STARK COUNTY STORM WATER QUALITY REGULATIONS

June 27, 2018

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Stark County Storm Water Quality Regulations were last updated and approved on *January 31, 2008*.

Stark County Storm Water Quality Regulations accepted and adopted by the Board of Stark County Commissioners on *June 27, 2018* to become effective on *July 28, 2018*.

SECTION I - INTRODUCTION

The Stark County Board of Commissioners find that land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds resulting in the following:

- The increased risk of flooding. Streams and storm water facilities that receive excessive sediment have a reduced capacity to convey water. The increase of storm water runoff rates and volumes can cause flooding, stream channel erosion and sediment transport and deposition;

- Damage to fisheries and habitat quality in streams and wetlands when siltation clogs spawning gravel and when excessive turbidity impairs the survivability of aquatic organisms;

- The increase in public expenditures for maintenance of storm water facilities, ditches, culverts and storm sewers that receive excessive amounts of sediment;

- Damage to adjacent properties, including public right-of-ways, when sediment is deposited on these properties;

- Promotes transport of nutrients to lakes causing algal blooms and oxygen depletion;

Soil is most vulnerable to erosion by wind and water during construction activities. Eroded soil necessitates repair of sewers and ditches, dredging of rivers, streams and creeks. It accelerates downstream bank erosion and damages public and private properties. It can be controlled and minimized through the regulation of storm water runoff from development sites during, throughout and after construction.

These rules are adopted in accordance with and pursuant to the Ohio Revised Code, Section 307.79 (appendix 3) and Section 504.21 (appendix 4) and apply to all soil disturbing activities on land within Stark County. These regulations will not apply inside the limits of municipal corporations or the limits of townships with a limited home rule government, unless accepted by the municipality or home rule township.

Municipal Corporations within Stark County within the Urbanized Areas (per Ohio EPA):

- City of Alliance
- City of Canal Fulton
- City of Louisville
- City of Massillon
- City of North Canton
- Village of East Canton
- Village of Hartville
- Village of Navarre

Townships with a Limited Home Rule Government within the Urbanized Area (per Ohio EPA):

- Jackson Township
- Perry Township
- Plain Township

Soil disturbing activities consist of the following: used or being developed for nonfarm commercial, industrial residential, or other nonfarm purposes, including, but not limited to: individual or multiple lots, subdivisions, multi-family developments, condominium units, commercial and industrial developments, recreational projects, general clearing and grading projects, underground utilities, highways, building activities on farms, aquaculture ponds, redevelopment of urban areas and all other uses unless expressly excluded as follows:

- ✓ Activities related to producing agricultural crops and silviculture operations or areas regulated by the Ohio Agricultural Sediment Abatement Rules (H.B. 88)
- ✓ Strip Mining and surface mining operations regulated under Revised Code 1513.01, 1514.01
- ✓ Normal landscape maintenance activities and gardening / horticulture.
- ✓ A Storm Water Pollution Prevention Plan is not required before clearing, grading, excavating, filling or otherwise wholly or partially less than 1 (one) contiguous acres of land owned by one person or operated as one development unit; however, areas of less than 1 (one) contiguous acre are not exempt from compliance with all other provisions of these rules.

A. Applicability

The Stark Soil & Water Conservation District, acting as the Stark County Board of Commissioner's duly authorized representative, shall administer these regulations. Staff of the Stark SWCD shall be responsible for the determination of compliance with these regulations and shall, through the Stark SWCD board of supervisors, issue notices and orders as may be necessary.

B. Waivers and Variances to Regulations

Waivers or variances may be requested from certain requirements of these regulations. A regulated party may submit a waiver or variance request if certain conditions exist which the regulated party believes may make adherence to certain requirements of these regulations difficult or impossible, create unnecessary hardship, or otherwise do not satisfy the intent of these regulations.

Waiver/variance requests from meeting requirements of any part of these regulations shall be submitted to **Stark Soil & Water Conservation District**.

The request shall state the specific requirement(s) for which a waiver/variance is requested and the corresponding reason(s) with applicable supporting information. As appropriate, Stark SWCD will review the request and respond accordingly with an approval or rejection. Approval will only be granted upon satisfaction that the request has been justified by the reasons provided. Waivers/variances will be approved or denied on a case-by-case basis. Adverse economic conditions shall not be a valid reason to grant a waiver/variance.

Any waivers/variances granted do not relieve the regulated party from satisfying other applicable requirements of these regulations unless otherwise specifically stated.

C. Violations, Enforcement, and Penalty

Non-compliance with any conditions of these regulations may be considered a violation and therefore may be subject to respective enforcement and penalty as allowed by law.

Violations associated with these regulations may include, but are not limited to:

- Discharge of pollutants from a regulated activity to an MS4;
- Regulated activities being conducted without an NPDES permit;
- Regulated activities being conducted without an approved SWP3;
- Regulated activities being conducted without other applicable permits;
- Regulated activities being conducted without having a pre-construction meeting;
- Incorrect installation, implementation, use, or maintenance of BMPs on a regulated activity;
- Discharge of pollutants from a post-construction BMP to an MS4;

Enforcement provisions include:

1. 1st Notice Of Violation
2. 2nd Notice Of Violation – Site Meeting with all responsible parties
3. Stop Work Order
4. Site will be referred to Prosecuting Attorney of Stark County or respective law department within MS4 Operator, as well as Ohio EPA's Division of Surface Water.

Penalty provisions include:

- Administrative penalties/fees

As appropriate, the MS4 Operator will be consulted for proper and appropriate escalation of enforcement measures on a case-by-case basis.

D. Revisions to Regulations

These regulations may be revised from time to time, at the discretion of the Stark Soil & Water Board of Supervisors and the Stark County Commissioners, based on government mandates and/or improvements in engineering, science, monitoring and local maintenance experience. Any requirements of or revisions made to this manual may be reviewed by the Stark County Commissioners, who may affirm, modify, or rescind the same. If revisions are made, the cover page and the end of the revised section will both contain:

"***Latest revision: [date]***"

Actual revisions may be identified by comparing against previous versions of the respective sections.

E. Disclaimer of Liability

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

F. Additional Guidance and Resources

- Stark Soil & Water Conservation District
  www.starkswcd.org

- Rain Water & Land Development Manual -
  http://epa.ohio.gov/dsw/storm/technical_guidance.aspx

- Ohio EPA's Small MS4 Permit –
  http://epa.ohio.gov/portals/35/permits/SmallMS4_Final_GP_sep14.pdf

- Ohio EPA's Construction General Permit -
  http://www.epa.ohio.gov/Portals/35/permits/OHC000004_GP_Final.pdf

- Urbanized Area Map – NE Ohio -
  https://www.google.com/maps/d/viewer?mid=16pFLSZ51kezX175jXL0raArM-tY

- Total Maximum Daily Load (TMDL) Guidance
  - Community Identifier -
    http://neohiostormwater.com/uploads/3/5/0/4/35043674/tmdl_community_identifier_table_final_nedo_20150422_cz.xlsx

  - TMDL Factsheets
    http://neohiostormwater.com/index.html

- NEO Storm Water Council – Maintaining Storm Water Control Measures Manual
  http://epa.ohio.gov/Portals/35/documents/SCM_OM_Manual_Final_7-30-15.pdf

SECTION II – GENERAL STORM WATER MANAGEMENT

A. Storm Water Quantity Management

Storm water Quantity Management is the responsibility of the MS4 Operator. Please contact the appropriate community for regulations. All Cities and Villages will be responsible for their own and Townships will be reviewed by the Subdivision Engineer (Please contact Stark County Regional Planning Commission).

B. Proof of Compliance with Other Regulations / Permits

Proof of compliance with various permits and documentation relevant to regulated activities may be required to be submitted as directed, including, but not limited to:

Construction Storm Water Permit administered by Ohio EPA. Proof of compliance shall be a copy of Ohio EPA's letter granting approval for coverage under the Construction Storm Water Permit.

Section 404 of the Clean Water Act as administered by the US Army Corps of Engineers for streams, wetlands, and waterways. Proof of compliance shall be a copy of the US Army Corps of Engineers project approval letter. Wetland delineations must be verified by the US Army Corps of Engineers.

Ohio Dam Safety Law administered by ODNR Division of Water. Proof of compliance shall be a copy of the ODNR project approval letter. As applicable, if a dam is exempt from Ohio Dam Safety Laws, a letter from the regulated party certifying and explaining the criteria for exemption is required.

Section 401 of the Clean Water Act as administered by Ohio EPA. Proof of compliance shall be a copy of the Ohio EPA Certification application tracking number, public notice, project approval, or a letter from the regulated party 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 US Army Corps of Engineers at the time an application is made under these regulations.

C. General Standards for Regulated Activities

As appropriate, the MS4 Operator, Stark County Commissioners, Stark County Prosecutors Office and/or Stark Soil & Water will be consulted for proper and appropriate escalation of enforcement measures on a case-by-case basis and are subject to all items within Section I.C of these regulations.

1. This regulation requires that when a proposed soil disturbing activity, land clearing, grading, excavating, filling and timbering project on land used or being developed, either wholly or partially, for nonfarm residential, commercial, industrial, recreational or other nonfarm purposes consisting of one (1) or more contiguous acres of land owned by one person or operated as one development unit for the construction of nonfarm buildings, structures, utilities, recreational areas or other limited nonfarm uses, the owner of said land shall prepare and file with the Stark SWCD a Storm Water Pollution Prevention Plan (SWPPP). Areas of less than one (1) contiguous acre shall not be exempt from compliance with other provisions of these rules including but not limited to installing and maintaining erosion/sediment control practices to prevent sediment from depositing into local creeks, ditches, ponds or onto existing landowners properties.

2. The submitted plan must be approved by the Stark SWCD before the start of any soil disturbing activity. The plan must be designed by a qualified professional preferably certified in the field of erosion/sediment control and be sealed by a Registered Professional Engineer in the State of Ohio.

3. The SWPPP plan shall be submitted to the Stark SWCD for review no less than thirty (30) days before any soil disturbing activity at the proposed site.

4. Erosion and sediment control practices used to satisfy the performance criteria of these rules shall meet the specifications provided in the most *current edition* of The Ohio Rainwater & Land Development Manual, Ohio's Standards for Storm Water Management & Land Development and Urban Stream Protection, published by the Ohio Department of Natural Resources or other approved equals. The Stark SWCD shall review any new or innovative practice before incorporating them into a plan.

5. The SWPPP must meet minimum requirements listed in the most recent Ohio EPA Construction General Permit and shall be accompanied by proof of compliance and/or notification with required natural resource permits and documentation relevant to the project, including:

a. Proof of compliance with the Ohio Environmental Protection Agency (OEPA) General Storm Water National Pollution Discharge Elimination System (NPDES) permit. Proof of compliance shall be a copy of NPDES permit Notice of Intent (NOI), and/or a copy of OEPA Director's Authorization letter for the NPDES permit.

b. Proof of compliance with Section 404 of the Clean Water Act administered by the US Army Corps of Engineers for streams, wetlands, and waterways under its jurisdiction. Proof of compliance shall be a copy of the US Army Corps of Engineers permit number, and/or project approval letter from a US Army Corps of Engineers agent. A Wetland Delineation must be verified by the US Army Corps of Engineers.

c. Proof of compliance with the Ohio Dam Safety Law administered by ODNR Division of Water: Proof of compliance shall be a copy of the ODNR permit number, and/or project approval letter. If the dam is exempt from the Ohio Dam Safety Laws, a letter from the site owner certifying and explaining the criteria for exemption is required.

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

6. The owner and/or developer of said land shall meet with the Stark SWCD for a pre-construction meeting no less than seven (7) days prior to soil disturbing activity at the site. It is the responsibility of the developer/contractor to contact the SWCD to schedule a meeting date.

7. The developer's delegated representative shall perform first inspection of erosion and sediment control practices to certify that the practices comply with the approved plan no less than two (2) working days after the start of the project. An inspection report confirming this should be completed by the developer's delegated representative and if requested, sent to the Stark SWCD confirming said inspection.

8. Upon completion of all construction and final stabilization of the entire construction site, the owner or delegated representative of said land shall contact the Stark SWCD that construction is complete and final stabilization, as specified in the Rainwater & Land Development Book, has been achieved. At this time, a final inspection of the site will be scheduled. Stark SWCD will provide approval in the form of an inspection report that the site may file its Notice of Termination (NOT) with the Ohio EPA.

