

Ross County Stormwater Management and Sediment Control Regulations

Ross County, Ohio

Adopted by
Board of Commissioners

Dwight Garrett
Doug Corcoran
James Lowe

Adopted DATE
Effective DATE

ARTICLE 1 ADMINISTRATIVE

Section 1.1 Title

These 'Regulations' shall be known as the Ross County Stormwater Management and Sediment Control Regulations

Section 1.2 Statutory Authorization

These Regulations are adopted in accordance with sections 307.79 and 307.37 of the Ohio Revised Code and the rules of 1501: 15-1-01 and 02 of the Ohio Administrative Code.

Section 1.3 Purpose

These Regulations are established and promulgated to effectively manage stormwater and minimize erosion due to development, in order to promote and maintain the health, safety and welfare of the citizens of Ross County.

Section 1.4 Application

These Regulations will apply to all unincorporated areas of Ross County for any and all earth disturbing activities, which include any and all types of developments except as specifically excluded by law.

Section 1.5 Legal

Neither the submission of a plan under these regulations nor compliance with these regulations shall relieve any person or entity from responsibility for damage to any person or property otherwise imposed by law and shall not impose any liability on Ross County or its representative. These Regulations do not relieve an owner from the responsibility of obtaining any and all other necessary permits or approvals from other local states or federal agencies. Applicants may be required to prove compliance with agencies. Where these Regulations are in conflict with other requirements by rule or law, the more restrictive provisions shall prevail. If any clause, section or provision of these Regulations is declared invalid or unconstitutional by a court of competent jurisdiction, the validity or the remainder shall not be affected. The failure of Ross County to observe or recognize non-conforming conditions shall not relieve the owner from the responsibility to remedy those conditions, and shall not resolve in Ross County or its representative being responsible for those conditions or any damage resulting there from.

Section 1.6 Administration

Ross County has designated the administration and enforcement of these Regulations to the Ross Soil and Water Conservation District. Submittals shall be made to the Ross Soil & Water Conservation District at 475 Western Avenue, Suite H, Chillicothe, Ohio 45601

ARTICLE 2 PROCESS

Section 2.1 Applicability

An Earth Disturbing Permit is required for all earth disturbing operations or developments of one-half (1/2) acre or more. Individual residential lots of an approved subdivision shall not be considered separately, but will be reviewed in the context of the overall subdivision plan submitted by the developer to the Planning Commission. Where an application and compliance is required by these Regulations, an Earth Disturbing Permit must be obtained prior to a Building Permit being issued.

Agricultural activities are exempt from these regulations but does not exempt an owner from permitting requirements of other county, state or federal jurisdictions.

A permit is required for all earth disturbing activities between 5,000 square feet but less than one-half (1/2) acre. The abbreviated review process shall meet plan and review requirements in accordance with Section 2.2

Section 2.2 Applications

An application for a permit may be picked up or downloaded from the Ross Soil & Water Conservation District website. The Ross Soil & Water Conservation District at 475 Western Avenue, Suite H, Chillicothe, Ohio 45601. Each application shall be accompanied by three hard copies of the plan sets and calculations.

Section 2.3 Review and Approval

The Soil and Water Conservation District shall have up to 30 days to review all information and respond to applicant. Should revisions or additional information be required, additional 30-day review periods shall follow until such time as the application is approved. Applications may be approved as submitted or conditionally as is deemed reasonable and necessary. The length of time needed for review will be commensurate with the complexity of the project.

Section 2.4 Construction and Monitoring

All permit holders shall provide notice to the Ross Soil & Water Conservation District at least 2 days prior to commencing construction.

All construction activities and maintenance of the Stormwater Pollution Prevention Plan are subject to site inspections to ensure compliance to these Regulations. The approved plans shall serve as the basis of compliance. Due to changes in site conditions or unforeseen circumstances, revisions to the plan may be required..

