

**CHAPTER 1421**  
**Erosion and Sediment Control**

- 1421.01 Purpose and scope.
- 1421.02 Definitions.
- 1421.03 Disclaimer of liability.
- 1421.04 Conflicts, severability, nuisances and responsibility.
- 1421.05 Development of storm water pollution prevention plans.
- 1421.06 Development of abbreviated storm water pollution prevention plans.
- 1421.07 Application procedures.
- 1421.08 Compliance with State and Federal regulations.
- 1421.09 Storm water pollution prevention plan.
- 1421.10 Performance standards.
- 1421.11 Abbreviated storm water pollution prevention plan.
- 1421.12 Fees.
- 1421.13 Bond.
- 1421.14 Enforcement.
- 1421.15 Violations.
- 1421.16 Appeals.
- 1421.99 Penalty.

**1421.01 PURPOSE AND SCOPE.**

- (a) The purpose of this chapter is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of the City:
- (b) This chapter will:
  - (1) Allow development while minimizing increases in erosion and sedimentation.
  - (2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

- (c) This chapter applies to development of all parcels in use or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in division (d) of this section.
- (d) This chapter does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

(Ord. 18-91. Passed 8-14-18.)

## 1421.02 DEFINITIONS.

The definitions contained in Ohio Environmental Protection Agency (“Ohio EPA’s) Construction General Permit entitled “General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System” or current in effect at the time a permit is applied for under this chapter shall apply to this chapter, and the following definitions shall also apply:

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

- (a) “Abbreviated Storm Water Pollution Prevention Plan (Abbreviated SWP3).” The written document that sets forth the plans and practices to be used to meet the requirements of this chapter during and after the land development.
- ~~(b)~~ “Acre.” A measurement of area equaling 43,560 square feet.
- ~~(b)(c)~~ “Administrator.” The person or entity having the responsibility and duty of administering and ensuring compliance with this regulation.
- (d) “Architect.” An individual who has been registered to perform the practices of architecture in the State of Ohio in accordance with all applicable laws.
- ~~(c)(e)~~ “As-Built Survey.” A survey shown on a plan or drawing prepared by a registered Professional Surveyor indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.
- ~~(d)(f)~~ “Best management practices (BMPs).” Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of surface waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

~~(e)~~(g) “Community.” Throughout this chapter, this shall refer to the City of Hudson, its designated representatives, boards, or commissions.

~~(f)~~(h) “Comprehensive Stormwater Management Plan.” The written document and plans meeting the requirements of this chapter that sets forth the plans and practices to minimize storm water runoff from a development area, to safely convey and temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve storm water quality and stream channels.

(i) “Construction entrance.” The permitted points of stabilized natural stone or other approved material located at ingress and egress to development areas regulated under this chapter. The intent of the construction entrance is to reduce the amount of mud tracked off-site with construction traffic.

~~(j)~~ “Construction general permit.” The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of storm water discharges associated with construction activities issued by Ohio EPA (Ohio EPA Permit # OHC000006 and its successors).

~~(k)~~ “Critical area.” Any area the disturbance of which would cause soil erosion and sediment runoff and damage to private properties, water courses storm sewers or public lands due to topography, soil type, hydrology, or proximity to a water course. These areas include, but are not limited to, riparian areas, wetlands, and highly erodible soils.

~~(g)~~(l) “Critical storm.” For developments which satisfy the criteria established in Section 1419.5.9 “Alternative Detention Facilities,” the peak rates of runoff and volumes shall be controlled using the “Critical Storm Method”. This method is used to determine the design frequencies utilized in the design of the detention/retention structures for the development. A storm that is determined by calculating the percentage increase in volume of runoff by a proposed development area for the 1-year 24-hour event. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a developed site.

~~(h)~~(m) “Development.” A man-made change to improved or unimproved real estate.

(n) “Development area.” A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

(o) “Dewatering Volume.” See current Ohio Rainwater and Land Development Manual, Section 5.7.

~~(i)~~(p) “Disturbance.” Any clearing, grading, grubbing, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

~~(f)~~(q) "Disturbed area." An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.

~~(k)~~(r) "Drainage."

(1) The area of land contributing surface water to a specific point.

(2) The removal of excess surface water or groundwater from land by surface or subsurface drains.

~~(s)~~ "Drainage Way." A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.

~~(t)~~(t) "Engineer." See "Professional engineer."

~~(m)~~(u) "Erosion and sediment control." The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.

~~(n)~~(v) "Erosion." The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

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

~~(p)~~(x) "Impervious surface." A surface that prevents or does not permit the absorption of rainwater, or does not permit rainwater to readily infiltrate (soak into) the ground such as rooftops, parking lots, and roads.