9. Active Construction Sites under one acre – Illicit Discharge into MS4 or Waters of the State. Activities that will not disturb one or more acres and are not associated with a larger common plan of development that would otherwise require an NPDES permit, may fall under the MS4 Operator's Illicit Discharge regulations. If any construction activity discharges into either the MS4 system or Waters of the States, action may be taken by Stark SWCD, MS4 Operator, Ohio EPA, and / or United States Army Corp of Engineers (USACE).

10. Post Construction Maintenance: All items within Section IV may be subject to violations and or fines by either the MS4 Operator or Stark SWCD. Each will be assessed on a case-by-case basis.

D. Total Maximum Daily Load Requirements

The following watersheds are located within Stark County:

- Cuyahoga – Middle
- Mahoning – Upper
- Nimishillen,
- Sandy Creek
- Tuscarawas.

These watersheds appears on Ohio's 303(d) list of impaired waters based on findings from Ohio EPA's monitoring program. Impairments have been found for biological communities as well as elevated phosphorous, nitrates, and bacteria. As such, Ohio EPA has approved Total Maximum Daily Loads (TMDLs) for phosphorus, habitat (sediment), Total Suspended Solids, and bacteria within these watershed in an effort to restore each to acceptable standards.

The Northeast Ohio Storm Water Training Council has recommended Best Management Practices (BMPs) for both construction site storm water runoff control and post-construction storm water management that can be implemented by regulated parties to address TMDLs for each of the watersheds within Stark County.

Unless otherwise required per these regulations, appropriate recommended BMPs to address TMDLs should be implemented for all activities covered by any parts of these regulations.

Recommended Construction Site BMPs to Address TMDLs:

Recommended Construction Site Storm Water Runoff Control BMPs to Address TMDLs within Stark County				
TMDL				**BMP Description**
Habitat	**Nutrients**	**Sediment/ Total Suspend Solids**	**Bacteria**	
	✓		✓	Protect and maintain wetlands in their natural states – wetlands filter nitrogen as well as other nutrients and pollutants
			✓	Protect and maintain natural vegetative buffers to filter storm water runoff
	✓		✓	Ensure portable toilets are maintained and emptied without spills
✓	✓	✓		Physically mark on-site protected areas (i.e. wetlands, riparian areas, other valuable resources) in the field prior to commencement of earth-disturbing activities
✓	✓	✓		Maintain 50-ft natural vegetative buffers between the limits of disturbance and water resources
	✓		✓	Ensure proper storage of landscape materials on construction sites

Recommended Post-Construction BMPs to Address TMDLs:

Recommended Post-Construction Storm Water BMPs to Address TMDLs within Stark County				
TMDL				BMP Description
Habitat	Nutrients	Sediment/ Total Suspend Solids	Bacteria	
✓	✓			Physically mark on-site protected areas (i.e. wetlands, riparian areas, other valuable resources) in the field prior to commencement of earth-disturbing activities
	✓			Implement any of the following types of post-construction BMPs: • Infiltration basins and trenches • Dry extended detention basins • Bioretention with internal water storage • Constructed wetlands • Permeable pavement with internal water storage
✓		✓		Implement any of the following types of post-construction BMPs: • Wet extended detention basins • Dry extended detention basins with forebays and micro pools • Infiltration basins and trenches with appropriate pretreatment, e.g. vegetated swales, filter strips, etc. • Bioretention areas • Constructed wetlands that provide extended detention of the water quality volume (WQv) • Permeable pavement • Tree box filters
✓	✓	✓	✓	Implement conservation development
✓	✓	✓	✓	Implement riparian and wetland setbacks
✓	✓	✓	✓	Implement downspout disconnections (redirect flow to rain gardens, rain barrel systems, and/or filter strips)
✓		✓		Implement alternative parking provisions (e.g. decrease overall number of spaces, allow alternative pervious materials, shared parking, etc.) as allowed by Planning and Zoning Code
	✓	✓	✓	Retrofit storm water management control systems to increase infiltration and to function as constructed wetlands
✓	✓			Reduce impervious surfaces and replace them with storm water practices that infiltrate, capture and reuse, or otherwise reduce storm water runoff such as permeable pavement, cisterns, infiltration basins and trenches, bioretention with internal water storage, etc.
	✓		✓	Implement practices that deter waterfowl around storm water ponds
✓				Retrofit storm water management control systems to treat the WQv and/or increase infiltration
			✓	Select post-construction BMPs that eliminate or minimize bacteria, such as bioretention and constructed wetlands (as recommended by ODNR's Rainwater & Land Development Manual)

E. Plan Review Process

Each community varies throughout Stark County with this process. Please reach out to appropriate parties to see what process is in place.

F. Inspections and Entry

1. Regulated parties shall allow authorized representatives of Stark Soil & Water, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the regulated party's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of these regulations;

b. Have access to and copy at reasonable times, any records that must be kept under the conditions of

these regulations;

c. Inspect at reasonable times regulated activities, sites, and any associated facilities or equipment (including monitoring and control equipment).

2. ***Inspections During Construction Activities:*** Stark SWCD may conduct inspections of the regulated activity to ensure compliance with these regulations.

3. ***Post-Construction Inspections:*** Stark SWCD may conduct inspections of storm water infrastructure installed pursuant to these regulations after construction activities cease.

SECTION III – CONSTRUCTION SITE STORM WATER QUALITY MANAGEMENT

Storm water quality management is the design and implementation of BMPs to manage the quality of and reduce pollutants in storm water runoff from a site.

The Environmental Protection Agency (EPA) has designated 18 communities, including Stark County, to be an operator of a small municipal separate storm sewer system (MS4) regulated under Phase II of the National Pollutant Discharge Elimination System (NPDES) Storm Water Program. As a regulated MS4 Operator, each community is bound by conditions of the Ohio EPA Permit for "Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System" (NPDES Permit No.: OHQ000003), herein known as "Small MS4 Permit".

To the extent allowable under State or local law, the Small MS4 Permit requires each MS4 Operator to adopt an ordinance or other regulatory mechanism that shall, at a minimum, be equivalent with the technical requirements for construction site and post-construction storm water runoff control set forth in the current Ohio EPA NPDES General Storm Water Permit for Statewide Construction Activities, herein also known as "Construction Storm Water Permit".

The purpose of Section III of these regulations is to satisfy the Small MS4 Permit requirements as well as to provide additional standards, procedures, requirements, and/or clarifications above and beyond the minimum permit requirements. Any perceived conflicts shall be settled at the discretion of the MS4 Operator and/or the Stark County Soil & Water Conservation District (SWCD).

Stark SWCD has contracted with each of the MS4 communities by way of a Memorandum of Understanding (MOU), to help satisfy certain requirements of the Small MS4 Permit on behalf of these MS4 Communities and is a designated representative of the Stark County Commissioners for the administration of these Storm Water Quality Management regulations. In addition, Stark SWCD:

- As applicable, conducts plan reviews with respect to storm water quality management which includes review of Storm Water Pollution Prevention Plans (SWP3s) and Long-Term Maintenance Plans (for permanent post-construction practices) for activities subject to these regulations;
- Inspects regulated activities for implementation of construction site pollution prevention controls and post-construction storm water treatment practices in accordance with approved SWP3s;
- Conducts annual inspections of permanent storm water treatment practices on applicable post-construction sites;
- Provides correspondence and guidance as necessary to administer these regulations;
- Has authority to issue Notices of Violation and/or Stop Work Orders accordingly and advise each community of any recommended further enforcement actions.

Thus, any applicable activity within Stark County subject to Section III requires coordination with and approval by Stark SWCD. Unless otherwise stated herein, all correspondence and inquiries regarding Section III should be directed to:

Primary point of contact:

Stark Soil & Water Conservation District
2650 Richville Drive SE, Suite 100
Massillon, Ohio 44646
Phone: 330-451 SOIL (7645)
Email: info@starkswcd.org
Website: www.starkswcd.org

A. Applicability

All applicable standards and requirements apply. Except for storm water discharges associated with exempted activities, these Storm Water Quality regulations apply to construction activities that *disturb one or more total acres of land* (or that will disturb less than one acre of land but are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land) and in which

runoff immediately or ultimately discharges to a surface water of the state. The following discharges are covered by these regulations:

1. ***Construction site storm water runoff*** from regulated activities;

2. ***Post-construction storm water runoff*** from respective sites in which regulated activities have been covered by these regulations;

3. ***Discharges from support activities*** (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

   a. The support activity is directly related to a construction activity that is subject to these regulations;

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

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

As applicable, types of regulated activities include, but are not limited to:

- Commercial, industrial, or institutional construction/development projects
- Subdivision (residential and industrial) construction/development projects
- Recreational projects
- Utility projects
- Public projects (roadway, infrastructure, capital improvements, parks and trails, etc.)
- Redevelopment projects
- Demolition projects
- Parking lot construction or reconstruction
- Grading, filling, borrow, spoil, or soil stock-piling work
- Trench dewatering

B. Exemptions

Storm water runoff associated with the following activities is exempt from Section III of these regulations:

1. ***Soil-disturbing activities < 1-acre:*** Although not subject to the specific requirements of Section III of these regulations, construction activities that disturb *less* than 1 acre of land are not exempt from other applicable laws, regulations, or environmental stewardship. Appropriate practices should still be implemented (i.e. perimeter silt fence, storm drain inlet protection, etc.) for such activities prior to and during the activity to minimize erosion, sedimentation, and storm water pollution. As applicable, construction plans should include requirements for all such practices. Soil-disturbing activities < 1 acre may still be subject to the requirements of Storm Water *Quantity* Regulations (separately regulated; please contact appropriate community);

2. ***Activities related to producing agricultural crops*** regulated under the Ohio Agricultural Sediment Abatement Rules (House Bill 88);

3. ***Silviculture operations*** regulated under the Ohio Agricultural Sediment Abatement Rules (House Bill 88);

4. ***Activities regulated by Ohio Agricultural Sediment Abatement Rules***;

5. ***Strip-mining and surface mining operations*** regulated under Ohio Revised Code 1513.01, 1514.01;

6. ***Any emergency project***, as determined by the City, Village, Township, Stark County Commissioners, or other governing bodies, that is immediately necessary for the protection of life, property, or natural resources;

7. ***Any activity exempted by the EPA*** from the current NPDES Construction Storm Water Permit. Proof of exemption from Ohio EPA must be submitted to the Stark SWCD.

8. ***Activities associated exclusively with exempted non-storm water discharges*** as stated below.

C. Non-Storm Water Discharges

1. ***Exempted Discharges:*** All discharges covered by Section III of these regulations must be composed entirely of storm water with the exception of the following:
    - Discharges from firefighting activities;
    - Fire hydrant flushings;
    - Potable water sources including waterline flushings;
    - Irrigation drainage;
    - Lawn watering;
    - Routine external building wash-down which does not use detergents;
    - Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
    - Air conditioning condensate;
    - Springs;
    - Uncontaminated ground water from trench or well point dewatering and foundation or footing drains where flows are not contaminated with process materials such as solvents.

2. ***Dewatering Activities:*** Dewatering activities must be done in compliance with Section III.F.3. of these regulations. Discharges of material other than storm water or the authorized non-storm water discharges listed above must comply with an individual NPDES permit or an alternative NPDES general permit issued for the discharge.

D. TMDL Requirements

Please see Section II – C for further clarification. Appendix A includes a full list of each MS4 Operator with required TMDLs to be addressed.

E. NPDES Construction Storm Water Permit

All activities covered by Section III of these regulations are required by Ohio EPA to obtain a Construction Storm Water Permit. In accordance with the Construction Storm Water Permit, it is the regulated party's responsibility to:

1. ***Submit a Notice Of Intent (NOI)*** to Ohio EPA to obtain permit coverage;

2. ***Apply for Co-Permittee Notice of Intent (NOI) coverage***: This needs to be used by other operators identified by the initial permittee to request shared coverage under the NPDES construction storm water general permit (CGP). There is no fee associated with this application.

3. ***Comply with all permit requirements and orders of Ohio EPA:*** If a conflict exists between these regulations and the Construction Storm Water Permit, Ohio EPA orders, or other laws or regulations, the most restrictive requirements shall govern; and
4. ***Submit a Notice of Termination (NOT)*** to Ohio EPA to terminate permit coverage (once eligible).

