



County of Summit Storm Water Management Program (SWMP)

Prepared in fulfillment of the requirements of:

Ohio EPA NPDES Phase II General Permit
 OHQ000004

Prepared for:
 County of Summit and Co-Permittees

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March 2022

For purposes of this program, the following acronyms shall have the meanings given to them as follows:

- BMP - Best Management Practice
- COS - County of Summit
- CVNP - Cuyahoga Valley National Park
- DOSSS - Department of Sanitary Sewer Services
- EPA - Environmental Protection Agency
- GIS - Geographic Information System
- HSTS - Home Sewage Treatment System
- IDDE - Illicit Discharge Detection and Elimination
- LTMA - Long-Term Maintenance Agreement
- MCM - Minimum Control Measure
- MS4 - Municipal Separate Storm Sewer System
- NOI – Notice of Intent
- NPDES - National Pollutant Discharge Elimination System
- NPS-IS – Non-Point Source (NPS) - Implementation Strategy
- ODOT - Ohio Department of Transportation
- OTIC - Ohio Turnpike and Infrastructure Commission
- SCCV - Summit County City and Village Co-permittees
- SCE – Summit County Engineer
- SCPH - Summit County Public Health
- SCT - Summit County Townships
- SCU - Summit County Unincorporated areas
- SSWCD - Summit Soil and Water Conservation District
- STS - Sewage Treatment System
- SWMD - Surface Water Management District
- SWMP - Storm Water Management Program
- SWP3 - Storm Water Pollution Prevention Plan
- TMDL - Total Maximum Daily Load
- TP - Total Phosphorous

This is the Storm Water Management Program (SWMP) to meet the requirements of OHQ000004 for small MS4 NPDES permit for Summit County and others. This SWMP is for the urban portion of all unincorporated areas of Summit County and within the corporate limits of four municipalities that chose to be co-permittees of Summit County: Boston Heights, Clinton, Lakemore and Reminderville.

Summit County is on the divide between the Great Lakes and the Mississippi River watersheds. Historic development of Summit County is unique. It did not exist until after construction through the western portion of Portage and Stark Counties of the Ohio and Erie Canal, which had a major economic impact resulting from facilitating transportation between points as far south as the Gulf of Mexico and Great Lakes ports.

North of the divide, this canal was constructed along the Cuyahoga River. South of the divide it was constructed along the Tuscarawas River. The closest horizontal distance to connect across the divide was between a point on the Sweitzer Creek tributary of the Tuscarawas River and a point along the Cuyahoga River. There is a large vertical drop between these points, which required a series of locks to raise and lower canal boats. Raising and lowering water levels in the locks to raise and lower canal boats was a slow process, resulting in delays measured in weeks of travel through this series of locks, creating demand for interest in hotels, restaurants, and entertainment venues.

After failed attempts to move the Portage County seat from Ravenna to a location closer to the center of economic activity, either Akron or Cascade, townships closest to the canal activity came together to form Summit County at the summit of the Ohio and Erie Canal. This new county consisted of ten townships from the western side of Portage County, four townships from the eastern side of Medina County and two townships from the northern side of Stark County.

The divide intersects the eastern boundary of Summit County in the most southeastern township from Portage County, now Springfield Township of Summit County. The divide intersects the western boundary in the middle of the townships from Medina County, near State Route 18, which is the boundary between Bath and Copley Townships.

About a third of Summit County discharges surface water to the Tuscarawas River and about two thirds discharge to the Cuyahoga River. A small portion of Summit County discharges surface water to Rocky River, which is also in the Great Lakes basin.

The Total Maximum Daily Load (TMDL) targets identified for the Tuscarawas River watershed only includes E. coli. Two TMDL targets are identified for the Cuyahoga River watershed, which are E. coli and Total Phosphorous (TP). Performance standards applicable to both TMDL targets are applied to all portions of the Summit County SWMP, and therefore, there is no need for separate determination of whether areas discharge to the Tuscarawas River or to the Cuyahoga River.

Summit County no longer has county commissioners. The county charter assigns that role to the County of Summit Council and Executive, who have provided authority to regulate all MS4 requirements through four Codified Ordinance Chapters 941, 942, 943 and 944, except within State and Federal jurisdictions. State jurisdictions include the Ohio Department of Transportation (ODOT) and the Ohio Turnpike and Infrastructure Commission (OTIC). A large portion of northern Summit County is the Cuyahoga Valley Natural Park (CVNP) which is Federal jurisdiction.

Effective management of some portions of the SWMP to meet the requirements of OHQ000004 dictates cooperative agreements with the two State agencies, particularly ODOT, which operates and maintains MS4 within the rights of way of all Interstate Routes except for the Ohio Turnpike and of all State Routes and US Route 224. OTIC operates and maintains the Ohio Turnpike. Most of the Ohio Turnpike in unincorporated Summit County are in rural areas. There may be some interaction of OTIC and local MS4 at the SR 8 interchange within corporate limits of Co-Permittee Village of Boston Heights.

Unincorporated portions of Summit County are occupied by nine remnants of original townships. Summit County has no townships that occupy the full extent of original townships. Township Trustees have minimal MS4 authority and responsibility, limited to operation and maintenance of MS4 within local township roads and other township land, primarily buildings for administration and safety forces, road maintenance yards, and local parks. Runoff from most township land that is not local road right of way discharges to main roads which are typically County and ODOT responsibilities. Compliance with the requirements of OHQ000004 for Summit County and others is ultimately County responsibility. Provisions of this SWMP include compliance review, and if necessary, to direct township trustees to take corrective action, both through Chapter 942 and in ORC designated role of County Engineer as Township Engineer.

Codified Ordinances 941, 942, 943 and 944 provide overriding responsibilities, not inconsistent among them all. Chapter 942 provides financial resources and fills gaps in authorities to meet NPDES requirements under the umbrella of the Summit County Surface Water Management District (SWMD). SWMD does not replace but coordinate with responsibilities of agencies such as Summit Soil and Water Conservation District (SSWCD) roles defined by Chapter 941 under the direction of the Summit County Executive. Likewise, appropriate services as contracted with Summit County Public Health (SCPH). There are also provisions for coordination with sanitary sewer providers, primarily Summit County Department of Sanitary Sewer Services under the direction of the Summit County Executive.

The following sections for each Minimum Control Measure (MCM) quote the OHQ000004 requirements for reference, followed by the Summit County procedures to address those requirements.

Section II. MCM #1, Public Education and Outreach on Storm Water Impacts, and
MCM #2, Public Involvement/Participation

Section III. MCM #3, Illicit Discharge Detection and Elimination

Section IV. MCM #4, Construction Site Storm Water Runoff Control

Section V. MCM #5, Post-Construction Storm Water Management in New Development
and Redevelopment

Section VI: MCM #6, Pollution Prevention/Good Housekeeping for Municipal Operations

Appendices

Appendix A. Relevant portions of U.S. EPA approved TMDL for Summit County Watersheds

Appendix M. Municipal Facilities

Appendix N. NPDES industrial permits that currently discharge through MS4

Appendix O. Relevant Summit County Codified Ordinances

Appendix P. Publications for storm water messages including community circulation numbers.

**Minimum Control Measure (MCM) #1
Public Education and Outreach on Storm Water Impacts**

References from NPDES Permit No.: OHQ000004

Page 6 of 43: 1.a. *"You shall implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff. In the case of non-traditional small MS4s (e.g., OTIC, ODOT, universities, hospitals, prisons, military bases, and other government complexes), you are only required to provide educational materials and outreach to your employees, on-site contractors, and individuals using your facilities.*

Page 6-7 of 43: 1.b. *"Decision process. You shall document your decision process for the development of a storm water public education and outreach program. Your rationale statement shall address both your overall public education program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:*

i. How you plan to inform individuals and households about steps they can take to reduce storm water pollution.

The Surface Water Management District (SWMD) will submit to local and regional publications at least one article yearly for the five-year permit term, relating to the annual theme and the reduction of the targeted TMDL Pollutants, which are Total Phosphorous (TP) and E-Coli. SWMD will be responsible to guarantee publishing of one article in the Akron Beacon Journal, which covers Summit County. Circulation numbers from the other publications will be obtained so that they may be counted if the article is published in any of them. SWMD cannot guarantee publishing in any publication except the Akron Beacon Journal. The list of publications including community circulation numbers may be viewed in Appendix P.

The SWMD will distribute one educational brochure addressing the two TMDLs, on home sewage treatment system (HSTS) regulations to homes with new HSTS installations and requested inspections, and to deliver with SCPH's Yearly Operational Permit to all HSTS owners in their regulated area. This will cover both required TMDLs. SWMD will be responsible for printing all the brochures and for coordinating with SCPH for the distribution of the brochures.

ii. How you plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and beach restoration

The SWMD will advertise the annual stormwater program on various social media pages and platforms to inform individuals and groups how to become involved in the stormwater program. We plan to include a water quality survey on our website, inviting HSTS owners to participate, beginning in the first year of the permit, and recurring the

second year, in order to establish the educational success rate of our targeted brochure delivery mechanism.

iii. Who are the target audiences for your education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.

The chosen target audiences will be residents, and the development community since their actions are the primary causes of pollutants entering our waterways and they have the largest impact due to the amount of land use involved. These audiences can decrease pollution by practicing healthy water quality habits. Homeowners can use less fertilizer or no phosphorous fertilizer to reduce phosphorous run-off which causes algae blooms when it enters the water body, they can perform regular maintenance on their septic systems to prevent seepage containing bacteria from entering streams, and they can clean up after their pets to keep phosphorous and bacteria from pet waste from entering streams.

iv. What are the target pollutant sources your public education program is designed to address.

For the permit term, 2022-2026, the targeted TMDL pollutants in Summit County Watersheds are: Total Phosphorous (TP) and Escherichia Coli (E-Coli).

v. What is your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people do you expect to reach by your outreach strategy over the permit term.

The Outreach Strategy will employ 5 themes, one each year, using two mechanisms of delivery each year, one newspaper article and one brochure. It is the intent to reach full circulation of the local newspapers in Appendix P, and 50% of population in the 5-year permit term.

✓ A minimum of one article will be submitted to several regional publications each year of the five-year permit term, relating to the yearly theme and the reduction of the targeted TMDL Pollutants, which are Total Phosphorous and E-Coli. A complete list of publications may be viewed in Appendix P.

✓ SWMD will distribute one educational brochure on HSTSs, to homes with new HSTS installations, and homes requesting inspections.

vi. Who (person or department) is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.

SWMD is responsible for the stormwater public education and outreach program on behalf of COS and its co-permittees.

vii. How will you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

To evaluate the success of our Public Education and Outreach Program, a survey containing water quality practice questions of the households involved in the HSTS outreach program, will be conducted before and after delivery of the HSTS brochures. The survey information will determine if the HSTS owners became more aware of the need for regular maintenance. Our measurable goal in this case is to educate HSTS owners about the importance of regular maintenance to keep HSTSs operating properly, thereby reducing the amount of TP and E-Coli entering our waterways.

Page 7 of 43: 1.c. *“Performance Standards. Your storm water public education and outreach program, at a minimum, shall include:*

i. More than one outreach mechanism.

The two Outreach Mechanisms used in the permit term 2022-2026 will be a minimum of one newspaper article and one brochure each year.

ii. A minimum of five storm water themes or messages over the permit term.

The five stormwater themes for this permit term are:

2022-Clean Water Starts at Home! Target Residents
2023-Stormwater-Slow It Down, Spread It Out, Soak It In! (AKA Runoff Reduction)
Target Residents, Development Community
2024-Steer Clear of Pollutants! Target Residents
2025-It's Not Hard to Have a Healthy Yard! Target Residents
2026-Watershed Target Residents, General Public

iii. Your storm water public education and outreach program shall reach at least 50 percent of your population over the permit term.

iv. TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL, your storm water public education and outreach program shall, at a minimum, target each TMDL pollutant identified for your small MS4 at least once to satisfy your minimum of five storm water themes or messages over the permit term. Single themes or messages may target multiple pollutants.

v. Your annual report shall identify each mechanism used and its storm water theme, target pollutant(s), its target audience, and an estimate of how many people within your jurisdiction were reached by each mechanism.

SWMD will be responsible to record the Akron Beacon Journal circulation numbers but will also monitor the local paper circulation for the newspaper article and will keep track of the number of brochures printed and distributed. We aim to reach 50% of the co-permittees' population in the 5-year permit term.

**Minimum Control Measure (MCM) #2
Public Involvement/Participation**

References from NPDES Permit No.: OHQ000004

Page 7 of 43: 2.a. *"You shall comply with State and local public notice requirements and satisfy this minimum control measure's minimum performance standards when implementing a public involvement/participation program. In the case of non-traditional MS4s (e.g., OTIC, ODOT, universities, hospitals, military bases, and other government complexes), you are required to involve employees, on-site contractors, and individuals using your facilities.*

Page 7-8 of 43: 2.b. *"Decision process. You shall document your decision process for the development of a storm water public involvement/participation program. Your rationale statement shall address both your overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:*

viii. Have you involved the public in the development and submittal of your NOI and SWMP description.

No. The County of Summit Surface Water Management District (SWMD) has not involved the public yet, but we plan on involving the public moving forward, on behalf of the County of Summit (COS) and its co-permittees.

ix. What is your plan to actively involve the public in the development and implementation of your program.

SWMD will create and organize a County Stormwater Committee. We will solicit core members of this committee from the following entities: Summit County Executive, Summit County Council, Summit County Public Health, Summit County Engineer, Summit County Metro Parks, Summit County Department of Sanitary Sewer Services, Summit Soil and Water Conservation District, and political subdivision members of the SWMD. Committee membership may be modified depending on commitments of the various organizations.

Once the committee is established, SWMD will create and pay for a public notice to be advertised in the Akron Beacon Journal and advertise in our social media and co-permittee media outlets, for the purpose of soliciting a representative from each co-permittee to join and participate in the County Stormwater Committee.

We will request resumes from the prospective committee members and the core members will select a representative from each co-permittee after reviewing the resumes.

We will be reaching out to COS and its co-permittees to attract members from local businesses, industrial and commercial, including the development community, faith-based groups, non-profit groups, civic groups, educators' groups, trade associations, environmental groups, homeowners' associations, and residents.

The County Stormwater Committee would meet twice a year, notifying the public to participate with a public notice and the County of Summit and its co-permittee advertising, to discuss grants and conduct general business for stormwater awareness. We visualize the County of Summit and its co-permittee representatives returning to their respective communities to coordinate and organize public events for public participation using the ideas and inspiration gained at the meeting. The County Stormwater Committee would act as a vehicle for volunteer resident recruitment for volunteers to spread the environmental message to other residents.

Our measurable goal is to recruit the County of Summit and its co-permittee representatives to serve on the County Stormwater Committee in order to initiate stormwater quality programs throughout the County of Summit and its co-permittee locations.

x. Who are the target audiences for your public involvement program, including a description of the types of ethnic and economic groups engaged. You are encouraged to involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners' associations, and educational organizations, among others.

The target audiences for the SWMD public involvement program are: local businesses, industrial and commercial, faith-based groups, civic groups, non-profit groups, educators' groups, trade associations, the development community, environmental groups, homeowners' associations, and residents and other interested parties from County of Summit and its co-permittees.

SWMD does not discriminate in services without regard to race, color, sex, age, religion, national origin, ancestry, veteran status, disability, sexual orientation, gender identity or any other characteristic to the extent protected by law.

xi. What are the types of public involvement activities included in your program. Where appropriate, consider the following types of public involvement activities: citizen representatives on a storm water management panel, public hearings, working

with citizen volunteers willing to educate others about the program, volunteer monitoring or stream/beach clean-up activities.

The types of public involvement activities included in the SWMD program on behalf of COS and its co-permittees are: citizen representatives on a storm water management panel, public hearings, working with citizen volunteers willing to educate others about the program.

xii. Who (person or department) is responsible for overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.

SWMD is responsible for the overall management and implementation of the stormwater public involvement/participation program.

xiii. How will you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

The measurable goal for this program is to engage the County of Summit and its co-permittee residents and other stakeholders in stormwater quality planning and civic engagement throughout the County of Summit and its co-permittee locations. We believe that when people take ownership of a problem, make decisions toward solving the problem, and see the positive outcomes, they become confident and empowered to tackle more and larger problems. In this way, COS and its co-permittees will work toward solving its stormwater quality issues.

SWMD will evaluate the success of this measure by quantifying the participation and involvement of COS and its co-permittees in the County Stormwater Committee.

Page 8 of 43: 2.c. *“Performance Standards. Your storm water public involvement/participation program, at a minimum, shall include:*

vi. Five public involvement activities over the permit term.

The County Stormwater Committee will meet twice each year during the permit term, which will be a total of ten activities.

vii. TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL, your storm water public involvement/participation program shall, at a minimum, target each TMDL pollutant identified for your small MS4 at least once to satisfy your minimum of five public involvement activities over the permit term. Single public involvement activities may target multiple pollutants.

The County Stormwater Committee will focus on the targeted TMDLs, TP and E-Coli, and provide ideas for activities that COS and its co-permittees can take home and implement to address the issues throughout COS and its co-permittee locations.

viii. Your annual report shall identify each public involvement/participation activity conducted including a brief description of the activity, the target pollutant(s) and include an estimate of how many people from your jurisdiction participated.

SWMD will identify the County Stormwater Committee as the public involvement/public participation activity conducted each year of the five-year permit term. The description of the activity is that it is a committee with a core membership consisting of several County entities mentoring and facilitating representatives from COS and its co-permittees, who will volunteer throughout COS and its co-permittee communities, to organize volunteer residents and supervise stormwater quality initiatives that will reduce the target TMDLs.

SWMD will keep and report records of how many COS and its co-permittee representatives attended the County Stormwater Committee meetings.

SWMD will reach out to COS and its co-permittee representatives for audience participation numbers of any Stormwater quality activities that they have organized throughout COS and its co-permittee locations.

References from NPDES Permit No.: OHQ000004

Page 8 of 43: 3.a. *“You shall develop, implement and enforce a program to detect and eliminate illicit discharges, as defined in Part VI of this permit, into your small MS4. For illicit discharges to your small MS4 via an adjacent, outside your jurisdiction, interconnected MS4, you are only required to immediately inform the neighboring MS4 and inform Ohio EPA in your annual report.”*

Note that within all unincorporated portions of Summit County there is extensive interconnection of Ohio Department of Transportation (ODOT) MS4, which is outside County of Summit (COS) jurisdiction. COS will notify ODOT of discharge. However, because of numerous points of interconnection through which ODOT drainage flows to and from county MS4 and to and from other local MS4, it is cumbersome to manage an effective illicit discharge elimination program without an agreement between COS and ODOT to cooperate on implementing an integrated plan coordinating both COS MS4 and ODOT MS4. All relevant portions COS procedures for this permit reflects this integrated plan.

Page 8 of 43: 3.b. *“You shall develop, if not already completed, a comprehensive storm sewer system map, showing the location of all outfalls and the names and location of all surface waters of the state that receive discharges from those outfalls. Your comprehensive storm sewer system map shall also include your small MS4 system (owned and/or operated by you), including catch basins, pipes, ditches, flood control facilities (retention/detention ponds), post-construction water quality BMPs (public and private) which have been installed to satisfy Ohio EPA’s NPDES Construction Storm Water general permit and/or your local post-construction water quality BMP requirements. Post-construction BMPs shall be identified by type of practice (e.g., wet extended detection basin, bioretention, etc.). Previously existing post-construction BMPs shall be identified by type of practice within five (5) years of the effective date of this permit.”*

Due to multiple inconsistent formats of MS4 mapping completed in 2005 detracting from expediency in determination of illicit discharges, the COS Surface Water Management District (SWMD), managed and operated by the Summit County Engineer (**SCE**), is implementing a revised mapping program to place all MS4 mapping in a consistent COS Geographic Information System (GIS). The GIS mapping will clearly identify owner of each MS4 including ODOT (such as MS4 within any right of way of US Route 224 in unincorporated areas; State Routes in unincorporated areas 8, 18, 21, 82, 91, 162, 176, 241, 303), COS (such as MS4 within any right of way of any County Highway, county drainage easements including water quality BMPs in residential subdivisions managed by SCE, and water quality BMPs in non-residential sites monitored by SCE), MS4 within local township roads of Summit County Townships, SCTs (Bath Township, Boston Township, Copley Township, Coventry Township, Northfield Center Township, Richfield Township, Sagamore Hills Township, Springfield Township, and Twinsburg Township), any MS4 of Summit County city and village Co-Permittees SCCVs.

SWMD provides operation oversight for all Co-Permittee MS4 and through cooperative agreement for ODOT MS4 in unincorporated areas for all necessary IDDE procedures. In unincorporated areas, mapping will show each residential subdivision post-

construction water quality BMP including type of BMP, which is within COS easements and is inspected and maintained by staff of SCE.

Mapping objectives also include identifying each non-residential post-construction water quality BMPs in the unincorporated areas, for which the owner has executed a Long-Term Maintenance Agreement (LTMA) with COS, which includes type of BMP and requires periodic inspection and maintenance and submitting reports to SCE.

Each SCCV is required within 5-year period to provide each post-construction BMP within the corporate limits, including type, location and inspection and maintenance procedures.

Each SCCV is required within the 5-year period to assist SWMD mapping efforts within its corporate boundary, advising if there is any public MS4 not owned by the SCCV within its boundary. Each SCCV must also provide SWMD sufficient information to show all required information on each post-construction BMP within its corporate boundary, including location, all discharge points and type of BMP.

During the first 2 years, SWMD will review existing mapping completed in 2005 for consistency with GIS format to insert into Summit County GIS to facilitate source tracing of potential illicit discharges, review status of annual map updates, and establish a schedule for conversion of all MS4 mapping to unified mapping system within Summit County GIS.

Page 8-9 of 43: 3.c. *“Within five years of when your small MS4 general permit coverage was granted, you shall submit the following to Ohio EPA:*

- i. A list of all on-site sewage disposal systems located within your jurisdiction and are connected or discharging to your small MS4 (a.k.a. home sewage treatment systems (HSTSs)) including the addresses, and*
- ii. A storm sewer map showing the location of all HSTSs located within your jurisdiction and are connected or discharging to your MS4. This map shall include details on the type and size of conduits/ditches in your small MS4 that receive discharges from HSTSs, as well as the water bodies receiving the discharges from your small MS4.”*

Objectives of SWMD mapping include type, size, location and receiving waters of all MS4 and also show location and type of HSTS, working with SCPH to provide all useful information, including, but not necessarily limited to each HSTS, whether on-site disposal or discharging; if discharging, whether it is discharging to MS4, and in the unincorporated areas, to which MS4, state, county or local. Each type if HSTS will be identified by color or unique symbol or both. Locating non discharging as well as discharging helps to assure that each HSTS or sewer connection is accounted for each lot.

Page 9 of 43: 3.d. *“You shall to the extent allowable under State of local law, effectively prohibit, through ordinance or other regulatory mechanism, illicit discharges into your storm sewer system and implement appropriate enforcement procedures and actions.”*

COS has enacted, as part of its codified ordinances, Chapter 944. Illicit Discharge Detection and Elimination Program.

To maintain status as a Co-Permittee of Summit County, any city or village will be required within one (1) year of the effective date of this permit, to enact legislation providing to the County within the corporate limits of the city or village, all authorities and requirements that Chapter 944, SWMD and this document provides in the unincorporated portions of Summit County.

Page 9 of 43: 3.e. *“You shall develop and implement a program to detect and eliminate non-storm water discharges, including illegal dumping, to your system. At a minimum, for household sewage treatment systems (HSTSs), your program shall address or include provisions for:*

- i. Working with appropriate Board(s) of County Commissioners, other public officials, local waste water authorities, any other appropriate entity and local board(s) of health to proactively identify residences with existing individual discharging HSTSs that can be legally, feasibly and economically connected to central sewers. At a minimum, the program shall evaluate applying provisions identified by ORC 6117.51 and other applicable State and local laws and/or regulations. At a minimum, this activity should require connection to central sewers for any discharging HSTS that is not operating as designed and intended if feasible, but does not preclude connection to central sewers of any HSTS if local planning and coordination recommends such;*
- ii. Working with local board(s) of health to develop a proactive operation and maintenance program or implement/enhance an existing operation and maintenance program which determines if existing discharging HSTSs are operating as designed and intended and, for those not meeting these criteria, requires elimination, upgrade or replacement of the system as appropriate;*
- iii. Actively investigating the source(s) of contamination in outfalls identified during dry weather screening process. When the contamination source has been identified as discharging HSTS that is not operating as designed and intended, work with the local board(s) of health to determine proper course of action in resolving the non-functioning HSTS with connection to central sewers being preferred alternative, followed by replacing with a soil absorption system that does not discharge and only allowing a replacement discharging HSTS when no other option is available. For replacement discharging HSTSs that cannot be eliminated through connection to central sewers or installation of soil absorption systems, the property owner must be notified of the requirement to pursue coverage under an appropriate Ohio EPA general NPDES permit; and*
- iv. Working with local waste water authorities, planning agencies or other appropriate agencies involved to evaluate the planned or possible future installation of sewers for areas which contain high densities of discharging HSTSs”*

COS will review and evaluate all current procedures for the most effective program for tracing the source of any dry weather flows to determine whether it is illicit or allowable flow.

Step 1: SWMD screens outfalls determined to be screened according to previous screening history: for new outfalls or outfalls newly discovered, or otherwise not previously screened; outfalls where dry-weather flows were previously observed, or SWMD determines other reason for screening. SWMD tests any observed flows for e. coli.

Step 2: SWMD traces flows to determine sources according to test results and the character of the MS4: (a) within Summit County Unincorporated areas (SCU) with no access to existing sanitary sewers; (b) SCU with access to existing sanitary sewers; (c) within corporate boundaries of Summit County Co-Permittee city or village (SCCV) with no access to existing sanitary sewers; and (d) SCCV with access to existing sanitary sewers; and according to the following procedures:

1. For sample results < 1030 MPN e. coli, for all conditions a, b, c, and d, SWMD proceeds to Step 2A;
2. For sample results at least 1030 MPN e. coli but < 5000 MPN for conditions b and d, SWMD proceeds to Step 2B;
3. For sample results at least 1030 MPN e. coli but < 5000 MPN for conditions a and c, SWMD proceeds to Step 2C;
4. For sample results 5000 MPN e. coli or more for conditions a and c, SWMD proceeds to Step 2D;
5. For sample results 5000 MPN e. coli or more for conditions b and d, SWMD proceeds to Step 2 E.

Step 2A: SWMD implements source tracing procedure by progressively observing flows in upstream access points: for enclosed systems, typically manholes and catch basins; for open ditches, continuous observation. Tracing continues until one or more points of entry to the MS4 are found. Investigation of sources from multiple locations are indicated by flow continuing but diminishing between observation points, and flow from multiple directions at junction points.

For conditions a and c, for sources from both singular and multiple locations in residential areas, SWMD confers with SCPH to review one or more discharging HSTSS operating as designed and intended and document as acceptable flows according to the following:

“Based on Ohio Revised Code (ORC) section 3718.012, Ohio Administrative Code 3701-29-02 (C) states that any sewage treatment system (STS) in operation prior to the effective date of the sewage rules, currently 1/1/2015, shall not be required to be replaced by a new STS and shall be considered approved until such time that the STS is creating a public health nuisance as outlined in ORC 3718.011.

For discharging STS in operation prior to creation of the residential Ohio National Pollutant Discharge Elimination System permit, SCPH will require a new STS to be installed when:

- An increase in the daily volume of sewage being treated by the STS is proposed, such as a project that increases the potential occupancy of 1, 2, or 3 family dwelling.
- The existing dwelling is razed with intention to build a new 1, 2, or 3 family dwelling.
- Any necessary repair for the existing STS which would require issuance of installation or alteration permit from SCPH.
- The STS is causing a public health nuisance.”

For non-residential locations in all conditions a, b, c and d, SWMD contacts the landowner to provide access for further investigation and additional information as appropriate and to implement provisions of Chapter 944.

Determination of allowable flows and correction of illicit discharges are documented by SWMD. Any appropriate ongoing investigations to confirm correction of illicit discharges, confirm allowable sources or otherwise determined by SWMD to fully define source of flow is also documented by SWMD.

