

Resolution

Number 20-1623

Adopted Date November 10, 2020

APPROVE AND ADOPT THE WARREN COUNTY STORM WATER REGULATIONS WHICH INCLUDES EROSION PREVENTION AND SEDIMENT CONTROL, POST CONSTRUCTION STORM WATER RUNOFF CONTROL, AND ILLICIT DISCHARGE DETECTION AND ELIMINATION

WHEREAS, this Board met on October 27, 2020 and again this 10th day of November 2020, for two public hearings to consider the adoption of the Warren County Storm Water Regulations which includes Erosion Prevention and Sediment Control, Post Construction Storm Water Runoff Control, and Illicit Discharge Detection and Elimination in accordance with Ohio Revised Code Section 307.37; and

WHEREAS, during said public hearings, this Board considered the recommendations from the Warren County Soil and Water Conservation District, Warren County Engineer's Office, and all those present to speak in favor of or in opposition to the adoption of said regulations; and

NOW THEREFORE BE IT RESOLVED, to approve and adopt the Warren County Storm Water Regulations which includes Erosion Prevention and Sediment Control, Post Construction Storm Water Runoff Control, and Illicit Discharge Detection and Elimination in accordance with Ohio Revised Code Section 307.37; said regulations attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mrs. Jones. Upon call of the roll, the following vote resulted:

Mr. Young – yea
Mrs. Jones – yea
Mr. Young – yea

Resolution adopted this 10th day of November 2020.

BOARD OF COUNTY COMMISSIONERS


Laura Lander, Deputy Clerk

cc: Soil & Water (file)
Engineer (file)
Public Hearing file
Cincinnati HBA
Dayton HBA



Warren County Storm Water Regulations

Adopted: November 10, 2020

Resolution: 20-1623

Warren County Stormwater Regulations

The information contained within this document is comprised of 3 storm water regulations: Erosion Prevention and Sediment Control, Post-Construction Storm Water Runoff Control and Illicit Discharge Detection and Elimination.

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Erosion Prevention and Sediment Control

SECTION 100 TITLE

These regulations and amendments thereto, shall be cited as the Warren County Erosion Prevention and Sediment Control regulations and may hereinafter be referred to as “these regulations”.

SECTION 101 STATUTORY AUTHORITY

These regulations are promulgated in accordance with section 307.79 of the Ohio Revised Code, whereby a board of county commissioners may adopt, amend and rescind rules to implement phase II of the storm water program of the national pollutant discharge elimination system established in 40 C.F.R. Part 122.

These regulations 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.

Per section 307.79 of the Ohio Revised Code, these regulations shall 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.

SECTION 102 PURPOSE

The Warren County Board of County Commissioners adopts these regulations as a comprehensive rewrite of amends and supersedes the regulations adopted February 5th, 2019.

The purpose of these regulations is to establish 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 within the state by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for non-agriculture, commercial, industrial, residential, or other non-agriculture purposes, and establish criteria for determination of the acceptability of those management and conservation practices.

The purposes of these regulations include, without limitation, the following:

1. Permitting development while minimizing erosion and sedimentation.
2. Reducing impairment of receiving streams which may be caused by erosion and sedimentation from construction and other earth disturbing activities.
3. Encouraging innovative design which will enhance the control of erosion and sedimentation in a manner consistent with the intent of these regulations.

SECTION 103 APPLICABILITY

These regulations are intended to conform to the requirements found in the Ohio Environmental Protection Agency (Ohio EPA) Phase II General Permit for Municipal Separate Storm Sewer Systems (MS4) and the associated OEPA Construction General Permit. As the OEPA permits are routinely updated, any inconsistencies in the requirements, definitions or verbiage between these regulations as compared to the OEPA permits shall assume the current permit language prevails.

These regulations shall apply to all earth disturbing activities covered in the Construction General Permit which shall be performed on unincorporated lands of Warren County, Ohio except those activities excluded in Section 307.79 of the Ohio Revised Code as follows:

- A. Strip mining operations regulated under Section 1513.01 of the Ohio Revised Code;
- B. Surface mining operations regulated by Section 1514.01 of the Ohio Revised Code;
- C. Public highways, transportation, and 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 conservation in the Ohio department of agriculture.
- D. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- E. Agricultural operations as defined in Section 106 of this regulation.

