes	4,600	Spreader Control
Pesticide & Herbicide Usage	Procedures Developed (Yes or No)	Gallons Used	Summarize Measures Taken to Minimize Usage
	Yes, Licensed Applicator (ODA Regulations)	615	Application for Public Golf Course per industry standards.
Fertilizer Usage	Procedures Developed (Yes or No)	Pounds Used	Summarize Measures Taken to Minimize Usage
	Yes, Licensed Applicator (ODA Regulations)	3,800	Application for Public Golf Course per industry standards.
Street Sweeping	Procedures Developed (Yes or No)	Document Amount of Material Collected and Properly Disposed	
	Yes	Approximately 900 tons	
Flood Management Projects	Summarize any New or Existing Flood Management Projects that were Assessed for Impacts on Water Quality		
	None		

POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

- Summarize activities you plan to undertake for the next reporting cycle.

BMP & Responsible Party	Measurable Goal	Summary of Planned Activities	Proposed Schedule
Employee Training Program Engineering	Establish Annual Training Event for All Municipal Employees	Engineering will host a training event detailing best management practices relative to good housekeeping at Municipal Facilities	Fall 2015
List of Facilities Subject to Program Street Department, Sanitation Garage, Water Treatment Plant, Wastewater Treatment Plant, Park Facilities, Public Golf Course, Fire Station, Justice Center and Municipal Building.			
MS4 Maintenance Utility Department	Continual maintenance of public storm sewers and Municipal Facilities	Continue ongoing storm sewer inspection and maintenance for public storm sewers. Institute semi-annual post-construction BMP inspection of private facilities.	Ongoing
Disposal of Wastes Street, Sanitation and Utility Departments	Develop procedures to handle and dispose of wastes.	Each Department has developed procedures for the collection and disposal of wastes.	Ongoing
Road Salt Street Department	Develop procedures to ensure the efficient application and storage of road salt	Work with Street Department to limit salt application without affecting public safety. Institute more plowing rather than salt application, reference ODOT procedures	Winter 2015
Pesticide & Herbicide Usage Parks Department and Golf Course	Develop operational procedures to prevent excess usage and storm water contamination, as feasible.	Develop operational procedures to prevent excess usage and storm water contamination, as feasible.	Summer 2015
Fertilizer Usage Parks Department and Golf Course	Develop operational procedures to prevent excess usage and storm water contamination, as feasible.	Develop operational procedures to prevent excess usage and storm water contamination, as feasible.	Summer 2015
Street Sweeping	Further refine operational procedures	Develop and institute operational procedures	Summer 2015

Street Department			
Flood Management Projects			
Engineering			

PROPOSED CHANGES TO YOUR SWMP (IF ANY)

- Summarize any proposed changes to your SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements. If you fail to satisfy measurable goals for the reporting year, please explain why.

Reduced local funds still make it difficult to comply with all NPDES requirements. We are still waiting for an Audit report from the last permit cycle, which was performed in 2013.

VARIANCES GRANTED (IF ANY)

- Identify and summarize any variances granted under your storm water program.

The City of Ashland
PROPOSED LEGISLATION
Codified Ordinance – Chapter 1351 – Erosion and Sediment Control

DATE: February 23, 2016

TO: Honorable Mayor Glen P. Stewart & City Council

FROM: Shane Kremser, P.E., City Engineer

LEGISLATION SUMMARY: This Ordinance enacts Chapter 1351, Erosion and Sediment Control for Development Activities, of the City's Codified Ordinances

LEGISLATIVE HISTORY: The Codified Ordinance was distributed to Council members for review and comment at the December 15, 2015 Council meeting.

LEGISLATIVE PURPOSE: This Codified Ordinance relates to best practices for erosion and sediment control relative to development activities. We are under the OEPA's General Permit as a Small Municipal Separate Storm Sewer System (MS4). The permit requires that we enact an ordinance regulating best practices to address erosion and sediment control for construction projects.

FISCAL IMPACT: None

DIRECTOR'S RECOMMENDATION: After reviewing with the Mayor, it is recommended that this Ordinance be passed in order to bring us in compliance with our MS4 General Permit