~~(q)~~(y) "Landscape architect." An individual who has been registered to perform the practices of landscape architecture in the State of Ohio in accordance with all applicable laws.

~~(r)~~(z) "Larger common plan of development or sale." A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

~~(s)~~(aa) "Long term maintenance agreement (LTMA)." A document that is customized to each development project that lists the specific best management practices (BMPs) to control post-construction sediment and erosion and lists each BMP's inspection, maintenance, funding and maintenance conditions that are the responsibility of the developer or owner, and accepted by the City.

~~(t)~~(bb) "Maximum extent practicable." The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.

~~(u)~~(cc) “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.

~~(v)~~(dd) \_\_\_\_\_ “Owner/operator.” 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 site construction.

~~(w)~~(ee) \_\_\_\_\_ “Parcel.” A tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a ‘Permanent Parcel Number’ assigned by the Summit County Auditor’s Office.

~~(x)~~(ff) “Person.” Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or State agency, the Federal government, other legal entity, or an agent thereof.

~~(g)~~(gg) \_\_\_\_\_ “Phasing.” A specific period, stipulated in a plan, contract or specification during which the contractor must complete construction, subject to the conditions of the contract which may include the clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

~~(h)~~(hh) “Post-Development.” The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and/or the rate, volume, quality, or direction of stormwater runoff.

~~(i)~~(ii) “Pre-Construction meeting.” A meeting prior to construction, between all parties associated with the construction of the project including government agencies, contractors, and owners, to review agency requirements and plans as submitted and approved.

~~(j)~~(jj) “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.

~~(y)~~(kk) \_\_\_\_\_ “Pre-winter stabilization meeting.” A meeting between the City of Hudson and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires a Stormwater Pollution Prevention Plan.

~~(z)~~(ll) “Professional engineer.” An individual who has been registered to perform the practices of engineering in the State of Ohio in accordance with all applicable laws.

~~(aa)~~(mm) \_\_\_\_\_ “Qualified inspection personnel.” A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skill to assess all conditions at the construction site that could impact storm water quality and to

assess the effectiveness of any sediment and erosion control measure selected to control the quality of storm water discharges from the construction activity.

~~(bb)~~(nn) “Rainwater and Land Development.” Ohio’s standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this chapter.

~~(cc)~~(oo) “Remedial project.” An action, activity or process of remedying something that is undesirable or deficient.

~~(dd)~~(pp) “Runoff.” The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.

~~(ee)~~(qq) “Sediment.” The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.

~~(rr)~~ “Sedimentation.” The deposition or settling of sediment.

~~(ff)~~(ss) “Sediment storage volume.” See current edition of Rainwater and Land Development, Section 6.1b.

~~(tt)~~ “Setback.” The minimum or maximum distance a building, structure or parking area shall be required to be situated from an adjacent lot line as defined in the Hudson Land Development Code or a designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Soil disturbing activities in this area are restricted by this chapter.

~~(gg)~~(uu) “Site 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.

~~(hh)~~(vv) “Soil & Water Conservation District.” An entity organized under Chapter 940 of the Ohio R.C. ~~Chapter 1515~~ referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as “Summit SWCD.”

~~(ii)~~(ww) “Soil disturbing activity.” Clearing, grading, excavating, filling, grubbing or stump removal that occurs during clearing or timber activities, or other alteration of the earth’s surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.

~~(jj)~~(xx) “Stabilization.” The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.

~~(kk)~~(yy) “Stormwater control measure.” Also “best management practice (BMP).” Schedule of activities, prohibitions of practices, operation and maintenance

procedures, treatment requirements, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and to control storm water volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For guidance, please see U.S. EPA's National Menu of BMPs at <http://water.epa.gov/polwaste/npdes/swbmp/index.cfm>.

~~(ll)~~~~(zz)~~ “Storm Water Pollution Prevention Plan (SWP3).” The written document that sets forth the plans and practices to be used to meet the requirements of this chapter during and after the land development.

~~(aaa)~~ “Surface waters of the State.” All streams, lakes, reservoirs, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the State, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Ohio R.C. 6111.01 are not included.

~~(bbb)~~ “Temporary stabilization.” 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.

~~(mm)~~~~(ccc)~~ “Topsoil.” The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.

~~(nn)~~~~(ddd)~~ “Unstable soils.” A portion of land that is identified by the City Engineer, or designated representative, as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having low soil strength.

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

~~(oo)~~~~(fff)~~ “Watershed.” The total drainage area contributing stormwater runoff to a single point.

~~(pp)~~~~(ggg)~~ “Water quality.” The chemical, physical, or biological characteristics of water including the measure of the condition of water relative to the requirements of one or more biotic species and or to any human need or purpose.

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

(Ord. 18-91. Passed 8-14-18.)