Step 2B: SWMD implements source tracing procedure as Step 2A and with higher priority than Step 2A. SWMD may delay Step 2A as necessary to allocate resources to Step 2B.

SWMD also notifies Summit County Department of Sanitary Sewer Services (DOSSS) of suspected exfiltration from sanitary sewers and/or sanitary service connections causing infiltration to MS4. If sanitary sewers are responsibility of provider other than DOSSS then SWMD contacts alternate provider. SWMD and DOSSS or alternate provider work cooperatively to investigate and determine best course(s) of action, which may include plan to address both public and private infrastructure, including tv surveillance pipe interior of either or both sanitary sewer and MS4 and plans to repair, replace and/or seal either or both systems.

If source tracing detects direct discharge from source that should be connected to sanitary sewer SWMD notifies landowner to connect to sanitary sewer according to procedures outlined in Chapter 944.

Step 2C: SWMD begins HSTS neighborhood investigation. SWMD may implement source tracing when determined to be best course of action. If one or more HSTSs are found to be discharging 1030 MPN e. coli or more, SCPH advises landowner(s) of available options for modifying or replacing HSTS(s). As necessary, SWMD assists SCPH according to procedures outlined in Chapter 944.

If multiple HSTSs are found to be operating as designed and intended and collectively contribute to outfall sample of 1030 MPN or greater, SWMD reviews and may explore options, which may include requiring replacement of one or more HSTSs and may include contacting DOSSS to explore feasibility of providing sanitary sewers.

Step 2D: SWMD implements expedited source tracing procedures. SWMD may delay any portions of steps 2A and 2C to allocate resources to step 2D. SWMD samples and tests additional upstream access points. SWMD sets priorities for further investigation based on test results at one or more upstream access points, whether indications of multiple source locations or concentrated in one location, etc. SWMD follows procedures outlined in step 2C beginning with locations of higher concentrations and progressing to locations with lower concentrations.

Step 2E: SWMD immediately notifies DOSSS or alternate provider and cooperatively implement expedited source tracing procedures. SWMD and DOSSS or alternate provider may delay any portions of step 2B to allocate resources to step 2D.

SWMD works with DOSSS or alternate provider to sample and test additional upstream access points. SWMD sets priorities for further investigation based on test results at one or more upstream access points, whether indications of multiple source locations or concentrated in one location, etc. SWMD and DOSSS or alternate provider follow procedures outlined in step 2B beginning with locations of higher concentrations and progressing to locations with lower concentrations.

Page 9 of 43: 3.f. *“You shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of wastes;”*

Messages about hazards associated with illegal discharges and improper disposal of wastes are incorporated into MCM #1 Public Education and Outreach, MCM #2 Public Involvement and Participation and Employee Training portion of MCM #6, Pollution Prevention/Good Housekeeping.

Page 9-10 of 43: 3.g. *“You shall address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you or Ohio EPA has identified them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR ~35.2005(20)), uncontaminated pumped ground water, dischargers from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated/debrominated/desalinated swimming pool discharges, street wash water or flows from non-planned fire-fighting activities (by definition, not an illicit discharge); and”*

COS Chapter 944. Illicit Discharge Detection and Elimination Program, specifically accepts these categories of non-storm water discharges as allowable.

Page 10 of 43: 3.h. *“You may also develop a list of other similar occasional incidental non-storm water discharges (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the small MS4, because of either the nature of the discharges or*

the conditions you have established for allowing these discharges to your small MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must also include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your small MS4.”

COS Chapter 944. Illicit Discharge Detection and Elimination Program, specifically accepts non-commercial car washing as allowable. The amount of non-commercial car washing, including occasional volunteer charity car washing, has insignificant impact on storm water quality in Summit County. Due to extensive availability of low cost and convenient commercial car washing facilities, most vehicle washing is done in such facilities. Any resources committed to regulating such minimal impacts would divert resources from more significant impacts.

Page 10-11 of 43: 3.i. *“Decision process. You shall document your decision process for a storm water illicit discharge and detection and elimination program. Your rationale statement shall address both your overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:*

- i. How you will develop a comprehensive storm sewer map. Describe the sources of information you will use for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, describe how this map will be regularly updated.*
- ii. The mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the small MS4 and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.*
- iii. Your program to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your program shall include dry weather field screening for non-storm water flows. Ohio EPA recommends using field tests of selected chemical parameters as indicators of discharge sources. You shall describe the mechanisms and strategies you will implement to ensure outfalls which have previously been dry-weather screened will not have future illicit connections. Your program shall also address on-site sewage disposal systems (including failing on-lot HSTs and off-lot discharging HSTs) that flow into your storm drainage system. Your description shall address the following at a minimum:*
 - 1. Procedures for locating priority areas which include areas of higher likelihood of illicit discharges (e.g., areas with older sanitary sewers, for example) or ambient sampling to locate impacted reaches.*
 - 2. Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.*
 - 3. Procedures for removing the source of the illicit discharge; and*
 - 4. Procedures for program evaluation and assessment.*

- iv. Your program to ensure through appropriate enforcement procedures and actions that your illicit discharge (or other regulatory mechanism) is implemented to the extent allowable under State law;*
- v. How you intend to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description of how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.*
- vi. Who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for the program.*
- vii. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.*

Developing Comprehensive Sewer Map:

Due to multiple inconsistent formats of MS4 mapping completed in 2005 detracting from expediency in tracing dry-weather flows for determination of illicit discharges, the COS Surface Water Management District (SWMD), managed and operated by the Summit County Engineer (SCE), is implementing a new mapping program to place all MS4 mapping in a consistent COS Geographic Information System (GIS).

Beginning with review of available mapping previously completed; evaluate compatibility of existing mapping data with GIS; incorporate any usable data directly into GIS and select key points to be field verified; for existing paper maps, evaluate for any coordinates that are useful for incorporating into GIS; use for guidance for field survey of information shown on maps that cannot be inserted directly into GIS; Search files for data field collected circa 2004-2005 via GPS data collectors; Supplement as appropriate with scanned survey documents of subdivision improvement plans; Coordinate with ODOT for plans showing MS4 in ODOT right of way; Field reconnaissance will be performed for verification of mapping and exploring areas where information appears to be lacking. After existing mapping is captured into the GIS, relevant surface water features that have been added after 2005 will be incorporated into the GIS from plans showing completed new work as built according to field measurements.

Mechanism to Prohibit Illicit Discharges to the MS4

COS has enacted as part of its codified ordinances, Chapter 944. Illicit Discharge Detection and Elimination Program. This mechanism was selected because incorporation into codified ordinances is the most effective way to prohibit illicit discharges.

Program to detect and address Illicit Discharges

Steps 2A through 2E describe procedure for tracing dry weather flows to identify and address flows containing illicit discharges.

Public education program described for MCM #1 will include encouraging reporting of suspected dumping or spills for SWMD investigation.

Procedures for locating priority areas:

During the first year, SWMD will review past dry weather screening to select priorities for additional dry weather screening, including locations where previous illicit discharges have been removed, and any locations not previously screened; the small portions of the MS4 area with older sanitary sewers. SWMD will also randomly select 10% of outfalls that have not shown any dry weather flow for screening. Each subsequent year, SWMD will review results of previous year to establish new priorities.

Procedures for tracing the source of an illicit discharge:

Steps 2A through 2E describe the procedures and specific techniques.

Procedures for removing the source of the illicit discharge:

Chapter 944 provides procedures for removing the source of an illicit discharge, including access to all sites for the County Engineer to enforce removing the illicit discharge.

Procedures for program evaluation and assessment:

Annually review the results of steps 2A through 2E and adjusting priorities provides evaluation and assessment. This includes noting any illicit sources identified and eliminated and verification of observed allowable sources such as spring and other ground water and discharging HSTs operating as designed and intended.

If any illicit sources are identified but not eliminated, evaluation and assessment documents reasons and schedule for re-evaluation and/or elimination.

Program to ensure through appropriate enforcement procedures and actions that illicit discharges are eliminated:

Steps 2A through 2E and Chapter 944 enforcement procedures and actions. Periodic targeted and random additional screening confirms completion of enforcement.

Informing public employees, businesses, and the general public of hazards associated with illegal discharges improper disposal of waste:

Messages about hazards associated with illegal discharges and improper disposal of wastes are incorporated into MCM #1 Public Education and Outreach, MCM #2 Public Involvement and Participation and Employee Training portion of MCM #6, Pollution Prevention/Good Housekeeping.

Who is responsible for overall management and implementation of storm water illicit discharge detection and elimination program:

SWMD

Evaluating success and selecting measurable goals:

Mapping update: Based on estimated effort for 5-year program, a goal is set for 20% per year.

Reviewing past screening, testing and tracing to determine extent of detecting and eliminating illicit discharges, and set new goal. If any identified illicit discharges have not been eliminated, new goal will be to explore and evaluate schedule for removal.

Page 11-12 of 43: 3.j. *“Performance Standards. Your storm water illicit discharge detection and elimination program, at a minimum, shall include:*

- i. If you are renewing coverage under OHQ000004, your illicit discharge detection and elimination program shall have already included an initial dry-weather screening of all your storm water outfalls. If you are obtaining initial coverage under OHQ000004, your storm water illicit discharge and elimination program shall include an initial dry-weather screening of all your storm water outfalls within five years of obtaining initial coverage. For reference, see definition of “Outfall from an MS4” in part VI of this permit.*
- ii. Your program shall establish priorities and specific goals for long-term system-wide surveillance of your small MS4, as well as for specific investigations of outfalls and their tributary area where previous surveillance demonstrates a high likelihood of illicit discharges.*
- iii. Data collected each year shall be evaluated and priorities and goals shall be revised annually based on this evaluation.*
- iv. Your comprehensive storm sewer system map shall be updated annually.*
- v. You shall notify Ohio EPA if any of the following illicit discharges are detected discharging to your small MS4:*
 - Illicit sanitary cross connections from industrial, commercial or multi-family sources; and*
 - Leaking or broken sanitary sewer lines that are actively contributing sewage to your small MS4*

Notification shall include the location, general description, date, and approximate time the illicit discharge was discovered. Such notification shall be made to the appropriate Ohio EPA district office within twenty-four (24) hours of discovery of the source.:

Northeast District Office: nedo24hournpdes@epa.ohio.gov

- vi. TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:*
 - Nutrients (includes Phosphorus, Nitrogen and Ammonia)*
 - E. coli*
 - Bacteria, or*
 - Dissolved Oxygen and Organic Enrichment*

Your illicit discharge detection and elimination program shall include the following performance standard:

- 1. Include an annual employee training which includes illicit discharge detection and elimination topic(s).*
- vii. Your annual report shall document the following:*
 - a. Total number of MS4 outfalls;*
 - b. Number of outfalls that had dry-weather screening;*
 - c. Number of outfalls where dry-weather flows were identified;*

- d. Number of outfalls where illicit discharges were identified via dry-weather screening or other methods;*
- e. Number of outfalls where illicit discharges were eliminated;*
- f. Number of illicit discharges identified through other methods and the number eliminated;*
- g. A list of all illicit discharges that been identified but have yet to be eliminated, including details on the location, an estimate of volume (gpd), the source and the type (continuous/ intermittent/one-time), the types of pollutants believed to be present, the receiving surface water and an estimated schedule for elimination;*
- h. A summary of any storm sewer system mapping updates; and*
- i. If applicable, summary of activities taken to satisfy your illicit discharge detection and elimination program TMDL performance standard.”*

Long-term system-wide surveillance

Steps 2A through 2E describe procedure for tracing dry weather flows to identify and address flows containing illicit discharges, plus periodic random repeated screening to ensure illicit discharges have been eliminated.

Annual data evaluation

Perform annual review of the results of steps 2A through 2E and Chapter 944 enforcement procedures and actions and periodic random additional screening.

Map updated annually

SWMD will annually add new sites from subdivisions and commercial development. If any existing MS4 is newly discovered that was previously unknown, it will also be mapped.

Ohio EPA notification of any cross connections and broken or leaking sanitary sewers

Chapter 944 Section 944.13 (c) provides for Ohio EPA notification of any cross connections and broken or leaking sanitary sewers

TMDL Performance Standard: Annual Employee Training Performance Standard

SWMD will resume four (4) annual facilities training sessions. SWMD will resume seeking presentation info from Ohio EPA for use in facilities training sessions.

Annual Report

SWMD will arrange for all data for total number of MS4 outfalls, number of outfalls that had dry-weather screening, number of outfalls where dry-weather flows were identified, number of outfalls where illicit discharges were identified, number of illicit discharges eliminated, list and details of any illicit discharges identified but not eliminated and schedule for further action, summary of mapping updates and actions taken for TMDL performance standard to be provided and entered into the Annual Report.

References from NPDES Permit No.: OHQ000004

Page 12-13 of 43: 4.a. *"You shall develop, implement and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in storm water discharges from construction activity disturbing less than one acre shall be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If Ohio EPA waives requirements for storm water discharges associated with small construction from a specific site(s), you are not required to enforce your program to reduce pollutant discharges from such site(s). Your program shall include the development and implementation of, at a minimum:*

- i. An ordinance or other regulatory mechanism to require erosion and sediment controls and non-sediment pollutant controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law;*
- ii. Requirements for construction site operators to implement appropriate erosion and sediment controls;*
- iii. Requirements for construction site operators to control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause potential water quality impacts;*
- iv. Procedures for storm water pollution prevention plan review which incorporate consideration of potential water quality impacts;*
- v. Procedures for receipt and consideration of information submitted by the public, and*
- vi. Procedures for the inspection and enforcement of control measures.*

Page 13 of 43: 4.b. *Decision process. You shall document your decision process for the development of a construction site storm water control program. Your rationale statement shall address both your overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:*

- i. The mechanism (ordinance or other regulatory mechanism) you will use to require erosion and sediment controls, and non-sediment pollution controls, at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your SWMP.*

Summit County has already adopted the codified ordinance Chapter 941- Erosion and Sediment Control and Post Construction Storm Water Quality. Success of this program will be measured by the County meeting the requirements outlined in Chapter 941, the MS4 permit and this document. The MS4 permit has specific schedules and timeframes that are required to be met. SWMD will meet with the other responsible parties annually to review the MS4 permit and the SWMP during the completion of the annual report.

- ii. Your requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes, but is not limited to discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste;*

The codified ordinance Chapter 941 prohibits the discharge of waste and requires a plan to be consistent with the local ordinance, the requirements of the most recent Ohio EPA NPDES General Construction Permit and the Rainwater Land Development manual. The ordinance requires a Stormwater Pollution Prevention Plan (SWP3) to be submitted to Summit Soil and Water Conservation District (SSWCD) to review and approve.

- iii. Your procedures for pre-construction storm water pollution prevention plan (SWP3) review which incorporate consideration of potential water quality impacts;*

The County has procedures as defined in the codified ordinance Chapter 941. The ordinance requires all operators of public or private construction activities to select, install, implement, and maintain stormwater control measures that comply with at a minimum, the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities, the Rainwater Land Development manual, and the codified Chapter 941. All public and private construction sites that disturb one acre or greater or are part of a larger common plan of development or for sale shall meet the requirements in the codified ordinance chapter 941. All operators are required to submit SWP3 plans for projects that meet the requirements, revise as necessary to receive approval, and post required performance bond prior to starting construction.

- iv. Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program.*

The County will establish a stormwater committee as described in Section II of this SWMP for MCM #2, Public Involvement/Participation. This committee will encourage the participation of the public by either being on the committee or participating in the meetings as members of the public.

SSWCD shall continue to track complaints and information submitted by the public. SSWCD tracks complaints received through a database with pertinent information such as, date received, date resolved and notes/comments. SSWCD staff will investigate all complaints received within 3 business days. COS and its co-permittees are well-versed about this procedure and they direct construction site runoff complaints to the SSWCD.

SSWCD develops and distributes educational materials to construction site operators and will host at least one workshop for the development community per permit term.

- v. Your procedures for site inspection and enforcement of control measures, including how you prioritize sites for inspection;*

The County will follow enforcement procedures outlined in ORC 307.79 and the codified ordinance Chapter 941. The incorporated areas who will participate in the SWMD, shall enact legislation granting enforcement authorization to the SWMD or designated party assigned by the County. All Co-permittees' enforcement escalation plans shall at a minimum meet the procedure detailed in ORC 307.79.

The County will continue to implement procedures for inspecting public and private construction projects at a minimum of once per month. The inspection frequency may occur more frequently due to non-compliance, mass grading and/or complaints received from the public. The County shall adequately inspect all phases of construction. The County shall inspect all projects to ensure that all graded areas have reached final stabilization and that all temporary control measures are removed. The County is the responsible party, but they have authorized Summit Soil and Water Conservation District (SSWCD) the administrator of Codified Ordinance Chapter 941.

vi. Your program to ensure compliance with your erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms you will use to ensure compliance. Include a written enforcement escalation plan describing your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties (such as a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance;

The County has adopted a regulatory mechanism and SSWCD is the administrator of the Summit Codified Ordinance Chapter 941. The County follows the sanctions and enforcement as outlined in the codified ordinance chapter 941.13 and the ORC 307.79. If, after a period of not less than thirty (30) days has elapsed following the issuance of the notice of violation, the violation continues, the SSWCD shall issue a second notice of violation. If, after a period of not less than fifteen (15) days has elapsed following the issuance of the second notice of violation, the violation continues, the SSWCD shall issue a stop work order after first obtaining the written approval of the Summit County Prosecutor if, in the opinion of the Prosecutor, the violation is egregious.

There are sanctions available for use against a site in violation as outlined in Chapter 941.13 (bonds, denying plat approval, suspension of occupancy permits). These sanctions can be used in coordination with the enforcement mechanisms outlined above.

vii. Who is responsible for overall management and implementation of your construction site storm water runoff control program and, if different, who is responsible for each of the BMPs identified for this program; and

Proposed revisions to Codified Ordinance Chapter 942 will provide financial resources and fill any gaps in authorities to meet NPDES requirements under the umbrella of the Summit County Surface Water Management District (SWMD). SWMD will not replace but coordinate with responsibilities of agencies such as Summit Soil and Water Conservation District (SSWCD) roles defined by Chapter 941. When revisions to Chapter 942 are approved by County of Summit Council, Surface Water Management Coordinator will be overall responsible party. Both currently and after enactment of

Chapter 942, all MCM #4 is delegated to SSWCD to enforce or carry out the provisions of Chapter 941 for which the responsible party is the District Program Administrator

viii. Describe how you will evaluate the success of this minimum control measure, including how you selected the measurable goals for each of the BMPs.

Success of this program will be measured by COS and its co-permittees meeting the requirements outlined in the MS4 permit and this document. The MS4 permit has specific schedules and timeframes that are required to be met. SSWCD will meet with the other responsible parties annually to review the MS4 permit and the SWMP during the completion of the annual report.

Page 13-15 of 43: 4.c. Performance Standards. *Your construction site storm water control program, at a minimum, shall include:*

- i. Your ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities (OHC000005) applicable to your permit area. If you had coverage under the previous version of this permit (OHQ000003), you shall revise your ordinance or other regulatory mechanism, if needed, within one (1) year of the effective date of this permit.*
- ii. A pre-construction (SWP3) review and approval of all projects from construction activities that result in a land disturbance of greater than or equal to one acre and from construction activities which are part of a larger common plan of development or sale that will disturb one acre or more. An objective tool such as software or checklist shall be used to document each SWP3 review. Documentation of any communications regarding review and plan revisions and any notification to obtain NPDES permit coverage shall be maintained.*
- iii. To ensure compliance, all applicable sites shall have an initial inspection. Follow-up inspections shall be on a monthly basis (at least every 31 calendar days). An objective tool such as software or checklist shall be used to document each site inspection to ensure all conditions of OHC000005 are addressed. These inspections are to be conducted by the MS4 or their contracted representative. They are in addition to the self-inspections required of construction site operators under OHC000005.*
- iv. TMDL Performance Standard (see Appendix A). If you small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:*
 - Total Suspended Solids (includes Sediment and Siltation); or*
 - Nutrients (includes Phosphorus, Nitrogen and Ammonia)*

Your construction site storm water program shall include the following performance standard:

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

1. *Construction activities have started at the site with no SWP3 reviewed and approved by the MS4;*
2. *Failure to install sediment basin(s) when the SWP3 and/or site drainage clearly indicate as a first step (within 7 days prior to grading and within 7 days of grubbing);*
3. *Construction activities taking place with no sediment/erosion controls; or*
4. *Dewatering activities resulting in turbid discharges.*

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

- v. *Your annual report shall document the following:*
 - a. *Number and list of applicable sites in your jurisdiction for the reporting year;*
 - b. *Number of pre-construction SWP3s reviewed and number approved;*
 - c. *Number and average frequency of the inspections;*
 - d. *Number of violation letters/reports/notices issued;*
 - e. *Number of enforcement actions taken; and*
 - f. *Number of complaints (external and internal) received and number addressed.*

Summit County has already adopted the codified ordinance Chapter 941 which includes latest version of all reference documents and Summit County procedures currently, and will continue to meet all requirements, including Performance Standards.

References from NPDES Permit No.: OHQ000004

Page 15 of 43: 5.a. *“You shall develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan development or sale, that discharge into your small MS4. Your program shall ensure that controls are in place that will prevent or minimize potential water quality impacts;”*

Page 15 of 43: 5.b. *“You shall develop and implement strategies which include a combination of structural and/or non-structural post-construction runoff controls appropriate for your community.”*

Page 15 of 43: 5.c. *“You shall use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and”*

Page 15 of 43: 5.d. *“You shall ensure adequate long-term operation and maintenance of post-construction runoff controls, including provisions for when property changes ownership.”*

Page 15-16 of 43: 5.e. *“Decision process. You shall document your decision process for the development of a post-construction storm water management program. Your rationale statement shall address your overall post-construction storm water management program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:*

i. Your program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for the program.

The County of Summit previously adopted Summit County Codified Ordinance Chapter 943 which provides the process and procedure for regulated construction activities. The County of Summit and its co-permittees will promote Ohio Rainwater Land Development Handbook Table 4B practices and nonstructural practices when appropriate when communicating with SWP3 designers.

ii. How your program will be specifically tailored for your local community, minimize potential water quality impacts, and attempt to maintain pre-development runoff conditions.

The County of Summit and its co-permittees and their designated parties review water quality and the stormwater management. All regulated projects are required to meet the technical requirements set forth in OHC00005 and subsequent updates. Additionally, the County of Summit has adopted riparian

setback ordinance (Summit County Codified Ordinance Chapter 937) that promote non-structural practices. A combination of structural and non-structural practices will minimize water quality impacts and assist with maintaining pre-development run-off conditions for new and redevelopment sites.

iii. Any non-structural post-construction runoff controls in your program, including, as appropriate: green infrastructure storm water management techniques, policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; education programs for developers and the public about project designs that minimize potential water quality impacts, ; and other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of good housekeeping, preventative maintenance and spill prevention.

The County of Summit and its co-permittees and their designated parties adopted, implemented, or endorsed subdivision regulations, codified ordinances, stormwater drainage manuals, check list, spreadsheets, balance growth plans, and NPS-IS plans which all promote non-structural practices, techniques, policies, requirements, and standards. The permittee and their designated parties will coordinate with stakeholders to utilize funding sources such as, Clean Ohio Funds to acquire parcels for open space, conservation, preservation, or restoration. SSWCD develops and distributes educational materials to construction site operators, SWP3 designers and they will host at least one workshop for the development community related to structural and non-structural practice during this permit term. Additionally, SSWCD provides workshops and distributes resources to the public related to stormwater management and source control to reduce water quality impacts and pre-development run-off conditions

iv. Any structural post-construction runoff controls in your program, including, as appropriate, green infrastructure, storm water management techniques, storage practices such as wet ponds and extended-detention outlet structures, filtration practices such as grassed swales, bioretention cells, sand filters and filter strips, and infiltration practices such as infiltration basins and infiltration trenches.

The County of Summit and its co-permittees allow for all these listed practices to be installed or implemented. The Summit County Stormwater Drainage Manual (revised January 1, 2020) listed infiltration systems as a preferred system which was previously listed under optional system to encourage green infrastructure or volume reduction practices. The SSWCD as the water quality reviewer refers to

the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities and the Ohio Rainwater Land Development Handbook. The County Engineer's office reviews the stormwater management, long-term maintenance agreements and water quality to ensure the proposed practices meet the criteria outlined in the Summit County Stormwater Drainage Manual. We promote Table 4B practices through education, reviews and by limiting the water quality orifice size on extended detention basins to a minimum of 2 inches or greater, which encourages the design engineer to select other practices that are not a typical basin.

v. The mechanisms (ordinance or other regulatory mechanisms) you will use to address post-construction runoff from new developments and redevelopments and why you chose the mechanism(s). If you need to develop a mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.

The County of Summit has previously adopted an ordinance to address post-construction runoff from new development and redevelopment. A copy of Summit County Codified Ordinance Chapter 943 can be found in Appendix O of this plan.

vi. How you will ensure the long-term operation and maintenance (O&M) of any implemented or installed post construction runoff controls. Options to help ensure that future O&M responsibilities are clearly identified and enforceable include an agreement between you and another entity such as post-construction landowners or regional authorities.

The County of Summit and its co-permittees have two separate processes for post-construction runoff controls depending on the type of development. The first process is for residential subdivisions. This process requires developers to agree to have permanent assessments placed on each lot, as a special assessment on the property taxes, which provides funds for the County Engineer's office to inspect and provide necessary maintenance.

The second process is for all other development. Prior to beginning construction, the operator of a construction site is required to submit a legally binding document, known as the long-term maintenance agreement to the Summit County Engineer's office. The agreement requires that an operator or owner perform the scheduled inspections and maintenance to ensure the post-construction control(s) are functioning for perpetuity. This agreement provides the permittee's representative to access the post-construction runoff control(s) to inspect or perform required maintenance if neglected. Owner or operator is required to submit reports of inspection and maintenance annually to the Summit County Engineer.

vii. Who is responsible for overall management and implementation of your post-construction storm water management program and, if different, who is responsible for each of the BMPs identified for this program.

When the County of Summit Council enacts proposed revisions of Summit County Codified Ordinances Chapter 942, the Surface Water Management Coordinator will have overall authority to enforce all provisions. Codified Ordinance Chapter 941 provides for SSWCD District Program Administrator to conduct reviews and to oversee until completion of construction. Surface Water Management Coordinator manages Operation and Maintenance of water quality protection facilities of residential subdivisions. MS4 Program Administrator monitors compliance with requirements of long-term maintenance agreements.

viii. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

Success of this program will be measured by the County of Summit and its co-permittees meeting the requirements outlined in the MS4 permit and this document. Through implementing the codified ordinances, conducting reviews, maintaining a post-construction runoff control inventory, receiving, and implementing the Long-Term Maintenance Agreements and conducting inspections on post-construction runoff controls will allow the County of Summit and its co-permittees and its responsible parties to evaluate the program.