SECTION 104 DISCLAIMER OF LIABILITY

Compliance with the provisions of these regulations shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of these regulations are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or any particular parcel of property. By approving a Storm Water Pollution Prevention Plan (SWP3) under these regulations, Warren County does not accept responsibility for the design, installation, and operation and maintenance of erosion control practices or facilities.

SECTION 105 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of these regulations should be considered minimum requirements, and where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

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

These regulations shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of these regulations shall not be a defense in any

action to abate such a nuisance.

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

SECTION 106 DEFINITIONS

For the purposes of these regulations, the following terms shall have the meaning herein indicated; otherwise, words or terms not defined, or interpreted by these regulations or statutory or administrative law, shall have their customary meaning as interpreted by Ohio common law, or in the event no common law exists then as found in the most recent editions of published dictionaries.

Applicant - A property owner or agent of a property owner who has filed an application for an Earth Disturbing Permit.

Agriculture - Agriculture includes agricultureing; ranching; aquaculture; algaculture meaning the agricultureing of algae; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; and any additions or modifications to the foregoing made by the director of agriculture by rule adopted in accordance with Chapter 119. of the Revised Code.

Board of County Commissioners – Consists of the three duly elected or appointed County Commissioners of Warren County, Ohio, a political subdivision of the State of Ohio operating under a statutory scheme of County government, that is vested with the authority to promulgate and enforce administrative rules of storm water management per section 307.79 of the Ohio Revised Code, referred to hereinafter as Warren County.

Clean Water Act - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

County Engineer — means the elected or appoint County Engineer of Warren County, Ohio, referred to hereinafter as the County Engineer.

Construction General Permit - Ohio Environmental Protection Agency's General Permit Authorization for Storm Water Discharges Associated with Construction Activity Under the National Pollution Discharge Elimination System.

Construction Site - Any parcel of land on which land has been disturbed for non-farming activity in the efforts to construct a new land or building feature.

Developer - Any individual, sub-divider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing land disturbance activities subject to these regulations.

Development/Construction Area - Any tract, lot, parcel of land or combination of such which are part of a larger common plan of development, upon which more than one acre of earth disturbing activity is to be performed.

Drainage – The removal of surface water or groundwater from land by surface or subsurface drains.

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

Earth Disturbing Permit - A permit to perform earth disturbing activities provided by the County Engineer or its designated agent once a developer/owner meets specific criteria as outlined in these regulations.

Environmental Protection Agency - The United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.

Erosion – The process by which the land surface is worn away by the action of water, wind ice or gravity.

Erosion and Sediment Control Plan - A strategy or plan to minimize erosion and prevent off-site sedimentation by passing sediment laden runoff through a sediment control measure, which has been prepared and approved in accordance these regulations and those requirements of the Construction General Permit. The erosion and sediment control plan is most often part of a larger set of construction drawings.

Grading – Earth disturbing activity such as excavation, stripping cutting, filling stockpiling, or any combination thereof.

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

Owner - Someone who holds the right of possession and title to a parcel or tract of land.

Phasing - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Redevelopment – A construction project on land where impervious surface has previously been installed and where the new land use will not increase the runoff coefficient. If the new land use will increase the runoff coefficient, then the project is considered to be a new development project rather than a redevelopment project.

Runoff – The portion of precipitation in excess of the infiltration capacity of underlying soils to absorb and contain which drains away from and runs of the surface of land.

Sediment – Solid material, both mineral and organic, that is in suspension, is being transported,

or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface.

Site owner or property owner – Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.

Soil disturbing activity or earth disturbing activity – Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, increased storm water quantity and/or decreased storm water quality.

Stop Work Order - An order issued which requires that all construction activity on a site be stopped.

Storm Water Pollution Prevention Plan (SWP3) - The SWP3 is a stand-alone document required by these regulations and the Construction General Permit for all construction sites disturbing one acre or more of land. The SWP3 describes all the construction site operator's activities to prevent storm water contamination, control sedimentation and erosion, manage post construction storm water runoff and comply with the requirements of the Clean Water Act.