Interim field inspections will be at the discretion of the Soil and Water Conservation District. Inspection reports will be provided to the owner. Once earth-disturbing activity is complete, owner shall contact the Ross Soil & Water Conservation District for a final inspection.

If violations are observed, notification and corrective recommendations shall be sent to the responsible party.

Section 2.5 Guarantee of Completion

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Owners signature on the application and permit shall serve as a binding guarantee of completion and maintenance of the stormwater facilities depicted on the approved plans. It shall also serve as recognition by the owner that the county has the right to enter the development area for review and inspection purposes.

Section 2.6 Fees and Expenses

The Board of Ross County Commissioners may set reasonable fees for plan, review, permit processing, field inspection of all projects.

Section 2.7 Enforcement and violations

If the County or its representative determines that a violation of the rules adopted under this section exists, it may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity. In addition, if the County or its representative determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the County or its representative may authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the County or its representative shall issue a second notice of violation. If after a period of not less than fifteen days have elapsed following the issuance of the second notice of violation, the violation continues, the County or its representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the County if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the County or its representative shall request, in writing, the county prosecuting attorney to seek an injunction or other appropriate relief in the court of common pleas to abate the violation and secure compliance with these regulations. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order strict compliance with these regulations, and may assess a civil fine of not less than one hundred (\$100.00) or not more than five hundred dollars (\$500.00). Once an injunction or other appropriate relief is issued, an expedited motion may be filed by the prosecuting attorney for future violations by the developer/owner requesting the Court to order the developer/owner to appear and show cause why the developer/owner should not be held in further contempt of the injunction or other appropriate relief ordered by the court.

The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas seeking equitable or appropriate relief from that order.

Section 2.8 Appeals

When any person or entity is denied a permit or aggrieved by any order, requirement or determination, or any other action or inaction by the County, it may appeal to the court of common pleas in conformance with chapters 2505 and 2506 of the Ohio Revised Code.

Section 2.9 Variance

The County may grant a variance from the requirements of these regulations where the applicant can prove to the committee's satisfaction, that just cause exists that all or a portion of these regulations should not be adhered to.

**ARTICLE 3
PLAN REQUIREMENTS**

Section 3.1 Overall

The applicant shall develop a stormwater pollution prevention plan (SWPPP) that address how both the stormwater quality and quantity are to be managed during and after construction, except projects that meet the area threshold in Section 3.2 where an abbreviated plan is acceptable.

Section 3.2 Abbreviated Plan

An abbreviated plan is required for earth disturbing activities between 5,000 square feet but less than one-half (1/2) acre. The Abbreviated Erosion and Sediment Control Plan shall include standard drawings of control measures that are generally accepted by the U.S. Department of Agriculture, Natural Resources Conservation Service and the Ohio Department of Transportation. Ross County Soil and Water Conservation District will accept, in writing, such plans that contain the following information to his/her satisfaction:

- A. Standard measures that will be used as well as the location and extent of their use.
- B. A description of maintenance procedures and practices to be applied.
- C. Any modifications that have been made to the standard drawings.
- D. Specific requirements deemed necessary by the Ross County Soil and Water Conservation District to ensure compliance with these regulations.
- E. Specification that, without exception, that all disturbed areas must have permanent ground cover within six (6) months of project completion, or within (6) six months of occupancy, whichever comes first.

Section 3.3 Preliminary Stormwater Management and Sediment Control Plan Required for Major Subdivisions

At the preliminary subdivision stage pursuant the Ross County Subdivision Regulations, the applicant shall submit plans containing an existing conditions map; and a preliminary post construction site plan showing subdivision layout, stormwater measures and facilities including culverts, storm sewer outflows/outfalls and detention and retention ponds, and the proposed drainage pattern.

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Section 3.4 Preparation of the Plan

The plan shall be prepared by a professional engineer in the state of Ohio. It shall include a narrative, pertinent calculations, plans and details as is necessary to meet the intent of these Regulations.