Page 16-17 of 43: 5.f. Performance Standards. *Your post-construction storm water management program, at a minimum, shall include:*

- i. Your ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the technical requirements set forth in OHC000005 applicable to your permit area. It shall require notification and approval of modifications to post-construction storm water runoff controls that occur after your initial SWP3 approvals. If you had coverage under the previous version of this permit (OHQ000003), you shall revise your ordinance or other regulatory mechanism, if needed, within one (1) year of the effective date of this permit.*
- ii. A pre-construction SWP3 review and approval of all projects from construction activities that result in a land disturbance of greater than or equal to one acre, and from construction activities which are part of a larger common plan of development or sale that will disturb one acre or more, to ensure that required post-construction controls are designed per requirements. An objective tool such as software or checklist shall be used to document each SWP3 review. Documentation of any communications regarding review and plan revisions shall be maintained.*
- iii. These applicable sites shall be inspected to ensure that controls are installed per requirements. An objective tool such as software or checklist shall be used to document each site inspection to ensure all conditions of OHC000005 are addressed.*

- iv. *Your program shall also ensure that long-term O&M plans are developed and agreements are in place for all applicable sites, including after changes of ownership. Your operation and maintenance program shall ensure that private and public post-construction runoff controls are being maintained per existing long-term O&M plans, agreements and local ordinances or other regulatory mechanisms. You shall maintain a copy of the long-term O&M plans and agreements provided during construction and document long-term O&M inspections Your program shall include, at a minimum, one on-site inspection by you or a third party of each post-construction runoff control during this permit term.*
- v. *TMDL Performance Standard. (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:*
- *Total Suspended Solids (includes Sediment and Siltation), or*
 - *Nutrients (includes Phosphorus, Nitrogen and Ammonia)*
- Your post-construction storm water management program shall provide:*
- a. *In addition to Parts III.B.1.c and III.B.2.c, an educational opportunity to contractors, SWP3 designers and/or employees on OHC000005 Table 4b practices and/or other green infrastructure practices during the permit term. In addition, your program shall include, at a minimum, one of the following performance standards during the permit term:*
 - b. *Retrofit one (1) existing storm water practice that solely provides a peak discharge function to meet the performance standard for an extended detention post-construction practice in accordance with OHC000005 Table 4a or 4b. or*
 - c. *Perform restoration of at least three hundred linear feet of channelized stream where natural channel stability and floodplain restoration will reduce stream erosion, or*
 - d. *Update your ordinance or other regulatory mechanism to require OHC000005 Table 4b practices and/or other green infrastructure practices, where feasible, or*
 - e. *Install one (1) or more OHC000005 Table 4b practice to treat a minimum of 1 acre of existing impervious area developed prior to 2003.*
- These TMDL performance standards may be implemented outside your jurisdictional boundary but shall be implemented within the identified TMDL Project watershed in Appendix A.*

The Surface Water Management District is meeting this by updating our Stormwater Drainage Manual to require OHC000005 Table 4b practices

- vi. *Your annual report shall document the following:*
- a. *Number of applicable sites in your jurisdiction requiring post-construction controls for the reporting year;*
 - b. *Number of pre-construction SWP3 reviews and approvals for post-construction runoff controls;*
 - c. *Number of inspections verifying that post-construction controls were built per requirements;*

- d. Number of enforcement actions taken for failure to adequately install post-construction runoff controls and the number of enforcement actions taken for failure to maintain;*
- e. Number of long-term O&M plans developed and agreements in place for post-construction runoff controls;*
- f. Number of long-term O&M inspections performed on post-construction controls (number performed by MS4 and number performed privately); and*
- g. If applicable, summary of activities taken to satisfy your post-construction storm water management program TMDL performance standard.*

All annual report data will be collated and submitted by the MS4 Program Administrator

References from NPDES Permit No.: OHQ000004

Page 17-18 of 43: 6. a. *“You shall develop and implement an O&M program that includes a training component and has the ultimate goal of preventing of reducing pollutant runoff from municipal operations;”*

Page 18 of 43: 6. b. *“Using training materials available from Ohio EPA or other organizations, your program shall include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance; and*

Summit County Engineer office and Surface Water Management District (SWMD) will explore options for the best ways to provide adequate training.

Page 18 of 43: 6. c. *“You shall include a list of industrial facilities that you own or operate that are subject to Ohio EPA’s NPDES Industrial Storm Water General Permit (OHR000006) or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your small MS4. Include the Ohio permit number or a copy of the Ohio permit number of a copy of the industrial NOI for each facility. For your municipal facilities that conduct activities described in 40 CFR 122.26(b)(14) that are not required to obtain Industrial Storm Water General Permit coverage, including vehicle maintenance facilities, bus terminals, composting facilities, impoundment lots, and waste transfer stations, a Storm Water Pollution Prevention Plan (SWP3) shall be developed and implemented in accordance with the SWP3 requirements of OHR000006.”*

The County of Summit and its co-permittees to not own or operate such facilities.

NPDES information for facilities that may be discharging to COS and co-permittees MS4 are included in Appendix N.

Page 18-19 of 43: 6. d. *“Decision process. You shall document your decision process for the development of a pollution prevention/good housekeeping program for municipal operations. Your rationale statement shall address both your overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:*

- i. Your operation and maintenance program to prevent or reduce pollutant runoff from your municipal operations. Your program shall specifically list the municipal operations that are impacted by this O&M program.*

Municipal operations impacted by this O&M program are listed in Appendix M.

- ii. Any government employee training program you will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm*

water system maintenance. Describe any existing available materials you will use. Describe how this program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.

Summit County Engineer office and Surface Water Management District (SWMD) will explore options for the best ways to provide adequate training.

iii. Your program description shall specifically address the following areas:

1. Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your small MS4.

For MS4 in county highway right of way and water quality features of residential subdivisions:

- Street sweeping in the fall and spring.
- Fall leaf pick up gets a good amount of trash as well.
- Basin cleaning in the summer and as needed throughout the year.
- Ditch and culvert cleaning on a road-by-road basis to ensure proper road drainage.
- Debris pick up on roadway and ROW throughout the year.
- Trash pickup on trouble spots prior to first spring mow and as needed thereafter.
- Dead animal pick up on roadways and ROW throughout the year.
- Detention and Retention pond trash pick up as needed depending on location. Worst locations are Montrose Development (Red lobster) and Montrose West, both are cleaned in the spring and as needed throughout the year.

After County of Summit enacts proposed revisions to Codified Ordinance Chapter 942, SWMD will provide periodic compliance review of co-permittee procedures

2. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand handling and storage locations and snow disposal areas you operate. A description of the materials used for roadway and municipal parking lot winterization (use of salt, sand, bottom ash, etc. or combination thereof), associated application rates, and the rationale for the selected application rates shall be included. Also identify controls or practices to be used for reducing or eliminating discharges of pollutants resulting from roadway and municipal parking lot winterization activities.

For County highway right of way, snow and ice control operations are managed according to the anticipated and occurring weather conditions using a combination of pretreating with liquid brine, plowing, and applying granular salt. When weather conditions allow, the road surface is pretreated with brine to prevent ice from bonding to the pavement. Brine pretreatment reduces the amount of granular salt necessary to

keep the road safe. Accumulating snow is then plowed from the pavement surface and a calibrated amount of salt is applied. The salt that is applied is prewetted (in the hopper and at the spinner) with a liquid brine to speed the melting process and reduce bounce and scatter as it hits the pavement surface. Prewetting salt with a liquid brine solution also activates the melting process of granular salt making it effective 3-5 times faster than dry granular salt and reducing the likelihood of granular salt being plowed off before it serves its purpose. During sustained snow events plowing is the main activity, and the application of salt is limited to lower application rates and strategic placement on hills, curves, and intersections to prevent the overuse of salt while still keeping the road safe and passable for the road users. Upon the completion of a snow event, all remaining snow is plowed off the road and granular salt is applied only as needed to prevent refreeze.

After County of Summit enacts proposed revisions to Codified Ordinance Chapter 942, SWMD will provide periodic compliance review of co-permittee procedures for optimum safety winterization activities

3. Procedures for the proper management and disposal of waste removed from your small MS4 and your municipal operations, including dredge spoil, accumulated sediments, floatables, street sweepings/catch basin cleanings and other debris.

For MS4 in county highway right of way and water quality features of residential subdivisions:

- All sweepings and catch basin cleanings are collected, stored covered, tested by outside laboratory, and disposed of in accordance with test results.
- Dredge and ditch spoils are taken to our yard until and/or dumpsite once any trash is removed.
- Other trash or large debris is brought to our yard and disposed of in waste management dumpsters, construction debris dumpster, or scrap metal dumpster and then properly emptied by dumpster owner for a fee.

After County of Summit enacts proposed revisions to Codified Ordinance Chapter 942, SWMD will provide periodic compliance review of co-permittee procedures

4. Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

Retention and detention basins in new developments comply with the Ohio Rainwater and Land Development Manual. Projects to reduce existing flooding conditions use natural stream or wetland restoration techniques that naturally protect water quality

5. Who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.

After County of Summit enacts proposed revisions to Codified Ordinance Chapter 942, Surface Water Management Coordinator will be responsible for overall program; Summit County Engineer Director of Public Service is responsible for Summit County Engineer maintenance facilities; MS4 Program Administrator will oversee periodic review of other co-permittee facilities.

6. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.”

Success of this program will be measured by the County of Summit and its co-permittees meeting the requirements outlined in the MS4 permit and this document. Through maintaining the existing pollution prevention/good housekeeping program for Summit County Engineer operated and maintained facilities and assisting co-permittees in implementing and maintaining a similar pollution prevention/good housekeeping program will allow the County of Summit and its co-permittees and its responsible parties to evaluate the program.

Page 19-21 of 43: 6. e. *“Performance Standards. Your pollution prevention/good housekeeping program, at a minimum, shall include:*

i. An annual employee training

Summit County Engineer office and Surface Water Management District (SWMD) will explore options for the best ways to provide adequate training.

ii. Your O&M program shall include appropriate documented procedures, controls, maintenance schedules, and recordkeeping to address Part III.B.6.d.iii of this permit.

Appropriate documented procedures, controls, maintenance schedules, and recordkeeping will be maintained.

iii. Your salt piles shall be covered with no run-on and subsequent run-off of salt. All tanks of brine or other liquid road treatments shall have secondary containment or alternatively bollard or barrier protection. This performance standard shall be completed no later than two (2) years after the effective date of this permit for small MS4s renewing coverage under this permit.

Summit County Engineer salt storage is currently covered and protected from surface water flow. Current brine storage is provided with both secondary containment and bollards.

After County of Summit enacts proposed revisions to Codified Ordinance Chapter 942, SWMD will review co-permittee facilities for compliance.

- iv. For areas of soil disturbance associated with ditch/MS4 maintenance caused by the small MS4, soil stabilization shall, at a minimum, be initiated in accordance with the time frames specified in the following table:

Ditch/MS4 Maintenance Areas	Time Frames to Initiate Soil Stabilization
Not within 50 feet of a surface water of the State	Within 7 days of reaching final grade or within the first 7 days if a disturbed area will remain inactive for over 14 days
Within 50 feet of a surface water of the State	Within 2 days of reaching final grade or within the first 2 days if a disturbed area will remain inactive for over 14 days

Implementation of this performance standard shall commence no later than two (2) years after the effective date of this permit for small MS4s renewing coverage under this permit.

Summit County Engineer maintenance will implement this performance standard.

After County of Summit enacts proposed revisions to Codified Ordinance Chapter 942, SWMD will review co-permittee procedures for compliance.

- v. For ODOT and OTIC, these two non-traditional small MS4s shall develop and implement a roadside litter collection program and document the amount of trash collected and properly disposed. Such documentation shall be included within annual report.
- vi. TMDL Performance Standard. (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:
- Total Suspended Solids (includes Sediment and Siltation);
 - Nutrients (includes Phosphorus, Nitrogen and Ammonia);
 - E. coli
 - Bacteria,
 - Metals, or
 - Dissolved Oxygen and Organic Enrichment

Your pollution prevention/good housekeeping program shall include, at a minimum, one of the following performance standards. Implementation of this permit requirement shall commence no later than two (2) years after the effective date of this permit for small MS4s renewing coverage under this permit.

1. Develop and implement a street sweeping program with proper debris management and disposal. Your program shall document debris collected to prioritize areas to sweep

and/or document lane-miles swept. At a minimum, sweeping shall occur on curbed streets two times per year; or

2. Develop and implement a catch basin cleaning program with proper debris management and disposal. Your program shall document debris collected to prioritize areas to clean. At a minimum, each catch basin shall be scheduled to be cleaned once every five years, or

3. Develop and implement a leaf/yard waste collection program, or

4. For small MS4 facilities that do not require NPDES industrial storm water general permit coverage but require a SWP3 in accordance with Part III.B.6.c of this permit, conduct routine facility inspections for these facilities at least quarterly (i.e., once each calendar quarter). You shall document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWP3. At a minimum, your documentation of each routine facility inspection shall include:

- The inspection date and time;*
- The name(s) and signature(s) of the inspector(s);*
- Weather information and a description of any discharges occurring at the time of the inspection;*
- Any previously unidentified discharges of pollutants from the site;*
- Any control measures needing maintenance or repairs;*
- Any failed control measures that need replacement;*
- Any incidents of failure to implement your SWP3 observed;*
- Any additional control measures needed.*

Summit County Engineer program currently documents catch basin cleaning and other debris collected through MS4 maintenance and will continue.

After County of Summit enacts proposed revisions to Codified Ordinance Chapter 942, SWMD will review co-permittee procedures for compliance.

vii. Your annual report shall document the following:

a. Summary of employee training programs(s) implemented, listing topics, target pollutants and the number of employees that attended each training;

b. List of municipal facilities subject to your program with number of facilities inspected and the frequency of such inspections;

c. Document the amounts of wastes properly disposed from your small MS4 and your municipal operations, including disposal location;

d. Document whether your road salt storage is covered, tons of salt used, gallons of brine used (and concentration), lane miles treated and measures taken to minimize usage;

e. Document the gallons used of pesticides and herbicides and measures taken to minimize usage;

f. Document the pounds used of fertilizer and measures taken to minimize usage;

g. Document the amount of street sweeping and catch basin cleaning material collected and properly disposed, including disposal location;

- h. Summarize any new or existing flood management projects that were assessed for possible impacts on water quality, and*
- i. If applicable, summary of activities taken to satisfy your pollution prevention good housekeeping program TMDL performance standard.*

Summit County Engineer MS4 program will provide consolidated Annual Report data for all County of Summit and its Co-Permittees.

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Stark	Canton Township	Nimishillen Creek	E. coli
Stark	Hartville Village	Cuyahoga River (middle and upper)	TP
		Tuscarawas River	E. coli
Stark	Jackson Township	Nimishillen Creek	E. coli
Stark	Kent State University - Stark Campus	Nimishillen Creek	E. coli
Stark	Lake Township	Cuyahoga River (middle and upper)	TP
		Nimishillen Creek	E. coli
		Tuscarawas River	E. coli
Stark	Lawrence Township	Tuscarawas River	E. coli
Stark	Louisville City	Nimishillen Creek	E. coli
Stark	Massillon City	Tuscarawas River	E. coli, TP
Stark	Navarre Village	Tuscarawas River	E. coli, TP
Stark	Nimishillen Township	Nimishillen Creek	E. coli
Stark	North Canton City	Nimishillen Creek	E. coli
Stark	Perry Township	Nimishillen Creek	E. coli
		Tuscarawas River	E. coli, TP
Stark	Plain Township	Nimishillen Creek	E. coli
Stark	Stark County	Cuyahoga River (middle and upper)	TP
		Mahoning River (upper)	E. coli
		Nimishillen Creek	E. coli
		Tuscarawas River	E. coli, TP

Summit	Barberton City	Tuscarawas River	E. coli
Summit	Bath Township	Cuyahoga River (lower)	TP, E. coli
Summit	Boston Heights Village	Cuyahoga River (lower)	TP, E. coli
Summit	Boston Township	Cuyahoga River (lower)	TP, E. coli
Summit	Copley Township	Tuscarawas River	TP, E. coli
Summit	Cuyahoga Falls City	Cuyahoga River (lower)	TP, E. coli
Summit	Fairlawn City	Cuyahoga River (lower)	TP, E. coli
Summit	Hudson City	Cuyahoga River (lower)	TP, E. coli
Summit	Macedonia City	Cuyahoga River (lower)	TP, E. coli
Summit	Northfield Center Township	Cuyahoga River (lower)	TP, E. coli
Summit	Norton City	Tuscarawas River	E. coli
Summit	Reminderville Village	Cuyahoga River (lower)	TP, E. coli
Summit	Richfield Township	Cuyahoga River (lower)	TP, E. coli
Summit	Richfield Village	Cuyahoga River (lower)	TP, E. coli
Summit	Sagamore Hills Township	Cuyahoga River (lower)	TP, E. coli
Summit	Springfield Township	Tuscarawas River	E. coli
Summit	Stow City	Cuyahoga River (lower)	TP, E. coli

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Summit	Summit County	Cuyahoga River (lower)	TP, E. coli
		Nimishillen Creek	E. coli
		Tuscarawas River	TP, E. coli
Summit	Summit County Metro Parks (Cascade Valley North, Cascade Valley South, Deep Lock Quarry, F.A. Seiberling, Furnace Run, Goodyear Heights, Gorge, Hampton Hills, Liberty Park, Munroe Falls, O'Neil Woods, Sand Run, Wood Hollow)	Cuyahoga River (lower)	TP, E. coli
Summit	Summit County Metro Parks (Springfield Bog)	Cuyahoga River (lower)	TP
		Tuscarawas River	E. coli
Summit	Summit County Metro Parks (Silver Creek)	Tuscarawas River	E. coli
Summit	Twinsburg City	Cuyahoga River (lower)	TP, E. coli
Summit	Twinsburg Township	Cuyahoga River (lower)	TP, E. coli
Trumbull	Bazetta Township	Mahoning River (bacteria)	E. coli
Trumbull	Champion Township	Grand River (upper)	E. coli, Nitrogen
		Mahoning River (upper)	E. coli, TP
		Mahoning River (bacteria)	E. coli
Trumbull	Girard City	Mahoning River	E. coli
Trumbull	Howland Township	Mahoning River (bacteria)	E. coli
Trumbull	Hubbard Township	Mahoning River (bacteria)	E. coli
Trumbull	Liberty Township	Mahoning River (bacteria)	E. coli
Trumbull	McDonald Village	Mahoning River	E. coli
Trumbull	Newton Falls City	Mahoning River (upper)	TP
		Mahoning River	E. coli
Trumbull	Newton Township	Mahoning River (upper)	E. coli, TP
		Mahoning River (bacteria)	E. coli
Trumbull	Niles City	Mahoning River	E. coli
Trumbull	Trumbull County	Grand River (upper)	E. coli, Nitrogen
		Mahoning River (bacteria)	E. coli
		Mahoning River (upper)	E. coli, TP
Trumbull	Warren City	Mahoning River	E. coli
		Mahoning River (upper)	E. coli, TP
Trumbull	Warren Township	Mahoning River (upper)	E. coli, TP
		Mahoning River (bacteria)	E. coli
Trumbull	Weathersfield Township	Mahoning River (bacteria)	E. coli

County of Summit and Co-Permittees
Appendix M
List of Municipal Facilities

Bath administration and safety building
Bath Ira Road maintenance
Bath community park
Boston Heights service department
Boston Heights town hall/fire department
Boston Heights police department
Clinton service department
Clinton village hall
Copley town hall
Copley fire stations #1 & #2
Copley old fire station (vacant)
Copley service department
Copley police department
Copley storage yard
Copley community park
Coventry township buildings
Lakemore sewer pump house
Lakemore well houses
Lakemore offices
Lakemore municipal and fire department building
Lakemore vacant police building
Lakemore park office
Northfield Center Township service department
Reminderville service department
Reminderville city hall and recreation department
Reminderville fire department
Sagamore Hills Township hall complex
Sagamore Hills Township park
Springfield Township salt storage yard
Springfield Township service garage
Summit County Engineer south station (within Akron, flows to combined sewer system)
Twinsburg Township service center

COUNTY OF SUMMIT AND CO-PERMITTEES
 APPENDIX N - INDUSTRIAL NPDES PERMITS

COUNTY OF SUMMIT AND CO-PERMITTEES
 APPENDIX N - INDUSTRIAL NPDES PERMITS

County	Ohio EPA Permit No.	USEPA Permit No.	Facility Name	Effective Date	Expiration Date	Permit Type Description	LAT	LON	Permit Status	x	y	Township-Village
Summit	3GR00856*FG	OHGR02161	American Ultra Specialties Inc	5/31/2018	5/30/2022	General Permit	41.2669444	-81.5	ACTIVE	-9072538	5051796	BHV
Summit	3GR01104*FG	OHGR02655	Earth'n Wood Products Inc	7/31/2018	5/30/2022	General Permit	41.2133333	-81.489722	ACTIVE	-9071394	5043859	BST
Summit	3GR01342*FG	OHGR00517	Pro Tree & Landscape Co	11/30/2019	5/30/2022	General Permit	41.2116667	-81.491389	ACTIVE	-9071580	5043613	BST
Summit	3GR00434*FG	OHGR01575	Akron Dispersions Inc	8/31/2017	5/30/2022	General Permit	41.1047222	-81.635556	ACTIVE	-9087628	5027800	COP
Summit	3GR01080*CG	OHGR01503	DuPont Copley Site	6/30/2017	5/30/2022	General Permit	41.1002778	-81.653056	ACTIVE	-9089577	5027144	COP
Summit	3GR01383*EG	OHGR02174	YRC Inc	5/31/2018	5/30/2022	General Permit	41.1033333	-81.650278	ACTIVE	-9089267	5027595	COP
Summit	3GR01720*FG	OHGR00793	Allied Corporation Plant #79	6/30/2018	5/30/2022	General Permit	41.1044444	-81.638056	ACTIVE	-9087907	5027759	COP
Summit	3GR01760*BG	OHGR00851	Shelly Co - Rail Yard #00378	6/30/2018	5/30/2022	General Permit	41.1044444	-81.635833	ACTIVE	-9087659	5027759	COP
Summit	3GR02227*AG	OHGR02941	Ray Bertolini Trucking Co	6/30/2020	5/30/2022	General Permit	41.0716667	-81.597778	ACTIVE	-9083423	5029218	COP
Summit	3GR01176*EG	OHGR00945	CLS Finishing Inc	11/30/2012	12/30/2016	General Permit	41.0616667	-81.415556	ACTIVE	-9063138	5021442	SPR
Summit	3GR01192*FG	OHGR00713	Protech Powder Coatings Inc	6/30/2018	5/30/2022	General Permit	41.0613889	-81.416667	ACTIVE	-9063262	5021401	SPR
Summit	3GR01463*BG	OHGR00197	Killian Latex Inc	8/31/2017	5/30/2022	General Permit	40.9952778	-81.450833	ACTIVE	-9067065	5011645	SPR
Summit	3GR02232*AG	OHGR02948	Woodland Mulch & Landscape Center	8/31/2020	5/30/2022	General Permit	41.0308333	-81.451944	ACTIVE	-9067189	5016891	SPR
Summit	3GR02265*AG	OHGR03041	Mars Auto & Truck Parts	10/31/2021	5/30/2022	General Permit	41.0272222	-81.406667	ACTIVE	-9062149	5016358	SPR
Summit	3GR00648*FG	OHGR00490	Worthington Samuel Coil Processing LLC	9/30/2017	5/30/2022	General Permit	41.2919444	-81.470833	ACTIVE	-9069292	5055499	TWT
Summit	3GR01050*FG	OHGR00704	Medina Supply Pit #503 - Twinsburg	6/30/2018	5/30/2022	General Permit	41.2969444	-81.471389	ACTIVE	-9069354	5056240	TWT
Summit	3GR01524*FG	OHGR00364	Metaldyne Powertrain Components Twinsburg	1/31/2018	5/30/2022	General Permit	41.2866667	-81.459444	ACTIVE	-9068024	5054717	TWT
Summit	3GR01637*BG	OHGR00554	The Shelly Co - Twinsburg Rail Yard #0413	6/30/2018	5/30/2022	General Permit	41.3002778	-81.459444	ACTIVE	-9068024	5056734	TWT
Summit	3GR01800*EG	OHGR02201	Kimble Transfer & Recycling - Twinsburg	5/31/2018	5/30/2022	General Permit	41.3016667	-81.476667	ACTIVE	-9069941	5056940	TWT
Summit	3GR01872*BG	OHGR01113	Matheson	6/30/2018	5/30/2022	General Permit	41.3016667	-81.476667	ACTIVE	-9068302	5055417	TWT
Summit	3GR01948*EG	OHGR01932	Penske Logistics LLC	1/31/2018	5/30/2022	General Permit	41.2977778	-81.478056	ACTIVE	-9070096	5056364	TWT
Summit	3GR02054*BG	OHGR01439	Maval Industries LLC	1/31/2018	5/30/2022	General Permit	41.2919444	-81.463889	ACTIVE	-9068519	5055499	TWT
Summit	3GR02199*AG	OHGR02859	Albemarle Sorbent Technologies - Twinsburg	8/31/2019	5/30/2022	General Permit	41.2963889	-81.465556	ACTIVE	-9068704	5056158	TWT

TITLE SEVEN - Riparian Setbacks

CHAPTER 937 - Riparian Setbacks

- 937.01 Public purpose.
- 937.02 Applicability, compliance, and violations.
- 937.03 Conflicts with other regulations and severability.
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- 937.05 Establishment of a Riparian Setback.
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937.01 PUBLIC PURPOSE.

(a) It is hereby determined that the system of streams within the County of Summit contributes to the health, safety and general welfare of the residents of the County of Summit. The purpose of this Riparian Setback chapter is to protect and preserve the water quality within streams of the County of Summit and to protect residents of the County of Summit from property loss and damage because of flooding and other impacts of the stream. The method of implementing this chapter is by controlling uses and developments within a Riparian Setback that would impair the ability of the riparian area to:

- (1) Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters and regulating base flow.
- (2) Stabilize the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from stream banks.
- (3) Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants already present in streams.
- (4) Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants in runoff before they enter streams.
- (5) Provide areas for natural meandering and lateral movement of stream channels.
- (6) Reduce the presence of aquatic nuisance species to maintain diverse and connected riparian vegetation.
- (7) Provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- (8) Benefit the County of Summit economically by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams and riprap, to protect structures and reduce property damage and threats to the safety of watershed residents, and by contributing to the scenic beauty and to the environment of the County of

Summit, the quality of life of the residents of the County of Summit and corresponding property values.

(9) Protect the health, safety, and welfare of the citizens of the County of Summit.

(b) The following regulation has been enacted to protect these services of riparian areas by providing reasonable controls governing structures and uses in riparian setbacks.
(Ord. 2002-154. Adopted 4-29-02.)

937.02 APPLICABILITY, COMPLIANCE, AND VIOLATIONS.

(a) The provisions of this Title Seven shall apply to all lands within unincorporated areas that are within the jurisdiction of the County of Summit.

(b) No preliminary plan, building, or zoning approvals shall be issued by the County of Summit without full compliance with the terms of these regulations where applicable.

(c) Any person or organization who violates Section 937.07 of the Codified Ordinances shall be guilty of a minor misdemeanor and, upon conviction thereof, shall be subject to punishment as provided in Section 501.99 of the Codified Ordinances of the County of Summit and shall be required to restore the Riparian Setback through a plan approved by Summit SWCD.

(d) The provisions of this Title Seven may be enforced through civil or criminal proceedings brought by the County of Summit Prosecutor on behalf of the County of Summit.

(Ord. 2002-154. Adopted 4-29-02.)

937.03 CONFLICTS WITH OTHER REGULATIONS AND SEVERABILITY.

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract or deed, the provisions of this chapter shall control.

(b) These regulations shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in subsection (a) hereof.

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

(Ord. 2002-154. Adopted 4-29-02.)

937.04 DEFINITIONS.

(a) **APPLICANT:** Any person who executes the necessary forms to procure official approval of a project or a permit to carry out a project.

(b) **BEST MANAGEMENT PRACTICES (BMPs):** Conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in "Rainwater and Land Development, Ohio's Standard for Stormwater Management, Land Development, and Urban Stream Protection" prepared by the Ohio Department of Natural Resources.

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(c) **DAMAGED OR DISEASED TREES:** Trees that have a split trunk, broken tops, heart rot, or insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, leaning as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.

(d) **DEFINED CHANNEL:** A natural or man-made depression in the terrain which is maintained and altered by the water and sediment it carries.

(e) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with overall responsibility for administering the National Flood Insurance Program.

(f) **FINAL PLAT:** A final tracing of all or a phase of a subdivision and its complete survey information.

(g) **IMPERVIOUS COVER:** Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.

(h) **NATURAL SUCCESSION:** A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

(i) **NOXIOUS WEED:** Any plant defined as a “noxious weed and rank vegetation” in Section 521.10 in the Codified Ordinances of the County of Summit, Ohio.

(j) **OHIO RAPID ASSESSMENT METHOD:** A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.

(k) **100-YEAR FLOODPLAIN:** Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

(l) **ORDINARY HIGH WATER MARK:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.

(m) **POLLUTION:** Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.

(1) “POINT SOURCE” pollution is traceable to a discrete point or pipe.

(2) “NON-POINT SOURCE” pollution is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or ground water seepage rather than direct discharge.

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(n) **PRELIMINARY PLAN:** A drawing of a major subdivision for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.

(o) **RIPARIAN AREA:** A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/ or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.

(p) **RIPARIAN SETBACK:** The area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Riparian Setbacks are those lands within the County of Summit that fall within the area defined by the criteria set forth in these regulations.