Upon approval of permit coverage, Ohio EPA will notify the regulated party. The notification will provide:

- Acknowledgement of receipt of an NOI;
- Facility name (project/regulated activity description);
- Facility location information;
- Ohio EPA Facility Permit Number (a specific permit number assigned only to the referenced facility);
- Approval for coverage under the Construction Storm Water Permit;
- Other information.

A copy of the notification from Ohio EPA granting the regulated activity coverage under a Construction Storm Water Permit is required by Stark SWCD as one of the conditions to be met to commence regulated activities per these regulations.

- All permits with the Ohio EPA are no longer eligible to be completed in hard form and will only be accepted by both the Ohio EPA and Stark SWCD if completed through the eBusiness Center located within the Ohio EPA's website (eBusiness Center – http://epa.ohio.gov/dsw/ebs.aspx).

F. Construction Site Storm Water Runoff Control Requirements

Construction site storm water runoff BMPs include erosion and sediment controls as well as other controls to control, reduce, or eliminate pollution associated with storm water runoff from construction activities. Construction site BMPs shall be designed, installed, and maintained for regulated activities. Regulated activities shall comply with the following requirements for construction site storm water discharges, as applicable:

1. ***Construction Site Storm Water Runoff Control General Standards:*** Unless otherwise approved by Stark SWCD, all construction site storm water BMPs implemented for regulated activities shall comply with the following general standards:

Construction Site Storm Water Runoff General Standards				
Aspect of Construction Site Storm Water Runoff Control		**Description**	**Reviewing/Approving Department**	**General Standards Used (as applicable)**
1	Erosion and sediment controls	Minimize and control erosion and sediment related to construction activities	Stark SWCD 330-451-SOIL (7645)	• ODNR's Rainwater and Land Development Manual • Ohio EPA's Construction Storm Water Permit
2	Other construction site storm water pollution controls	Minimize and control other runoff pollution related to construction activities		

2. ***Erosion and Sediment Controls:***

   a. *Standards for Erosion and Sediment Controls:* Effective erosion and sediment controls shall be designed, installed, and maintained to minimize erosion and the discharge of sediment from regulated activities. At a minimum, such controls shall:

   (1) Control storm water volume and velocity within the site to minimize soil erosion;

   (2) Control storm water discharges, including both peak flowrates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;

   (3) Minimize the amount of soil exposed during construction activity;
   (4) Minimize the disturbance of steep slopes;

   (5) Minimize sediment discharges from the site. The design, installation and maintenance of

erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

(6) If feasible, provide and maintain a 50-foot undisturbed natural buffer around surface waters of the state, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration. If it is infeasible to provide and maintain an undisturbed 50-foot natural buffer, the regulated party shall comply with the stabilization requirements below for areas within 50 feet of a surface water;

(7) Minimize soil compaction and, unless infeasible, preserve topsoil;

(8) *Stabilization:* Stabilization of disturbed areas shall, at a minimum, be initiated in accordance with the time frames specified in the following tables:

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

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

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

b. *Erosion control practices:*

(1) Erosion controls that are capable of providing cover over disturbed soils and designed to stabilize disturbed areas after grading or construction shall be implemented.

(2) Stabilization of all disturbed areas of the site shall be employed as appropriate for the respective time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, and use of construction entrances and the use of alternative ground cover.

c. *Permanent stabilization of conveyance channels:* Operators shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding (as defined in the most current edition of the Rainwater and Land Development manual), mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams.

d. *Runoff control practices:* Measures which control the flow of runoff from disturbed areas shall be incorporated so as to prevent erosion from occurring. 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. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

e. *Sediment Control Practices:* As appropriate, 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 should be implemented for regulated activities. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, earth diversion dikes or channels which direct runoff to a sediment settling pond and storm drain inlet protection. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.

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

(2) *Sediment settling ponds:* A sediment settling pond is required for any one of the following conditions:

- Concentrated storm water runoff (e.g., storm sewer or ditch);
- Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;
- Runoff from drainage areas that exceed the design capacity of inlet protection; or
- Runoff from common drainage locations with 10 or more acres of disturbed land.

The regulated party may request approval from Ohio EPA to use alternative controls if the regulated party can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond. Stark SWCD may approve alternative controls upon receipt of proof of approval of such controls by Ohio EPA.

If feasible, sediment settling ponds shall be dewatered at the pond surface using a skimmer or equivalent device. The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall be a minimum of 1,800 cubic feet (ft^3) per acre of drainage (67 yd^3/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods:

Method 1: The volume of the sediment storage zone shall be 1,000 ft^3 per disturbed acre within the watershed of the basin. OR

Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model.

The accumulated sediment shall be removed from the sediment storage zone once it's full. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity shall be included unless runoff from these areas is diverted away from the

sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone shall be less than or equal to five feet. The configuration between inlets and the outlet of the basin shall provide at least two units of length for each one unit of width (> 2:1 length: width ratio); however, a length to width ratio of 4:1 is recommended. When designing sediment settling ponds, the regulated party shall consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

(3) *Silt Fence and Diversions:* Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties and water resources from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour downslope of the disturbed area. These regulations do not preclude the use of other sediment barriers designed to control sheet flow runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in the following table:

Silt Fence Maximum Drainage Area Based on Slope	
Maximum drainage area (in acres) to 100 linear feet of silt fence	**Range of slope for a particular drainage area (in percent)**
0.5	< 2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

Placing silt fence in a parallel series does not extend the size of the drainage area. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres.

(4) *Inlet Protection:* Other erosion and sediment control practices shall minimize sediment laden water entering active storm drain systems, unless the storm drain system drains to a sediment settling pond. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond.

(5) *Protection of Surface Waters of the State:* If construction activities disturb areas adjacent to surface waters of the state, structural practices shall be designed and implemented on site to protect all adjacent surface waters of the state from the impacts of sediment runoff. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond) shall be used in a surface water of the state. For all construction activities immediately adjacent to surface waters of the state, the regulated party shall comply with the buffer provisions for protection of surface waters of the state, as measured from the ordinary high water mark of the surface water. Where impacts within this buffer area are unavoidable, due to the nature of the construction (e.g., stream crossings for roads or utilities), the project shall be designed such that the number of stream crossings and the width of the disturbance within the buffer area are minimized.

(6) *Modifying Controls:* If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the regulated party shall replace or modify the control for site conditions.

3. ***Other Construction Site Storm Water Pollution Controls:*** Besides erosion and sediment controls, other construction site storm water pollution controls are required for regulated activities.

a. *Standards for Other Construction Site Storm Water Pollution Controls:* Effective construction site storm water pollution controls shall be designed, installed, and maintained to minimize the

discharge of pollution from regulated activities. At a minimum, such controls shall:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water; and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

b. *Dewatering controls:* Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

c. *Trench and ground water controls:* There shall be no turbid discharges to surface waters of the state resulting from dewatering activities. If trench or ground water contains sediment, it shall 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 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.

d. *Non-Sediment Pollutant Controls:* No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The regulated party must implement all necessary BMPs to prevent the discharge of non-sediment pollutants to the drainage system of the site or surface waters of the state. Under no circumstance shall wastewater from the washout of concrete trucks, stucco, paint, form release oils, curing compounds, and other construction materials be discharged directly into a drainage channel, storm sewer or surface waters of the state. Also, no pollutants from vehicle fuel, oils, or other vehicle fluids can be discharged to surface waters of the state. No exposure of storm water to waste materials is recommended. The SWP3 must include methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, storm water runoff, and snow melt. The SWP3 shall include measures to prevent and respond to chemical spills and leaks. The existence of other plans (i.e., Spill Prevention Control and Countermeasure (SPCC) plans, spill control programs, Safety Response Plans, etc.) may also be referenced provided that such plan addresses conditions of these regulations and a copy of such plan is maintained on site.

e. *Off-site traffic controls:* Off-site vehicle tracking of sediments and dust generation shall be minimized. Methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters shall be implemented. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.

f. *Compliance with other requirements:* Applicable State and/or local waste disposal and sanitary sewer or septic system regulations shall be followed, including disposal of contaminated soils located within the regulated area.

g. *Contaminated sediment controls:* Where construction activities are to occur on sites with contamination from previous activities, operators shall be aware that concentrations of materials that meet other criteria (is not considered a Hazardous Waste, meeting VAP standards, etc.) may still result in storm water discharges in excess of Ohio Water Quality Standards. Such discharges are not authorized by compliance with these regulations. Appropriate BMPs include, but are not

limited to:

- The use of berms, trenches, and pits to collect contaminated runoff and prevent discharges;
- Pumping runoff into a sanitary sewer (with prior approval of the sanitary sewer operator) or into a container for transport to an appropriate treatment/disposal facility; and
- Covering areas of contamination with tarps or other methods that prevent storm water from coming into contact with the material.

Operators should consult with Ohio EPA Division of Surface Water prior to construction activity.

4. ***Prohibited Discharges:*** The following discharges are prohibited:

   a. Wastewater from washout of concrete, unless managed by an appropriate control;

   b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

   c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

   d. Soaps or solvents used in vehicle and equipment washing.

5. ***Surface Outlets:*** When discharging from sediment basins, utilize outlet structures that withdraw water from the surface, unless infeasible. (Note: Ohio EPA believes that the circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include time periods with extended cold weather during winter months. If a regulated party has determined that it is infeasible to meet this requirement, the regulated party shall provide documentation in the SWP3 to support the determination.)

G. Non-Structural Preservation Methods

Construction site storm water runoff control practices and post-construction storm water management practices which preserve existing natural conditions shall be used as much as feasible. Such practices may include: 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. For construction activities immediately adjacent to surface waters of the state, the regulated party shall protect respective surface waters of the state in accordance with erosion and sediment control provisions in these regulations.

H. Storm Water Pollution Prevention Plan Requirements

A Storm Water Pollution Prevention Plan (SWP3) shall be developed for each activity covered by Section III of these regulations. SWP3s and all associated requirements must be reviewed and approved by Stark SWCD. For a multi-phase construction project, a separate SWP3 shall be prepared for subsequent phases unless otherwise clearly described and approved. SWP3s shall be prepared in accordance with sound engineering and/or conservation practices by a professional experienced in the design and implementation of standard erosion and sediment controls and storm water management practices addressing all phases of construction. The SWP3 shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activities. The SWP3 shall be a comprehensive, stand-alone document, which is not complete unless it contains all information as required by these regulations. In addition, the SWP3 shall describe and ensure the implementation of best management practices (BMPs) that reduce the pollutants in storm water discharges during construction and

pollutants associated with post-construction activities to ensure compliance with ORC Section 6111.04, OAC Chapter 3745-1**,** the terms and conditions of the applicable Ohio EPA NPDES Construction Storm Water Permit, and the terms and conditions of these regulations.

1. **Stark SWCD Checklist for Plan Reviews**
   - **a.** Checklist is required with all plan submittals
   - **b.** This needs to be the most current version (found on website at www.starkswcd.org)
   - **c.** Items within checklist will be updated periodically to ensure all Ohio EPA and MS4 regulations are up to date.
2. **Fees**
   - **a.** Fee schedule will be posted in Stark SWCD SWP3 Checklist. This will describe fees for the following items:
     - **(1)** Preliminary SWP3 Reviews
     - **(2)** SWP3 Reviews
     - **(3)** Site Inspections
     - **(4)** Non-Compliance / Notice of Violations

3. **Calculations and Supporting Information**
   - **a.** All calculations and supporting information (i.e. drainage maps, software printouts, etc.) for design of storm water BMPs shall be submitted with the SWP3. Any additional information shall be submitted as directed.

4. **Timing of SWP3 Actions:**

   - **a.** *SWP3 preparation and submission for review:* An SWP3 shall be prepared and submitted by the regulated party in accordance with the terms and conditions of these regulations and the applicable Ohio EPA NPDES Construction Storm Water Permit.

     - **(1)** *For projects requiring submission of a site plan to Regional Planning or Zoning:* An SWP3 shall be prepared and included as part of the site plan. All other provisions for site plans per the Planning and Zoning Code shall apply.

     - **(2)** *For transportation projects:*

       - **(A)** *Transportation projects following ODOT standards for a Project Site Plan:* An SWP3 shall be prepared by the contractor in accordance with ODOT requirements and submitted to Stark SWCD.

       - **(B)** *Transportation projects not following ODOT standards for a Project Site Plan:* An SWP3 shall be prepared by the project designer and submitted to Stark SWCD.