Section 3.5 Stormwater Quality

Stormwater quality shall meet all of the requirements as set forth in the most recent version of the Ohio Environmental Protection Agency's "General Permit Authorization For Stormwater Discharges Associated With Construction Activity Under The National Pollutant Discharge Elimination System".

Section 3.6 Stormwater Quantity

The Plan shall be designed to protect all property from nuisance and/or damage due to any and all effects of stormwater runoff. This shall be done in part by restricting the release rate of runoff from Ross County Stormwater Management and Sediment Control Regulations

the site. The post development runoff rates cannot exceed predevelopment rates. Where post development runoff volumes are greater, the runoff rates will be adjusted by using the “critical storm methodology”.

A. Design

1. In determining the critical storm, all runoff calculations must utilize the NRCS, Technical Release 55 (TR-55). A 1-year frequency, 24-hour storm shall be used as the basis for determining runoff volumes.
2. The plan shall clearly depict the pre-development site and the post-development site, showing all necessary features and information. Offsite areas may also need to be shown in order to adequately identify and consider offsite or downstream effects.
3. Each drainage area within the site, or each point of discharge from the site shall be designed and evaluated separately. If they can be combined it must be explained in the narrative.

The runoff rates for the site shall be calculated for the 1, 2, 5, 10, 25, 50 and 100-year, 24- hour storm. The allowable rate of runoff for any frequency storm is the predeveloped rate for that storm. Runoff volumes must also be calculated for each frequency storm. If runoff volumes increase for any frequency storm, the release rate must be adjusted according to the table below:

CRITICAL STORM FOR DISCHARGE LIMITATION

If the percentage of increase in volume of runoff is:

EQUAL TO OR GREATER THAN	AND LESS THAN	THE CRITICAL STORM FOR DISCHARGE LIMITATION WILL BE
---	10%	1 year
10%	20%	2 years
20%	50%	5 years
50%	100%	10 years
100%	250%	25 years
250%	500%	50 years
500%	---	100 years

For example: if a predeveloped runoff volume is 1” of runoff and the post developed is 1.5”, that will equate to a 50% increase. From the table, a 10-year frequency storm would be the critical storm and the maximum release rate for the site would be the 1-year predeveloped rate all the way up to a 10-year storm. For rain events beyond that, the predeveloped 25-year release rate would be acceptable for a 25-year storm, the 50-year predeveloped release rate for a 50-year storm, etc. Detention volumes should be calculated using the TR.55-chapter 6 storage indication method. Other methods may be accepted on an individual basis.

Section 3.75 Special Considerations

If a proposed development is sited adjacent to an existing channel, the stormwater storage facility cannot be located inside the floodway or fringe such that it would displace floodwaters of the channel. The preferred method for stormwater management and meeting the intent of these

Regulations would be to expand the volume of floodway available to the channel in lieu of constructing an impoundment area for the stormwater just for the development site. If the proposed development site is within a county stormwater district, additional considerations may apply.

Section 3.8 Financial Security

Improvements included under this article shall be guaranteed according to the procedure laid out in the Ross County Subdivision Regulations.

Section 3.9 Permanent Ground Surface Cover

Without exception, all disturbed areas must have permanent ground cover within six (6) months of project completion, or within six (6) months of occupancy, whichever comes first.

Section 3.10 Final Inspection: Notice Of Permanent Storm Water Control Measures

Within fourteen (14) days after completion of construction, the applicant shall notify the Ross County Engineer that the permanent storm water control measures are ready for final inspection. If the inspection shows that the control measures and maintenance plan comply with this amendment, the Ross County Engineer shall issue a Notice of Permanent Storm Water Control Measures. The owner shall record the Notice with the Ross County Recorder of Deeds within fifteen (15) days after the Notice is issued.