SECTION 107 ADMINISTRATION

Warren County may designate specific duties and responsibilities to a designated agent through the execution of a memorandum of understanding or contractual agreement. Warren County or its designated agent may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of these regulations and may provide such information in the form of a Storm Water Design Manual. The manual may be updated and expanded from time to time, at the discretion of the County, based on improvements in engineering, science, monitoring and local maintenance experience.

SECTION 108 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with these regulations do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies and other public entities having regulatory jurisdiction. Applicants may be required to show compliance with all applicable regulatory requirements.

SECTION 109 PERMIT REQUIREMENTS

No person shall begin land clearing and/or soil disturbing activities greater than 1 acre until first obtaining an earth disturbing permit from the County.

Unless specifically excluded by these regulations, any landowner or operator desiring a permit for a earth disturbance activity shall submit a permit application. Unless otherwise excepted by these regulations, a permit application must be accompanied by the following in order that the permit application be considered: a SWP3, Operation and Maintenance documents, and a non-refundable

permit review fee, if applicable.

Approvals issued in accordance with these regulations shall be void two years from the date of permit issuance unless soil disturbing activities have commenced. Appropriate and timely progress toward completion of work must occur, or the permit will be void.

An expired permit may be renewed by resubmitting all of the necessary requirements found in these regulations and the Storm Water Design Manual.

SECTION 110 INSPECTION

The County or its designated agent may complete routine site inspections of land disturbance activities to evaluate compliance with the approved SWP3 and shall notify the permittee wherein the work fails to comply with the SWP3 as approved. The inspections may be performed monthly or more frequently. The inspector may enter the property of the applicant as deemed necessary to make regular inspections.

Plans for grading, stripping, excavating, and filling work which have been approved by the County or its designated agent shall be maintained at the site.

SECTION 111 MAINTENANCE NEEDS, VIOLATIONS, ENFORCEMENT AND PENALTIES

No person shall violate or cause or knowingly permit to be violated any of the provisions of these regulations, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations. All temporary erosion and sediment control practices shall be installed according to the timeline set forth in the approved SWP3 and in accordance with the Construction General Permit. These practices shall be maintained and repaired as needed to assure continued performance of their intended function. The developer/owner shall be responsible for such maintenance and repairs until the receipt of a notice of termination.

A. If a deficiency or lack of installation of an erosion and sediment control practice is found, the inspector will communicate the need to the developer/owner, develop a timeline for compliance, and will afford the developer/owner an opportunity to bring the project back into compliance before moving the deficiency to a violation. Over the course of construction and through deterioration by use and weather, erosion and sediment control practices often need maintenance, repair or re-installation.

The developer/owner shall assign qualified inspection personnel to inspect all sediment and erosion control practices at a frequency set forth in the latest Construction General Permit. If any erosion and sediment control practice needs maintenance, repair or reinstall, the developer/owner shall comply with the timeline set forth in the Construction General Permit.

If the developer/owner is unresponsive or if the owner/developer does not comply with the inspector's requests or timeline to remediate the maintenance needs, deficiencies or lack of installed practices, the County or its designated agent can upgrade the maintenance need, deficiency or lack of installation to a violation.

B. If the County or its designated agent determines that a violation of these regulations exists, the following actions may be taken.

1. An immediate stop work order may be issued 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. Persons receiving a stop work order will be required to halt all construction activities. This stop work order will be in effect until the County or its designated agent confirms that the development activity is in compliance and the violation has been satisfactorily addressed.
2. If the violator has obtained proper permits, but an activity is not being carried out in accordance with the requirements of these regulations, the County or its designated agent may issue a written notice of violation.
3. If after a period of not less than thirty days following the issuance of the notice of violation, the violation continues, the County or its designated agent may issue a second notice of violation.
4. If after a period of not less than fifteen days following the issuance of the notice of violation, the violation continues, the County or its designated agent may request written approval from the County Prosecutor to issue a stop work order. If the County Prosecutor determines the violation is egregious and provides written approval, a stop work order may be issued.
5. Once a stop work order is issued, the County or its designated agent shall request, in writing, the county prosecuting attorney to seek an injunction or other appropriate relief in the court of common pleas to abate the violation and secure compliance with these regulations. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order strict compliance with these regulations and may assess a civil fine of not less than one hundred or more than five hundred dollars for civil contempt by failing to comply with the court's order. Each day of violation shall be considered a separate violation subject to a civil fine. Once an injunction or other appropriate relief is issued, an expedited motion may be filed by the prosecuting attorney for future violations by the developer/owner requesting the Court to order the developer/owner to appear and show cause why the developer/owner should not be held in further contempt of the injunction or other appropriate relief ordered by the court.
6. The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of Warren County, seeking any equitable or other appropriate relief from that order.