     - **(3)** *For other projects:* An SWP3 shall be prepared and submitted as directed by Stark SWCD.

     - **(4)** The SWP3 shall be submitted for review by Stark SWCD no less than thirty (30) days before regulated activities.

     - **(5)** One copy of all associated calculations and supporting information shall be submitted along with the SWP3 to Stark SWCD.
   - **b.** *SWP3 review:* Stark SWCD will review all SWP3s for construction site storm water runoff control and post-construction storm water *quality* management. Stark SWCD shall review the SWP3 and approve or respond with comments for revision within thirty (30) working days of receipt.
   - **c.** *SWP3 revisions prior to approval:* Unless otherwise directed, revised SWP3s shall be submitted to

Stark SWCD. Upon receipt of a revised SWP3, another 30-day review period shall commence.

d. *SWP3 approval:* Stark SWCD will issue a letter to the responsible party upon SWP3 approval. The MS4 Operator will be copied on the letter. Approved SWP3s shall remain valid for two (2) years from the date of approval. A variance for an extension may be requested in writing before the 2-year termination or a revised/updated SWP3 may be submitted accordingly.

e. *SWP3 implementation:* The approved SWP3 must be implemented accordingly upon initiation of construction activities.

f. *Changes to an approved SWP3:* The approved SWP3 shall be amended or revised under either of the following conditions:

(1) There is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state that was not anticipated in the approved SWP3; or

(2) The SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in accordance with these regulations.

Changes to the approved SWP3 may be initiated by the regulated party or required by notification from a regulatory agency (Ohio EPA, MS4 Operator, or Stark SWCD). Changes required by a regulatory agency shall be made within 10 days or as otherwise provided in the notification. A revised SWP3 shall be submitted as directed.

5. ***SWP3 Components:*** SWP3s shall include the following items:

a. *Site description:* Each SWP3 shall provide:

(1) *Proposed construction activity description* (e.g., low density residential, shopping mall, highway, etc.);

(2) *Total area of the site*, in acres, in which the regulated activity is proposed to occur;

(3) *Total land-disturbance area*, in acres, in which regulated activity is expected to occur;

(4) *Construction activity category* description (e.g. "small construction activity", "large construction activity", "redevelopment project", "transportation project", etc.);

(5) *Impervious area:* An estimate of the impervious area and percent imperviousness created by the construction activity;

(6) *Runoff coefficients:* A calculation of the runoff coefficients for both the pre-construction and post- construction site conditions;

(7) *Soil data:* Existing data describing the soil and, if available, the quality of any discharge from the site;

(8) *Prior land uses:* A description of prior land uses at the site;

(9) *Implementation schedule:* An implementation schedule which describes the sequence of major construction operations (i.e., designation of vegetative preservation areas, grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence;

(10) *Receiving waters and drainage systems:* The name and/or location of the immediate receiving

stream or surface water(s) and the first subsequent named receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project. For discharges to an MS4, the point of discharge to the MS4, a description of the type of MS4, a description of the MS4 Operator, and the location where the MS4 ultimately discharges to a stream or surface water of the state shall be indicated;

(11) *A statement of prohibited discharges* in accordance with "Prohibited Discharges" provisions of Section III.F.3. of these regulations;

(12) *Identification of non-storm water discharges:* Except for flows from firefighting activities, sources of non-storm water listed above that are combined with storm water discharges associated with construction activity must be identified in the SWP3. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

(13) *Construction site runoff BMPs:* A description of all construction site runoff BMPs to be implemented.

(14) *Individual lot BMPs:* For subdivided developments in which the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices. This does not remove the responsibility to designate specific erosion and sediment control practices in the SWP3 for critical areas such as steep slopes, stream banks, drainage ways and riparian zones;

(15) *Asphalt and concrete plan BMPs:* Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants and the best management practices to address pollutants in these storm water discharges;

(16) *Post-construction BMPs:* A description of all post-construction BMPs to be implemented or how post-construction storm water management will otherwise be provided.

(17) *Reference to regulations and permit:* A reference to the title and date of these regulations and the applicable Construction Storm Water Permit number;

(18) *Cover/title page:* A cover page or title identifying the name and location of the site, the name and contact information of all construction site operators, the name and contact information for the person responsible for authorizing and amending the SWP3, preparation date, and the estimated dates that construction will start and be complete;

(19) *Activities log:* A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence;

(20) *Other information* as required by Stark SWCD or Ohio EPA.

b. *Site map:* The site map shall show:

(1) *Limits of earth-disturbing activity* of the site including associated off-site borrow or spoil areas that are not addressed by an associated SWP3;

(2) *Soils types* for all areas of the site, including locations of unstable or highly erodible soils;

(3) *Existing and proposed contours:* A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres;

(4) *Surface water locations* including springs, wetlands, streams, lakes, water wells, etc., on or

within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the regulated party intends to fill or relocate for which the regulated party is seeking approval from the Army Corps of Engineers and/or Ohio EPA;

(5) *Existing and planned locations* of buildings, roads, parking facilities and utilities;

(6) *Construction site BMP locations:* The location of all construction site BMPs, including the location of areas likely to require temporary stabilization during the course of site development;

(7) *Sediment and storm water management basins* noting their sediment settling volume and contributing drainage area. The use of data sheets (see ODNR's Rainwater and Land Development manual for examples) are recommended to provide data for all sediment traps, sediment basins and storm water management treatment practices noting important inputs to design and resulting parameters such as their contributing drainage area, disturbed area, water quality volume, sedimentation volume, practice surface area, facility discharge and dewatering time, outlet type and dimensions;

(8) *Post-construction BMP locations:* The location of permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed;

(9) *Designated areas:* Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling;

(10) *Construction entrances:* The location of designated construction entrances where the vehicles will access the construction site;

(11) *Stream activity locations:* The location of any in-stream activities including stream crossings; and

(12) *Other information* as required by Stark SWCD or Ohio EPA.

c. *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 to the extent these are located within the regulated area.

d. *Controls:* The SWP3 shall contain a description of all controls appropriate for each operation associated with construction site storm water runoff and post-construction storm water management from the regulated site:

(1) *Construction site storm water runoff:*

(A) *Non-structural preservation methods:* The SWP3 shall make use of construction and post-construction practices which preserve existing natural conditions as much as feasible in accordance with "Non-Structural Preservation Methods" provisions of these regulations.

(B) *Erosion control practices:*

1) The SWP3 shall make use of erosion controls that are capable of providing cover over disturbed soils unless an exception is approved in accordance with "Waivers and Variances to Regulations" provisions of these regulations.

2) *Runoff control practices:* The SWP3 shall include a description and appropriate details

and drawings of measures which control the flow of runoff from disturbed areas so as to prevent erosion from occurring.

3) *Stabilization:*

a) The SWP3 shall include a description and appropriate details and drawings of control practices designed to stabilize disturbed areas after grading or construction. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, and use of construction entrances and the use of alternative ground cover.

b) The SWP3 shall 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.

c) The SWP3 shall show that disturbed areas will be stabilized in accordance with requirements for permanent stabilization and temporary stabilization as required by these regulations.

d) *Permanent stabilization of conveyance channels:* The SWP3 shall include a description and appropriate details and drawings of measures to stabilize channels and outfalls and prevent erosive flows.

(C) *Sediment control practices:* The SWP3 shall include a description and appropriate details and drawings of all sediment control practices to be implemented.

(D) *Other construction site storm water pollution controls:* The SWP3 shall include a description and appropriate details and drawings of all other construction site storm water pollution controls to be implemented.

1) *Off-site traffic controls:* The SWP3 shall include methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters.

(E) *Construction site BMPs used to address TMDLs:* The SWP3 shall contain a description of construction site BMPs used to address Nimishillen Creek TMDLs.

(F) *Maintenance requirements:* The SWP3 shall be designed to minimize maintenance requirements of construction site BMPs. A description of maintenance procedures needed to ensure the continued performance of control practices shall be provided.

(2) *Post-construction storm water management:*

(A) *Non-structural preservation methods:* The SWP3 shall make use of post-construction practices which preserve existing natural conditions as much as feasible.

(B) *Post-construction storm water quality management BMPs:*

1) The SWP3 shall contain a description and rationale for selection of post-construction storm water *quality* BMPs that will be installed during construction for the site. The BMPs selected shall be appropriate for the regulated activity's construction activity category. The rationale shall address the anticipated impacts on:

a) Channel and floodplain morphology;

b) Hydrology;

c) Water *quality*;

d) Watershed TMDLs, as applicable.

2) The SWP3 shall include an explanation of the technical basis used to select the practices to control *post-development pollution levels* that will exceed pre-development levels.

(C) *Post-construction storm water quantity management BMPs:*

1) The SWP3 shall contain a description and rationale for the selection of post-construction storm water *quantity* BMPs that will be installed during construction for the site. The BMPs selected shall be appropriate for the regulated activity's construction activity category. The rationale shall address the anticipated impacts on:

a) Channel and floodplain morphology;

b) Hydrology;

c) Water *quantity*;

d) Watershed TMDLs, as applicable.

2) The SWP3 shall include an explanation of the technical basis used to select the practices to control *post-development peak flows* that will exceed pre-development peak flows.

(D) *Post-construction BMPs used to address TMDLs:* The SWP3 shall contain a description of post-construction BMPs used to address Nimishillen Creek TMDLs.

(E) *Maintenance requirements:* The SWP3 shall communicate that post-construction BMPs shall be maintained in accordance with conditions of a Long-Term Maintenance Plan approved by Stark SWCD.

(3) *Construction phase timing/sequencing:* The SWP3 shall clearly describe the general timing (or sequence) of each major construction activity planned and the applicable practices to be implemented accordingly.

(4) *Contractor information:* The SWP3 shall describe contractor responsibilities and which contractor is responsible for implementation of construction phases (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization). The SWP3 shall identify the subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3. It is recommended that the primary site operator review the SWP3 with the primary contractor prior to commencement of construction activities and keep a SWP3 training log to demonstrate that this review has occurred.

(5) *Detail drawings and information:* The SWP3 shall include sufficient details drawings and information showing the locations of BMPs, appropriate installation details, and other pertinent design information.

(6) *Documented procedures for inspections during construction:* The SWP3 shall document procedures for inspection of all controls on the site by the site operator throughout the duration

of the construction activity. Procedures shall communicate all the following, at a minimum:

(A) All controls shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period.

(B) The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen).

(C) A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following conditions are met:

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

2) Land disturbance activities have been suspended; and

3) The beginning and ending dates of the waiver period are documented in the SWP3.

(D) Once a definable area is finally stabilized, the area may be marked on the SWP3 and no further inspection requirements apply to that portion of the site.

(E) The regulated party shall assign "qualified inspection personnel" to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with the schedule proposed or whether additional control measures are required.

(F) Following each inspection, an inspection report must be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report shall include:

1) The inspection date;

2) Names, titles, and qualifications of personnel making the inspection;

3) Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;

4) Weather information and a description of any discharges occurring at the time of the inspection;

5) Location(s) of discharges of sediment or other pollutants from the site;

6) Location(s) of BMPs that need to be maintained;

7) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;

8) Location(s) where additional BMPs are needed that did not exist at the time of inspection; and

9) Any corrective actions required including any changes to the SWP3 necessary and implementation dates.

(G) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage system.

(H) Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that those are operating correctly.

(I) Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.

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

(K) The regulated party shall maintain the following for three years**:**

1) Records summarizing the results of inspections;

2) Names(s) and qualifications of personnel making the inspection;

3) The date(s) of the inspection;

4) Major observations relating to the implementation of the SWP3;

5) A certification as to whether the facility is in compliance with the SWP3 and these regulations; and

6) Identify any incidents of non-compliance.

(L) *When practices require repair or maintenance:* If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it shall be repaired or maintained within 3 days of the inspection. Sediment settling ponds shall be repaired or maintained within 10 days of the inspection.

(M) *When practices fail to provide their intended function:* If the inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the SWP3 shall be amended and the new control practice shall be installed within 10 days of the inspection.