Section 3.11 Erosion, Sediment, And Temporary Storm Water Control Measures

On-site sediment control measures shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

Fully functioning temporary sediment control measures (including, but not limited to perimeter sediment controls) shall remain in place until the ground is stabilized with permanent ground cover. The intent of the article is to keep the sites protected at all times until the ground is permanently stabilized. In cases where it is not practical to leave the temporary sediment control measures in place prior to establishing permanent ground cover (for example, when control measures need to be removed in order to grade the area or install pavement or sod), an exception will be made only if one of the conditions listed below will be met. In no way does adhering to one of the conditions below relieve the owner of responsibility to clean-up or repair any damages caused from sediment or storm water run-off leaving the site.

- A. Permanent ground cover shall be established with pavement, aggregate, sod, or seeding within three days of the removal of sediment barriers as described below.
- B. On project areas with slopes not exceeding five (5%) percent, permanent vegetation shall be established by seeding within three days of the removal of sediment barriers during the spring or fall seeding periods. Summer seeding is acceptable on project areas which shall be watered. This does not apply to concentrated flow areas.
- C. In areas exceeding five percent (5%) slope, permanent vegetation shall be established by seeding with anchored mulch within three days of removal of sediment barriers during the spring or fall seeding periods.
- D. Sediment shall be removed from temporary sedimentation control basins to insure that they function to design capacity.

The Ross County Engineer may require additional control measures pursuant to the Standards if determined as necessary after site inspection and prior to issuing the permit.

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Section 3.12 Permanent Stormwater Control Measures

In general, storm water control measures shall be maintained by the owners of land parcels to be served by those measures. When feasible, this maintenance will be the responsibility of individual property owners. However, when storm water control measures require that affected property owners share maintenance responsibility, a maintenance assessment district shall be established within the restrictive conditions approved with the plat for the development. Such conditions shall identify the specific properties that are served by the district and subject to the maintenance assessment.

When a storm water facilities maintenance district is established, it shall be governed according to the following guidelines, which are based on Section 6131.63 and Chapter 6137 of the Ohio Revised Code.

Section 3.13 Responsibility for Maintenance

When a storm water facilities maintenance district is required, the Board of Ross County Commissioners shall be ultimately responsible for permanent maintenance of storm water management facilities and other facilities designed to manage storm water runoff when the land served involves two or more property owners. The storm water maintenance assessment district shall provide funds for such activities where possible.

The Board of Commissioners' responsibility toward maintaining these facilities is limited to assuring the hydraulic integrity of the storm water management facilities. This work shall ensure that the design standards and provisions of these regulations continue to be satisfied. Maintenance required for aesthetics, recreation or nuisance control shall be the responsibility of the owners of land served by the facility.

Section 3.14 Assessment Calculation and Implementation

Assessments will be calculated by the Ross County Engineer on a per acre basis using the area within the preliminary plat boundaries. Assessments will be calculated for all contributing lots. A contributing lot will be a lot with more than 1/3 of its area falling within a given assessment district. Therefore, lots will be assigned assessments based on their total size. The entire district will become active as of the time that a final plat is filed for all or part of the proposed subdivision. Land parcels, consisting of all or part of future development phases, will be assessed based on the total area of all lots within their boundaries as shown on the preliminary plan.

Section 3.15 Inspection and Maintenance Agreement

The Board of Commissioners shall enforce an inspection and maintenance agreement binding on all subsequent owners of land served by the storm water facilities. Such agreements or restrictions shall be recorded on the final plat. The location, dimensions and bearing of storm water facilities and easements shall be shown on the recorded plat and on the specific deeds effected.

Section 3.16 Maintenance of Facilities During the Initial Year of Operation

The owner and/or developer shall maintain all storm water management facilities for a period of one year following final inspection and acceptance. All storm water management facilities shall be maintained to meet the design standards and the provisions of these regulations. To ensure proper maintenance the owner/or developer shall post a performance bond equal to the total district assessment for one year.

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ARTICLE 4
ADOPTION

This resolution shall take effect and be in force from and after the earliest period allowed by law.
Adopted by the Board of County Commissioners on this DATE Resolution Number #####