(q) **SOIL AND WATER CONSERVATION DISTRICT (SWCD):** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the Summit SWCD.

(r) **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 which may result in, or contribute to, erosion and sediment pollution.

(s) **STREAM:** A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water (ORC 6105.01) in such a way that terrestrial vegetation cannot establish roots within the channel.

(t) **STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** The plan which describes all the elements of the stormwater strategy implemented during and after construction. The plan addresses erosion control and stormwater quality.

(u) **STORMWATER QUALITY TREATMENT:** The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

(v) **VARIANCE:** A modification of the enforcement of the Riparian Setback chapter which will not be contrary to the public interest and where, due to conditions peculiar to this property and not the result of the action of the applicant, a literal enforcement of this chapter would result in undue hardship to the applicant.

(w) **WATERCOURSE:** A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.

(x) **WATERSHED:** An area of land that drains into a particular watercourse, usually divided by topography.

(y) **WETLANDS:** 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.

(Ord. 2004-133. Adopted 3-15-04.)

937.05 ESTABLISHMENT OF A RIPARIAN SETBACK.

- (a) Riparian Setbacks are established as provided in this Title Seven.
- (b) Streams addressed by this chapter are those which meet the definition of “stream” in Section 937.04 of these regulations and are indicated on at least one of the following maps:
 - (1) USGS topographical map.
 - (2) Summit County Riparian Setback map.
 - (3) Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS.
- (c) Widths of setbacks are measured as horizontal map distance outward from the ordinary high water mark on each side of a stream, and are established as follows:
 - (1) A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.
 - (2) A minimum of 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.
 - (3) A minimum of 75 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.
 - (4) A minimum of 50 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres).
 - (5) A minimum of 30 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).
- (d) The following are exempt from the terms and protection of this chapter: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey stormwater to another system, tile drainage systems, and stream culverts.
- (e) The following shall apply to the Riparian Setback:
 - (1) Where the 100-year floodplain is wider than the Riparian Setback on either or both sides of the stream, the Riparian Setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.
 - (2) Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the Riparian Setback formulae for width determination:

Average Percent Slope	Width of Setback
15% through 20%	Add 25 feet
Greater than 20% through 25%	Add 50 feet
Greater than 25%	Add 100 feet

Average percent slope of the streambank is to be calculated for the area within the Riparian Setback and is to be measured as a line perpendicular to the stream channel at the location where structures or uses are proposed in the plan. All of the following measurements are

to be performed using County of Summit Geographical Information system data (1994, 2000). Calculate slope as follows:

Change in elevation from the edge of stream channel to edge of Riparian Setback divided by Horizontal map distance from the edge of stream channel to the edge of the Riparian Setback.

(3) Where wetlands protected under federal or state law are identified within the Riparian Setback, the Riparian Setback shall consist of the full extent of the wetlands plus the following additional setback widths:

- A. A 50-foot setback extending beyond the outer boundary of Category 3 wetlands.
- B. A 30-foot setback extending beyond the outer boundary of a Category 2 wetlands.
- C. No additional setback will be required adjacent to Category 1 wetlands.

(4) Wetlands shall be delineated by a qualified professional under guidelines established by the U.S. Army Corps of Engineers and Ohio Environmental Protection Agency and the delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of the regulations.

(5) The applicant shall be responsible for delineating the Riparian Setback, including any expansions or modifications as required by subsections (b) through (d) hereof, and identifying this setback on all subdivisions, land development plans, and/or building permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the Summit SWCD. As the result of this review, the Summit SWCD may require further studies from the applicant.

(6) Prior to any soil disturbing activity, the Riparian Setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil- disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.

(7) No approvals or permits shall be issued by the County of Summit or Township prior to delineation of the Riparian Setback in conformance with these regulations.

(8) Upon completion of an approved subdivision, the Riparian Setback shall be permanently recorded on the plat records for the County of Summit.

(Ord. 2004-133. Adopted 3-15-04.)

937.06 USES PERMITTED IN THE RIPARIAN SETBACK.

(a) The following uses are permitted by right within the Riparian Setbacks without prior approval. Open space uses that are passive in character shall be permitted in the Riparian Setback including, but not limited to, those listed in subsections (a)(1) through (4) hereof. No use permitted under these regulations shall be construed as allowing trespass on privately held lands.

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Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the Riparian Setback shall be preserved in its natural state.

(1) Recreational activity. Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.

(2) Removal of damaged or diseased trees. Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than 6 inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.

(3) Revegetation and/or reforestation. The revegetation and/or reforestation of the Riparian Setback shall be allowed without approval of the Summit SWCD. Species of shrubs and vines recommended for stabilizing floodprone areas along streams within the County of Summit are listed in the Appendix.

(4) The County of Summit Engineer maintains the right of access to all streams within the County of Summit for the purposes outlined in the Ohio Revised Code, Sections 6131.01 to 6131.64, 6133.01 to 6133.15, 6135.01 to 6135.27, and 6137.05.1.

(b) The following uses are permitted by right within the Riparian Setbacks with prior approval of the design.

(1) Stream bank stabilization/erosion control measures. Best Management Practices (BMP's) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/ erosion control practices shall only be undertaken upon approval of a Stormwater Pollution Prevention Plan (SWPPP or SW3P) by the Summit SWCD.

(2) Crossings. In reviewing plans for stream crossings, the Township may confer with the Summit SWCD, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Sanitary Sewer Services of Summit County; the Summit County Health Department; or other technical experts as necessary.

A. Limited crossings of designated streams through the Riparian Setback by vehicles, storm sewers, sewer and / or water lines, and public utility lines will be per the approval of local, county, and state governing agencies and as a part of the regular subdivision review process.

B. One driveway crossing per stream per tax parcel will be allowed for individual landowners.

C. Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the County of Summit Engineer's design standards and as approved by the Summit County Planning Commission and approving township. If more than two crossings per 1,000 linear feet of stream center is required for these areas, the applicant must apply for a variance.

D. All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the Riparian Setback and shall mitigate any necessary disturbances.

(3) Placement of stormwater retention or detention facilities may be considered within the Riparian Setback if:

A. Stormwater quality treatment that is consistent with current state standards is incorporated into the basin.

B. The stormwater quality treatment basin is located at least 50 feet from the ordinary high water mark of the stream.

(Ord. 2002-154. Adopted 4-29-02; Ord. 2015-555. Adopted 12-14-15.)

937.07 USES PROHIBITED IN THE RIPARIAN SETBACK.

The following uses are specifically prohibited within the Riparian Setback:

(a) Construction. There shall be no structures of any kind, except as permitted under these regulations.

(b) Dredging or Dumping. There shall be no drilling for petroleum or mineral products, mining activity, filling or dredging of soil, spoils, or any material—natural or man-made—except as permitted under these regulations.

(c) Roads or Driveways. There shall be no roads or driveways, except as permitted under these regulations.

(d) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations.

(e) Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations.

Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the Riparian Setback provided the landowner allows for natural succession.

(f) Parking Lots. There shall be no parking lots or other human made impervious cover, except as permitted under these regulations.

(g) New Surface And/or Subsurface Sewage Disposal or Treatment Area. Riparian Setbacks shall not be used for the disposal or treatment of sewage except for:

(1) Undeveloped parcels that have received site evaluation approval and/or permit approval prior to the enactment of this chapter.

(2) Dwellings served by disposal/treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and permitted or in accordance with the Summit County Health Department and/or the Ohio Environmental Protection Agency. Existing failing systems which are located within the Riparian Setback can be upgraded with approval of the Summit County Health Department and / or the Ohio Environmental Protection Agency.

(Ord. 2002-154. Adopted 4-29-02.)

937.08 NON-CONFORMING STRUCTURES OR USES IN THE RIPARIAN SETBACK.

(a) Structures and uses within the Riparian Setback, existing at the time of passage of these regulations, that are not permitted under these regulations may be continued but shall not be expanded except as set forth in this Title Seven.

(b) If damaged or destroyed, these structures or uses may be repaired or restored within two years from the date of damage /destruction or the adoption of these regulations, whichever is later, at the property owner's own risk.

(c) A residential structure or use within the Riparian Setback existing at the time of passage of these regulations may be expanded subject to the provisions of subsection (c)(1) through (3) hereof.

(1) The expansion conforms to existing zoning regulations.

(2) The expansion must not impact the stream channel or the 100-year flood plain.

(3) The expansion must not exceed an area of 15% of the footprint of the existing structure or use that lies within the Riparian Setback. Expansions exceeding 15% of the footprint within the Riparian Setback must be obtained through the variance process.

(d) Non-residential structure or use expansions will be permitted only through the variance process.

(Ord. 2002-154. Adopted 4-29-02.)

937.09 BOUNDARY INTERPRETATION AND APPEALS PROCEDURE.

(a) When an applicant disputes the boundary of the Riparian Setback or the ordinary high water mark of a stream, the applicant shall submit evidence to the Summit SWCD that describes the boundary, presents the applicant's proposed boundary and presents all justification for the proposed boundary change.

(b) The Summit SWCD shall evaluate all materials submitted and shall make a written recommendation to the Township Board of Zoning Appeals or the Summit County Planning Commission within a reasonable period of time not to exceed sixty days. A copy of this recommendation shall be submitted to the applicant. If during this evaluation the Summit SWCD requires further information to complete this evaluation, the applicant may be required to provide additional information.

(c) The Township Board of Zoning Appeals or the Summit County Planning Commission shall decide such boundary disputes. The party contesting the location of the Riparian Setback or the ordinary high water mark of the streams as determined by these regulations shall have the burden of proof in case of any such appeal.

(Ord. 2002-154. Adopted 4-29-02.)

937.10 VARIANCES WITHIN RIPARIAN SETBACK.

(a) Applications for variances to the provisions of this Title Seven shall be submitted as provided in subsections (a)(1) and (2) below:

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(1) In Townships which have adopted these regulations or regulations which are determined by the Summit County Planning Commission to be substantially similar to these regulations into their zoning codes, applications for variances shall be submitted to the Township Board of Zoning Appeals.

(2) In Townships which have not adopted these regulations or regulations which are determined by the Summit County Planning Commission to be substantially similar to these regulations into their zoning codes, applications for variances shall be submitted to the Summit County Planning Commission.

(b) The Township Board of Zoning Appeals or the Summit County Planning Commission, shall consult with representatives from the Summit SWCD; the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Sanitary Sewer Services of Summit County; the Summit County Health Department; or other technical experts as necessary to consider variance requests.

(c) Expansions of residential structures or uses exceeding 15% of the footprint area and expansions of all non-residential structures or uses are subject to subsections (c)(1) through (4) below:

(1) The expansion conforms to the existing zoning regulations.

(2) The expansion must not impact the stream channel or the 100-year floodplain.

(3) The expansion of a non-residential structure or use must not affect upstream or downstream hydrologic conditions which could cause damage from flooding or streambank erosion to landowners in those areas. A hydrologic study must be completed by non-residential applicants only as a process of the variance application.

(4) The expansion of a non-residential structure or use will not exceed 25% of the footprint area. The 25% expansion limit is per the portion of the structure or use that lies within the Riparian Setback.

(d) Requests for variances for subdivisions will be considered for the following:

(1) An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.

(2) A reduction of the setback width, not to exceed 10% of the prescribed Riparian Setback width.

(e) No variances shall be granted for expansion of the following structures or uses:

(1) Facilities which use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to: asphalt plants, dry cleaners, gasoline service stations, and road maintenance facilities.

(2) Facilities which use, store, distribute, or sell products which may contribute higher than acceptable concentrations of dissolved or particulate matter to stormwater runoff around the facility. Such facilities include, but are not limited to: landfills or transfer stations, junk yards, recycling facilities, quarries and borrow pits, sand and gravel extraction operations, and road salt storage barns.

(f) In reviewing whether to grant variances, the Township Board of Zoning Appeals or the Summit County Planning Commission shall consider the following:

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(1) The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence as provided by the applicant and the agencies listed in subsections (a) through (e) above.

(2) The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.

(3) The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.

(Ord. 2002-666. Adopted 1-6-03; Ord. 2015-555. Adopted 12-14-15.)

937.11 INSPECTION OF RIPARIAN SETBACK.

(a) The Riparian Setback shall be inspected by the Summit SWCD:

(1) When a preliminary subdivision plat or other land development plan is submitted to the County of Summit.

(2) When a building or zoning permit is requested.

(3) Prior to any soil disturbing activity to inspect the delineation of the Riparian Setback as required under these regulations.

(b) The Riparian Setback shall also be inspected annually or as time permits by the Summit SWCD or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the Summit SWCD that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

(c) Violations of these regulations will be handled as noted in Section 937.02(c).
(Ord. 2002-154. Adopted 4-29-02.)

2002-154 Appendix: Woody Plants Suitable for Riparian Areas

This list was assembled by Roger Gettig, The Holden Arboretum for Chagrin River Watershed Partners.

Flood Tolerance*

High Flood Tolerance

Shade Tolerance**

Common Name

Aronia

arbutifolia

3

Red chokeberry

Aronia

melanocarpa

3

Black chokeberry

Cephalanthus

occidentalis

5

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Common buttonbush

Clethra

alnifolia

2

Summersweet clethra ***

Cornus

amomum

4

Silky dogwood

Cornus

stolonifera (sericea)

5

Redosier dogwood

Hamamelis

vernalis

3

Vernal witchhazel ***

Ilex

decidua

3

Possumhaw ***

Ilex

glabra

2

Inkberry ***

Ilex

verticillata

3

Common winterberry

Itea

virginica

1

Virginia sweetspire ***

Magnolia

virginiana

2

Sweetbay magnolia ***

Myrica

pensylvanica

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4

Northern bayberry

Physocarpus

opulifolius

4

Common ninebark

Potentilla

fruticosa

4

Bush cinquefoil

Sambucus

canadensis

1

American elderberry

Salix

x cotteti

5

“Bankers” willow ***

Salix

exigua

5

Sandbar willow

Salix

purpurea

5

“Streamco” willow ***

Viburnum

cassinoides

2

Witherod viburnum

Parthenocissus

quinquefolia

1

Virginia creeper (vine)

Moderate Flood Tolerance*

Calycanthus

floridus

1

Common sweetshrub

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Hypericum

kalmianum

5

Kalm St. Johnswort

Viburnum

dentatum

2

Arrowwood viburnum

Xanthorhiza

simplicissima

1

Yellowroot ***

Intermediate Flood Tolerance*

Aesculus

parviflora

2

Bottlebush buckeye ***

Aesculus

pavia

2

Red buckeye ***

Cornus

racemosa

2

Gray dogwood

Lindera

benzoin

1

Common spicebush

Rosa

setigera

4

Prairie rose

Campsis

radicans

3

Trumpetcreeper (vine)

Lonicera

dioica

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2

Limber honeysuckle (vine)

Corylus

americana

2

American filbert

Diervilla

lonicera

1

Dwarf bushhoneysuckle

Fothergilla

gardeni

1

Dwarf fothergilla ***

Fothergilla

major

1

Large fothergilla ***

Hydrangea

arborescens

1

Smooth hydrangea

Hydrangea

quericifolia

1

Oakleaf hydrangea ***

Mahonia

aquifolium

1

Oregongrape holly ***

Rosa

carolina

4

Carolina rose

Rubus

odoratus

1

Fragrant thimbleberry

Vaccinium

County of Summit and Co-Permittees
Appendix O: Codified Ordinances relative to SWMP
Chapter 937 – Riparian Setbacks

stamineum

2

Low Flood Tolerance

Arctostaphylos

uva-ursi

4

Bearberry

Cornus

rogusa

1

Roundleaf dogwood

Corylus

americana

2

American filbert

Diervilla

lonicera

1

Dwarf bushhoneysuckle

Fothergilla

gardeni

1

Dwarf fothergilla ***

Fothergilla

major

1

Large fothergilla ***

Hydrangea

arborescens

1

Smooth hydrangea

Hydrangea

quericifolia

1

Oakleaf hydrangea ***

Mahonia

aquifolium

1

Oregongrape holly ***

County of Summit and Co-Permittees
Appendix O: Codified Ordinances relative to SWMP
Chapter 937 – Riparian Setbacks

Rosa

carolina

4

Carolina rose

Rubus

odoratus

1

Fragrant thimbleberry

Symphoricarpos

albus

1

Common snowberry

Vaccinium

stamineum

2

Common deerberry

No Flood Tolerance

Amorpha

canescens

5

Leadplant ***

Ceanothus

americanus

3

New Jersey tea

Comptonia

peregrina

2

Sweetfern

Dirca

palustris

1

Leatherwood

Hypericum

frondosum

5

Golden St. Johnswort

Juniperus

communis

County of Summit and Co-Permittees
Appendix O: Codified Ordinances relative to SWMP
Chapter 937 – Riparian Setbacks

5

Common juniper

Juniperus

horizontalis

5

Creeping juniper ***

Rhus

aromatica

5

Fragrant sumac

Sambucus

pubens

1

Scarlet elder

Symphoricarposalbus

1

Common snowberry

*High Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 40% of the growing season.

*Moderate Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 30% of the growing season but less than 40%.

*Intermediate Flood Tolerance: Generally lowland wet-mesic species surviving occasional inundation or elevated water table between 20% and 30% of the growing season.

*Low Flood Tolerance: Generally upland mesic and mesic-dry species rarely inundated or exposed to an elevated water table for periods of short duration, between 5% and 20% of the growing season.

*No Flood Tolerance: Generally upland dry species exhibiting immediate and rapid decline frequently culminating in death if inundated or exposed to elevated water table for more than 5% of the growing season.

**Shade Tolerance: Shade tolerance means able to grow in a state of health and vigor beneath dense shade. In this ranking, shrubs and vines are ranked on a scale of 1 to 5, with 1 being very shade tolerant, and 5 being very shade intolerant.

Note:

1. The majority of plants listed are available on the local commercial market and do not displace native species.

2. The cultivated varieties (“cultivars”) of the species listed above may also be used.

3. Primary information taken from Hightshoe, Gary, 1987. Native Trees, Shrubs, and vines for Urban and Rural America. Van Nostrand. NY, NY

4. For further assistance contact Roger Gettig, Landscape Consulting Program, The Holden Arboretum, or Steve Roloson, ODNR Scenic Rivers Program. (A.O.)

*** Denotes plant species that are not native to Ohio.

County of Summit and Co-Permittees
Appendix O: Codified Ordinances relative to SWMP
Chapter 937 – Riparian Setbacks

(Ord. 2004-133. Adopted 3-15-04.)

CHAPTER 941

Erosion and Sediment Control and Post
Construction Storm Water Quality

- 941.01 Purpose and scope.
- 941.02 Definitions.
- 941.03 Disclaimer of liability.
- 941.04 Conflicts, severability, nuisances and responsibility.
- 941.05 Regulated activities.
- 941.06 Application procedures.
- 941.07 Storm water pollution prevention Plan.
- 941.08 Compliance with local, state, and federal regulations.
- 941.09 Performance standards.
- 941.10 Fees.
- 941.11 Bond.
- 941.12 Enforcement.
- 941.13 Violations.
- 941.14 Appeals.
- 941.15 SCWD agreement.

941.01 PURPOSE AND SCOPE.

(a) The purpose of this Chapter 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 Summit County.

(b) This Chapter 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 Chapter applies to all parcels in the unincorporated areas of the County of Summit 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 941.01(d).

(d) This Chapter does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules. Rules 1501:15-5-01 to 15-5-18 of the Ohio Administrative Code as amended.

(Ord. 2006-396. Adopted 3-19-07.)

941.02 DEFINITIONS.

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

- (a) ACRE: A measurement of area equaling 43,560 square feet.
- (b) BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to minimize soil erosion and sedimentation and 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.
- (c) CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A professional who has met the requirements of and has been certified by CPESC Inc.
- (d) COMMUNITY: Summit County and its designated representatives, boards, or commissions.
- (e) CONSTRUCTION ENTRANCE: The permitted points of ingress and egress to development areas regulated under this Chapter.
- (f) 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.
- (g) DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
- (h) DRAINAGE: The removal of excess surface water or groundwater from land by surface or subsurface drains.
- (i) DRAINAGE AREA: The area of land contributing surface water to a specific point.
- (j) 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.
- (k) 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.
- (l) FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.
- (m) LANDSCAPE ARCHITECT: A Professional Landscape Architect registered in the State of Ohio.
- (n) 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.
- (o) 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 the National Pollutant Discharge Elimination System (NPDES) Storm Water Phase II, must meet.

(p) 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.

(q) OHIO EPA NPDES GENERAL CONSTRUCTION PERMIT: A permit issued by the Ohio Environmental Protection Agency to an applicant for the discharge of storm water from sites where construction activity is being conducted with discharges to subsequent receiving waters.

(r) PARCEL: 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 Summit County Fiscal Office.

(s) 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.

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

(u) PROFESSIONAL ENGINEER / SURVEYOR: A professional registered in the State of Ohio by the appropriate board.

(v) QUALIFIED INDIVIDUAL: Professional Engineers, Professional Surveyors, and Landscape Architects registered in the State of Ohio or a Certified Professional in Erosion and Sediment Control as recognized by Environcert International, Inc.

(w) RAINWATER AND LAND DEVELOPMENT MANUAL (RWLD): Issued by Ohio Environmental Protection Agency. The RWLD Manual contains Ohio's minimum technical standards for post construction storm water quality and erosion and sediment control standards. The most current edition of these standards shall be applicable with this Chapter.

(x) 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.

(y) 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.

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

(aa) 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 Chapter.

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

(cc) SOIL ERODIBILITY: The susceptibility of soil to erosion and the amount and rate of runoff, as measured under the standard unit plot condition. Soil erodibility factors are available in the Summit County Soil Survey.

(dd) **SUMMIT COUNTY STORM WATER MANAGEMENT MANUAL:** Summit County's storm water management requirements developed and updated by the County Engineer.

(ee) **SUMMIT SOIL & WATER CONSERVATION DISTRICT:** A subdivision of the State of Ohio organized under Chapter 940 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Summit SWCD.

(ff) **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.

(gg) **STREAM:** A surface water course with a well defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel. (ORC 6105.01)

(hh) **STORM WATER POLLUTION PREVENTION PLAN (SWP3 or SWPPP):** The written document that sets forth the plans and practices to be used to meet the requirements of this Chapter.

(ii) **STORM WATER POLLUTION PREVENTION PLAN CHECKLIST:** Details the minimum requirements of a SWP3 in Summit County, available at the Summit SWCD office.

(jj) **TOTAL MAXIMUM DAILY LOADS (TMDLs):** A pollution budget that includes a calculation of the maximum amount of a pollutant that can occur in a body of water and which allocates the necessary reductions to one or more pollutant sources.

(kk) **UNSTABLE SOILS:** A portion of land that is identified by the Summit County Engineer, Summit County Building Standards and/or the Summit SWCD 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.

(ll) **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.

(mm) **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 (33 CFR part 328, as amended).

(nn) **WETLAND PROFESSIONAL:** An individual with training and experience in wetland delineation acceptable to the Army Corp of Engineers.
(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.03 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this Chapter shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this Chapter 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.

(Ord. 2006-396. Adopted 3-19-07.)

941.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

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

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

(c) This Chapter 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 Chapter shall not be a defense in any action to abate such a nuisance.

(d) Failure of Summit County 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 there from, and shall not result in Summit County, its officers, employees, or agents being responsible for any condition or damage resulting there from.

(Ord. 2006-396. Adopted 3-19-07.)

941.05 REGULATED ACTIVITIES.

(a) This Chapter requires that a Storm Water Pollution Prevention Plan (SWP3) be developed and implemented for all soil disturbing activities disturbing one or more acres of total land or will disturb less than an acre of land but are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land in the unincorporated areas of the County of Summit and on which any regulated activity of Section 941.01(c) is proposed. For parcels less than one acre in size a SWP3 may not be required; however the owner shall comply with all other provisions of this chapter.

(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.06 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 Summit SWCD and two (2) sets of the SWP3 to the Summit County Engineer as follows:

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

(2) For other construction projects: 30 days prior to soil disturbing activity.

(3) For general clearing projects: 30 days prior to soil disturbing activity.

(b) The Summit SWCD shall review the plans submitted pursuant to 941.06 (a) or (b) for conformance with current NPDES permit requirements and this Chapter and approve, or return 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. An approved SWP3 shall serve as a permit to commence soil disturbing activities following a pre- construction meeting.

(c) Soil disturbing activities shall not begin, and final plat approvals will not be issued, without an approved SWP3.

(d) A pre-construction meeting must be held with the Summit SWCD inspector prior to soil disturbing activities. The applicant, contractor, and applicant's engineer should be in attendance at the pre-construction meeting.

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

(f) Approvals issued in accordance with this Chapter shall remain valid for two years. If regulations concerning erosion and sediment control or storm water quality change prior to the beginning of active construction, a new SWP3 may be requested.

(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.07 STORM WATER POLLUTION PREVENTION PLAN.

(a) The applicant shall submit a Storm Water Pollution Prevention Plan (SWP3) consistent with the requirements the most recent Ohio EPA NPDES General Construction Permit. For specific requirements of a SWP3 the designer shall refer to the NPDES Ohio general construction permit and the Summit SWCD SWP3 Check List. The SWP3 must address erosion and sediment control during construction as well as post construction water quality practices. Post construction practices must meet the requirements of the NPDES Ohio general construction permit and the Summit County Storm Water Management Manual.

(b) The SWP3 shall be certified by a Qualified Individual

(c) The SWP3 shall incorporate measures as recommended by the most current edition of Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection as published by the Ohio Department of Natural Resources or other technical manuals approved by the Summit SWCD.

(d) All sediment settling ponds shall be dewatered at the pond surface using a skimmer or equivalent device.

(e) Soils erodibility report: The Summit SWCD 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. This report shall contain all the information listed below.

(1) Data regarding the nature and erodibility of existing soils.

(2) If applicable, data regarding the nature and erodibility of the soil to be placed on the site.

(3) Conclusions and recommendations for grading procedures.

(4) Conclusions and recommended designs for interim soil stabilization devices and measures, for permanent soil stabilization after construction is completed.

(f) If an Operator's site discharges into a watershed with an approved TMDL, the qualified individual shall select BMPs and provide a rationale for the individual's selection of BMPs based upon pollutant removal performance and watershed pollutants of concern.

(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.08 COMPLIANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS.

All submittals are required to show proof of compliance with all state and federal regulations. Approvals issued in accordance with this Chapter do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. 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.

(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 Chapter.

(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 Chapter.

(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 copy of the wetland delineation approved by the U.S. Army Corps of Engineers and/or a copy of the Jurisdictional Determination issued by the U.S. Army Corps of Engineers.

(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 Chapter.

(e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources Division of Water permit application tracking number, a copy of the project approval letter from the Ohio Department of Natural Resources Division of Water, or a letter from the applicant's engineer certifying and explaining why the Ohio Dam Safety Law is not applicable.

(f) Chapter 937 of the Codified Ordinances: Riparian Setbacks: Proof of compliance shall be a copy of the Summit SWCD approval letter, and or zoning certificate from those entities which have adopted the legislation. Riparian setbacks must be shown on the SWP3 and note demarcation and protection during soil disturbing activities.
(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.09 PERFORMANCE STANDARDS.

(a) The SWP3 must contain a description and location of all appropriate BMPs for each construction operation. Prior to the start of grading and within seven days from the start of grubbing 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 person(s) responsible for implementation. The time frame for SWP3 implementation shall be consistent with the current Ohio EPA NPDES Construction permit. No project subject to this Chapter shall commence without a SWP3 or approved by the Summit SWCD. No project subject to this Chapter shall commence without a pre-construction meeting being held with the Summit SWCD. It will be the applicant's responsibility to contact the SWCD.

(b) The applicant shall inform all contractors and subcontractors not otherwise defined as "operators" as defined in the Ohio EPA's NPDES Permit, who will be involved in the implementation of the SWP3 of the terms and conditions of the SWP3. The applicant shall maintain a written document containing the signatures of all contractors and subcontractors involved in the implementation of the SWP3 as proof acknowledging that they have reviewed and understand the conditions and responsibilities of the SWP3. The written document shall be created and signatures shall be obtained prior to commencement of work on the construction site. A copy shall be provided to the Summit SWCD prior to commencing with the project.