C. No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the County.

D. No person shall violate these regulations. Notwithstanding division (B) of this section, if the Warren County Commissioners determine that a violation of these regulations or administrative order issued relating thereto, the Warren County Commissioners 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 the violations of these regulations and secure compliance with these

regulations or an administrative order. In granting relief, the court of common pleas may order strict compliance with these regulations or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars for civil contempt by failing to comply with the court's order. Each day of violation shall be considered a separate violation subject to a civil fine. Once an injunction or other appropriate relief is issued, an expedited motion may be filed by the prosecuting attorney for future violations by the developer/owner requesting the Court to order the developer/owner to appear and show cause why the developer/owner should not be held in further contempt of the injunction or other appropriate relief ordered by the court.

SECTION 112 APPEALS

Any person aggrieved by requirement, determination, or any other action or inaction by the County or its designated agent in relation to these regulations may appeal to the court of common pleas. Such an appeal shall be made in conformity with Chapters 2505 and 2506 the Ohio Revised Code.

Post-Construction Storm Water Runoff Control

SECTION 200 TITLE

These regulations and amendments thereto, shall be cited as the Warren County Post-Construction Storm Water Runoff Control regulations and may hereinafter be referred to as “these regulations”.

SECTION 201 STATUTORY AUTHORITY

These regulations are promulgated in accordance with section 307.79 of the Ohio Revised Code, whereby a board of county commissioners may adopt, amend and rescind rules to implement phase II of the storm water program of the national pollutant discharge elimination system established in 40 C.F.R. Part 122.

These regulations 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.

Per section 307.79 of the Ohio Revised Code, these regulations shall 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.

SECTION 202 PURPOSE

The Warren County Board of County Commissioners adopts these regulations as a comprehensive rewrite of amends and supersedes the regulations adopted February 5th, 2019.

The purpose of these regulations is to establish technically feasible and economically reasonable storm water management standards to achieve a level of storm water quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens within this jurisdiction. These regulations seek to meet that purpose through the following objectives:

1. Control increases in storm water runoff from any new or redevelopment project in order to reduce flooding, siltation, increases in stream temperature and maintain the integrity of stream channels.
2. Control increases in nonpoint source pollution caused by storm water runoff from development which would otherwise degrade local water quality.
3. Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, where possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

SECTION 203 APPLICABILITY

These regulations are intended to conform to the requirements found in the Ohio Environmental Protection Agency (Ohio EPA) Phase II General Permit for Municipal Separate Storm Sewer Systems (MS4) and the associated OEPA Construction General Permit. As the OEPA permits are routinely updated, any inconsistencies in the requirements, definitions or verbiage between these regulations as compared to the OEPA permits shall assume the current permit language prevails.

These regulations shall apply to all earth disturbing activities covered in the current version of the Ohio EPA Construction General Permit which shall be performed on unincorporated lands of Warren County, Ohio except those activities excluded in Section 307.79 of the Ohio Revised Code, unless eligible for an exemption or granted a waiver by the permitting authority under the specifications within these regulations. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. The following activities may be exempt from these requirements:

1. Any logging and agricultural activity which is consistent with an approved soil conservation plan.
2. Additions or modifications to existing single family structures.
3. Linear construction projects such as pipeline or utility line installation that does not result in the installation of additional impervious surfaces.

SECTION 204 DISCLAIMER OF LIABILITY

Compliance with the provisions of these regulations shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of these regulations are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or any particular parcel of property. By approving a Storm Water Pollution Prevention Plan (SWP3) under these regulations, Warren County does not accept responsibility for the design, installation, and operation and maintenance of storm water management practices, facilities and improvements.