(N) *When practices depicted on the SWP3 are not installed:* If the inspection reveals that a control practice has not been implemented in accordance with the implementation schedule, the control practice shall be implemented within 10 days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record shall contain a statement of explanation as to why the control practice is not needed.

e. *Requirement for SWP3 Retention On-Site:* The SWP3 shall contain language conveying the requirement to retain the SWP3 on site during working hours.

f. *Requirement for SWP3 Availability:* The SWP3 shall contain language conveying the requirements for "SWP3 Availability" provisions of these regulations.

g. *SWP3 certification and signature:* The SWP3 shall include the following certification and shall be signed in accordance with these regulations:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly

gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

An SWP3 is considered complete when it contains all information required in these regulations and the SWP3 requirements per the Ohio EPA Construction Storm Water Permit.

7. ***Proof of Compliance with Other Regulations/Permits:*** The SWP3 shall be accompanied by proof of compliance with natural resource permits and documentation relevant to the regulated activity.

8. ***Approved State or Local Plans:*** All dischargers regulated under these regulations - except those exempted under state law - must comply with the lawful requirements of the MS4 Operator, Stark County, and other local agencies regarding discharges of storm water from construction activities. All erosion and sediment control plans and storm water management plans approved by local officials shall be retained with the SWP3 prepared in accordance with these regulations. Applicable requirements for erosion and sediment control and storm water management approved by local officials are incorporated by reference and enforceable under these regulations even if they are not specifically included in an SWP3 required under these regulations.

9. ***SWP3 Availability:***

    a. *On-site:* The SWP3 shall be retained on site during working hours. The SWP3 shall be made available immediately upon request by representatives from the MS4 Operator, Stark SWCD, or their authorized representatives during working hours.

    b. *By written request:* The regulated party must provide the most recent copy of the SWP3 within 10 days upon written request by any of the following:

        (1) The director Ohio EPA or the director's authorized representative;

        (2) Stark SWCD;

        (3) The MS4 Operator.

    c. *To the public:* All SWP3s and associated correspondence with Stark SWCD are considered reports that shall be available to the public in accordance with the Ohio Public Records law. The regulated party shall make documents available to the public upon request or provide a copy at public expense, at cost, in a timely manner. However, the regulated party may claim any portion of an SWP3 as confidential in accordance with Ohio law."

10. ***Duty to Inform Contractors and Subcontractors:*** The regulated party shall inform all contractors and subcontractors not otherwise defined as "operators" in these regulations who will be involved in the implementation of the SWP3 of the terms and conditions of these regulations. The regulated party 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 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.

I. Performance Standards

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

2. Construction site erosion and sediment control practices used to satisfy this requirement shall conform, as a minimum, to the Ohio EPA Construction General Permit, the most current edition of the Ohio Rainwater and Land Development Manual and shall conform and comply to the most current Ohio Environmental Protection Agency, Ohio Revised Code chapter 6111 requirements.

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

4. An SWPPP plan is considered complete when it contains all items listed in these regulations and the Ohio EPA Construction General Permit Part III under SWP3 requirements.

5. Road and highway transportation projects that fall under these regulations may follow the specifications in the most current ODOT Manual for SWPPP submittals.

J. Inspection for Compliance

a. Stark Soil & Water will conduct site inspections for compliance as follow:

- Sites within MS4 Communities and or discharge into a regulated MS4 system will be inspected on a Bi-Monthly basis during active construction
- Sites outside of the MS4 Communities and do not discharge into a regulated communities MS4 will be inspected on a monthly basis.
- Subdivisions within the regulated areas will be inspected Bi-Monthly until temporary stabilization is achieved. Monthly inspections will be conducted until final stabilization is completed.
- Sites either within MS4 Communities or outside will receive additional inspections in cases of non-compliance. Additional fees will be required until site returns to compliance (Please see Fees).

K. Pre-Construction Meeting Requirements

a. A pre-construction meeting with Stark SWCD is required for all regulated activities. The owner, developer and/or contractor of said land shall meet with the Stark SWCD for a pre-construction meeting no less than seven (7) days prior to soil disturbing activity at the site. It is the responsibility of the developer/contractor to contact the SWCD to schedule a meeting date.

L. Requirements When Portions or Entire Site are Sold

Lots or parcels that may be sold off within a regulated site (e.g. subdivision) shall continue to be subject to these regulations. However, certain responsibilities apply depending on whether or not the development uses centralized construction site runoff controls (i.e., controls that address storm water runoff from one or more lots).

1. ***Sale of lots within developments that use centralized construction site runoff controls:*** The current regulated party (i.e. seller) shall continue to be responsible for the implementation of all

such controls to the satisfaction of Stark SWCD.

2. ***Sale of lots within developments that do not use centralized construction site runoff controls:*** The current regulated party (i.e. seller) shall:

   a. Be responsible to temporarily stabilize all lots sold to individual lot owners.

   b. Inform the individual lot buyer of "Individual lot owner responsibilities" (see below).

3. ***Individual lot owner responsibilities:*** An individual lot owner (i.e. buyer) shall:

   a. Be responsible for the implementation of individual lot construction site controls in accordance with respective requirements of the development's approved Storm Water Pollution Prevention Plan once construction activities commence for the lot.

   b. Contact Stark SWCD (330-451-7645) and abide by any other respective requirements.

4. ***Selling of site during construction activity:*** The responsible party shall:
   a. Contact both the MS4 Operator and Stark SWCD with updated contact information.

   b. Ensure all permits have been transferred to the new party.
      (1) This includes the NPDES Permit that was taken out with the Ohio EPA. The following link will provide a guidance document for this actions (http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide(Transfer).pdf)
      (2) All other permits with respective agencies as they deal with the construction activity apply.

   a. A revised Long Term Maintenance Plan will need to be completed with the signature and date of whom will assume responsibility of the Post Construction BMPs for the project. Only a new cover page will be required and Stark SWCD will need to have confirmation new party understands responsibility per the agreement.

5. ***Sale of site at conclusion of construction activity***: The responsible party shall:
   a. Contact both the MS4 Operator and Stark SWCD with updated contact information.

   b. Have the *approved* Long Term Maintenance Plan / Agreement amended to show the new contact information for the responsible party.

   c. Have new party contact our office to ensure responsibilities per this agreement are understood.

SECTION IV – POST CONSTUCTION WATER QUALITY

A. Long Term Maintenance Plan Requirements

A Long-Term Maintenance Plan (LTMP) shall be provided for all post-construction storm water BMPs implemented pursuant to these regulations. LTMPs shall comply with the following requirements:

1. LTMPs shall be provided by the regulated party to the Stark SWCD as part of the SWP3 review.

2. LTMPs shall be provided to the party responsible for post-construction operation of the site (including homeowner associations) upon completion of construction activities or as otherwise directed by Stark SWCD.

3. Separate LTMPs shall be submitted for BMPs located on separate properties.

4. If the use of a manufactured water quality practice is being utilized, responsible party will be required to submit yearly inspection reports to MS4 Operator and / or Stark SWCD.

a. The agreement must be in place prior to completion of project. Final inspections will not take place until first inspection and report are received by Stark SWCD.

b. Stark SWCD may require signed agreement with individual or company that will be conducting these inspections.

5. ***LTMP contents:*** To ensure that storm water management systems function as they were designed and constructed, the LTMP shall be a stand-alone document, which contains, at a minimum:

a. *Cover sheet* showing site name, date, and description of site's *immediate* receiving drainage system (e.g. Water of the State, private system, City / Village MS4, Stark County MS4, Township MS4, etc.).

b. *Responsible party:* A designated person, party, or entity responsible for inspection and maintenance of the BMP(s), including contact information (i.e. address, telephone number, email, etc.).

c. *Assurance of operation and maintenance:* A description of how BMP(s) will be operated and maintained in the absence or dissolution of the designated responsible party, including how such responsibilities will be transferred upon the sale of the subject property.

d. *BMP information:* Descriptions of all post-construction storm water BMPs and all supporting design and installation data.

e. *Maintenance responsibilities:* The routine and non-routine maintenance tasks to be undertaken.

f. *A schedule for inspection and maintenance*.

g. *Easements and agreements:* Any necessary legally binding maintenance easements and agreements.

h. *Map:* A map showing all BMP locations and any access and maintenance easements.

i. *Statement prohibiting BMP alterations:* A statement prohibiting the alteration of BMPs unless otherwise approved by Stark SWCD.

j. *Pollutant disposal statement:* A statement that any pollutants collected within post-construction BMPs shall be disposed of in accordance with local, state, and federal regulations.

k. *Statement of acceptance of responsibility:* A statement acknowledging that the contents are requirements of the LTMP are understood an accepted by the responsible party.

l. *A printed name, signature, and date of signature of the responsible party*.

m. Any other information as required by Stark SWCD.

B. TMDL Requirements

Please see Section II – C for further clarification. Appendix A includes a full list of each MS4 Operator with required TMDLs to be addressed. TMDL guidance may be found within the Stark SWCD website or at the following link:
http://neohiostormwater.com/uploads/3/5/0/4/35043674/tmdl_community_identifier_table_final_nedo_20150422_cz.xlsx

C. Water Quality Volume Requirements

Water Quality Volume (WQv) shall be the equivalent to the volume of runoff from a 0.90 inch rainfall. This shall be determined according to the methods and specifications outlined in the most recently amended Construction General Permit for storm water discharges associated with construction activities in addition to the following criteria:

1. The storm water quantity volume must be stacked on top of the storm water quality volume for any storm water facility that will also serve as the post construction water quality facility (per Stark County requirements). This will vary by municipality based on their Storm Water regulations.

2. The water quality orifice cannot be less than 2 inches in diameter.

3. Non structural practices must be protected in perpetuity through the use of appropriate legal tools. All legal easements or buffer areas must appear on the final plat per the Stark County Sub-division Regulations and be disclosed to potential buyers.

D. As-Built Survey for Post-Construction BMPs

An as-built survey *may* be required to be performed and submitted to the Stark SWCD to substantiate that the construction and/or function of structural post-construction storm water BMPs is in satisfactory conformance with the approved design. The as-built survey must show the locations, elevations, and other relevant information as directed by Stark SWCD. If the as-built survey demonstrates that the respective BMP is not in satisfactory conformance with the approved design, then redesign, revised calculations, and/or reconstruction of the BMP may be required to the satisfaction of Stark SWCD

E. Underground Detention & Proprietary Storm Water Quality Practices

When an underground detention or Proprietary Storm Water Quality practice is selected for a site, the following will be required:

1. Once the system is installed, a certified professional must inspect system to ensure proper installation.

2. At conclusion of project:

a. First inspection will need to be completed prior to final inspection.

b. An agreement will need to be in place with contractor that will be conducting inspections per Long Term Maintenance Plan.

(1) The above contact will need to be provided to MS4 Operator and/or Stark SWCD prior to completion of project. The document will be added to the approved Long Term Maintenance Plan.

(2) Owner or Contractor must submit inspection reports directly to MS4 Operator and/or Stark SWCD at conclusion of each visit. Frequency will vary depending on type of practice or as called out within Long Term Maintenance Plan.

F. Inspections for Compliance with Post-Construction BMPs

1. The regulated party shall allow an authorized representative of Ohio EPA, the MS4 Operator, and/or Stark SWCD, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the regulated party's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of these regulations;

b. Have access to and copy at reasonable times, any records that must be kept under the conditions of these regulations;

c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and

d. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

2. ***Inspections During Construction Activities:***

a. *Inspections by regulated party:* The regulated party shall assign a "qualified inspection personnel" to conduct inspections of all construction site BMPs and post-construction BMPs installed on the regulated site throughout the duration of the construction activity in accordance with all of the following:

(1) *Initial inspection:* An initial inspection shall be performed of all construction site runoff control practices to ensure compliance with the approved SWP3 no less than two (2) working days after the start of the project.

(2) *Regular inspections:* All controls shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period.

(3) The inspection frequency may be reduced to at least once every month if the entire site

is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen).

(4) A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following conditions are met:

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

(C) Land disturbance activities have been suspended; and

(D) The beginning and ending dates of the waiver period are documented in the SWP3.

(5) Once a definable area is finally stabilized, the area may be marked on the SWP3 and no further inspection requirements apply to that portion of the site.

(6) The qualified inspection personnel shall conduct inspections to ensure that control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with the schedule proposed or whether additional control measures are required.

(7) *Inspection Report:* Following each inspection, an inspection report must be completed and signed by the qualified inspection personnel representative. Inspection reports shall be submitted to Stark SWCD upon request. At a minimum, the inspection report shall include:

(A) The inspection date;

(B) Names, titles, and qualifications of personnel making the inspection;

(C) Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;

(D) Weather information and a description of any discharges occurring at the time of the inspection;

(E) Location(s) of discharges of sediment or other pollutants from the site;

(F) Location(s) of BMPs that need to be maintained;

(G) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;

(H) Location(s) where additional BMPs are needed that did not exist at the time of inspection; and

(I) Any corrective actions required including any changes to the SWP3 necessary and implementation dates.