(c) All projects regardless of the area of disturbance must utilize BMP's to minimize erosion and off site sedimentation. The controls shall include the following minimum components:

(1) DURING ACTIVE CONSTRUCTION

A. NON-STRUCTURAL PRESERVATION MEASURES: The applicant 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.

1. Stream protection. The requirements of Chapter 937 Riparian Setbacks of the Codified Ordinances of the County of Summit shall be followed.

2. Wetland Protection. The setback requirements of the Summit County Subdivision Regulations shall be followed in addition to state and federal regulations.

B. EROSION CONTROL PRACTICES: The applicant must make use of erosion controls that are capable of providing cover over 70% of disturbed soils. A description of control

practices designed to restabilize 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.

C. **RUNOFF CONTROL PRACTICES.** The applicant must make use of 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 applicant must install 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 7 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 or filtering 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.

E. **NON-SEDIMENT POLLUTANT CONTROLS:** No solid or liquid waste, including building materials and concrete wash out water 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.

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. **APPLICANT INSPECTIONS.** An initial inspection of all erosion and sediment control practices shall be conducted by a qualified individual to certify that the installations comply with the approved SWP3. All controls on the site shall be inspected by the applicant's agent 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 applicant shall assign a qualified individual 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. Internal inspections and documentation of corrective actions taken must be made available upon request.

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 Summit SWCD.

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

i. When practices require repair or maintenance. If an 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.

ii. When practices fail to provide their intended function. If an 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.

iii. When practices depicted on the SWP3 are not installed. If an 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 STABILIZATION. All soil disturbing activities are complete and a uniform perennial vegetative cover with a density of 70 percent coverage for the area has been established on all unpaved areas and areas not covered by permanent structures. In addition, all temporary erosion and sediment control practices have been removed and disposed of in an acceptable manner.

(2) POST CONSTRUCTION WATER QUALITY PRACTICES

A. NON-STRUCTURAL WATER QUALITY PRACTICES: Non- structural post construction best management practices include preservation, planning, or procedures that direct development away from water resources or limit creation of impervious surfaces. Practices such as conservation easements, riparian and wetland setbacks, and conservation subdivision design are all non-structural controls.

1. All non-structural water quality practices must be protected from disturbance through the construction phase of the project.

2. All non-structural water quality practices must be protected in perpetuity in accordance with Chapter 943 of these Ordinances. All easement or conservation areas must appear on the final plat and be disclosed to potential buyers.

B. STRUCTURAL WATER QUALITY PRACTICES: Structural post construction best management practices are permanent features constructed to provide treatment of storm water runoff either through storage, filtration, or infiltration.

1. All structural water quality practices must be established prior to the completion of the project. Structural water quality practices should be made functional once the disturbed areas on site are stabilized. If detention/retention facilities were used for sediment control during development sediments must be removed prior to the basin being used for post construction storm water quality.

2. Maintenance. The post construction water quality practice must be maintained in perpetuity in accordance with Chapter 943 of these Ordinances.
(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.10 FEES.

A Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Plan review, filing, and inspection fee is part of a complete submittal. Fees are required to be submitted to the Summit SWCD before the review process begins. The Summit SWCD shall provide a current fee schedule upon request. In addition to the fee schedule established by the Summit SWCD, sites with a Notice of Violation will incur an additional \$250.00 re-inspection fee per Notice of Violation until the site is brought into compliance.
(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.11 BOND.

If a Storm Water Pollution Prevention Plan or is required by this Chapter, then a performance and maintenance bond shall be posted according to Section 943.15 of these Codified Ordinances. No project will be released from Bond if there is failure to comply with an approved SWP3.
(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.12 ENFORCEMENT.

(a) All development areas will be subject to inspections by the Summit SWCD to ensure compliance with the approved SWP3.

(b) After each inspection the Summit SWCD may prepare and distribute a status report to the applicant.

(c) If an inspection determines that operations are being conducted in violation of the approved SWP3 the Summit SWCD may take action as detailed in Section 941.13 of this Chapter.

(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.13 VIOLATIONS.

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

(b) If the SWCD determines that a violation of the rules adopted under this section exists, the SWCD shall issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control and soil disturbing activities. In addition, if the SWCD determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the SWCD shall authorize the issuance of a notice of violation.

(c) If, after a period of not less than thirty (30) days has elapsed following the issuance of the notice of violation, the violation continues, the SWCD shall issue a second notice of violation. Except as provided in division (f) of this section, if, after a period of not less than fifteen (15) days has elapsed following the issuance of the second notice of violation, the violation continues, the SWCD shall issue a stop work order after first obtaining the written approval of the Summit County Prosecutor if, in the opinion of the Prosecutor, the violation is egregious.

(d) Once a stop work order is issued, the SCWD shall request, in writing, the Summit County Prosecutor to seek an injunction or other appropriate relief in the Summit County Court of Common Pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section.

(e) If the Prosecutor seeks an injunction or other appropriate relief, then, in granting relief, the Summit County Court of Common Pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred (\$100) or more than five hundred (\$500) dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine.

(f) No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the County or the chief of the Division of Soil and Water Conservation in the Ohio Department of Natural Resources.

(g) Notwithstanding division (b)-(f) of this section, if the County Executive determines that a violation of any rule adopted or administrative order issued under this section exists, the Executive may request, in writing, the Summit County Prosecutor to seek an injunction or other appropriate relief in the Summit County Court of Common Pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the Court may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule adopted or administrative order issued under this section shall be considered a separate violation subject to a civil fine.

(h) The Summit County Planning Commission may deny the issuance of any further plat approvals for the property in question until the site is brought into compliance with this Chapter.

(i) The Summit County Department of Building Standards may suspend the issuance of occupancy certificates within developments that are not in compliance with this Chapter.

(j) The Summit County Engineer's Office may suspend the inspection of site improvements and / or refuse the release of Bonds on developments that are not in compliance with this Chapter.

(Ord. 2006-396. Adopted 3-19-07; Ord. 2016-295. Adopted 8-22-16.)

941.14 APPEALS.

Any person aggrieved by any order, requirement, determination or any other action or inaction by Summit County (hereinafter "Action") in relation to this Chapter may appeal to the Summit County Planning Commission. The person seeking the appeal (hereinafter "Appellant") shall give written notice of the appeal and request for a hearing (hereinafter "Notice") before the Summit County Planning Commission within ninety (90) days of the Action to the Summit County Director of Community and Economic Development. Upon receipt of the notice, the Director of Community and Economic Development shall immediately notify members of the Planning Commission and shall arrange for a hearing on the appeal before the Planning Commission, or a subcommittee of the Planning Commission, (hereinafter, collectively referred to as "Commission") within forty-five (45) days of receipt of the Notice. The Appellant may present evidence before the Commission at the hearing. Following the hearing, the Commission shall give written notification to the Appellant of its determination within thirty (30) days of the hearing. Following receipt of the Commission's determination, the Appellant may appeal the decision of the Commission to the Court of Common Pleas. Written notice of the appeal to the Court of Common Pleas shall be served on Summit County and a copy shall be provided to the Summit SWCD.

(Ord. 2007-241. Adopted 5-14-07.)

941.15 SCWD AGREEMENT.

The County Executive is hereby authorized to negotiate an agreement with the Summit SCWD on behalf of the County to ensure the Summit SCWD performs its duties in accordance with this Chapter. County Council's authorization is required prior to the execution or amendment of such agreement.

(Ord. 2006-396. Adopted 3-19-07.)

CHAPTER 942
Surface Water Management District

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942.01 PURPOSE.

The Ohio Revised Code authorizes the County to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of a public enterprise, including structural and natural surface water facilities and/or improvements and drainage systems of all types, to furnish service to the County and its citizens and property owners to address water quality as required under phase II of the storm water program of the national pollutant discharge elimination system established in 40CFR Part 122.

The purpose of this Chapter is to establish guidelines and standards for the operation of a countywide Surface Water Management District as provided by Chapter 6117 of the Ohio Revised Code in the unincorporated political subdivisions of the County and in those incorporated political subdivisions that have adopted legislation authorizing participation under this Chapter.

942.02 DEFINITIONS.

For purposes of this Chapter, the following words, terms, and phrases shall have the meanings given to them in this section, except where the context clearly indicates a different meaning:

- (a) "Drainage System" shall mean natural and structural channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers,

lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of surface water runoff.

- (b) “Service Area” shall mean all land within the corporate limits of the County that is also within the limits of the unincorporated areas of the County and incorporated areas wherein the municipal legislative authority has adopted legislation authorizing participation under this Chapter.
- (c) “Storm water” shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.
- (d) “Surface Water” shall mean any flow, including, but not limited to, Stormwater or other flow occurring in the Drainage System.
- (e) “Surface Water Facility and/or Improvement” shall mean projects that are undertaken and constructed by the District and are designed to protect, restore, and/or manage Surface Water quality and/or quantity. Surface Water Facility and/or Improvement specifically does not include maintenance or repair of a Drainage System that was undertaken and constructed by a third party and dedicated to the County pursuant to Ohio Revised Code Section 6131.63 and that is assessed pursuant to Ohio Revised Code Chapter 6137 and Chapter 1109 of these Codified Ordinances, related to subdivision Drainage Systems.
- (f) “Surface Water Management Program” shall mean an identified set of measures and activities designed to protect, restore, and/or manage Surface Water quality by controlling and/or reducing pollutants; and to reduce and/or manage Surface Water quantity by controlling velocity, volume, and/or rate.
- (g) “Surface Water Management Service Charge” shall mean the rates and charges applicable to any real property located within the Service Area as approved from time to time by County Council.
- (h) “Surface Water Management District”, “SWMD” or “District” shall mean the organizational structure created by this Chapter that is responsible for funding, administering, and operating the County's Surface Water Management Program in the Service Area established pursuant to this Chapter, and financially supported through the Surface Water Management Service Charge or other appropriations approved by County Council.

942.03 JURISDICTION.

The Surface Water Management District shall have jurisdiction over the administration of Chapter 944 of these Codified Ordinances, the Rules and Regulations contained in the Appendix to this Chapter, administration of the County’s Municipal Separate Storm Sewer System (MS4) permit, planning, programming, performance, construction and maintenance of all Surface Water Facilities and/or Improvements within the Service Area, pursuant to and subject to the provisions of this Chapter, provided, however, that any Drainage System that is directly related to a subdivision that has been, or will be, dedicated to the County pursuant to Ohio Revised Code Section 6131.63 and are, or will be, assessed for the repair and maintenance of such Drainage System pursuant to Ohio

Revised Code Chapter 6137 and Chapter 1109 of these Codified Ordinances shall continue to be performed by the County Engineer independent of the District. In the event that the District proposes a Surface Water Facility and/or Improvement that is also partly located outside of the Service Area, the County maintains the right to advance the project through any means authorized by the Ohio Revised Code or other applicable law for that portion of the project outside of the Service Area.

A village, or city may be included in the Service Area by the filing of a duly authorized resolution of the legislative authority of the village, or city with the Clerk of County Council. Said resolution shall request participation under this Chapter for the territory of such political subdivision. The resolution must be received by the first day of July for inclusion in the Service Area in the next billing cycle of that same year. Upon receipt of such a resolution, County Council shall consider the request and determine whether to include the political subdivision in the Service Area, which shall be approved by the passage of an ordinance by County Council.

942.04 GOVERNANCE.

(a) The County Engineer shall be responsible for the day-to-day administration of the District and the Surface Water Management Program, which shall include, but not be limited to:

(1) Overseeing, managing and administering the performance, construction and maintenance of all Surface Water Facilities and/or Improvements within the Service Area.

(2) Overseeing, managing and administering all necessary service functions associated with the District.

(3) Overseeing and performing the general administrative functions, including promulgating rules and regulations, necessary for the ongoing operation of the District and Surface Water Management Program.

(4) Hiring and assigning staff, as needed, to perform the administrative, engineering, project implementation and service functions of the District. Said staff shall be employees and/or appointees of the County Engineer's Office and shall be governed by Part One of these Codified Ordinances.

(5) Procuring goods and services through contracts necessary for the performance, construction and maintenance of Surface Water Facilities and/or Improvements and the administration of the District, provided that the same shall be procured in compliance with Chapter 177 of these Codified Ordinances, and are subject to approval by County Council, where applicable, and execution by the Executive.

(6) Preparing a recommended annual operating and capital improvement budget for submittal to the County Executive.

(7) Performing all other actions specifically assigned to the County Engineer by Chapter 942 of these Codified Ordinances.

(b) The County Executive is hereby authorized to execute an agreement with the County Engineer to fulfill the duties enumerated above and County Council hereby approves an increase in compensation to the County Engineer in the amount of twenty-five percent (25%) of the statutory salary of the County Engineer for the performance of those additional duties. The Fiscal Officer is directed to adjust the County Engineer's compensation commencing upon the date of execution of the agreement and pay said additional compensation from the fund established for recording the financial activity of the Surface Water Management District.

(c) The County Executive shall provide budgetary oversight to the District, including submittal of an annual operating budget and capital improvement budget to the County Council. County Council shall approve an annual operating budget and capital improvement budget in the same manner in which it approves the budget of other offices within the County.

(d) All contracts for the performance of any actions necessary to implement the Surface Water Management Program with any outside vendor shall be procured and executed in compliance with the requirements and procedures set forth in the County Charter and Part One of these Codified Ordinances. The County may enter into contracts with any public or private entities that are located within or outside of the Service Area as are necessary to accomplish the objectives of Chapter 942 of these Codified Ordinances.

(e) The District, with the advice of the County Executive and the approval of County Council, may finance Surface Water Facilities and/or Improvements using any method authorized by law, including, but not limited to, any funding mechanism or source specified in Revised Code Chapters 6117, 6131 and 6133, and by the use of rates and charges collected pursuant to this Chapter 942, or any combination thereof.

(f) An Advisory Committee shall be established which shall consist of one representative of each of the member townships and municipalities. This committee shall meet at least semi-annually to review the projects and plans of the District, and to make recommendations about future projects to meet the District's objectives in each community.

942.05 SCHEDULE OF CHARGES AND FEES.

County Council has the authority to establish and revise from time to time a schedule of surface water management service rates and charges to be billed and collected as provided in Ohio Revised Code Section 6117.02 from all owners of real property within the Service Area to fund the Surface Water Management Program and the operation of the Surface Water Management District. All property in the Surface Water Management District shall be charged in accordance with the methodology contained in this chapter subject to exemptions listed in section 942.08. County Council may also fund the District by appropriation of funds as it determines necessary.

942.06 BILLING AND COLLECTION.

Billing and collection of the Surface Water Management Service Charge and any other fee set forth in Section 942.05 of these Codified Ordinances shall be collected semi-annually with real estate taxes as provided in R.C. 6117.02(D).

942.07 DISPOSITION OF SERVICE CHARGES AND FEES.

All money received from Surface Water Management Service Charges and other fees under the provisions of this Chapter shall be credited to a Surface Water Management Fund.

Interest earned on money held within the Surface Water Management Fund shall be credited to that fund.

942.08 EXEMPTIONS.

The following property shall be exempt from payment of the Surface Water Management Service Charge set forth in Section 942.05 and shall generally be exempt for any other provision of Chapter 942 of these Codified Ordinances.

- (a) Public road rights-of-way that have been conveyed to and accepted for maintenance by the Ohio Department of Transportation, the Ohio Turnpike Authority or entities contracted by the State of Ohio for the operation of toll roads, and that are available for use by the general public for transportation purposes.
- (b) Public road rights-of-way that have been conveyed to and accepted for maintenance by municipal corporations or townships within the County, and that are available for use by the general public for transportation purposes.
- (c) Public road rights-of-way that have been conveyed to and accepted for maintenance by the County of Summit, and that are available for use by the general public for transportation purposes.
- (d) Railroad rights-of-way used for trackage and related appurtenances.
- (e) Any property specifically exempted from fees and charges by the Ohio Constitution, Ohio Revised Code or Ohio Administrative Code.
- (f) Any property specifically exempted from fees and charges by the Constitution of the United States, the United States Code or the Code of Federal Regulations.

942.09 APPEAL PROCEDURE; HEARING AND DECISION.

(a) Any person aggrieved or adversely affected by any action taken or determination made under this Chapter may request a hearing before the County Engineer. The request shall be in writing and shall set forth the action or determination appealed from and the grounds upon which the appeal is based. The request shall be filed with the County Engineer within thirty (30) days after receipt of the action or determination complained of.

(b) Upon receipt of any properly filed appeal, the County Engineer or his designee shall schedule a time and place at which the hearing will be held, and shall provide

notice, in writing, at least five (5) days prior to the hearing. The County Engineer or his designee may postpone or continue any hearing upon his own motion or upon application of the appealing party.

(c) The filing of an appeal and a request for a hearing does not automatically suspend or stay execution of the order, determination, or billing appealed from, but upon application by the appealing party, the County Engineer or his designee may suspend or stay execution of the order, determination, or billing upon such terms as deemed appropriate, pending determination of the appeal.

(d) The appealing party, County employees and any other interested person who has been granted permission to appear may present evidence, as the County Engineer or his designee deems admissible. The County Engineer or his designee may require the attendance of witnesses and the production of books, records and papers that are relevant to the matter being decided.

(e) After completion of the hearing, the County Engineer or his designee shall issue a written decision containing the facts and conclusions upon which the decision is based. If the County Engineer or his designee finds that the action or determination appealed from was lawful and reasonable, the order shall be affirmed. If the County Engineer or his designee finds that the action or determination appealed from was unreasonable or unlawful, the order shall be vacated and a new action taken or determination made in compliance with the decision. A final decision and order made by a designee of the County Engineer shall be considered an order of the County Engineer for purposes of this Section 942.09. A copy of the decision shall be mailed to each party participating in the appeal.

(f) Any person adversely affected by the decision of the County Engineer may appeal to the Court of Common Pleas as provided by Ohio Revised Code Chapter 2506.

942.10 SPECIAL SURFACE WATER MANAGEMENT DISTRICT.

Sections 942.10 to 942.18 authorize a Special Surface Water Management District in Bath Township, which had adopted legislation authorizing participation under this Chapter prior to the amendment of Chapter 942 on 1-1-2022. These provisions authorize continuation of a service charge within this Special District to support projects benefitting the Special District and is in furtherance of phase II of the storm water program of the national pollutant discharge elimination system established in 40 C.F.R. part 122.

942.11 SPECIAL DISTRICT DEFINITIONS.

For purposes of Sections 942.10 to 942.18 of this Chapter, the following words, terms, and phrases shall have the meanings given to them in this section, except where the context clearly indicates a different meaning:

(a) "Agricultural Property" means a Zoned Lot or Tract containing Impervious Surface Area used for farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not

limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. Agricultural Property shall not include Undeveloped Land used for these purposes that does not contain Impervious Surface Area.

(b) "Conventionally Developed Residential Property" shall mean developed land occupied by a structure containing one-, two-, or three Dwelling Units, provided each Dwelling Unit is not identified as a separate parcel as in the case of a condominium or planned community, and provided that the parcel contains no significant nonresidential uses. Structures appurtenant to the Dwelling Units, such as detached garages and sheds, shall be disregarded in the ERU calculation of this type of property.

(c) "County Ditches" shall mean any ditch, drain or waterway established under Chapter 6131 of the Ohio Revised Code or Chapter 6133 of the Ohio Revised Code.

(d) "Developed Land" shall mean a Zoned Lot or Tract altered from its natural state to include impervious surface area.

(e) "Dwelling Unit" means a detached building or portion of a building that is designed and intended for use and occupancy for residential purposes by a single household or family.

(f) "Equivalent Rate Unit (ERU)" shall mean the measure of Impervious Surface Area on a Zoned Lot or Tract that is used by the County as the basis for calculating the Surface Water Management Service Charge and is equivalent to three thousand (3,000) square feet of Impervious Surface Area.

(g) "ERU Credits" shall mean on-going reductions in the Surface Water Management Service Charge applicable to a given Zoned Lot or Tract in recognition of Private Runoff Control Measures that are implemented and maintained in addition to those Surface Water Facilities and/or Improvements required by local zoning ordinances, local surface water regulations, County subdivision regulations, Summit Soil & Water Conservation District requirements, and any other local surface water management regulations.

(h) "Impervious Surface Area" shall mean developed areas of land that prevent or significantly impede the infiltration of Surface Water into the soil. Typical Impervious Surface Areas include, but are not limited to: roofs, sidewalks, walkways, patios, swimming pools, private driveways, parking lots, access extensions, alleys and other paved, engineered, compacted or gravel surfaces containing materials that prevent or significantly impede the natural infiltration of Surface Water into the soil.

(i) "Natural State" shall describe existing land, water, soil, and vegetation characteristics that have not been substantially modified or disturbed by the construction or placement of Impervious Surfaces Areas on the land.

(j) "Private Runoff Control Measures" shall mean Surface Water Facilities and/or Improvements that are constructed and/or maintained by a property owner that provide measurable benefit to Surface Water management and/or control.

(k) "Special Service Area" shall mean all land within Bath Township.

(l) "Special Surface Water Management Service Charge" or "Special Service Charge" shall mean a service charge, applicable to a Zoned Lot or Tract, that generally reflects the impact on or demand for the Surface Water Management Program provided by the County under this Chapter to properly control and manage Surface Water runoff quality and/or quantity associated with the Zoned Lot or Tract. The Special Surface Water Management Service Charge will vary from one Zoned Lot or Tract to another, based on the Impervious Surface Area as calculated in ERUs, less any applicable ERU Credits.

(m) "Special Surface Water Management District" or "Special District" shall mean the organizational structure created under this Chapter that is responsible for funding, administering, and operating the County's Surface Water Management Program in the Special Service Area established pursuant to this Chapter, and financially supported through the Special Surface Water Management Service Charge.

(n) "Tract" shall mean a parcel of land not previously recorded as a Zoned Lot.

(o) "Undeveloped Land" shall mean all land that is not altered from its Natural State.

(p) "Zoned Lot" shall mean a legally subdivided lot shown on a legally recorded plat or deed, or a combination of such legally subdivided and recorded adjacent lots.

942.12 GOVERNANCE.

(a) The County Engineer shall be responsible for the day-to-day administration of the Special District and the Surface Water Management Program. The County Engineer shall manage the funds collected from the Special Surface Water Management Service Charge for the benefit of the Special District, in addition to the funding received under Section 942.05. Governance of the Special District is subject to Section 942.04.

942.13 IMPERVIOUS SURFACE AREA AND EQUIVALENT RATE UNIT.

(a) The amount of impervious surface area on a given Zoned Lot or Tract shall be the determining factor in calculating the distribution of the cost of services associated with the planning, programming, performance, construction and maintenance of all Surface Water Facilities and/or Improvements within the Special Service Area and the extent of a Zoned Lot or Tract owner's obligation to pay for a portion of the same through the Special Service Charge because it (i) directly relates to the volume, rate and pollutant loading of Surface Water runoff discharged from that Zoned Lot or Tract to the County's Surface Water Drainage Systems and (ii) is voluntarily controllable by owners of Zoned Lots or Tracts in the development of the same and therefore provides an equitable and adequate system for determining estimated usage of Surface Water Facilities and/or Improvements.

(b) An impervious surface area of 3,000 square feet shall be designated as one (1) Equivalent Rate Unit (ERU) in order to maintain consistency with the prevailing unit adopted by communities within the County of Summit and northeast Ohio region for local surface water management.

(c) Each owner of a Zoned Lot or Tract of Developed Land within the Special Service Area shall pay a Special Service Charge that is calculated by multiplying the Special Surface Water Management Service Charge set forth in Section 942.14 times the number of ERUs that have been assessed against that Zoned Lot or Tract.

(d) The County Engineer shall calculate the number of ERUs to be assessed against each Zoned Lot or Tract of Developed Land within the Special Service Area based on the amount of Impervious Surface Area on that Zoned Lot or Tract prior to the billing and collection of any Special Service Charge as set forth in Sections 942.14 and 942.15, provided, however, that all Conventionally Developed Residential Property or Agricultural Property shall be assessed the equivalent of one (1) ERU per Zoned Lot or Tract.

(f) With respect to a Zoned Lot or Tract of Developed Land other than Conventionally Developed Residential Property or Agricultural Property, if, due to construction, demolition, destruction and removal, or some other cause, a substantial change in impervious surface occurs on the Zoned Lot or Tract, an owner may notify the County Engineer of such change and request that the County Engineer recalculate the number of ERUs to be assessed. The County Engineer shall notify the owner, in writing, of any change to the calculation of ERU s. Any owner that receives a notice of the calculation of ERUs by the County Engineer under this paragraph may appeal the calculation in the manner and method set forth in Section 942.09 of these Codified Ordinances.

(g) Notwithstanding Section 942.09(e), with respect to Conventionally Developed Residential Property, if, due to demolition, destruction, or some other cause, the Dwelling Units and appurtenant structures are removed such that the Zoned Lot or Tract no longer qualifies as Conventionally Developed Residential Property and instead qualifies as Undeveloped Land, an owner may notify the County Engineer of such change and request that the County Engineer recalculate the number of ERUs to be assessed. The County Engineer shall notify the owner, in writing of any change to the calculation of ERUs. Any owner that receives a notice of the calculation of ERUs by the County Engineer under this paragraph may appeal the calculation in the manner and method set forth in Section 942.09 of these Codified Ordinances.

942.14 SCHEDULE OF CHARGES AND FEES.

(a) County Council has the authority to establish and revise from time to time a schedule of Special Service Charges to be billed and collected from all owners of Zoned Lots or Tracts of Developed Land within the Special Service Area to fund the Surface Water Management Program and the operation of the Special District.

(b) All Zoned Lots and Tracts within the Special Service Area, unless specifically exempted as set forth in Section 942.18 of these Codified Ordinances, shall be annually billed a Special Service Charge of \$4.00 per month, or at a rate otherwise set by County

Council, for each ERU calculated by the County Engineer to be assessed against that Zoned Lot or Tract pursuant to Section 942.13 of these Codified Ordinances. The Special Service Charge shall be used to fund and administer the Special District and Surface Water Management Program and to perform studies necessary for fulfilling these duties. County Council may establish and revise the Special Service Charge as necessary to properly fund and administer the Special District and Surface Water Management Program, provided that any increase in the Special Service Charge during the ten-year period after which the Special Service Area is first established shall not exceed, on a cumulative basis, a rate of increase greater than the Consumer Price Index for Urban Consumers (CPI-U) for that same period. County Council shall be permitted to increase the Special Service Charge in excess of the CPI-U if such increase is requested by a resolution of the legislative body of the political subdivision of the Special Service Area.

(c) Developed Land receiving a Homestead Exemption will be granted a twenty-five percent (25%) reduction in the Special Service Charge.

(d) Developed Land located in assessed subdivisions for which annual assessments pursuant to Revised Code Chapter 6137 are being charged will be granted a twenty-five percent (25%) reduction in the Special Service Charge. This reduction may be combined with the reduction for Homestead Exemption for a total fifty percent (50%) reduction in the Special Service Charge.

942.15 BILLING AND COLLECTION.

(a) Billing and collection of the Surface Water Management Service Charge and any other fee set forth in Section 942.14 of these Codified Ordinances shall be administered by the County Engineer on behalf of the Special District and shall be billed on a July to June cycle. Pursuant to Section 6117.02(D) of the Ohio Revised Code, the Special Service Charge shall be paid semiannually with real estate taxes. The County Engineer shall provide the Summit County Fiscal Office with the information sufficient for the Fiscal Office to identify each parcel of property for which a rate or charge is levied and the amount of the rate or charge, and the County Engineer shall certify such information annually in August during the billing cycle based on the schedule established by the Fiscal Office for tax billings in the succeeding year. If the tax bill containing the Special Service Charge is not paid within the time set by law, late fees and penalties shall be charged with respect to the Special Surface Water Management Service Charge in the same manner as are charged on delinquent taxes. Such late fees and penalties shall be credited to the Special District when collected.

942.16 DISPOSITION OF SERVICE CHARGES AND FEES.

All money received from Special Service Charges and other fees under Section 942.15 shall be credited to the Special Surface Water Management Fund. All Special Service Charges and other fees collected under Section 942.15 from Zoned Lots or Tracts within the Special Service Area shall be used for: (i) administration of the Special District and (ii) County Ditches, Drainage Systems, Surface Water Management Facilities and/or Improvements and/or Surface Water Management Programs that benefit Developed Land

or Undeveloped Land within the Special Service Area. All Surface Water Management Service Charges and other fees collected under this Chapter that were billed prior to the revision of this Chapter in 2021 shall be exclusively used for projects benefitting Bath Township. The Special Service Area shall be considered to benefit under this provision where fees are used to improve or maintain a Drainage System, in whole or in part, that is within the Special Service Area or that conveys Surface Water flowing into or out of the Special Service Area. Interest earned on money held within the Special Surface Water Management Fund shall be credited to that fund.