SECTION 205 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of these regulations should be considered minimum requirements, and where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

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

These regulations shall not be construed as authorizing any person to maintain a nuisance on their

property, and compliance with the provisions of these regulations shall not be a defense in any action to abate such a nuisance.

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

SECTION 206 DEFINITIONS

For the purposes of these regulations, the following terms shall have the meaning herein indicated; otherwise, words or terms not defined, or interpreted by these regulations or statutory or administrative law, shall have their customary meaning as interpreted by Ohio common law, or in the event no common law exists then as found in the most recent editions of published dictionaries.

Applicant - A property owner or agent of a property owner who has filed an application for an Earth Disturbing Permit.

Board of County Commissioners — Consists of the three duly elected or appointed County Commissioners of Warren County, Ohio, a political subdivision of the State of Ohio operating under a statutory scheme of County government, that is vested with the authority to promulgate and enforce administrative rules of stormwater management per section 307.79, etc. of the Ohio Revised Code, referred to hereinafter as the Warren County.

Channel – A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Water Act - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

County Engineer — Means the elected or appoint County Engineer of Warren County, Ohio, referred to hereinafter as the County Engineer.

Developer - Any individual, sub-divider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing earth disturbance activities subject to these regulations.

Drainage – The removal of surface water or groundwater from land by surface or subsurface drains.

Environmental Protection Agency - The United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.

Erosion – The process by which the land surface is worn away by the action of water, wind ice or gravity.

Grading – Earth disturbing activity such as excavation, stripping cutting, filling stockpiling, or any combination thereof.

Impervious surface – Any material that prevents, impedes or slows the infiltration or absorption of stormwater into the ground, including building roofs and concrete or asphalt pavement.

Infiltration – A stormwater management practice that reduces discharge during the precipitation event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining stormwater pollutants in the facility.

Larger common plan of development – A contiguous area where multiple separate and distinct construction activities may be taking place at different times.

Nonpoint Source Pollution - Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

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

Post-development – The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.

Pre-development – The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.

Professional Engineer – A professional engineer registered in the State of Ohio.

Redevelopment – A construction project on land where impervious surface has previously been developed and where the new land use will not increase the runoff coefficient. If the new land use will increase the runoff coefficient, then the project is considered to be a new development project rather than a redevelopment project.

Runoff – The portion of precipitation in excess of the infiltration capacity of underlying soils to absorb and contain which drains away from and runs off the surface of land.

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

Site owner, property owner or owner – Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.

Soil disturbing activity or Earth disturbing activity – Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, increased stormwater quantity and/or decreased stormwater quality.

Stop Work Order - An order issued which requires that all construction activity on a site be stopped.

Storm Water management facility – A structural or non-structural device, basin, infiltration cell, or other system approved by Warren County to collect, convey, and/or manage surface runoff.

Storm Water Pollution Prevention Plan (SWP3) - The SWP3 is a stand-alone document required by

these regulations and the Construction General Permit for all construction sites disturbing one acre or more of land. The SWP3 describes all the construction site operator's activities to prevent storm water contamination, control sedimentation and erosion, manage post construction storm water runoff and comply with the requirements of the Clean Water Act.

Storm Water system – The system or network of storm and surface water management facilities.

Watershed – The drainage area in which a subdivision is located.

Wetland – Surface areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (1987 Corp of Engineers Wetland Delineation Manual.)

SECTION 207 ADMINISTRATION

Warren County may designate specific duties and responsibilities to a designated agent through the execution of a memorandum of understanding or contractual agreement. Warren County or it's designated agent may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of these regulations and may provide such information in the form of a Storm Water Design Manual. The manual may be updated and expanded from time to time, at the discretion of the County, based on improvements in engineering, science, monitoring and local maintenance experience.

SECTION 208 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with these regulations do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies and other public entities having regulatory jurisdiction. Applicants may be required to show compliance with all applicable regulatory requirements

SECTION 209 PERMIT REQUIREMENTS

No landowner or land operator shall receive an Earth Disturbing Permit required for earth disturbance activities without first meeting the requirements of these regulations prior to commencing the proposed activity.