(8) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage

system.

(9) Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that those are operating correctly.

(10) Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.

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

(12) The regulated party shall maintain the following for three years**:**

(A) Records summarizing the results of inspections;

(B) Names(s) and qualifications of personnel making the inspection;

(C) The date(s) of the inspection;

(D) Major observations relating to the implementation of the SWP3**;**

(E) A certification as to whether the facility is in compliance with the SWP3 and these regulations**;** and

(F) Identify any incidents of non-compliance.

(13) *When practices require repair or maintenance:* If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it shall be repaired or maintained within 3 days of the inspection. Sediment settling ponds shall be repaired or maintained within 10 days of the inspection.

(14) *When practices fail to provide their intended function:* If the inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the SWP3 shall be amended and the new control practice shall be installed within 10 days of the inspection.

(15) *When practices depicted on the SWP3 are not installed:* If the inspection reveals that a control practice has not been implemented in accordance with the implementation schedule, the control practice shall be implemented within 10 days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record shall contain a statement of explanation as to why the control practice is not needed.

(16) *Final stabilization:* Upon completion of all construction and final stabilization of the of the regulated site, the regulated party shall contact Stark SWCD through written notification that construction is complete and final stabilization has been achieved as specified in ODNR's Rainwater & Land Development Manual.

b. ***Inspections by Stark SWCD:***

(1) *Routine Inspections:* Following the initial inspection of construction site runoff practices by the regulated party, regular inspections of construction site BMPs and post-construction BMPs installed during construction activities will be performed by Stark SWCD for compliance with these regulations. The frequency of inspections will be monthly, at a minimum, for active construction sites. Stark SWCD will provide

inspection reports to the regulated party following each inspection. Inspection reports will identify any needed actions.

(2) *Final Inspection:* Upon receipt of notice from the regulated party that final stabilization of the site has been achieved, Stark SWCD will conduct a final inspection to determine if in fact final stabilization has been achieved as well as if the conditions of these regulations have been satisfied. Upon satisfaction by Stark SWCD, a final inspection report will be provided to the regulated party. At this time, site may file for Notice of Termination with the Ohio EPA.

3. ***Long-Term Inspections of Post-Construction BMPs:***

a. *Inspections by Responsible Party:* Responsible parties, as described in a Long-Term Maintenance Plan for post-construction BMPs, shall inspect post-construction BMPs in accordance with terms described in the Long-Term Maintenance Plan.

b. *Annual Inspections by Stark SWCD:* Stark SWCD performs annual inspections of post-construction BMPs with the exception of alternative BMPs. Alternative BMPs shall be inspected by the responsible party and certified of their proper operation and maintenance accordingly. Stark SWCD will issue an inspection report to the responsible party for each post-construction BMP inspected, detailing any maintenance needs and an associated timeline for completion. A copy of the inspection report will be sent to the MS4 Operator. Inspections by the Stark SWCD do not relieve the responsible party from their obligation to inspect and maintain respective post-construction storm water BMPs.

G. Operation and Maintenance of Storm Water Quality BMPs

The regulated party shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the regulated party to achieve compliance with the conditions of these regulations and with the requirements of SWP3s.

1. ***O&M of Construction Site BMPs.*** Construction site BMPs and all related appurtenances installed or used to achieve compliance with the conditions of these regulations must at all times be properly operated and maintained by the regulated party (i.e. contractor).

All temporary BMPs implemented to control construction site runoff shall be maintained and repaired as needed to ensure continued performance of their intended function. All sediment control practices must be maintained in a functional condition until all up-slope areas they control are permanently stabilized.

2. ***O&M of Post-Construction BMPs.*** Post-construction BMPs and all related appurtenances installed to achieve compliance with the conditions of these regulations must at all times be properly operated and maintained by the responsible party in accordance with conditions of a Long-Term Maintenance Plan. Appropriate legal mechanisms such as easements or deed restrictions may be required.

All permanent BMPs implemented to manage post-construction runoff shall be maintained and repaired as needed to ensure continued performance of their intended function. A Long-Term Maintenance Plan shall be designed to specify maintenance requirements and responsibilities.

Stark SWCD may periodically offer workshops for operation and maintenance of BMPs.

H. Requirement When Portions or Entire Site are Sold

All requirements within this section must abide by *Section III. N* of these regulations. If you have any further questions, please contact Stark SWCD.

SECTION V – DEFINITIONS

Key terms used in these regulations and not otherwise defined in within, shall have the following meanings:

"Acre" means measurement of land area equaling 43,560 square feet.

"Act" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117 and Pub. L. 100-4, 33 U.S.C. 1251 et. seq.

"As-built survey" means a survey conducted and shown on a drawing prepared and sealed by a Registered Surveyor and/or Engineer indicating information such as, but not limited to: actual dimensions, elevations, and locations of any structures and their components, underground utilities, roads, swales, ditches, detention/retention facilities, sewers, BMPs, or other infrastructure and facilities after construction has been completed.

"Best management practices (BMPs)" means schedules of activities, controls, prohibitions of practices, maintenance procedures and other management practices (structural and/or non-structural) to prevent or reduce the pollution of surface waters of the state. BMPs also include treatment requirements, operating procedures, controls, or practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

"Commencement of construction" means the initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.

"Conservation subdivision design" means subdivisions which are designed to leave 40%-50% of the land area in open space and place developed areas away from important water resources, yet still allow the same lot yield as traditional subdivision design.

"Construction activity" means any clearing, grading, excavating, grubbing, filling, or other activities that result in the exposure of bare soil. The term "construction activity" is also synonymous with "earth-disturbing activity", "soil-disturbing activity", and "land-disturbing activity".

"Construction General Permit" or "CGP", is synonymous with "Construction Storm Water Permit".

"Construction Storm Water Permit" means the current Ohio EPA permit titled "General Permit Authorization for Storm Water Discharges Associated with Construction Activity Under the National Pollutant Discharge Elimination System". Construction Storm Water Permit may also be referred to as "Construction General Permit" or "CGP".

"Control(s)" is synonymous with "practices" or "BMPs".

"Detention" means the management of storm water runoff volume and rate by temporary storage and controlled release. Unless specifically indicated otherwise, "detention" may also refer to "retention".

"Detention facility" means a facility such as a detention basin, retention basin, underground storage tanks or pipes, etc. used for the purpose of controlling the rate and volume of storm water from the site.

"Director" means the director of the Ohio Environmental Protection Agency.

"Discharge" means the addition of any pollutant to the surface waters of the state from a point source.

"Disturbance" means any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

"Drainage area" means an area, measured in a horizontal plane, enclosed by a topographic divide from which storm water runoff normally drains to a particular point of interest such as a stream, catch basin, detention basin, property line, BMP, etc. This term is synonymous with "watershed".

"Drainage easement" means a legally recorded plat and/or document executed by a property owner that conveys to another person, entity, etc. the right to access designated areas of a property that contain permanent storm water management systems, facilities, and/or BMPs for the purpose of repairing, maintaining, or providing some other specified responsibility.

"Drawdown time (Drain time)" means the minimum time required to drain an applicable post-construction BMP in order to provide adequate treatment of pollutants per Ohio EPA's Permit for Storm Water Discharges Associated with Construction Activity Under the National Pollutant Discharge Elimination System.

"Earth-disturbing activity" is synonymous with "construction activity", "soil-disturbing activity", and "land-disturbing activity". See "construction activity" for definition.

"Filtration" means the process of conveying storm water runoff through one or more types of filters to remove pollutants.

"Final stabilization" means:

1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of at least 70 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of mulches, rip-rap, gabions or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion; or
2. For individual lots in residential construction by either:
    a. The homebuilder completing final stabilization as specified above or
    b. The homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for and benefits of, final stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to final stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or
3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters of the state and which are not being returned to their pre-construction agricultural use, must meet the final stabilization criteria in (1) or (2) above.

"Floodplain" means the areas adjacent to the main channel of a stream or watercourse that are subject to inundation by flood flows. Although all watercourses have floodplains, only those with FEMA-identified floodplains or otherwise identified as special flood hazard areas on the Official Zoning Map of each Community or Stark County are subject to Flood Hazard District regulations in the Municipalities Planning and Zoning Codes.

"Individual Lot NOI" means a Notice of Intent for an individual lot to be covered by-Ohio EPA's Construction Storm Water Permit.

"Infiltration" means the process of storing storm water runoff for an extended period of time to promoting ground water recharge through the downward movement of water through soil.

"Infiltration basin" means a storm water detention facility purposely designed and constructed to allow storm water runoff to infiltrate into the ground, thereby reducing the rate and volume of water flowing from a site.

"Land-disturbing activity" is synonymous with "construction activity", "earth-disturbing activity", and "soil-disturbing activity". See "construction activity" for definition.

"Large construction activity" means construction activities involving the disturbance of five or more acres of land (or less than five acres but part of a larger common plan of development or sale that will disturb five or more acres of land).

"Larger common plan of development or sale" means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

"Long-Term Maintenance Plan (LTMP)" means a written operations and maintenance plan describing permanent post-construction storm water best management practices (BMPs), their respective operations, inspection, and maintenance requirements, the party responsible for the operations, inspections, and long-term maintenance of the BMPs, and any other requirements deemed necessary by the MS4 Operator and/or Stark SWCD to be included in the LTMP.

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

1. Owned or operated by the federal government, state, municipality, township, county, district(s) or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts or similar entity or a designated and approved management agency under section 208 of the act that discharges into surface waters of the state; and
2. Designed or used for collecting or conveying solely storm water,
3. Which is not a combined sewer and
4. Which is not a part of a publicly owned treatment works.

An MS4 may or may not be regulated by an NPDES MS4 Storm Water Discharge Permit.

"MS4 Operator" means a political entity such as the federal government, state, municipality, township, or county that owns or operates a municipal separate storm sewer system (MS4).

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the CWA. The term includes an "approved program."

"NOI" means Notice Of Intent to be covered by an applicable NPDES permit.

"Non-Structural BMP" means preservation, planning, or procedural practices that direct development away from water resources or limit the use of impervious surfaces. Examples include conservation easements, riparian and wetland setbacks, breaking up the connectivity between impervious surfaces, and conservation subdivision design.

"NOT" means Notice Of Termination.

"Operator" means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other conditions of these regulations (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other conditions of these regulations).

There can be more than one operator at a site. Operator may also mean "regulated party".

"Outfall" means the downstream termini area of a storm water management system where water flows out of or from, such as the outlet of a storm sewer into a creek or where a ditch connects into a stream; also known as "outlet".

"Owner or operator". See "regulated party".

"Percent imperviousness" means the impervious area created divided by the total area of the project site.

"Permanent stabilization" means the establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.

"Point source" means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Post-developed" means the conditions such as topography, land use, imperviousness, ground cover, and the rate, volume, quality, and flow patterns of storm water runoff that exist following completion of a construction project.

"Practice(s)" is synonymous with "control(s)" or "BMP(s)".

"Pre-construction meeting" means a meeting held between local government entities, owners/developers, contractors, utility companies, and/or other interested parties prior to the start of regulated activities to discuss various aspects of project coordination, inspection, construction phasing, regulatory issues, etc.

"Pre-developed" means the conditions such as topography, land use, imperviousness, ground cover, and the rate, volume, quality, and flow patterns of storm water runoff that exist prior to the start of construction of a project.

"Pre-winter stabilization meeting" means a meeting held between owners/developers, contractors, Stark SWCD, and/or other interested parties prior to October 1st of a given year, to discuss how construction site storm water quality management BMPs and site stabilization will be implemented on the respective site during the upcoming winter months.

"Professional Engineer (PE)" means an engineer registered by The Ohio State Board of Registration for Professional Engineers and Surveyors.

"Professional Land Surveyor (PS)" means a surveyor currently registered to practice land surveying in the State of Ohio.

"Public drainage easement" means a right, represented on a legally recorded plat and/or easement document, granted to a public entity, to make use of designated private land for storm water drainage purposes for the benefit of the public, and in which ownership, rights, responsibilities, and restrictions are expressly assigned with respect to the designated land and storm water management systems represented by the easement.