942.17 CREDITS.

(a) Other than as provided in subsection (f), below, the number of ERUs assessed against a Zoned Lot or Tract may be reduced, through the allocation of an ERU Credit, as a result of, and in recognition of, Private Runoff Control Measures being implemented and maintained for the benefit of the Zoned Lot or Tract that are in addition to those Surface Water Management Facilities and/or Improvements required by local zoning ordinances, local surface water regulations, County subdivision regulations, Summit Soil & Water Conservation District requirements, and any other local surface water management regulations. For each Zoned Lot or Tract in the Special Service Area that benefits from a Private Runoff Control Measure, the County Engineer shall calculate the number of ERU Credits that should be allocated to that Zoned Lot or Tract. The number of ERU Credits that are allocated to a Zoned Lot or Tract shall reduce the number of ERUs assessed against that Zoned Lot or Tract under Section 942.13 of these Codified Ordinances, and the owner of the Zoned Lot or Tract shall only be billed, and shall only be obligated to pay, the difference between the number of ERUs assessed against the Zoned Lot or Tract and the ERU Credits allocated to the Zoned Lot or Tract.

(b) The County Engineer shall notify in writing the owner of any Zoned Lot or Tract of the calculation of ERU Credits in the same manner and method and at the same time as required for the notification of the calculation of ERUs to be assessed against the Zoned Lot or Tract, as set forth in Section 942.13 of these Codified Ordinances.

(c) At any time, the owner of any Zoned Lot or Tract that installs a new, or improves an existing, Private Runoff Control Measure that benefits that Zoned Lot or Tract may apply to the County Engineer for a calculation of ERU Credits to be allocated to that Zoned Lot or Tract. The County Engineer shall notify the owner in writing of his or her determination of the number of ERU Credits to be allocated to the Zoned Lot or Tract.

(d) In no event shall the number of ERU Credits allocated to a Zoned Lot or Tract reduce the total number of ERUs assessed against that Zoned Lot or Tract below one (1) ERU.

(e) Any ERU Credit may be revoked if any condition to the granting of the ERU Credit no longer exists or the Private Runoff Control Measure is not properly maintained and functioning.

(f) Conventionally Developed Residential Property or Agricultural Property are not eligible for ERU Credits.

(g) Any owner of a Zoned Lot or Tract that receives a notice of the calculation of ERU Credits by the County Engineer under this Section may appeal the calculation in the manner and method set forth in Section 942.09 of these Codified Ordinances.

942.18 EXEMPTIONS

In addition to the exemptions in set forth in Section 942.08, undeveloped land shall be exempt from the Special Service Charge.

942.19 SEVERABILITY

The determination that any part of this Chapter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

DRAFT

Appendix A
Summit County Surface Water Management District
Rules and Regulations

1. PURPOSE AND SCOPE

The Summit County Surface Water Management District Program, the “Program” was established to provide a mechanism to manage and improve storm water facilities and storm water discharges, to protect surface and groundwater quality, reduce property damage due to excess storm water discharge, and to meet all requirements of the Federal Clean Water Act as regulated by the Ohio EPA for all surface water received by public right of way, county ditches and waters of the State of Ohio within the surface water management program service area, including each Minimum Control Measure (MCM) required for small Municipal Separate Storm Sewer Systems (MS4) and all requirements of Ohio EPA General Permit OHQ000004 and future updates as required by the National Pollutant Discharge Elimination System (NPDES). The County Engineer is charged with promulgating regulations for this purpose. The following rules and regulations are adopted in accordance with Chapter 942 of the Codified Ordinances of the County of Summit for the Surface Water Management Program to promote public health and safety, minimize public and private losses due to excess surface water discharges, and to protect surface waters and the natural function of floodplains.

2. SERVICE AREA

The Summit County Surface Water Management District service area (the “service area”) shall encompass all land within the corporate limits of the County that is also within the limits of the unincorporated areas of the County or those incorporated areas wherein the municipal legislative authority has adopted legislation authorizing participation under Chapter 942 of the Summit County Codified Ordinances.

3. DEFINITIONS

For purposes of these Rules and Regulations, the following words, terms, and phrases shall have the meanings given to them in Chapter 942 of the Codified Ordinances or these Rules and Regulations, except where the context clearly indicates a different meaning:

- (a) "BMP": Best management practice, either structural or non-structural, intended, operated and maintained to provide specific environmental and other surface water benefits. A structural BMP is a device or system installed or constructed to provide specific benefits. A non-structural BMP is a procedure or action that protects, preserves or enhances natural features that provide benefits, such as green infrastructure.
- (b) “CLEAN WATER ACT”: Federal law formerly referred to as Federal Water Pollution Control Act Amendments of 1972 Pub. L. 92-500 and all subsequent amendments.
- (c) “EXCAVATION”: The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substance from the ground and includes

- dredging, draining, unnaturally flooding or otherwise altering a waterway or wetland.
- (d) "FILLING": The placing of any soil, earth, sand, rock, gravel or other similar substance on the ground or within a waterway or wetland.
 - (e) "GRADING": Any operation involving excavation and/or filling.
 - (f) "GROUND": The surface of the earth, including, but not limited to, land below the banks and beds of any ditch, stream, river, pond, lake, or wetland.
 - (g) "HYDRIC SOILS": Soil types that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part, or as otherwise defined by the United States Department of Agriculture.
 - (h) "LAND DEVELOPMENT REGULATIONS": All applicable building and environmental regulations, including, but not limited to, the Summit County Subdivision Regulations and/or Chapter 943 of the Codified Ordinances, "Comprehensive Stormwater Management".
 - (i) "MCM": Minimum Control Measure as required for MS4 NPDES permit.
 - (j) "MS4": Municipal separate storm sewer system, which means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by the federal government, state, municipality, township, county, district or other public body and which is designed or used for collecting and conveying solely storm water, which is not a combined sewer and not part of a publicly owned treatment works.
 - (k) "NON-FUNDED COUNTY DITCHES": Ditches, drains and watercourses where county easements were established and improvements made under the Ohio Revised Code ("ORC") Ditch Petition provisions in effect prior to the October 20, 1957 revision of ORC Chapters 6131 and 6137, where the responsibility for maintenance lies solely with the owners of the adjacent abutting properties.
 - (l) "NON-SUBDIVISION LAND DEVELOPMENT": The development or improvement of a parcel or parcels of land for the purpose of creating a commercial, industrial, multi-family, or condominium structure or structures, not subject to the provisions of the Summit County Subdivision Regulations, as set forth in Part 11 of the Codified Ordinances.
 - (m) "NPDES": National Pollutant Discharge Elimination System of permits required for all facilities discharging pollutants to waters of the State of Ohio.
 - (n) "Ohio EPA": The Ohio Environmental Protection Agency which is the state agency for issuing and enforcing MS4 NPDES permits in Ohio.
 - (o) "POLLUTANT": anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.
 - (p) "POND": A body of water formed by excavation and/or damming.

- (q) “PRIVATELY OWNED DITCH OR WATERWAY”: Any ditch, swale or waterway located on private property not dedicated to and accepted by Summit County as a County Ditch or Non-Funded County Ditch under current or prior ditch laws.
- (r) “PROJECT”: Work funded and undertaken by the Program pursuant to Chapter 942 of the Codified Ordinances.
- (s) “SUBDIVISION LAND DEVELOPMENT”: The development of a parcel or parcels of land for the purpose of creating residential, commercial and/or institutional structures in accordance with the Summit County Subdivision Regulations.
- (t) “SURFACE WATER”: Storm water runoff, snow melt runoff, and surface runoff and drainage.
- (u) “WATERS OF THE STATE OF OHIO”: Any water feature subject to regulation by the State of Ohio as defined by the Ohio Revised Code (ORC) 6111.01 and includes all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, regardless of the depth of the strata.
- (v) “WETLAND”: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands shall possess three essential characteristics: (1) Hydrophytic vegetation; (2) Hydric soils’ and (3) Wetland hydrology.

4. PROJECT DEVELOPMENT

The County Engineer will initiate a public information campaign and a series of public meetings. The meetings will inform the public of the purpose and scope of Program responsibilities and provide opportunities for citizens and public officials to provide to the County Engineer their knowledge of areas subject to pollution and other storm water related problems within the Service Area. The County Engineer will analyze the needs of each neighborhood within the Service Area, develop estimates of cost for program work elements and improvements, and prioritize work in the form of a long-range and a short-term plan. A report of the County Engineer’s findings and a proposed budget for accomplishing the work will be provided to each neighborhood within the Service Area. Additional public meetings may be held to receive comments on the resulting short-term and long-range work plan and budget. Project development is intended to be an ongoing process with priorities being revised as needs change.

5. MAINTENANCE OF COUNTY DITCHES, DRAINS AND WATER QUALITY/QUANTITY STRUCTURES

Maintenance of County ditch facilities established after October 20, 1957 under ORC Chapters 6131 and 6137 will continue to be performed utilizing the process and the funds collected in accordance with ORC Chapter 6137.

6. MAINTENANCE OF NON-FUNDED COUNTY DITCHES

Maintenance of non-funded County ditches shall be limited to the removal of logjams, beaver dams and debris that represent imminent cause of structure flooding. Where cleaning or reconstruction of more than 200 feet of such facilities would be required to improve drainage flow conditions the process afforded under ORC Chapter 6131 may be utilized to establish the facility as a county ditch.

7. MAINTENANCE OF PRIVATELY OWNED DITCHES AND WATERWAYS

Privately owned ditches and waterways will not be eligible for funding from District funds unless the ditch or waterway is established as a county ditch utilizing the ditch petition process in ORC Chapters 6131 and 6137.

8. FACILITIES ESTABLISHED UTILIZING ORC 6131 AND 6137 DITCH PETITION PROCESS

Storm water drainage and management facilities appearing on the short-term or long-range plan may become public facilities managed, constructed and/or improved by the Program by petition filed by the local political subdivision of the Service Area or by any property owner within the Service Area. The cost of the administration of the ditch petition process may be paid from Program funds, including cost of public notices, preliminary studies, and design. Some or all cost which would be assessed per ORC Chapter 6131 to property owners within the Service Area of such improvements may be paid from Program funds. Political subdivisions outside the Service Area may similarly contribute financially to offset some or all of the cost which would be assessed to property owners within their neighborhood. Costs may also be reduced where funding can be secured from private, local, state and/or federal grant sources.

9. STREAMS, WATERWAYS AND DITCHES

Streams, waterways and ditches, including roadside ditches, shall remain open and free flowing unless otherwise allowed by permit issued by the County Engineer.

Streams, waterways and ditches, including roadside ditches, shall be kept free of leaves, grass clippings, brush, and trash. Any accumulation of such debris shall be promptly removed by the owner of the property thereon.

No alteration of streams, waterways or ditches shall be allowed unless plans have been approved by the County Engineer, a permit has been issued, and any applicable fees paid.

Roadside and waterway ditches provide capacity and storage during periods of heavy rainfall and vegetation within the ditches filters sediment and debris from traveling downstream, therefore, enclosure of ditches is prohibited. Alternatives to ditch enclosure are installing aggregate drains to enhance recharge of standing water into the soil and grading back slopes to allow easier maintenance and/or reduce ditch edge erosion.

No person shall deposit any pollutant into any stream, waterway, storm sewer, or ditch. The deposit or discharge of any pollutant unless contained by adequate means, shall be considered a violation of this requirement

10. DRIVEWAYS AND DRIVE CULVERTS

Construction and maintenance of driveways and drive culverts within unincorporated areas of the county are the responsibility of the owner of the properties they serve. Drive culverts shall be constructed of size and type approved by the local authority and kept free of debris. Driveways shall be constructed and maintained to prevent the flow of water therefrom onto the street or adjacent property. Local rules and regulations for driveways and drive culverts shall apply within municipalities.

11. PUBLIC ROADWAY BRIDGES, CULVERTS AND STORM SEWERS

Construction and maintenance of public roadway bridges, culverts and storm sewers shall be performed by the responsible public agency including clearing of debris causing a restriction in the flow of storm water. The design of new and replacement bridges, culverts, and storm sewers shall be reviewed and approved by the County Engineer.

12. PRIVATE BRIDGES, CULVERTS AND STORM SEWERS

Maintenance of private bridges, culverts, and storm sewers shall be performed by the property owner including clearing of debris causing a restriction in the flow of storm water. Private bridges over waterways, culverts, and storm sewers found to be in disrepair or to be improperly sized shall be removed by the property owner upon receipt of notice by the County Engineer. New and replacement bridges, culverts, and storm sewers shall be properly sized for flow of storm water in accordance with the Summit County Engineer's Storm Water Drainage Manual and shall be reviewed and approved by the County Engineer. The installer of private roadway bridges, culverts, and storm sewers shall be subject to payment of applicable permit and inspection fees.

13. DAMS OR BASINS REQUIREMENTS

All Dams shall be maintained by the property owner in a stable condition free from erosion and in accordance with the standards and requirements of the State of Ohio, Department of Natural Resources, Division of Water. Three (3) copies of detailed drawings of proposed dams or basins and all calculations shall be submitted to the County Engineer for approval. The property owner shall also apply for a permit from the State of Ohio, Department of Natural Resources, Division of Water, if applicable, and any other applicable agencies. All dams, emergency spillways, basins, and fire ponds shall be stabilized from erosion immediately following any construction or maintenance activity.

14. GROUND COVER

Properties shall be maintained with adequate groundcover vegetation to prevent erosion of the soil. All eroded surfaces shall be repaired to prevent further damage and all erosion soil materials that leave a property shall be removed by the owner of the property from which they originate.

15. OHIO ENVIRONMENTAL PROTECTION AGENCY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT MS4 REQUIREMENTS

The Summit County Storm Water Management Program dated March 10, 2003, and its annual updates, shall govern the Service Area MS4 Ohio EPA NPDES Phase II General Permits Requirements.

16. SURFACE WATER POLLUTION CONTROL

Chapter 944 of the Codified Ordinances, “Illicit Discharge Detection and Elimination Program” shall govern all activities related to discharges to storm sewers, drains, ditches, streams, waterways and wetlands.

17. RIPARIAN AND WETLAND SETBACK REQUIREMENTS

Chapter 937 of the Codified Ordinances, “Riparian Setbacks,” shall govern all activities within and/or adjacent to waterways and wetlands.

18. SUBDIVISION LAND DEVELOPMENT

Storm water facilities constructed as a component of Subdivision Land Development shall comply with the applicable standards and regulations provided in the Summit County Subdivision Regulations.

19. NON-SUBDIVISION LAND DEVELOPMENT

All non-subdivision land development shall comply with Chapter 943 of the Codified Ordinances, “Comprehensive Storm Water Management.”

20. EROSION AND SEDIMENT CONTROL AND POST CONSTRUCTION STORM WATER QUALITY

All land disturbance shall comply with Chapter 941 of the Codified Ordinances, “Erosion and Sediment Control and Post Construction Storm Water Quality”.

21. MAINTENANCE RESPONSIBILITY FOR STRUCTURAL BEST MANAGEMENT PRACTICES

Maintenance of all structural Best Management Practices (“BMPs”) shall be the responsibility of the property owner or the property owner’s designee except where such responsibilities have been dedicated to and accepted by the County or other political subdivision by Ditch Petition or other legal process. The County Engineer or the Engineer’s designee shall inspect structural BMPs from time to time and shall issue correction notices where warranted. Structural BMPs shall be maintained in accordance with an approved maintenance plan prepared by an Ohio licensed Professional Engineer and in a manner such that the facility will function as designed and intended.

22. FLOOD ZONES

All land disturbance shall comply with Chapter 1345 of the Codified Ordinances, “Flood Damage Reduction”.

23. FILLING, GRADING, EXCAVATING AND POND CONSTRUCTION

Filling, grading, excavating, and pond construction shall be performed in compliance with the following requirements:

23.01 REGULATIONS

(a) No filling, grading, excavating, or pond construction shall be commenced in the District except as hereinafter provided, and then only in full compliance with the requirements, standards and conditions contained herein.

(b) The provisions of this Chapter shall not be construed as permitting the applicant to carry on any commercial operation or business or use any premises or buildings or structures thereon for any purpose not permitted by other provisions of this chapter or the applicable local Zoning Ordinance. For the purpose of this Section, an excavation shall not be considered a commercial operation or business if the excavation is incidental to and necessary for establishment or operation of a use permitted by the applicable zoning regulation.

(c) The provisions of this Section shall apply to all excavations, grading or filling operations which are being conducted at the time these Rules and Regulations go into effect as provided in Section 23.03 and except that any existing operation shall be completed within one year from the effective date of this Chapter, provided that written notice of intention to continue such operation for such time is filed with the County Engineer within thirty days after the effective date of this Section. No existing operation shall be extended in area or any new operation commenced after such date without first securing a permit therefor as hereinafter provided, and such operation shall be subject to all of the provisions of this Chapter.

23.02 PERMIT REQUIRED

Except as provided in Subsection 23.03, a permit shall be required for every excavation, grading, pond or filling as defined herein.

23.03 EXCEPTIONS

(a) No permit shall be issued and no fees shall be required for excavation, grading or filling operations performed in conjunction with the following activities; however, all other provisions of this Chapter shall apply and applications for the performance of these activities shall be reviewed for compliance with the requirements contained herein:

(1) Site improvements. Activities incidental to any site improvement project shown by the plans and specifications as approved under the provisions of applicable land development regulations.

(2) Excavation for streets and drains. Necessary grading, removal or excavation of topsoil or other materials shall be permitted within the limits of the right of way or slope rights of any existing street, or for the purpose of constructing streets and other related improvements within the area of new subdivisions when made in accordance with subdivision plans approved by the Planning Commission, which plans shall establish the elevations and grades of such streets and/or the location of such improvements, and for which a street construction permit or a drain connection permit has been issued.

(b) Excavation, grading and filling operations conducted in conjunction with the following operations shall be exempt from the requirements of this Chapter provided the operations do not affect a wetland, do not block or divert natural storm water flows to the detriment of neighboring properties.

(1) Foundation grading. Activities conducted within fifteen feet of the foundation of an existing structure for the purpose of directing surface water flows away from the foundation of the structure.

(2) Landscaping. Activities involved in the installation of landscaping materials and plants and the seeding or sodding of lawn areas.

(3) Utilities and conduits. Activities conducted in the repair or replacement of storm water pipes, drains or tile including roof drains and foundation drains or underground utility service connections for which the proper authority has been contacted and any necessary permits and/or work authorizations have been obtained.

(4) Farming. Activities conducted in the lawful use of the land for farming, nurseries, gardening or similar agricultural or horticultural use where permitted by the local zoning code and ORC § 519.21.

(5) Land Fills. As regulated and approved by County or State agencies.

23.04 PROHIBITED EXCAVATION, GRADING OR FILLING.

No excavation, grading, filling or pond construction shall be permitted which would interfere with the natural drainage of the site or the general area surrounding the site or interfere with the preservation of wetlands on, adjacent to, abutting or affected by the site. All existing watercourses and wetlands shall be preserved, except that wetlands may be altered and mitigated in accordance with requirements of all statutes, ordinances or regulations of any federal or state agency or subdivision thereof, that such watercourses may be relocated or piped, provided that there shall not be a significant increase in the rate of stormwater runoff from the site and there shall not thereby be created any interference with the riparian and drainage rights or easements of other property owners, and provided further that no drainage shall be made onto public land or connected with public facilities without the express approval of the County.

23.05 PERMIT APPLICATION; FEES; EXPIRATION.

(a) Application for an excavation, grading or filling permit shall be made by the property owner or his/her authorized agent to the County Engineer as enforcement officer, on forms provided by the County. An application form in duplicate shall be accompanied by a detailed statement of proposed work, the purpose thereof and the reason such work is clearly incidental to the improvement of the property. An application shall be accompanied by the following:

(1) Two sets of maps and plans with specifications showing the proposed excavation, grading or filling and any approvals or permits for such work required by any federal or state agency or subdivision thereof. All such plans shall be prepared by a qualified professional, where the excavation, grading or filling of more than 500 cubic yards of material is expected, and drawn to an appropriate

scale which in no case shall be less than one inch equals 100 feet and shall show the following:

- A. The full name and address of owner of property;
- B. A description of property by street address and tax assessor designation with a surveyed boundary shown on the plan;
- C. The location of the premises and its geographic relation to the neighboring properties, showing all buildings and roads within 100 feet of the boundaries of the plot on which the excavation, grading or filling is proposed;
- D. A plan of the portion of the property that is to be excavated, graded or filled with excavated material and specifications for the execution of the excavation, grading and/or filling.
- E. The estimated maximum quantity of material to be excavated, graded or filled and the estimated part thereof that shall be used for grading or filling;
- F. The location and depth, where known, of any well situated within fifty feet of the proposed excavation and/or filling;
- G. The location of any sewerage disposal system or underground utility line, any part of which is within fifty feet of the proposed excavation, grading or filling area and the location of any gas transmission pipeline operated at a maximum service pressure in excess of 200 P.S.I.G., any part of which is within 100 feet of the proposed excavation, grading or filling area;
- H. Existing and proposed topography of the premises and any area which is within 100 feet of the proposed excavation, grading or filling area at an appropriate contour interval which in no case shall be more than two feet. Existing and final elevations shall be shown at horizontal intervals of not more than twenty-five feet. All physical features shall be shown including streets, structures, drives, walks, parking areas, trees, drainage structures, hydric soil areas, marsh or swamp land areas, etc. Existing and proposed elevations of all significant physical features shall be shown;
- I. The location and present status of any previously permitted excavation operations on the property;
- J. The details, plans and specifications of any drainage system proposed to be installed and maintained by the applicant, designed to provide for proper surface drainage of the land, both during the performance of the work applied for and after the completion thereof;
- K. The design of any proposed complete design calculations, plans and specifications;
- L. A statement concerning the type and nature of the soils on the site and any area which is within 100 feet of the proposed excavation, grading or filling area. This statement may rely on information provided by the Soil and Water Conservation Service Office of Summit County and shall identify and describe the location of any hydric soils and non- hydric soils which contain hydric components as indicated in the Soil Survey of Summit County, Ohio, prepared by the United States Department of Agriculture, Soil Conservation Service, and shall locate and identify any area shown as marsh or swamp land on the most current edition of Summit County Topographic Maps. In the case where hydric soils, non-hydric

soils which contain hydric components, marsh or swamp land are indicated, this statement shall be supplemented by the approval of the U.S. Army, Corps of Engineers and a copy of any study required by them. Hydric soils shall be any soils designated by the following map symbols: Ca, Cg, Da, Fr, Ho, Ld, Ln, Od, Sb, Sv, Tr or Wc. Non-hydric soils which contain hydric components shall be any soils designated by the following map symbols which are located within depressions, drainageways, springs, swales, low areas and/or stream meander channels: CcA, CcB, DkD, DkF, FcA, FcB, FnA, JtA, MgA, MhB or ReA, RmA, RsC2, WaA and/or WaB;

M. The method of and specifications for erosion and siltation control to be implemented during the course of the work;

N. A plan and specifications for salvage and re-use of the existing topsoil on the site;

O. An estimate of the cost of the work for all excavations, grading and/or filling of more than 500 cubic yards of material and for all projects;

P. If the proposed excavation and/or filling is for the purpose of constructing a lake or pond, the details, plans and specifications of the proposed dam or other structures and the embankments intended to impound the water, together with the details, plans and specifications of the proposed discharge through a standpipe, overflow, spillway and/or a valved outlet for drainage purposes, the proposed level of any impounded water, and plans, specifications and details of the emergency or flood level overflow or spillway. Any proposal involving the construction of a dam for the impoundment of water shall be approved by the State Water Board, if and where necessary, and any dam shall be approved by the Ohio Department of Natural Resources, if and where necessary, and such approval shall be obtained prior to the issuance of a permit hereunder; Three (3) copies of detailed drawings of proposed dams or basins and all calculations shall be submitted to the County Engineer for approval. The property owner shall apply for a permit from the State of Ohio, Department of Natural Resources, Division of Water, if applicable, and any other applicable agencies. All dams, emergency spillways, basins, and fire ponds shall be stabilized from erosion immediately following construction;

Q. Details and specifications of soil preparation and revegetation or other methods of soil erosion control upon completion, and in case of a wetlands, revegetation and restoration in accordance with the approved wetlands mitigation plan;

R. Proposed truck and equipment accessways to the worksite including plans and specifications for treatment of the accessways to protect the adjacent public roadway from the accumulation of dirt and debris; and

S. A statement from the property owner or his/her agent assuming full responsibility for the performance of the operation as stated on the plans and specifications in the application. This statement shall also contain an assurance that all public property and/or public roads shall be protected adequately.

(2) For applications involving lake or pond construction, wetland mitigation or excavation, grading and/or filling of more than 500 cubic yards of material, a performance bond in form and with surety approved by the Director of

the Department of Law and Risk Management in such amount as shall be deemed sufficient to insure completion of all work following excavation, grading or filling pursuant to the conditions of approval; provided that, in lieu of such bond, the County may accept a certified or bank officer's check in the same amount payable to the County; and

(3) Fees to cover the cost of plan review and inspections as follows:

A. Application and permit fee: Twenty-five dollars (\$25.00) base fee plus two dollars (\$2.00) per each 100 cubic yards of excavation, filling and/or grading or fraction thereof.

B. The application and permit fee shall be increased by two percent (2%) of the estimated construction cost of any storm water structure, utility line, pavement or other structure involved in the work. The estimated construction cost used to calculate the fees referenced in this Subsection may exclude the additional cost which may be attributed to the use of decorative and/or ornamental materials and finishes.

(b) Upon receipt of the application and plan, the County Engineer shall establish the amount of the performance bond, if any, and if such application and plan complies with the standards contained in this Chapter, the County Engineer shall issue a permit in accordance therewith. In acting on such an application and plan, the County Engineer shall be guided by and shall take into consideration the public health, safety and general welfare, and, particular consideration shall be given as to whether the plan shall create any of the following conditions:

(1) Interference with surface water flow and drainage;

(2) Interference with lateral supports and slopes;

(3) Causes erosion, alteration of the natural topography and grade of land, depletion of natural deposits of topsoil and other natural materials, disturbance of the plant and wildlife, creation of nuisances and potentially dangerous slopes, walls or open pits or creation of stagnant water pools; or

(4) Impacts upon the value and use of adjacent properties;

(5) Increases the height or duration of floodwater;

(6) Results in incompatible land uses or uses which would be detrimental to the protection of surface and ground water supplies;

(7) Increases the financial burdens imposed on the community through increasing water treatment costs, increasing floods and overflow of water onto land areas;

(8) Is inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural landforms, vegetation and the wetlands within the community;

(9) Includes development of land and water areas essential to continue the temporary withholding of rapid runoff of surface water which presently contributes to downstream flooding or water pollution or for land and water areas which provide ground water infiltration which diminishes the land area necessary to carry increased flow or storm water following periods of heavy precipitation.

The County Engineer may impose such reasonable conditions or requirements upon the issuance of a permit as the Engineer deems necessary or proper to assure faithful compliance with this Chapter.

(c) A permit issued under this section shall expire one year from the date of issuance, except that the County Engineer may, for good cause shown, extend any permit for one-year periods after complete review of all plans and examination of work accomplished and proposed, provided application is made at least thirty days prior to the

expiration date of such permit. In no case shall a permit be extended if the provisions of this regulation have not been complied with, provided, however, that in connection with continuing operations, the County Engineer may waive, for one-year periods, those requirements which would make continuing operations impractical.

23.06 STANDARDS.

The following standards shall apply to excavation, filling and grading operations:

(a) No excavation, grading or filling shall be permitted within twenty feet of an existing or approved street right-of-way line except to conform to approximate street grade.

(b) Finished slopes of an excavation shall not exceed 1:1 1/2 (vertical to horizontal) in undisturbed earth, 1:2 in earth fill, and 4:1 in rock cut, whether or not the ground surface shall be below water.