Unless specifically excluded by these regulations, any landowner or operator desiring a permit for a earth disturbance activity shall submit a permit application. Unless otherwise excepted by these regulations, a permit application must be accompanied by the following in order that the permit application be considered: a SWP3; Operation and Maintenance documents; and a non-refundable permit review fee, if applicable.

SECTION 210 STORMWATER QUANTITY CONTROL

The Stormwater Pollution Prevention Plan shall describe how stormwater quantity control is achieved for each watershed in the development. Calculations shall follow the Critical Storm

Methodology as outlined in the Warren County Engineers Storm Water Design Manual.

SECTION 211 FINAL INSPECTION AND APPROVAL

To receive final inspection and a determination by the County Engineer that the approved SWP3 and the requirements of these regulations have been complied with in performing a construction project, the following must be completed.

- A. All permanent storm water management facilities must be installed, free of debris, and made functional per the approved SWP3.
- B. An as-built survey, sealed, signed and dated by a Professional Surveyor and a written certification by a Professional Engineer certifying that permanent storm water management facilities, as designed and installed, meet the requirements of the approved SWP3 shall be delivered to and accepted by the County Engineer. The as-built survey must provide the location, dimensions, details, volume, and bearing of such facilities. In evaluating this certification, the County Engineer may require the submission of a new set of storm water calculations if he/she determines that the design was altered materially from the approved SWP3.
- C. A Post-Construction Storm Water Management Requirements form must be completed and submitted to the Warren County Engineer for each postconstruction storm water control feature contained in the approved SWP3.

SECTION 212 MAINTENANCE

All storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured. The maintenance easement agreement that shall be binding on all subsequent owners of land served by the storm water management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the County Engineers Office or its designated agent to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by these regulations.

All storm water management facilities shall be maintained in accordance with the approved Maintenance Plans. The owners of all storm water management facilities required by this ordinance shall be maintained in accordance with standard best practices or may be declared a public nuisance.

If a responsible party fails or refuses to meet the requirements of maintenance, the County Engineer or its designated agent shall notify the party responsible for maintenance of the storm water management facility in writing. If after proper notice, remedial activities are not performed, the County may seek an injunction or other appropriate relief in the court of common pleas to abate the violations of these regulations and secure compliance with these regulations or an administrative order. In

granting relief, the court of common pleas may order strict compliance with these regulations or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars for civil contempt by failing to comply with the court's order. Each day of violation shall be considered a separate violation subject to a civil fine. Once an injunction or other appropriate relief is issued, an expedited motion may be filed by the prosecuting attorney for future violations by the developer/owner requesting the Court to order the developer/owner to appear and show cause why the developer/owner should not be held in further contempt of the injunction or other appropriate relief ordered by the court.

SECTION 213 MAINTENANCE NEEDS, VIOLATIONS, ENFORCEMENT AND PENALTIES

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

A. If the County or its designated agent determines that a violation of these regulations exists, the following actions may be taken.

1. An immediate stop work order may be issued 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. Persons receiving a stop work order will be required to halt all construction activities. This stop work order will be in effect until the County or its designated agent confirms that the development activity is in compliance and the violation has been satisfactorily addressed.
2. If the violator has obtained proper permits, but an activity is not being carried out in accordance with the requirements of these regulations, the County or its designated agent may issue a written notice of violation.
3. If after a period of not less than thirty days following the issuance of the notice of violation, the violation continues, the County or its designated agent may issue a second notice of violation.
4. If after a period of not less than fifteen days following the issuance of the notice of violation, the violation continues, the County or its designated agent may request written approval from the County Prosecutor to issue a stop work order. If the County Prosecutor determines the violation is egregious and provides written approval, a stop work order may be issued.
5. Once a stop work order is issued, the County or its designated agent shall request, in writing, the county prosecuting attorney to seek an injunction or other appropriate relief in the court of common pleas to abate the violation and secure compliance with these regulations. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order strict compliance with these regulations and may assess a civil fine of not less than one hundred or more than five hundred dollars for civil contempt by failing to comply with the court's order. Each day of violation shall be considered a separate violation subject to a civil fine. Once an injunction or

other appropriate relief is issued, an expedited motion may be filed by the prosecuting attorney for future violations by the developer/owner requesting the Court to order the developer/owner to appear and show cause why the developer/owner should not be held in further contempt of the injunction or other appropriate relief ordered by the court.