"Public drainage system" means a storm water drainage system located under a public street, in a public drainage easement, or within other public property that is for the purpose of conveying or managing storm water runoff for the benefit of the general public. Public drainage systems are owned, operated, and maintained by a public entity, unless otherwise expressly stated.

"Qualified inspection personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.

"Rainwater and Land Development" is a manual describing construction and post- construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.

"Receiving storm water management system" means the respective storm water management system that directly receives or is proposed to directly receive discharges from storm water best management practices.

"Redevelopment project" means construction activities involving the disturbance of one or more acres of land in which impervious surfaces have previously been developed and where the new land use will not increase the runoff coefficient.

"Regulated activities" means any activities which are subject to any provisions of these regulations.

"Regulated party" means the owner of a regulated site or the representatives (e.g. architect, contractor, designer, engineer, operator, etc.) of the party responsible for a regulated activity.

"Regulated site" means any site within the said communities limits on which regulated activities occur and is therefore subject to these regulations.

"Riparian area" means the transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Sediment settling pond" means a sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of the Rainwater and Land Development manual.

"Silviculture" means the growing and cultivation of trees.

"Small construction activity" means construction activities involving the disturbance of one or more but less than five acres of land and are not a part of a larger common plan of development or sale which will disturb five or more acres of land.

"Small MS4 Permit" means the current Ohio EPA Permit titled "Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System".

"Soil-disturbing activity" is synonymous with "construction activity", "earth-disturbing activity", and "land-disturbing activity". See "construction activity" for definition.

"Stabilization" means the implementation of vegetative and/or structural measures to establish a cover over soil in order to prevent or reduce erosion.

"State isolated wetland permit requirements" means the requirements set forth in Sections 6111.02 through 6111.029 of the ORC.

"Steep slopes" means slopes that are 15 percent or greater in grade.

"Storm water" means storm water runoff, snow melt and surface runoff and drainage.

"Storm Water Management Report" means a report that contains all documentation and supporting calculations for the storm water management on a site.

"Storm Water Pollution Prevention Plan" means a plan, including supporting calculations and any other relevant information, showing the practices to be used for quality treatment of construction site storm water runoff and for post-construction storm water runoff, in accordance with applicable permits and storm water quality regulations.

"Storm water practices" means storm water quantity BMPs and/or storm water quality BMPs.

"Storm water quality BMP" means a BMP used to directly or indirectly improve the quality of storm water runoff by providing treatment of pollutants in storm water runoff. "Storm water quality BMP" is a general term that may

refer to structural or non-structural BMPs or to BMPs that may or may not be designed to treat Water Quality Volume.

"Storm water quantity BMP" means a BMP used to manage the quantity (rate and/or volume) of storm water runoff. "Storm water quantity BMP" is a general term that typically refers to detention/retention facilities used to manage the rate and volume of storm water runoff.

"Structural BMP" means a practice that must be built to provide treatment of storm water either through storage, filtration, or infiltration. Examples include extended detention basins, bioretention cells, sand filters, vegetated filter strips, water quality swales, infiltration trenches, "Table 2 BMPs", and manufactured systems.

"Subject property" means the property in which storm water management systems are located or are proposed to be located.

"Surface waters of the state" or "water bodies" means all streams, lakes, reservoirs, ponds, marshes, wetlands or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do not combine or effect a junction with natural surface or underground waters. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the ORC are not included.

"SWP3" means Storm Water Pollution Prevention Plan.

"Transportation project" means the construction of new roads and roadway improvement projects by public entities (i.e., the state, counties, townships, cities, or villages) involving the disturbance of one or more acres of land.

"Table 2 BMPs" means the post-construction structural storm water Best Management Practices (BMPs) in Table 2 of Ohio EPA's Construction Storm Water Permit. These BMPs all have corresponding drain (drawdown) times associated with treatment of the WQv for large construction activities.

"Temporary stabilization" means the establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.

"Variance" means a modification to a specific requirement of these regulations, but not an exemption from the requirement.

"Waiver" means an exemption granted from having to meet a specific requirement of these regulations.

"Water Quality Volume (WQv)" means the volume of storm water runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.

"Watercourse" means a permanent or intermittent stream, creek, or other body of water, either natural or man-made, which collects and carries storm water runoff.

"Wetland" means a land area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support (and under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended). There are three components that must be present in a wetland: hydrology source, hydrophytic vegetation, and hydric soils. Wetland delineations may be required (where these three components are indicative of possible wetlands) and submitted to Ohio EPA and/or US Army Corps of Engineers for concurrence and further regulation, as applicable.

APPENDIX 1 – STARK COUNTY TMDL REQUIREMENTS BY COMMUNITY

Community	Watershed	Subwatershed Names (HU_12_NAME)	TMDL	TMDL_Status	TMDL_Loads	MS4_Type	COUNTY	Phosphorus TMDL	Nitrogen TMDL	Ammonia TMDL	Habitat TMDL	bacteria TMDL	Sediment/Total Suspend Solids TMDL	Dissolved Oxygen (DO)/Organic Enrichment (OE)	Flow
Alliance City	Mahoning, Upper	Beech Creek	Mahoning, Upper	Approved	phosphorus, habitat, bacteria, TSS	APP 7	STARK	X			X	X	X		
Alliance City	Mahoning, Upper	Fish Creek-Mahoning River	Mahoning, Upper	Approved	phosphorus, habitat, bacteria, TSS	APP 7	STARK	X			X	X	X		
Canal Fulton City	Tuscarawas	Lake Lucern-Nimisila Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Canal Fulton City	Tuscarawas	Town of Canal Fulton-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Canton City	Nimishillen	City of Canton-Middle Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Canton City	Nimishillen	East Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Canton City	Nimishillen	Sherrick Run-Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Canton City	Nimishillen	Town of East Sparta-Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Canton City	Nimishillen	West Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Canton Township	Nimishillen	East Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Canton Township	Nimishillen	Sherrick Run-Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Canton Township	Nimishillen	Town of East Sparta-Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Canton Township	Nimishillen	West Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Canton Township	Sandy Creek	Beal Run-Sandy Creek	Sandy Creek	In Progress	NA	BASE	STARK								
Canton Township	Tuscarawas	Wolf Creek-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
East Canton Village	Nimishillen	East Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
East Canton Village	Nimishillen	Sherrick Run-Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
East Canton Village	Sandy Creek	Little Sandy Creek	Sandy Creek	In Progress	NA	BASE	STARK								
Hartville Village	Nimishillen	Swartz Ditch-Middle Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Hartville Village	Tuscarawas	Headwaters Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Jackson Township	Nimishillen	West Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Jackson Township	Tuscarawas	Lake Lucern-Nimisila Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Jackson Township	Tuscarawas	Nimisila Reservoir-Nimisila Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Jackson Township	Tuscarawas	Sippo Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Jackson Township	Tuscarawas	Town of Canal Fulton-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Jackson Township	Tuscarawas	Town of North Lawrence-Newman Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Jackson Township	Tuscarawas	West Sippo Creek-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Lake Township	Nimishillen	City of Canton-Middle Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Lake Township	Nimishillen	Swartz Ditch-Middle Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Lake Township	Nimishillen	West Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Lake Township	Tuscarawas	Headwaters Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Lawrence Township	Tuscarawas	Fox Run	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Lawrence Township	Tuscarawas	Lake Lucern-Nimisila Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Lawrence Township	Tuscarawas	Town of Canal Fulton-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Lawrence Township	Tuscarawas	West Sippo Creek-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Louisville City	Nimishillen	East Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Massillon City	Tuscarawas	City of Massillon- Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Massillon City	Tuscarawas	Sippo Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Massillon City	Tuscarawas	Town of North Lawrence-Newman Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Massillon City	Tuscarawas	West Sippo Creek-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Massillon City	Tuscarawas	Wolf Creek-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Navarre Village	Tuscarawas	Wolf Creek-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Nimishillen Township	Nimishillen	City of Canton-Middle Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Nimishillen Township	Nimishillen	East Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Nimishillen Township	Nimishillen	Swartz Ditch-Middle Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
North Canton City	Nimishillen	City of Canton-Middle Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
North Canton City	Nimishillen	West Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Perry Township	Nimishillen	Sherrick Run-Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Perry Township	Nimishillen	West Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			

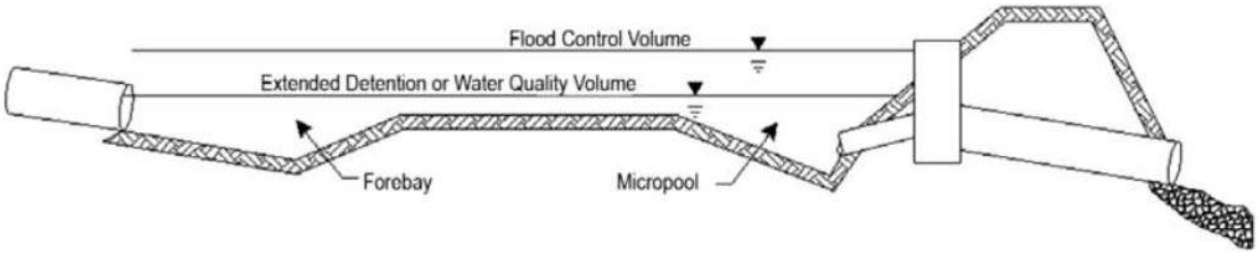
Watershed	Watershed	Subwatershed Names (HU_12_NAME)	TMDL	TMDL_Status	TMDL_Loads	MS4_Type	COUNTY	Phosphorus TMDL	Nitrogen TMDL	Ammonia TMDL	Habitat TMDL	Bacteria TMDL	Sediment/Total Suspend Solids TMDL	Dissolved Oxygen (DO)/Organic Enrichment (OE)	Flow
Perry Township	Tuscarawas	City of Massillon- Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Perry Township	Tuscarawas	Sippo Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Perry Township	Tuscarawas	Town of North Lawrence-Newman Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Perry Township	Tuscarawas	West Sippo Creek-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Perry Township	Tuscarawas	Wolf Creek-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Pike Township	Sandy Creek	Beal Run-Sandy Creek	Sandy Creek	In Progress	NA	Waiver Granted	STARK								
Plain Township	Nimishillen	City of Canton-Middle Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Plain Township	Nimishillen	East Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Plain Township	Nimishillen	West Branch Nimishillen Creek	Nimishillen	Approved	phosphorus, habitat, bacteria	BASE	STARK	X			X	X			
Tuscarawas Township	Tuscarawas	City of Massillon- Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Tuscarawas Township	Tuscarawas	Pigeon Run	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Tuscarawas Township	Tuscarawas	Town of North Lawrence-Newman Creek	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		
Tuscarawas Township	Tuscarawas	West Sippo Creek-Tuscarawas River	Tuscarawas	Approved	phosphorus, habitat, bacteria, TSS	BASE	STARK	X			X	X	X		

APPENDIX 2 – TMDL BMP PROFORMANCE CHARTS

BMP Performance Chart

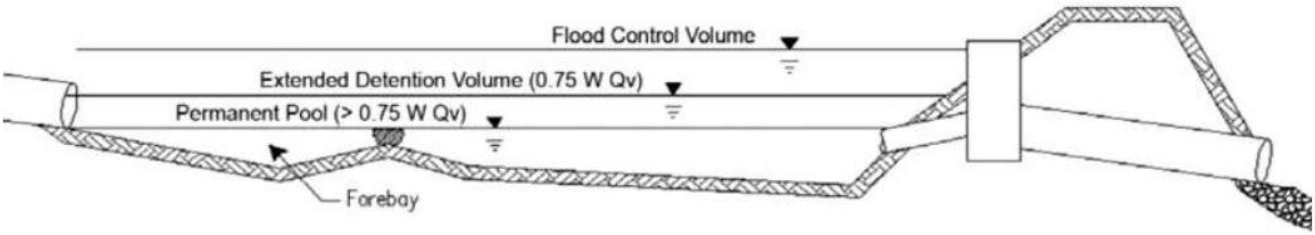
Practice	TSS	Nutrients	Flow	Bacteria	Habitat	DO
Dry pond	L-M	L	L-M	M	L-M	L
Wet pond	H	M	L-M	M	M-H	M
Wetland	H	M	L-M	M	H	M
Bioretention	H	M-H	H	H	H	M
Porous Pavement	H	M-H	H	M-H	L	M
Gravel Wetland	H	H	M	M	H	M
Riparian Setbacks	H	M-H	M-H	M-H	H	H