(c) Vertical slopes shall be permitted if adequate retaining structures and protective fences are provided when needed.

(d) Truck and equipment accessways to the site of the operation shall be located so as to minimize danger to traffic and nuisance to surrounding properties. Such access shall be kept either wet or oiled or treated with chemical dust deterrents, or paved, to the extent necessary to prevent any dust nuisance to surrounding properties. All such accessways shall be clearly marked with signs and shall be posted approximately 200 feet distance from such accessways or other traveled areas. Such signs shall read "Caution, Trucks Entering" and be of size, type, coloring, lettering and format used by the Highway Department of the County or State.

(e) Excavations shall not interfere with public or private utility systems and shall not create or aggravate any condition detrimental to the public health and safety.

(f) Slopes greater than 1:2 shall receive special ground cover treatment and the upper bank shall be protected by fences, railings or other means.

(g) All work, including compaction of fill, shall be conducted in accordance with accepted and approved engineering standards.

23.07 OPERATIONS.

All operations conducted in connection with an excavation, grading or filling permit shall be subject to local zoning regulations.

23.08 FINISHED GRADING ON FILL OPERATIONS; REESTABLISHMENT OF SITE ON EXCAVATION AND REMOVAL OPERATIONS.

Upon completion of the work allowed herein, compliance with the applicable provisions of the following Subsections is required:

(a) All pits, quarries, holes or other excavated areas shall be refilled with, and no new filling operation shall be conducted with, any material except clean, non-burnable fill containing no trash, refuse or harmful matter, and such excavated area and new filling operations shall be graded to the level of adjoining properties, or to an elevation from which all surface and other waters collected therein may find natural drainage therefrom. Stumps and logs may not be used for fill material unless approved by the County Engineer. Excess material shall either be removed from the premises or leveled and covered with topsoil and seeded as hereinafter provided.

(b) If the proposed method of soil erosion control is by re-vegetation, the specifications for the work shall provide that any layer of topsoil over the area to be excavated, graded or filled shall be set aside and retained on the premises in sufficient quantity to cover all surfaces which shall remain exposed, except rock, to a depth of at

least four inches, with topsoil added if necessary to make up any deficiency. The specifications shall also provide that at the completion of re spreading of topsoil it shall immediately be harrowed or raked to establish a seedbed and shall be seeded for grass, permanent pasture mixture or other approved fast-growing vegetation and shall be repeated as often as necessary until the area is stabilized.

(c) In the case of extended operations, except for access drives and the actual work area, the completed portion of the excavation, filling or grading operation shall be subject to the provisions of subsection (b) hereof and the operation shall be completed prior to the reissuance of the permit under Section 23.05 (c).

(d) Where a permit has been issued for the excavation of a lake or pond, the provisions of this section applicable to seeding shall not apply to that part of the excavation below the water mark of such lake or pond.

(e) Property corners shall be set and property lines shall be marked before the commencement of the work and such markings shall be maintained through the duration of the work.

(f) The applicant shall notify the County Engineer of the following, when and as completed:

- (1) Rough grading;
- (2) Final grading before seeding; and
- (3) All reestablishment and construction work. The County Engineer, upon such notification, shall make field inspections on the site before rough grading, after final grading, before seeding and at the completion to determine if work in progress and the completed operation have been performed in accordance with this Chapter.

(g) Upon completion of the work, where a permit is required, the owner or his/her authorized agent shall cause to be prepared by the project engineer or surveyor of record an "as built" drawing showing the elevations and contours actually established. The "as built" drawing shall be reviewed by the County Engineer and approved as conforming to the approved plan prior to the release of the performance bond.

1. DESIGN OF IMPROVEMENTS

The design of all storm water improvements shall be in conformance with the Summit County Engineer's Stormwater Drainage Manual.

2. PLANS AND SPECIFICATION

Plans and specifications shall be prepared in conformance with requirements of the Summit County Engineer's Storm Water Drainage Manual.

3. PERMIT AND INSPECTION FEES

Except as otherwise provided for herein, permit and inspection fees shall be based upon the actual cost of the service provided.

4. ENFORCEMENT

The provisions of these Rules and Regulations may be enforced through proceedings brought by the County of Summit Prosecutor on behalf of the County of Summit.

5. APPEALS

Any person aggrieved by any order, requirement, determination or action made under these Rules and Regulations may file an appeal as provided in Summit County Codified Ordinance Chapter 942.

6. PENALTY

Whomever violates any provision of these Rules and Regulations shall be fined not more than five hundred dollars (\$500.00) and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Such penalty shall be in addition to any costs charged for work by the County required to correct non-compliance with orders issued hereunder, such charges which may be collected by lien upon the affected property.

No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period shall result in assessment of a civil penalty or other enforcement action.

7. REFERENCE DOCUMENTS

The following documents shall be incorporated as if rewritten herein in their entirety:

Chapter 937 of the Codified Ordinances, “Riparian Setbacks” (Ord. 2002-154. Adopted 4-29-02.)

Chapter 941 of the Codified Ordinances, “Erosion and Sediment Control and Post Construction Storm Water Quality” (Ord. 2006-396.; Adopted 3-19-07. Ord. 2016-295; Adopted 8-22-16.)

Chapter 942 of the Codified Ordinances of the County of Summit “Surface Water Management District” (Ord. _____)

Chapter 943 of the Codified Ordinances, “Comprehensive Storm Water Management” (Ord. 2013-364. Adopted 8-26-13.)

Chapter 944 of the Codified Ordinances, “Illicit Discharge Detection and Elimination” (Ord. _____)

Part 11 of the Codified Ordinances, “Subdivision Regulations” Section 1104.06(b)(13) F (Res. 2008-026; Adopted 3-17-08. Ord. 2015-561; Adopted 1-25-16.)

Chapter 1345 of the Codified Ordinances, “Flood Damage Reduction” (Ord. 2009-266. Adopted 6-29-09.)

Chapters 6131 and 6137 of the Ohio Revised Code

Summit County Engineer’s Stormwater Drainage Manual (Res. 2002-615.
Adopted 12-9-2002.) as revised on March 6, 2013

Summit County Storm Water Management Program (“SWMP”) dated March 10,
2003 and annual (County Resolution No. 2009-121; Adopted 4-13-09)

DRAFT

CHAPTER 943
Comprehensive Storm Water Management

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943.01 PURPOSE AND SCOPE.

(a) The purpose of this Chapter is to establish technically feasible and economically reasonable storm water management standards to achieve a level of storm water quality and quantity control for newly developed, or redeveloped, property that will minimize damage to property, and degradation of water resources, and will promote and maintain the health, safety, and welfare of the citizens of the County of Summit.

(b) This regulation requires owners who develop or re-develop their property within the unincorporated areas of the County to:

(1) Control water runoff from their property and ensure the proper design, construction and maintenance of all water management practices per the Summit County Storm Water Drainage Manual.

(2) Reduce the adverse impact on water quality within the receiving water resources caused by unregulated new development or redevelopment.

(3) Control the volume, rate, and quality of water runoff originating from their property to protect water resources, and manage flooding and erosion.

(4) Minimize the need to construct, repair, and replace subsurface and surface drain systems.

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(5) Preserve natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.

(6) Incorporate storm water quality and quantity controls into site planning and design at the earliest possible stage in the development process.

(7) Reduce the expense of remedial projects needed to address problems caused by inadequate storm water management.

(8) Maximize use of best management practices that serve multiple purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.

(9) Design sites to minimize the number of stream crossings and the width of associated disturbance in order to minimize the County's future expenses related to the maintenance and repair of stream crossings.

(10) Maintain, promote, and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and promote a healthy water resource.

(c) This Chapter shall apply to all parcels in the unincorporated areas of the County on which activity specified in Section 943.05(a) occurs.

(d) The State of Ohio, the County, and all other political subdivisions, shall comply with this Chapter for non-highway projects initiated after enactment of this Chapter and, to the maximum extent practicable, for projects initiated before that time.

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

(f) This Chapter does not require a Comprehensive Storm Water Management Plan for linear construction projects, such as pipeline, or utility line installations that do not result in the installation of impervious surface, or unreasonably modify vegetative ground cover, as determined by the County Drainage Engineer. Such projects must minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of Chapter 941 Erosion and Sediment Control. (Ord. 2013-364. Adopted 8-26-13.)

943.02 DEFINITIONS.

For the purpose of this Chapter, the definitions used in Section 941.02 of the County of Summit Codified Ordinances apply and the following terms shall have the meaning herein indicated:

(a) **AS-BUILT SURVEY:** A survey shown on a plan or drawing prepared by a Registered Surveyor indicating the actual dimensions, elevations, ground contours, ground cover

vegetation, and locations of any structures, pavements, underground utilities, swales, detention facilities, and sewage treatment facilities after construction is completed.

(b) **CLEAN WATER ACT:** The Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972, and thereafter.

(c) **COMPREHENSIVE STORM WATER MANAGEMENT PLAN:** The written document that includes the Improvement Plans and the Storm Water Pollution Prevention Plan, setting forth the practices to minimize storm water runoff from a development area.

(d) **COUNTY DRAINAGE ENGINEER:** The County Engineer or an entity designated by the Summit County Council to serve as the County Drainage Engineer, if that designation is not the County Engineer.

(e) **CRITICAL STORM:** A storm event calculated to create the maximum allowable storm water discharge rate from a developed site.

(f) **DEVELOPMENT DRAINAGE AREA:** A combination of each hydraulically unique watershed with individual outlet points on the development area.

(g) **EXTENDED CONVEYANCE:** A water management practice that replaces and/or enhances traditional open or closed storm drainage conduits by retarding flow, promoting percolation of runoff into the soil, and filtering pollutants during a storm event.

(h) **EXTENDED DETENTION:** A water management practice that replaces and/or enhances traditional detention facilities by releasing the runoff collected during a storm event over at least twenty-four (24) to forty-eight (48) hours, retarding flow and allowing pollutants to settle within the facility.

(i) **FACILITY:** An interconnected collection of structural, and nonstructural, storm water runoff controls and treatment techniques, or devices, to control runoff and/or reduce pollution levels.

(j) **GRADING:** The process in which the topography of the land is altered.

(k) **HYDROLOGIC UNIT CODE:** A cataloging system developed by the United States Geological Survey, and the Natural Resource Conservation Service, to identify watersheds in the United States.

(l) **IMPERVIOUS COVER:** Any surface that cannot effectively absorb, or be infiltrated by, water. This may include roads, streets, driveways, parking lots, rooftops, sidewalks, compacted ground surfaces, and other areas not covered by vegetation.

(m) **INFILTRATION:** A storm water management practice that does not discharge to a storm water resource during the storm event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining storm water pollutants within the facility.

(n) **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.

(o) **NONSTRUCTURAL STORM WATER MANAGEMENT PRACTICE:** Storm water runoff control and treatment techniques that use natural practices to control runoff and/or reduce pollution levels.

(p) **POST-DEVELOPMENT:** The conditions that exist after soil disturbing activity that changes the topography, vegetation, land use, or water runoff.

(q) **PRE-CONSTRUCTION MEETING:** Meeting prior to construction between all parties associated with the construction of the project including government agencies, contractors and owners to review agency requirements and plans as approved and submitted.

(r) **PRE-DEVELOPMENT:** The conditions that exist prior to soil disturbing activity that changes the topography, vegetation, land use, or water runoff.

(s) **REDEVELOPMENT:** A construction project on previously developed land where impervious cover has been created, and where new development will not increase the runoff coefficient.

(t) **RIPARIAN AREA:** Land adjacent to any brook, creek, river, or stream having a defined bed and bank that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this Chapter.

(u) **RIPARIAN SETBACK:** The real property adjacent to a water resource on which soil disturbing activities are limited, all as defined by Summit County Codified Ordinances, Chapter 937 – Riparian Setbacks.

(v) **STABILIZATION:** The use of Best Management Practices that reduce or prevent soil erosion from water runoff, trench dewatering, wind, ice, gravity, or a combination thereof.

(w) **STRUCTURAL STORM WATER MANAGEMENT PRACTICE:** Any constructed facility, structure, or device that provides storage, conveyance, and/or treatment of storm water runoff.

(x) **WATER QUALITY VOLUME:** The volume of runoff from a contributing watershed that must be captured and treated, equivalent to the maximized capture volume as defined by current standards of the American Society of Civil Engineers (ASCE).

(y) **WATER RESOURCE CROSSING:** Any bridge, box, arch, culvert, truss, or other type of structure intended to convey people, animals, vehicles, or materials from one side of a watercourse to another. This does not include pole mounted aerial electric or telecommunication lines, nor does it include below grade utility lines.

(z) **WATERSHED:** The total drainage area contributing water runoff to a single point. (Ord. 2013-364. Adopted 8-26-13.)

943.03 DISCLAIMER OF LIABILITY.

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

(b) By approving a Comprehensive Storm Water Management Plan under this Chapter, the County does not accept responsibility for the design, installation, and operation and maintenance of storm water management practices that may or may not conform with current best management practices. (Ord. 2013-364. Adopted 8-26-13.)

943.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this Chapter imposes standards that differ from other provisions of law or ordinance, the most restrictive provisions, as determined by the County Drainage Engineer, shall prevail.

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

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

(d) Failure of the County 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 County, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 2013-364. Adopted 8-26-13.)

943.05 DEVELOPMENT OF COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) This Chapter requires the development and implementation of a Comprehensive Storm Water Management Plan when an impervious surface is created and soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development disturbing one (1) or more acres of total land.

(b) This Chapter does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Abatement Rules 1501:15-5-01 to 15-5-18 of the Ohio Administrative Code, as amended.

(c) The County Drainage Engineer shall administer, and be responsible for ensuring compliance with, this Chapter, and shall issue notices and orders when necessary. The County Drainage Engineer may consult with the Summit Soil and Water District (Summit SWCD), private engineers, storm water districts, or other technical experts in reviewing the Comprehensive Storm Water Management Plan.

(Ord. 2013-364. Adopted 8-26-13.)

943.06 APPLICATION PROCEDURES.

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(a) The applicant shall attend a Concept Plan Meeting with the County Drainage Engineer, Summit County Department of Community and Economic Development, Summit SWCD, Summit County Department of Sanitary Sewer Services, Summit County General Health District and others to discuss the proposed project, review the requirements of this Chapter, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule. The applicant will be required to submit a fee in accordance with Section 943.14(a) of this Chapter.

(b) Following the Concept Plan meeting, the applicant shall submit two (2) sets of a Preliminary Comprehensive Storm Water Management Plan (Preliminary Plan), and the applicable fees in accordance with Section 943.14(b) of this Chapter, to the County Drainage Engineer. The Preliminary Comprehensive Storm Water Management Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, storm water control facilities, and easements in sufficient detail and engineering analysis to allow the County Drainage Engineer to determine if the site is laid out in a manner that meets the intent of this Chapter and if the proposed storm water management practices are capable of controlling runoff from the site in compliance with this Chapter.

(c) On approval of the Preliminary Plan, the applicant shall submit two (2) sets of a Final Comprehensive Storm Water Management Plan (Final Plan), and the applicable fees in accordance with Section 943.14(b) of this Chapter, to the County Drainage Engineer for approval. The Final Plan shall meet the requirements of Section 943.08 of this Chapter. One set of the Final Plan shall be submitted to Summit SWCD, as required by the Storm Water Pollution Prevention Plan (SWP3).

(d) The County Drainage Engineer shall review the Preliminary and Final Plans, and shall approve or return with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan. Final approval of the Plans shall not be given until the Summit SWCD has approved the SWP3.

(e) The Final Plat shall not be approved, and land clearing and soil-disturbing activities shall not begin, without an approved Comprehensive Storm Water Management Plan, and an approved SWP3.

(f) Approvals issued in accordance with this Chapter shall remain valid for two (2) years from the date of approval. If regulations for storm water management change prior to the beginning of active construction, the County Drainage Engineer may require new approvals.

(Ord. 2013-364. Adopted 8-26-13; Ord. 2015-555. Adopted 12-14-15.)

943.07 COMPLIANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this Chapter do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other local, state, federal, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed in Section 941.08 of the County of Summit Codified Ordinances.
(Ord. 2013-364. Adopted 8-26-13.)

943.08 COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) The applicant shall develop a Comprehensive Storm Water Management Plan describing how the quantity and quality of storm water will be managed after construction is complete for every discharge from the site into a water resource. The Plan will illustrate the type, location, and dimensions of every structural and nonstructural water management practice incorporated into the site design, and the rationale for their selection. The rationale must describe how these water management practices will address flooding within the site as well as flooding that may be caused by the development upstream and downstream of the site. The rationale will also describe how the water management practices minimize impacts to the physical, chemical, and biological characteristics of on-site and downstream water resources and, if necessary, correct current, or prevent predictable degradation of water resources.

(b) The Comprehensive Storm Water Management Plan shall be prepared by a registered professional engineer and include supporting calculations, plan sheets, and design details. To the extent necessary, as determined by the County Drainage Engineer, a Registered Professional Surveyor shall perform a site survey to establish boundary lines, measurements, and land surfaces.

(c) The County Drainage Engineer shall prepare, maintain and update, as necessary, procedures providing specific criteria and guidance for designing storm water management systems. The County Drainage Engineer shall make the final determination as to whether the practices proposed in the Comprehensive Storm Water Management Plan meet the requirements of this Chapter.

(d) The Comprehensive Storm Water Management Plan shall contain an application, narrative report, construction site plan sheets, a long-term Inspection and Maintenance Agreement, and a site description with the following information provided:

(1) Site description:

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. A description of prior land uses at the site.
 - D. An estimate of the impervious area and percent of imperviousness created by the construction activity.
 - E. Existing data describing the soils throughout the site, including the soil series and association, hydrologic soil group, porosity, infiltration characteristics, depth to groundwater, depth to bedrock, and any impermeable layers.
 - F. If available, details of known pollutant discharge caused by prior land uses.
 - G. The location and name of the immediate water resource(s) and the first subsequent water resource(s).
 - H. The aerial (plan view), extent, and description of water resources at or near the site that will be disturbed or will receive discharges from the project.
 - I. A description of the current condition of water resources, including the vertical stability of stream channels and indications of channel incision, that may be responsible for current or future sources of high sediment loading or loss of channel stability.
- (2) Site map showing:
- A. Limits of soil-disturbing activity on the site.
 - B. Soils types for the entire site, including locations of unstable or highly erodible soils.
 - c. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected before, during, and after major grading activities as well as the size of each drainage watershed in acres.
 - D. Water wells, and associated setbacks on or within 200 feet of the site, including the boundaries of wetlands or streams and first subsequent named receiving water(s) the applicant intends to fill or relocate and for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
 - E. Existing and planned locations of buildings, roads, parking facilities, and utilities.
 - F. The location of any in-stream activities including stream crossings.
- (3) Company name and contact information, including contact name, addresses, and phone numbers for the following:
- A. The Professional Engineer who prepared the Comprehensive Storm Water Management Plan.
 - B. The site owner.
- (4) Phase, if applicable, of the overall development plan.
 - (5) List of subplot numbers if the project is a subdivision.
 - (6) Ohio EPA NPDES Permit Number, and other applicable state and federal permit numbers if available, or status of various permitting requirements if final approvals have not been received.
 - (7) Location, including complete site address and subplot number if applicable.
 - (8) Location of any easements or other restrictions placed on the use of the property.
 - (9) A site plan sheet showing:

A. The location of each proposed post-construction storm water management practice.

B. The geographic coordinates of the site and each proposed practice in North American Datum Ohio State Plane North.

It is preferred that the entire site be shown on one plan sheet to allow a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided.

(10) The Inspection and Maintenance Agreement, required for water management practices under this Chapter, shall be a stand-alone document between the County and the applicant, and shall contain the following information and provisions:

A. The location of each storm water management practice, including those practices permitted to be located within a riparian setback area, as allowed under Section 937.06 of the Codified Ordinances of the County of Summit, and identification of the drainage area served by each water management practice.

B. A schedule for regular maintenance for each aspect of the storm water management system and a description of routine and non-routine maintenance tasks to ensure continued performance of the system as detailed in the approved Comprehensive Storm Water Management Plan. This schedule may include additional standards, as required by the County Drainage Engineer, to ensure continued performance of storm water management practices permitted to be located within a riparian setback area, as allowed under Section 937.06 of the Codified Ordinances of the County of Summit.

C. The location and documentation of all access and maintenance easements on the property.

D. Identification of the landowner(s), organization, or political subdivision responsible for long-term maintenance, including repairs, of the water management practices.

E. A provision allowing the County to enter upon the property to conduct inspections as necessary to verify that the water management practices are being maintained and operated in accordance with this Chapter.

F. The County Drainage Engineer shall keep records of site inspections which will be made available to the parties responsible for the maintenance of the storm water management practices. The inspection report shall indicate any non-compliance, and the required corrective actions to bring the storm water management practices into compliance.

G. An acknowledgment that if the County notifies the landowner(s), organization, or political subdivision responsible for maintenance of the problems that require correction, the specific corrective actions shall be taken within a reasonable time frame as determined by the County.

H. An acknowledgment that the County is authorized to enter upon the property to perform the corrective actions identified in the inspection report if the landowner(s), organization, or political subdivision responsible for maintenance does not make the required corrections in the specified time period. The landowner(s), organization, or

political subdivision responsible for maintenance shall reimburse the County within 10 days of receipt of invoice, for all expenses incurred.

I. The method of funding long-term maintenance and inspections of all storm water management practices.

J. A release of the County from all damages, accidents, casualties, occurrences, or claims that might arise, or be asserted, against the County from the construction, presence, existence, or maintenance of the storm water management practices.

The applicant must provide a draft of this Inspection and Maintenance Agreement as part of the Comprehensive Storm Water Management Plan submittal. Prior to construction, the draft of the Inspection and Maintenance Agreement must be in the form approved by the County Drainage Engineer. Prior to the completion of construction and final inspection approval of the site, the Inspection and Maintenance Agreement must be signed by the landowner(s), organization or political subdivision responsible for maintenance, the County Drainage Engineer and the County Executive and recorded with the County Fiscal Officer. The landowner(s), organization or political subdivision responsible for maintenance is responsible for the recording of the same. The County Executive hereby has the authority to execute said agreement on behalf of the County without prior approval of the Council.

(11) The applicant shall submit calculations for projected water runoff flows, volumes, and timing into and through all storm water management practices for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and the floodplain, as required in Section 943.09 of this Chapter. These submittals shall be completed for both pre-and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. The applicant shall also include critical storm determination and demonstrate that the runoff from upper watershed areas have been considered in the calculations.

(12) Prior to construction, the applicant shall provide the names, addresses, and phone numbers of all contractors and subcontractors, where available, involved with the implementation of the Comprehensive Storm Water Management Plan, and a document containing their signatures, acknowledging that they have reviewed and understand the requirements and responsibilities of the Comprehensive Storm Water Management Plan.

(13) The location and description of existing, and proposed drainage patterns, associated riparian setbacks, and water management practices, including any related storm water management practices beyond the development area and the larger common development area.

(14) For each water management practice to be employed on the development area, include the following:

A. Detail drawings showing the location and size, the maintenance requirements during and after construction, and design calculations.

B. Final site conditions including storm water inlets and permanent nonstructural and structural water management practices. Details of water management practices shall be drawn to scale and shall show volumes and sizes of contributing drainage areas.

C. Any other structural and/or nonstructural water management practices necessary to meet the design criteria in this Chapter, and any supplemental information requested by the County Drainage Engineer.
(Ord. 2013-364. Adopted 8-26-13.)

943.09 PERFORMANCE STANDARDS.

(a) The storm water system, including water management practices for storage, treatment and control, and conveyance facilities, shall be designed to prevent structure flooding during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns, flows, and volumes; and to meet the following criteria:

(1) The storm water management practices shall function as an integrated system that controls flooding and minimizes the degradation of the physical, biological, and chemical integrity of the water resources receiving storm water discharges from the site. Acceptable practices shall:

A. Not disturb riparian areas, unless the disturbance is intended to support a watercourse restoration project, and complies with Chapter 937 of the Codified Ordinances of the County of Summit.

B. Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable.

C. Only install new impervious surfaces and compact soils where necessary to support the future land use.

D. Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing storm water peak flows to less than predevelopment levels.

(2) Areas developed for a subdivision, as defined in Part 11 of the Codified Ordinances of the County of Summit, shall provide water management and water quality controls for the development of all subdivided lots. This shall include provisions for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm, and maintain, to the extent practicable, the pre-development runoff patterns, volumes, and peaks from the lots.

(3) Storm water management practices and related activities shall not be constructed in water resources unless the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 943.07 of this Chapter, and the activity is in compliance with Chapters 937 and 941 of the Codified Ordinances of the County of Summit, all as determined by the County Drainage Engineer.

(4) All storm water pond and storm conveyance designs must provide a minimum of one (1) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. When designing storm water ponds and conveyance channels the applicant shall include, to the extent practicable, practices to address public safety concerns.

(5) The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section 943.09 of this Chapter if it can be shown to the satisfaction of the

County Drainage Engineer that the site is part of a larger common plan of development where the storm water management requirements for the site are provided by an existing storm water management practice, equal to, or better than, that required herein, or if the storm water management requirements for the site are provided by practices defined in a regional or local storm water management plan approved by the County Drainage Engineer.

(6) All storm water management practices shall be maintained in accordance with Inspection and Maintenance Agreements approved by the County Drainage Engineer as detailed in Section 943.08 of this Chapter.

(7) Unless otherwise required by the County, storm water management practices serving multiple lots in subdivisions shall be on a separate lot held, where possible, and maintained by an entity of common ownership. For those subdivisions that are subject to drainage maintenance assessments, as per Section 1109.03(a) of the Codified Ordinances of the County of Summit, maintenance shall be the responsibility of the County Drainage Engineer. Storm water management practices serving single lots shall be placed on these lots, protected within an easement, and maintained by the property owner.

(8) Practices that preserve and/or improve the existing natural drainage shall be used to the maximum extent practicable. Such practices may include minimizing site grading and compaction, protecting and/or restoring water resources, riparian areas and existing vegetation, and maintaining unconcentrated water runoff to and through these areas.

(9) Concentrated water runoff from BMPs to wetlands shall be converted to diffuse flow before the runoff enters a wetland in order to protect the natural hydrology, hydroperiod, and wetland flora. The flow shall be released such that no erosion occurs down slope. Practices such as level spreaders, vegetative buffers, infiltration basins, conservation of forest covers, and the preservation of intermittent streams, depressions, and drainage corridors may be used to maintain the wetland hydrology.

If proposing to discharge to natural wetlands, the applicant shall perform a hydrological analysis to demonstrate that the proposed discharge matches the pre-development hydroperiods and hydrodynamics.

(10) The course of flow of storm water discharge from a facility shall be shown to be adequate when such flow reaches a public stream or right-of-way. Where such a course may cross land owned by another, an easement adequate enough for maintenance access shall be provided.

(b) All water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to:

(1) The County Drainage Engineer may allow the enclosure or relocation of water resources only if the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 943.07 of this Chapter, and the activity is in compliance with Chapters 937 and 941 of the Codified Ordinances of the County of Summit, all as determined by the County Drainage Engineer. At a minimum, stream relocation designs

must show how the project will minimize changes to the vertical stability, floodplain form, channel form, and habitat of upstream and downstream channels on and off the property.

(2) Off-site storm water runoff that discharges onto, or across, the applicant's development site shall be conveyed through the storm water conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around the post construction water quality practices or, if this is not possible, the post construction water quality practices shall be sized to treat the off-site flow. Comprehensive Storm Water Management Plans will not be approved until it is demonstrated to the satisfaction of the County Drainage Engineer that off-site runoff will be adequately conveyed through, and from, the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.

(3) The site shall be graded in a manner that maintains sheet flow over as large an area as possible. The maximum area of sheet flow shall be determined based on the slope, the uniformity of site grading, and the use of easements or other legally binding mechanisms that prohibit re-grading and/or the placement of structures within sheet flow areas. In no case shall the sheet flow length be longer than 300 feet, nor shall a sheet flow area exceed 1.5 acres. Flow shall be directed into an open channel, storm sewer, or other storm water management practice from areas too long and/or too large to maintain sheet flow, all as determined by the County Drainage Engineer.