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

B. No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the County.

C. No person shall violate these regulations. Notwithstanding division (A) of this section, if the Warren County Commissioners determine that a violation of these regulations or administrative order issued relating thereto, the Warren County Commissioners 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 the violations of these regulations and secure compliance with these regulations or an administrative order. In granting relief, the court of common pleas may order strict compliance with these regulations or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars for civil contempt by failing to comply with the court's order. Each day of violation shall be considered a separate violation subject to a civil fine. Once an injunction or other appropriate relief is issued, an expedited motion may be filed by the prosecuting attorney for future violations by the developer/owner requesting the Court to order the developer/owner to appear and show cause why the developer/owner should not be held in further contempt of the injunction or other appropriate relief ordered by the court.

SECTION 214 APPEALS

Any person aggrieved by requirement, determination, or any other action or inaction by the County Engineer in relation to these regulations may appeal to the court of common pleas. Such an appeal shall be made in conformity with Chapters 2505 and 2506 of the Ohio Revised Code.

Illicit Discharge Detection and Elimination

SECTION 300 TITLE

These regulations and amendments thereto, shall be cited as the Warren County Illicit Discharge Detection and Elimination regulations and may hereinafter be referred to as “these regulations”.

SECTION 301 STATUTORY AUTHORITY

These regulations are promulgated in accordance with section 6117.01 et seq. and section 307.79 of the Ohio Revised Code, whereby a board of county commissioners may adopt, amend and rescind rules to implement phase II of the storm water program of the National Pollutant Discharge Elimination System (NPDES) established in 40 C.F.R. Part 122.

These regulations 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.

SECTION 302 PURPOSE

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the County through the regulation of non-storm water discharges to the County’s municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the NPDES permit process. The objectives of this ordinance are:

- a) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
- b) To prohibit illicit connections and discharges to the MS4;
- c) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this ordinance.

SECTION 303 APPLICABILITY

These regulations are intended to conform to the requirements found in the Ohio Environmental Protection Agency (Ohio EPA) Phase II General Permit for Municipal Separate Storm Sewer Systems (MS4) and the associated OEPA Construction General Permit. As the OEPA permits are routinely updated, any inconsistencies in the requirements, definitions or verbiage between these regulations as compared to the OEPA permits shall assume the current permit language prevails.

This ordinance shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the County, except for those discharges generated by the activities detailed in Section 200 (a) to (c) of this ordinance.

SECTION 304 DISCLAIMER OF LIABILITY

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

SECTION 305 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of these regulations should be considered minimum requirements, and where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

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

These regulations shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of these regulations shall not be a defense in any action to abate such a nuisance.

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

SECTION 306 DEFINITIONS

For the purposes of these regulations, the following terms shall have the meaning herein indicated; otherwise, words or terms not defined, or interpreted by these regulations or statutory or administrative law, shall have their customary meaning as interpreted by Ohio common law, or in the event no common law exists then as found in the most recent editions of published dictionaries.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Board of County Commissioners – Consists of the three duly elected or appointed County Commissioners of Warren County, Ohio, a political subdivision of the State of Ohio operating under a statutory scheme of County government, that is vested with the authority to promulgate and enforce administrative rules of storm water management per section 307.79 of

the Ohio Revised Code, referred to hereinafter as Warren County.

Clean Water Act - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Environmental Protection Agency - The United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA) or any duly authorized official of said agency.

Floatable Materials - Any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.

Hazardous Materials - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Household Sewage Treatment System (HSTS) - A system designed to treat household sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

Illicit Connection - Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the MS4.

Illicit discharge - Any discharge to the Stormwater System not composed entirely of stormwater except the following: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(b)(20)], uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, charity car wash events, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, home sewer treatment systems that discharge in accordance with Warren County Combined Health District Codes and permits, and discharges or flows from fire-fighting activities.