Dry Extended Detention



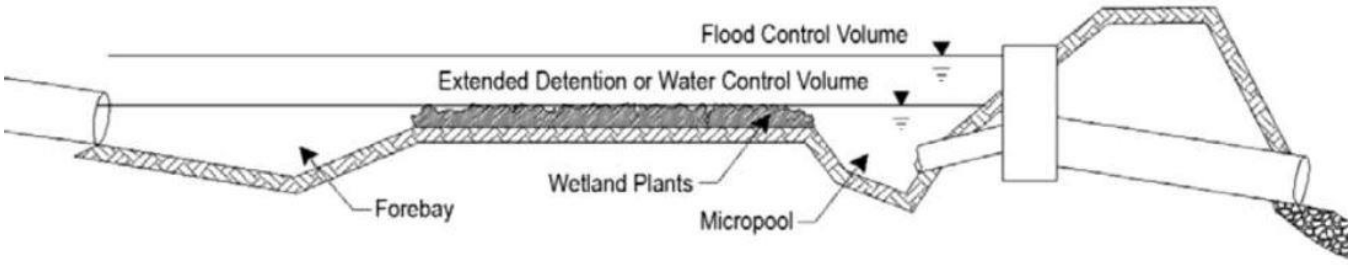
Pollutant	TSS	NUTRIENTS	FLOW	BACTERIA	HABITAT	DO
Performance	L-M	L	L-M	M	L-M	L

Wet Extended Detention



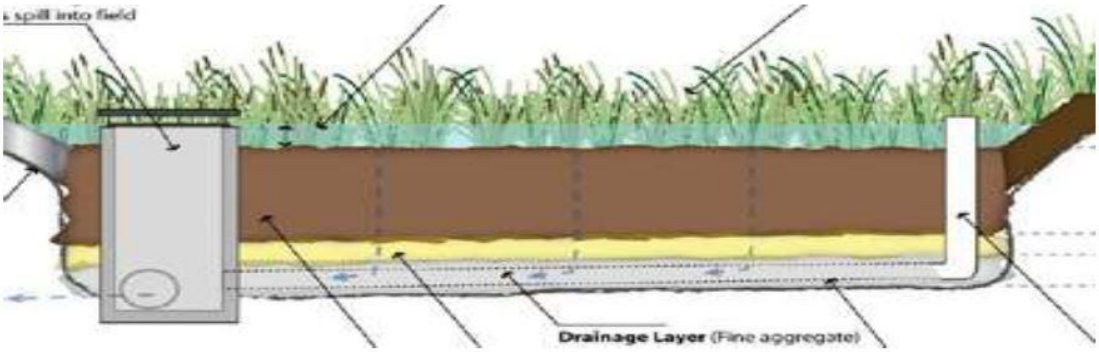
Pollutant	TSS	NUTRIENTS	FLOW	BACTERIA	HABITAT	DO
Performance	H	M	L-M	L-M	M-H	M

Constructed Wetland



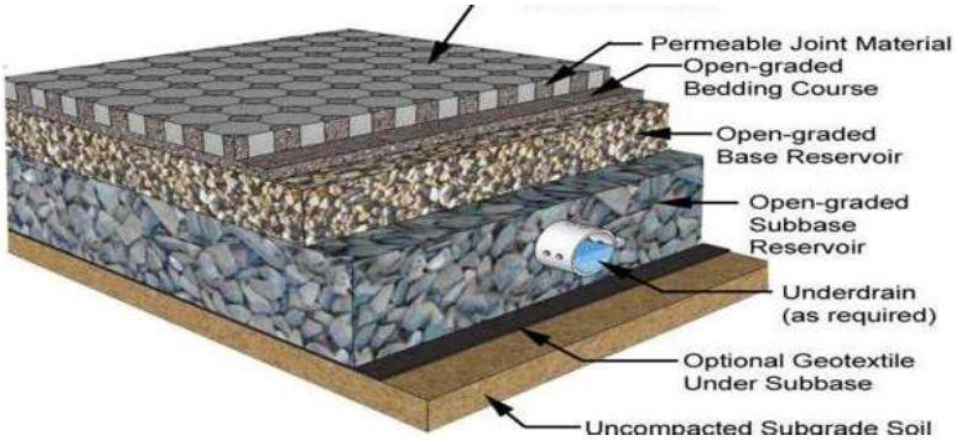
Pollutant	TSS	NUTRIENTS	FLOW	BACTERIA	HABITAT	DO
Performance	H	M	M	L-M	H	M

Bioretention



Pollutant	TSS	NUTRIENTS	FLOW	BACTERIA	HABITAT	DO
Performance	H	M-H	H	H	H	M

Porous/Permeable Pavement



Pollutant	TSS	NUTRIENTS	FLOW	BACTERIA	HABITAT	DO
Performance	H	M-H	H	M	L	M

APPENDIX 3 – OHIO REVISED CODE 307.79

307.79 Administrative rules.

(A) The board of county commissioners may adopt, amend, and rescind rules establishing technically feasible and economically reasonable standards to achieve a level of management and conservation practices that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for nonfarm commercial, industrial, residential, or other nonfarm purposes, and establish criteria for determination of the acceptability of those management and conservation practices. The rules shall be designed to implement the applicable areawide waste treatment management plan prepared under section 208 of the "Federal Water Pollution Control Act," 86 Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of the storm water program of the national pollutant discharge elimination system established in 40 C.F.R. Part 122. The rules to implement phase II of the storm water program of the national pollutant discharge elimination system shall not be inconsistent with, more stringent than, or broader in scope than the rules or regulations adopted by the environmental protection agency under 40 C.F.R. Part 122. The rules adopted under this section shall not apply inside the limits of municipal corporations or the limits of townships with a limited home rule government that have adopted rules under section 504.21 of the Revised Code, to lands being used in a strip mine operation as defined in section 1513.01 of the Revised Code, or to land being used in a surface mine operation as defined in section 1514.01 of the Revised Code.

The rules adopted under this section may require persons to file plans governing erosion control, sediment control, and water management before clearing, grading, excavating, filling, or otherwise wholly or partially disturbing one or more contiguous acres of land owned by one person or operated as one development unit for the construction of nonfarm buildings, structures, utilities, recreational areas, or other similar nonfarm uses. If the rules require plans to be filed, the rules shall do all of the following:

(1) Designate the board itself, its employees, or another agency or official to review and approve or disapprove the plans;

(2) Establish procedures and criteria for the review and approval or disapproval of the plans;

(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;

(4) Establish procedures for the issuance of the permits;

(5) Establish procedures under which a person may appeal the denial of a permit.

Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.

No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water resources in the department of natural resources.

(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board. The board of county commissioners shall cause to be published, in a newspaper of general circulation in the county, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings, or as provided in section 7.16 of the Revised Code. The proposed rules or amendments shall be made available by the board to the public at the board office or other location indicated in the notice. The rules or amendments shall take effect on the thirty-first day following the date of their adoption.

(C) The board of county commissioners may employ personnel to assist in the administration of this section and the rules adopted under it. The board also, if the action does not conflict with the rules, may delegate duties to

review sediment control and water management plans to its employees, and may enter into agreements with one or more political subdivisions, other county officials, or other government agencies, in any combination, in order to obtain reviews and comments on plans governing erosion control, sediment control, and water management or to obtain other services for the administration of the rules adopted under this section.

(D) The board of county commissioners or any duly authorized representative of the board may, upon identification to the owner or person in charge, enter any land upon obtaining agreement with the owner, tenant, or manager of the land in order to determine whether there is compliance with the rules adopted under this section. If the board or its duly authorized representative is unable to obtain such an agreement, the board or representative may apply for, and a judge of the court of common pleas for the county where the land is located may issue, an appropriate inspection warrant as necessary to achieve the purposes of this chapter.

(E)

(1) If the board of county commissioners or its duly authorized representative determines that a violation of the rules adopted under this section exists, the board or representative 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 board or representative determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the board or 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 board or its duly authorized representative shall issue a second notice of violation. Except as provided in division (E)(3) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the board or its duly authorized 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 board or its duly authorize representative shall request, in writing, the prosecuting attorney of the county to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred 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.

(2) The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.

(3) 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 board or the chief of the division of soil and water resources in the department of natural resources.

(F) No person shall violate any rule adopted or order issued under this section. Notwithstanding division (E) of this section, if the board of county commissioners determines that a violation of any rule adopted or administrative order issued under this section exists, the board may request, in writing, the prosecuting attorney of the county to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred 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.

Amended by 129th General AssemblyFile No.28, HB 153, §101.01, eff. 9/29/2011.

Amended by 128th General AssemblyFile No.9, HB 1, §101.01, eff. 7/17/2009.

Effective Date: 01-12-1979; 05-06-2005

APPENDIX 4 – OHIO REVISED CODE 504.21

504.21 Rules governing soil erosion or water degradation from nonfarm development.

(A) The board of township trustees of a township that has adopted a limited home rule government may, for the unincorporated territory in the township, adopt, amend, and rescind rules establishing technically feasible and economically reasonable standards to achieve a level of management and conservation practices that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed in the township for nonfarm commercial, industrial, residential, or other nonfarm purposes, and establish criteria for determination of the acceptability of those management and conservation practices. The rules shall be designed to implement the applicable areawide waste treatment management plan prepared under section 208 of the "Federal Water Pollution Control Act," 86 Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of the storm water program of the national pollutant discharge elimination system established in 40 C.F.R. Part 122. The rules to implement phase II of the storm water program of the national pollutant discharge elimination system shall not be inconsistent with, more stringent than, or broader in scope than the rules or regulations adopted by the environmental protection agency under 40 C.F.R. Part 122. The rules adopted under this section shall not apply inside the limits of municipal corporations, to lands being used in a strip mine operation as defined in section 1513.01 of the Revised Code, or to land being used in a surface mine operation as defined in section 1514.01 of the Revised Code.

The rules adopted under this section may require persons to file plans governing erosion control, sediment control, and water management before clearing, grading, excavating, filling, or otherwise wholly or partially disturbing one or more contiguous acres of land owned by one person or operated as one development unit for the construction of nonfarm buildings, structures, utilities, recreational areas, or other similar nonfarm uses. If the rules require plans to be filed, the rules shall do all of the following:

(1) Designate the board itself, its employees, or another agency or official to review and approve or disapprove the plans;

(2) Establish procedures and criteria for the review and approval or disapproval of the plans;

(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;

(4) Establish procedures for the issuance of the permits;

(5) Establish procedures under which a person may appeal the denial of a permit.

Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.

No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water resources in the department of natural resources.

(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board of township trustees. The board shall cause to be published, in a newspaper of general circulation in the township, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings, or as provided in section 7.16 of the Revised Code. The proposed rules or amendments shall be made available by the board to the public at the board office or other location indicated in the notice. The rules or amendments shall take effect on the thirty-first day following the date of their adoption.

(C) The board of township trustees may employ personnel to assist in the administration of this section and the rules adopted under it. The board also, if the action does not conflict with the rules, may delegate duties to review sediment control and water management plans to its employees, and may enter into agreements with one or more political subdivisions, other township officials, or other government agencies, in any combination, in order to obtain reviews and comments on plans governing erosion control, sediment control, and water management or to obtain other services for the administration of the rules adopted under this section.

(D) The board of township trustees or any duly authorized representative of the board may, upon identification to the owner or person in charge, enter any land upon obtaining agreement with the owner, tenant, or manager of the land in order to determine whether there is compliance with the rules adopted under this section. If the board or its duly authorized representative is unable to obtain such an agreement, the board or representative may apply for, and a judge of the court of common pleas for the county where the land is located may issue, an appropriate inspection warrant as necessary to achieve the purposes of this section.

(E)

(1) If the board of township trustees or its duly authorized representative determines that a violation of the rules adopted under this section exists, the board or representative 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 board or representative determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the board or 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 board or its duly authorized representative shall issue a second notice of violation. Except as provided in division (E)(3) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the board or its duly authorized representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county in which the township is located if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly authorized representative shall request, in writing, the prosecuting attorney to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred 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.

(2) The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.

(3) 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 board or the chief of the division of soil and water resources in the department of natural resources.

(F) No person shall violate any rule adopted or order issued under this section. Notwithstanding division (E) of this section, if the board of township trustees determines that a violation of any rule adopted or administrative order issued under this section exists, the board may request, in writing, the prosecuting attorney of the county in which the township is located, to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred 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.

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