(4) Unless otherwise allowed by the County Drainage Engineer, drainage tributary to storm water management practices shall be provided by an open channel with landscaped banks designed to carry the 10-year, 24-hour storm water runoff from upstream contributory areas.

(5) Open drainage systems shall be preferred on all new development sites to convey storm water where feasible. Storm sewer systems shall be allowed only when the site cannot be developed at densities allowed under local zoning requirements, or where the use of an open drainage system affects public health or safety, all as determined by the County Drainage Engineer. The following criteria shall be used to design storm sewer systems when necessary:

A. Storm sewers shall be designed such that they do not surcharge from runoff caused by the 5-year, 24-hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway during a 10-year, 24-hour storm. The system shall be designed to meet these requirements when conveying the flows from the contributory area within the proposed development and existing flows from offsite areas that are upstream from the development.

B. The minimum inside diameter of pipe to be used in public storm sewer systems is twelve (12) inches. Smaller pipe sizes may be used in private systems, subject to the approval of the County Drainage Engineer.

C. All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency. The hydraulic grade line for the storm sewer system shall be computed with consideration for the energy losses associated with entrance into and exit

from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.

D. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize the incidence of quiescent standing water where mosquitoes may breed.

E. Headwalls shall be required at all storm sewer inlets or outlets to and from open channels or lakes.

(6) The following criteria shall be used to design structures that cross a water resource in the County:

A. Water resource crossings other than bridges shall be designed to convey the stream's flow for the minimum 25-year, 24-hour storm.

B. Bridges, open bottom arch or spans are the preferred crossing technique and shall be considered in the planning phase of the development. Bridges and open spans should be considered for all State Scenic Rivers, cold water habitat, exceptional warm water habitat, seasonal salmonid habitat streams, and Class III headwater streams.

C. Bridges shall be designed such that the hydraulic profile through a bridge shall be below the bottom chord of the bridge for either the 100-year, 24-hour storm, or the 100-year flood elevation as determined by FEMA, whichever is more restrictive.

D. If a culvert or other closed bottom crossing is used, twenty-five percent (25%) of the cross-sectional area, or a minimum of one (1) foot of box culverts and pipe arches, must be embedded below the channel bed.

E. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency.

F. Headwalls shall be required at all culvert inlets or outlets to and from open channels or lakes.

G. Streams with a drainage area of five (5) square miles or larger shall incorporate floodplain culverts at the bankfull elevation to restrict head loss differences across the crossing so as to cause no rise in the 100-year storm event.

H. The minimum inside diameter of pipes to be used for crossings shall be twelve (12) inches.

I. The maximum slope allowable shall be a slope that produces a ten (10) fps velocity within the culvert barrel under design flow conditions. Erosion protection and/or energy dissipaters shall be required to control entrance and outlet velocities.

(7) Overland flood routing paths shall be used to convey storm water runoff from the 100-year, 24-hour storm event to an adequate receiving water resource or water management practice such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or other structures. The peak 100-year, 24-hour storm surface water elevation along flood routing paths shall be at least one foot below the finished grade elevation at the structure. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.

(8) In order to preserve floodplain storage volumes, and thereby avoid increases in water surface elevations, any filling within floodplains approved by the County must be compensated by removing an equivalent volume of material. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Consideration will also be given to enlarging existing or proposed retention basins to compensate for floodplain fill if justified by a hydraulic analysis of the contributing watershed. Unless otherwise permitted by the County Drainage Engineer, reductions in volume due to floodplain fills must be mitigated within the legal boundaries of the development. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area.

(9) Velocity dissipation devices shall be placed at discharge locations, and along the length of any outfall, to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics of the water resource are maintained and protected.

(c) Storm Water Quality Control.

(1) The site shall be designed to direct runoff to one or more of the following water quality practices which shall be designed to comply with the current version of the Summit County Engineer Storm Water Drainage Manual:

A. Extended conveyance facilities that slow the rate of storm water runoff, filter and biodegrade pollutants in storm water, promote infiltration and evapotranspiration of storm water, and discharge the controlled runoff to a water resource.

B. Extended detention facilities that detain storm water, settle or filter particulate pollutants, and release the controlled storm water to a water resource.

C. Infiltration facilities that retain storm water, promote settling, filtering, and biodegradation of pollutants. The County Drainage Engineer may require a soil engineering report to be prepared for the site to demonstrate that any proposed infiltration facilities meet these performance standards.

D. For sites less than five (5) acres, but greater than one (1) acre and not part of a common plan of development, where (1) or more acres are disturbed, the County Drainage Engineer may approve other BMPs if the applicant demonstrates to the County Drainage Engineer's satisfaction that these BMPs meet the objectives of this Chapter.

E. For sites equal to or greater than five (5) acres, or less than five (5) acres but part of a larger common plan of development or sale which will disturb five (5) or more acres, the County Drainage Engineer may allow alternative BMPs if the applicant demonstrates that these BMPs meet the objectives of this Chapter and has prior written approval from the Ohio EPA.

F. For the construction of new roads and roadway improvement projects by public entities (i.e. the state, counties, townships, cities, or villages), the County Drainage Engineer may approve BMPs not included in this Chapter, but they must show compliance with the current Ohio Department of Transportation standards.

(2) Each BMP shall be designed to facilitate sediment removal, vegetation management, debris control, and other maintenance activities defined in the Inspection and Maintenance Agreement for the site. All BMPs must be sized to treat the water quality volume (WQv), and to ensure compliance with Ohio Water Quality Standards (OAC Chapter 3745-1) and the latest revision of the NPDES Construction Storm Water General Permit for Ohio.

(3) Additional criteria applying to infiltration facilities:

A. Infiltration facilities shall only be allowed if the soils of the facility fall within hydrologic soil groups A or B, if the seasonal high water table is at least three (3) feet below the final grade elevation, and any underlying bedrock is at least six (6) feet below the final grade elevation.

B. All runoff directed into an infiltration basin must first flow through a pretreatment practice such as a grass channel or filter strip to remove sediments that could cause a loss of infiltration capacity.

C. During construction all runoff from disturbed areas of the site shall be diverted away from the proposed infiltration basin site. No construction equipment shall be allowed within the infiltration basin site to avoid soil compaction.

(4) Additional criteria applying to extended conveyance facilities:

A. Facilities shall be lined with fine turf-forming, flood-tolerant grasses.

B. Facilities designed according to the extended conveyance detention criteria shall:

1. Not be located in areas where the depth to bedrock and/or seasonal high water table is less than three (3) feet below the final grade elevation.

2. Only be allowed where the underlying soil consists of hydrologic soil group (HSG) A or B, unless the underlying soil is replaced by at least a two and five-tenths (2.5) foot deep layer of soil amendment with a permeability equivalent to a HSG A or B soil, and an under drain system is provided.

C. Facilities designed according to the flow through design drain time criteria shall:

1. Only be allowed on sites where:

a. The total area disturbed is five (5) acres or less.

b. The discharge rate from the BMP will have negligible hydrologic impacts to received waters as described in the most current version of the Ohio EPA's General Permit for Storm Water Discharge from Small and Large Construction Activities.

c. Prior written approval is given by the County Drainage Engineer; and

d. For sites greater than five (5) acres or less than five (5) acres but part of a larger common plan of development or sale that will disturb five (5) or more acres, prior written approval has been given by the Ohio EPA.

2. Be designed to slow and filter runoff flowing through the turf grasses with a maximum depth of flow no greater than three (3) inches.

3. Be designed to have a minimum hydraulic residence time of five (5) minutes.

D. Concentrated runoff shall be converted to sheet flow, or a diffuse flow, using a plunge pool, flow diffuser, or level spreader, before entering an extended conveyance facility designed according to the flow through drain time.

(5) Additional criteria for extended detention facilities. Additional criteria for extended detention facilities shall comply with the latest revisions of the Ohio Department of Natural Resources Division of Soil and Water Resources manual, Rainwater and Land Development, and the Summit County Engineer Storm Water Drainage Manual.

(d) The Comprehensive Storm Water Management Plan shall describe how the proposed water management practices are designed to meet the following requirements for storm water quantity control for each watershed in the development:

(1) The peak discharge rate of runoff from the Critical Storm, and all more frequent storms occurring under post-development conditions, shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.

(2) Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm, shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.

(3) The Critical Storm for each specific development drainage area shall be determined as follows:

A. Calculate, using a curve number-based hydrologic method that generates hydrographs, or other hydrologic methods approved by the County Drainage Engineer, the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development drainage area before and after development. These calculations shall meet the following standards:

1. Calculations shall include the lot coverage assumptions used for full build out as proposed.

2. Calculations shall be based on the entire contributing watershed to the development area.

3. Curve numbers for the pre-development condition must reflect the average type of land use over the past ten (10) years and not only the current land use.

4. Account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways, regardless of the surface proposed in the site description.

B. From the volume determined in Section 943.09 (d)(3)A, determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical Storm from the latest revision of the Summit County Engineer Storm Water Drainage Manual.

(e) Comprehensive Storm Water Management Plans for redevelopment projects shall comply with the requirements of the most current version of the Ohio EPA's permit, "General Construction Permit Authorization for Storm Water Discharges associated with Construction Activity under the National Pollutant Discharge Elimination System". (Ord. 2013-364. Adopted 8-26-13.)

943.10 ALTERNATIVE ACTIONS.

(a) When the County Drainage Engineer determines that site constraints compromise the intent of this Chapter, off-site alternatives that result in an improvement of water quality and a reduction of storm water quantity may be used. Such alternatives shall meet the following standards:

(1) Achieve the same level of storm water quantity and quality control achieved by the on-site controls required under this Chapter.

(2) Implement the same Hydrologic Unit Code (HUC) watershed unit as the proposed development project.

(3) The mitigation ratio of the water quality volume is 1.5 to 1 or the water quality volume at the point of retrofit, whichever is greater.

(4) Establish an inspection and maintenance agreement, as described in Section 943.08(d)(10), to ensure perpetual maintenance.

(5) Obtain prior written approval from Ohio EPA.

(b) Alternative actions require approval by the County Drainage Engineer.
(Ord. 2013-364. Adopted 8-26-13.)

943.11 EASEMENTS.

Access to storm water management practices as required by the County Drainage Engineer for inspections and maintenance shall be secured by easements. The following conditions shall apply to all easements:

(a) Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Storm Water Management Plan.

(b) Easements shall be approved by the County Drainage Engineer prior to approval of a final plat, and shall be recorded with the Summit County Fiscal Officer, and on all property deeds.

(c) Unless otherwise required by the County Drainage Engineer, access easements between a public right-of-way and all storm water management practices, including the outlet flow path, shall be no less than twenty-five (25) feet wide. The easement shall also incorporate the entire practice plus an additional twenty-five (25)-foot wide band around the perimeter of the storm water management practice.

(d) The easement shall be graded and/or stabilized as necessary to allow maintenance equipment access in and around each facility, as defined in the Inspection and Maintenance Agreement for the site.

(e) There shall be no construction of buildings, fences, walls, and other structures, within the Easements that may obstruct the free flow of storm water and the passage of inspectors and maintenance equipment, and no changes to the final grading plan approved by the County. The County Drainage Engineer may remove any re-grading and/or obstruction

placed within a maintenance easement at the property owners' expense.
(Ord. 2013-364. Adopted 8-26-13.)

943.12 MAINTENANCE AND FINAL INSPECTION APPROVAL.

To receive final inspection and acceptance of any project, or portion thereof, the following must be completed and provided to the County Drainage Engineer:

(a) Final stabilization must be achieved and all permanent storm water management and post construction water quality practices must be installed and made functional, as determined by the County Drainage Engineer and per the approved Comprehensive Storm Water Management Plan.

(b) An As-Built Certificate, including an As-Built Survey and Inspection Report, sealed, signed and dated by a Professional Engineer and a Professional Surveyor with a statement certifying that the storm water management and water quality practices, as designed and installed, meet the requirements of the Comprehensive Storm Water Management Plan approved by the County Drainage Engineer. In evaluating this Certificate, the County Drainage Engineer may require the submission of a new set of storm water practice calculations if he/she determines that the design was altered significantly from the approved Comprehensive Storm Water Management Plan.

(c) A copy of the complete and recorded Inspection and Maintenance Agreement, which will include the entity responsible for long-term maintenance, as specified in Section 943.08.

(Ord. 2013-364. Adopted 8-26-13.)

943.13 ON-GOING INSPECTIONS.

(a) Subdivisions. The County Drainage Engineer will perform ongoing inspection and maintenance of all storm water control BMPs in subdivisions assessed by the County for drainage maintenance.

(b) Single Lots. Owners of single lots, or lots not assessed for drainage maintenance, shall be responsible for the ongoing inspection and maintenance of all storm water control BMPs within those lots. Owners shall submit an annual inspection and maintenance report to the County Drainage Engineer detailing all the activities carried out in order to comply with the requirements of this Chapter. The County Drainage Engineer will carry out inspections of these lots, at reasonable intervals, but no more frequently than once per calendar year, to ensure compliance with the requirements of this Chapter. The property owner will be billed the actual cost of these inspections. Failure to submit an annual report to the County Drainage Engineer, or any non-compliance found during the inspections carried out by the County Drainage Engineer, constitutes a violation of this Chapter and Section 943.17 of this Chapter will apply. Any non-compliant BMPs are subject to additional inspections by the County Drainage Engineer at the property owner's expense until the BMPs are compliant with this Chapter.

The County Drainage Engineer reserves the right to have any third party inspector, carry out inspections on its behalf.

(Ord. 2013-364. Adopted 8-26-13.)

943.14 FEES.

(a) At the Concept Plan Meeting, the applicant will pay a fee of two hundred fifty dollars (\$250.00) to the County Drainage Engineer.

(b) The County Drainage Engineer shall establish a fee based upon the actual estimated cost for review, filing, and inspection. At the time of the submittal of the Preliminary Comprehensive Storm Water Management Plan, the applicant will submit a deposit to the County Drainage Engineer to cover the cost of at least fifty percent (50%) of the anticipated fee. The deposit, submitted to the County Drainage Engineer, is required before the review process begins. This deposit will reimburse the MVGT fund for actual expenses as they occur during the review and inspection phases of the project. If and/or when the amount of the deposit is at, or below, ten percent (10%) of the original estimate, a further deposit of funds will be required to restore the balance to fifty percent (50%) of the original anticipated fee. The County Drainage Engineer may halt review until a sufficient deposit is restored.

(Ord. 2013-364. Adopted 8-26-13.)

943.15 BOND.

(a) A performance and maintenance bond shall be posted according to the County of Summit Subdivision Regulations. No project will be released from the bond if there is failure to comply with the requirements of this Chapter. The bond will be returned, less Summit County administrative fees as detailed in Section 943.14 of this Chapter, when the following three criteria are met:

(1) After eighty percent (80%) of the lots of the project have been complete and one hundred percent (100%) of the total project has been permanently stabilized for three (3) years.

(2) The County Drainage Engineer has conducted an as-built inspection of all storm water management and water quality practices.

(3) The County Drainage Engineer has accepted an Inspection and Maintenance Agreement signed by the developer, the contractor, the County, and the private owner or homeowners association who will take long-term responsibility for these BMPs.

(b) Once these criteria are met, the applicant shall be reimbursed all bond monies that were not used for any part of the project. If any of these criteria are not met after three years of permanent stabilization of the site, Summit County may use the bond monies to fix any outstanding issues with all storm water management structures on the site. Any remainder of the bond shall be given to the private lot owner/ homeowners association for

the purpose of long-term maintenance of the project. Should such outstanding issues exceed the bond amount, the County shall invoice the applicant accordingly.
(Ord. 2013-364. Adopted 8-26-13.)

943.16 INSTALLATION OF WATER QUALITY BEST MANAGEMENT PRACTICES.

The applicant may not direct runoff through any water quality structures or portions thereof that would be degraded by construction site sediment until the entire area tributary to the structure has reached final stabilization as determined by the County Drainage Engineer and Summit SWCD. This occurs after the completion of the final grade at the site, after all of the utilities are installed, and the site is subsequently stabilized with vegetation or other appropriate methods. The developer must provide documentation acceptable to the County Drainage Engineer to demonstrate that the site is completely stabilized. Upon this proof of compliance, the water quality structure(s) may be completed and placed into service. Upon completion of installation of these practices, all disturbed areas and/or exposed soils caused by the installation of these practices must be stabilized within two (2) days.
(Ord. 2013-364. Adopted 8-26-13.)

943.17 VIOLATIONS.

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

(b) If, after a period of not less than thirty (30) days has elapsed following the issuance of a notice of violation, the violation continues, the County Drainage Engineer shall issue a second notice of violation. Except as provided in division (d) of this Section, if, after a period of not less than fifteen (15) days has elapsed following the issuance of the second notice of violation, the violation continues, the County Drainage Engineer shall issue a stop work order, if appropriate, and may undertake the necessary repairs and assess the responsible party.

(c) Each violation of this chapter shall result in a civil fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). Each day of violation of a rule or stop work order issued under this Chapter shall be considered a separate violation subject to a civil fine.

(d) In addition to any fines, the Summit County Prosecutor may seek an injunction, or other appropriate relief.

(e) No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with its standard policies that are approved by the County or the Ohio Department of Natural Resources' Division of Soil and Water Resources.

(f) The Summit County Department of Building Standards may suspend the issuance of occupancy certificates within developments that do not comply with this Chapter.

(g) The County Drainage Engineer may suspend the inspection of site improvements and/or refuse the release of Bonds on developments that do not comply with this Chapter. (Ord. 2013-364. Adopted 8-26-13.)

943.18 APPEALS.

Any person aggrieved by any order, requirement, determination or any other action or inaction by the County (hereinafter "Action") in relation to this Chapter may appeal to the Summit County Council. The person seeking the appeal (hereinafter "Appellant") shall give written notice of the appeal and request for a hearing (hereinafter "Notice") before the Summit County Council within ninety (90) days of the Action to the Clerk of Council, with a copy to the County Drainage Engineer. Upon receipt of the notice, the Clerk of Council shall immediately notify members of the Council and shall arrange for a hearing on the appeal before the Council, or a committee of the Council, within forty-five (45) days of receipt of the Notice. The Appellant may present evidence before the Council at the hearing. The Council shall adopt a resolution setting forth its determination within thirty (30) days of the hearing. Following receipt of the Council's resolution, the Appellant may appeal the decision of the Council to the Court of Common Pleas. Written notice of the appeal to the Court of Common Pleas shall be served on the Summit County Executive, and a copy shall be provided to the County Drainage Engineer. (Ord. 2013-364. Adopted 8-26-13.)

CODIFIED ORDINANCES OF SUMMIT COUNTY

Chapter 944
Illicit Discharge Detection and Elimination Program

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944.01 PURPOSE AND INTENT.

(a) The purpose of this Chapter is to provide for the health, safety and general welfare of the residents of Summit County through the regulation of non-stormwater discharges to the storm water drainage system to the maximum extent practicable as required by federal and state law. This Chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm systems (“MS4”) of the County’s co-permittees in order to comply with the requirements of the National Pollutant Discharge Elimination System (“NPDES”) permit process. The objectives of this Chapter are:

- (1) To regulate the contribution of pollutants to the MS-4s of the County’s co-permittees via stormwater discharges by any user; and
- (2) To prohibit illicit connections and discharges to the MS-4s of the County’s co-permittees; and
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter.

944.02 DEFINITIONS.

The definition of terms provided herein shall be supplemented, where applicable, by the definition of such terms under federal law in the Clean Water Act (33 U.S.C. § 1251 et seq.) and under the related federal regulations, and by applicable laws of the State of Ohio. Where there is a conflict between the definitions as stated in federal or state law and this Chapter, the more restrictive definition shall apply. For purposes of this Chapter, the following shall mean:

(a) “Authorized Enforcement Agency” shall mean the County Engineer’s Office, which shall enforce this Chapter.

(b) “Best Management Practice, or BMP” shall mean the schedules of activities, prohibition of practices, general good housekeeping practices and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater conveyance systems. BMPs also include practices to control drainage from raw material storage.

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(c) “Clean Water Act,” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

(d) “Construction activity” means land disturbance of one acre or more. Such activities include but are not limited to, clearing and grubbing, grading, excavating and demolition. See also, Summit County Codified Ordinance Chapter 941.

(e) “Hazardous materials or substances” means any material including any substance waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(f) “Illegal discharge” as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities, except as exempted in Section 944.06 of this Chapter.

(g) “Illicit connections,” means either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorizing enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by Summit County.

(h) “Industrial activity” means activities subject to NPDES Industrial Permits as defined in 40 C.F.R. § 122.26(b)(14).

(i) “Municipal separate storm sewer system or “MS4” means a conveyance or system of conveyances, such as drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains that are:

(1) that is owned by the federal government, state, municipality, township, county, district, or other public body created pursuant to state and federal law, including a special district under state law, such as a sewer district, flood control district, drainage district or similar entity or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the State of Ohio; and

(2) designated or used to collect or convey solely storm water; and

(3) which is not a combined sewer; and

(4) which is not part of a publicly owned treatment works.

(j) “National pollutant discharge elimination system permit” or “NPDES permit” means permit issued by the U.S. Environmental Protection Agency or the State pursuant the authority granted to it by 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants into the waters of the State whether the permit is applicable on an individual, group or general area-wide basis.

(k) “Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.

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(l) “Person” means any individual, corporation, partnership, association, company or body politic, including any agency of the County of Summit, the State of Ohio or the United States.

(m) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents, oil and other automotive fluids; not-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, concentrations and accumulations of materials, so that they may cause or contribute to pollution; floatables, pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(n) “Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(o) “Storm drainage system” means publicly owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural water bodies and human-made or altered drainage channels, reservoirs and other drainage structures.

(p) “Storm water” means any surface flow, runoff and drainage consisting entirely of water from any natural precipitation, and resulting from such precipitation.

(q) “Stormwater pollution prevention program” or “SWP3” means a document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving to the maximum extent practicable.

(r) “Undeveloped Land” shall mean all land that is not altered from its Natural State.

(s) “Watercourse” means any body of water, including but not limited to, lakes, ponds, rivers, streams, and bodies of water delineated as waters of the State of Ohio.

(t) “Waters of the State of Ohio” means all streams, lakes, ponds, marshes, watercourse. Waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, which are situated wholly within, partly within or border upon the State of Ohio or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.

944.03 APPLICABILITY.

This Chapter shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands in the cities, villages and townships of Summit County that are co-permittees with the County on its NPDES permit.

944.04 RESPONSIBILITY FOR ADMINISTRATION.

The County Engineer’s Office is designated as that authorized enforcement agency and shall administer, implement and enforce the provisions of this Chapter. The County may contract with the Summit County Combined General Health District, or other agencies and commercial contractors, as may be determined to be appropriate, to conduct inspections and monitoring, and to assist with enforcement actions.

944.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this Chapter is in conflict with other provisions of law or ordinances, the most restrictive provisions as determined by the County Engineer shall prevail.

(b) The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be invalid, such invalidity shall not affect the other provisions or application of this Chapter.

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

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

944.06 DISCHARGE PROHIBITIONS.

(a) No person shall discharge or caused to be discharged into the MS4 or watercourses any materials, including but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except described as follows:

(1) The following discharges are exempt from the discharge prohibitions established by this Chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (including active groundwater dewatering systems), crawlspace pumps, air conditioning condensation, springs, non-commercial washing of vehicles, street wash water, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), firefighting activities and any other water source not containing pollutants.

(2) Discharges specified in writing by the County Engineer as being necessary to protect public health and safety.

(3) Discharges from off-lot household sewage treatment systems permitted by the Summit County Combined General Health District for the purpose of discharging sewage effluent in accordance with Ohio Administrative Code § 3701-29-02 until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for residential 1, 2, or 3-family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Summit County Combined General Health District. In compliance with NPDES Permit #OHQ000001, or subsequent versions thereof, discharges from all off-lot discharging household sewage systems must either be eliminated or have coverage under an appropriated NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available, discharges from the off-lot discharging household sewage treatment systems will no longer be exempt from the requirements of this Chapter.

(4) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

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(5) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to an MS4 is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.

(3) A person is considered in violation of this Chapter if the person connects a line conveying sewage to an MS4 or allows such a connection to be made

944.07 SUSPENSION OF MS4 ACCESS.

(a) Suspension due to illicit discharges in emergency situations. The County Engineer may, without notice, suspend discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or the waters of the State of Ohio. If the violator fails to comply with a suspension order issued in an emergency, the Engineer may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State of Ohio or to minimize danger to persons.

(b) Suspension due to the detection of illicit discharge. Any person discharging to an MS4 in violation of this Chapter may have their storm drainage access terminated if such termination would abate or reduce an illicit discharge. The County Engineer will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the approval of the County Engineer.

944.08 INDUSTRIAL OR CONSTRUCTION ACTIVITIEY DISCHARGES.

Any person subject to an industrial or construction activity SWPPP and/or NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County Engineer prior to allowing discharges to an MS4.

944.09 MONITORING OF DISCHARGES.

(a) Applicability. This section applies to all facilities that have storm water discharges associated with industrial, residential, institutional, or commercial activity, including construction activity.

(b) Access to Facilities.

(1) The County Engineer shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

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(2) Facility operators shall allow the County Engineer ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The County Engineer shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the County Engineer to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The County Engineer shall have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall promptly be removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the County Engineer access to a permitted facility is in violation of a storm water discharge permit and this Chapter. A person who is the operator of a facility with a SWPPP or NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the County Engineer reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.

(7) If the County Engineer has been refused access to any part of the premises from which storm water is discharged, and the County Engineer is able to demonstrate probable cause to believe that there has been a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the County Engineer may, through the County Prosecutor, seek issuance of a search warrant from any court of competent jurisdiction.

944.10 REQUIREMENTS TO PREVENT, CONTROL AND REDUCE STORM WATER POLLUTION BY THE USE OF BEST MANAGEMENT PRACTICES.

Chapter 943 of the Codified Ordinances, entitled "Comprehensive Storm Water Management," has adopted requirements identifying Best Management Practices ("BMPs") for activities, operations or facilities which may cause or contribute to the pollution or contamination of storm water, the storm drainage system, or waters of the State of Ohio. The owner or operators of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge or prohibited materials or other wastes into an MS4 or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs.

944.11 ENFORCEMENT

A. Notice of Violation. When the County Engineer finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the County Engineer may order

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compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility or property. Such notice may require the following actions:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit discharges or illegal connections;
3. That violating discharges, practices, or operations cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
5. The implementation of source control or treatment BMPs.

B. If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility or property owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

C. Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.

D. Administrative Hearing: Any person aggrieved or adversely affected by any action taken or determination made under this Chapter may request a hearing before the County Engineer pursuant to the Appeals Process set forth in Codified Ordinance Section 942.11. Any further proceedings shall be held pursuant to that section.

E. Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation. Enforcement may be brought pursuant to O.R.C. 3767.04, or any other applicable provision of law. If an owner/operator has violated or continues to violate the provisions of this regulation, the County Engineer may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

944.12 REMEDIES NOT EXCLUSIVE.

The remedies listed in this Chapter are not exclusive of any other remedies available under applicable federal, state or local law and it is within the discretion of the County Engineer to seek cumulative remedies.

Appendix P: County of Summit and Co-permittees Public Education and Outreach

County of Summit and Co-Permittees Appendix P		Akron Beacon Journal-Daily	Akron Beacon Journal- Sunday	West/South Side Leader	Scrip Type	Record Publishing	Barberton Herald	Scriptype	Nordonia News Leader	Aurora Advocate	Cuyahoga Falls News Press	Hudson Hub Times	Twinsburg Bulletin
Community	Newspaper Circulation				Circulation Multiplied								
Bath Township	2,282	3,043	4,168					8200					
Boston Township	237	318						100			171	397	
Copley Township	1,813	2,386	5,618										
Coventry Township	2,075	3,965	4,068										
Northfield Center Township	872	1,367							2103				
Richfield Township	469	657	1,165					1750					
Sagamore Hills Township	872	1,367						5300	4448				
Springfield Township	2,075	4,068	3,803										
Twinsburg Township	872	1,367						4950					845
Village of Boston Heights	700	700	1,100					200					
Village of Clinton	1,198	1,682	869				124						
Village of Lakemore	2,075	3,965	492										
City of Reminderville	872	1,367								1419			958
Totals	16412	26252	21283				124	20500	6551	1419	171	397	1803