Industrial Activity - Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4) - As defined at 40 C.F.R. 122.26 (b)(8), 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 is:

Owned or operated by a State, County, town, borough, , parish, district, municipality, township, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States; designed or used for collecting or conveying storm water; Which is not a combined sewer; and which is not part of a Publicly Owned Treatment

Works (POTW) as defined at 40 C.F.R. 122.2.

Non-Storm Water Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.

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

Site owner, property owner or owner – Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.

Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Water - Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Wastewater - Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 307 ADMINISTRATION

The County has established a Warren County Illicit Discharge Detection and Elimination Manual (IDDE Manual) that outlines the County's approach to identify and address illicit discharges from the County's MS4.

SECTION 308 PROHIBITION OF ILLICIT DISCHARGES

No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described as follows:

- a) Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from firefighting

activities. These discharges are exempt until such time as they are determined by the County to be significant contributors of pollutants to the MS4.

- b) Discharges specified in writing to the County, or it's designated agent, as being necessary to protect public health and safety.
- c) Dye testing is an allowable discharge but requires a notification to the County, or it's designated agent, prior to the time of the test.
- d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

SECTION 309 PROHIBITION OF ILLICIT CONNECTIONS

The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. A person is considered to be in violation of this ordinance if the person connects a line conveying illicit discharges to the MS4 or allows such a connection to continue.

SECTION 310 SUSPENSION OF MS4 ACCESS

The County or it's designated agent may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the County or it's designated agent may take such steps as deemed necessary to prevent or minimize damage to the MS4, or to minimize danger to persons.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The County, or it's designated agent, will notify a violator of the proposed termination of its MS4 access. The violator may petition the County or it's designated agent for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the County or it's designated agent.

SECTION 311 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County prior to the allowing of discharges to the MS4.

SECTION 312 MONITORING FOR ILLICIT DISCHARGES AND ILLICIT CONNECTIONS

The County has established a program to detect and eliminate illicit discharges and illicit

connections to the MS4. This program includes the mapping of the MS4, including MS4 outfalls and receiving waters and household sewage treatment systems connected to the MS4; the routine inspection of storm water outfalls to the MS4, and a process to identify and eliminate any discovered illicit discharges.

- a) The County, or it's designated agent, shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.
- b) The County, or it's designated agent, shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the County.
- c) The County, or it's designated agent, shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- d) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the County or it's designated agent and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.
- e) Unreasonable delays in allowing the County, or it's designated agent, access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.
- f) If the County, or it's designated agent, is refused access to any part of the facility from which storm water is discharged, and the County demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the County may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief from any court of appropriate jurisdiction.

SECTION 313 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into the MS4 said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the County or it's designated agent in person or by phone no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County or it's designated agent within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the

owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 314 ENFORCEMENT

- a) Notice of Violation. When the County, or it's designated agent, finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the County or it's designated agent may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:
 - 1) The performance of monitoring, analyses, and reporting;
 - 2) The elimination of illicit discharges or illicit connections;
 - 3) That violating discharges, practices, or operations cease and desist;
 - 4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
 - 5) The implementation of source control or treatment BMPs.
- b) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline, determined at the discretion of the enforcing agent, within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.
- c) Any person receiving a Notice of Violation must meet compliance standards within the time established at the discretion of the enforcing agent in the Notice of Violation.
- d) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation. If an owner/operator has violated or continues to violate the provisions of this regulation, the County or it's designated agent may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation or other appropriate relief. Pursuant to Section 307.79(F) the court of common pleas may order the implementation of 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 of this regulation or administrative order issued under these regulations shall be considered a separate violation subject to a civil fine.

SECTION 315 APPEAL OF NOTICE OF VIOLATION

Any person aggrieved by requirement, determination, or any other administrative action or inaction by the County or it's designated agent in relation to these regulations may appeal to the court of common pleas. Such an appeal shall be made in conformity with the Ohio Revised Code Chapters 2505 and 2506.

SECTION 316 COST OF ABATEMENT OF THE VIOLATION

Within 30 days after the County's, or its designated agent's, abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the County, or its designated agent, or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the County or its designated agent by reason of such violation.

SECTION 317 VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 318 REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies, including criminal penalties as authorized in section 6117.99 of the Ohio Revised Code where applicable.