### **1421.03      DISCLAIMER OF LIABILITY.**

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

- (a) By approving a Comprehensive Stormwater Management Plan under this regulation, the City of Hudson does not accept responsibility for the design, installation, and operation and maintenance of Stormwater Control Measure (SCMs).

(Ord. 18-91. Passed 8-14-18.)

### **1421.04      CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.**

- (a) Where this chapter regulation is in conflict with other provisions of law or ordinance, or requirements in the Construction General Permit, the most restrictive provisions as determined by the City Engineer shall prevail.
- (b) If any clause, section, or provision of this chapter is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- (c) This chapter shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this chapter shall not be a defense in any action to abate such a nuisance.
- (d) Failure of the City of Hudson to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Hudson, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 18-91. Passed 8-14-18.)

### **1421.05      DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.**

- (a) This chapter regulation requires that a Storm Water Pollution Prevention Plan (SWP3) be developed and implemented for all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land. The City Engineer may require a SWP3 for sites parcels disturbing less than one (1) acre, or more and on which any regulated activity of Section 1421.01(c) is proposed.
- (b) The following activities shall submit an Abbreviated SWP3; require the submission of a Storm Water Pollution Prevention Plan;



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

~~(1)(2)~~ Additions or accessory buildings for a single-family residential construction that disturb 0.1 (one-tenth) up to one (1) acre of land.

~~(2)(3)~~ All non-residential construction that disturbs 0.1 (one-tenth) - up to one (1) acre of land.

~~(3)(4)~~ General clearing activities not related to construction and regardless of parcel size. If such activities disturb one acre or more, or are part of a larger common plan of development or sale disturbing one acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

- (c) Activities disturbing one-tenth to one acre may not be required to submit a Storm Water Pollution Prevention Plan (SWP3) or an Abbreviated Storm Water Pollution Prevention Plan, unless required by the City Engineer. These activities must comply with all other provisions of this chapter.

(Ord. 18-91. Passed 8-14-18.)

#### **1421.06 DEVELOPMENT OF ABBREVIATED STORM WATER POLLUTION PREVENTION PLANS.**

The following activities shall submit an abbreviated storm water pollution prevention plan:

- (a) New single family, two family or multi-family residential construction regardless of parcel size. If such activities disturb one acre or more, or are part of a larger common plan of development or sale disturbing one acre or more, an Ohio EPA Construction Site General Permit and a storm water pollution prevention plan may be required.
- (b) Additions 1,000 square feet and larger for single family, two family or multi-family residential construction regardless of parcel size. If such activities disturb one acre or more, or are part of a larger common plan of development or sale disturbing one acre or more, an Ohio EPA Construction Site General Permit and a storm water pollution prevention plan may be required.
- (c) All non-residential construction on parcels of less than one acre.
- (d) General clearing activities not related to construction and regardless of parcel size. If such activities disturb one acre or more, or are part of a larger common plan of development or sale disturbing one acre or more, an Ohio EPA Construction Site General Permit and a storm water pollution prevention plan may be required. All tree clearing activities must also comply with the City's Land Development Code.

- (e) Activities disturbing one-tenth or less of an acre are not required to submit a storm water pollution prevention plan or an abbreviated storm water pollution prevention plan, unless required by the City Engineer. These activities must comply with all other provisions of this chapter.
- (f) Soil disturbing activities undertaken by the City, associated with public highway, transportation improvements, drainage improvements, or the maintenance thereof, and disturbing less than one acre of land are not required to submit a storm water pollution prevention plan or an abbreviated storm water pollution prevention plan, unless required by the City Engineer. These activities must comply with all other provisions of this chapter.

(Ord. 18-91. Passed 8-14-18.)

#### **1421.07 APPLICATION PROCEDURES.**

- (a) Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan. In either hard copy or digital copy, the applicant shall submit a SWP3 and the applicable fees to the City and the Summit SWCD as follows:
  - (1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.
  - (2) For other construction projects: Before issuance of a zoning certificate by the City.
  - (3) For general clearing projects: Prior to issuance of a zoning certificate by the City.
- (b) Soil Disturbing Activities Submitting an Abbreviated Storm Water Pollution Prevention Plan. In either hard copy or digital copy, the applicant shall submit an Abbreviated SWP3 and the applicable fees to the City and the Summit SWCD as follows:
  - (1) For single-family home construction: Before issuance of a zoning certificate by the City.
  - (2) For other construction projects: Before issuance of a zoning certificate by the City.
  - (3) For general clearing projects: Prior to issuance of a zoning certificate by the City.
- (c) The City and the Summit SWCD shall review the plans submitted for conformance with this chapter and approve, or return for revisions with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan.

(d) Soil disturbing activities (including mechanized clearing) shall not begin and zoning building, or grading permits -certificates shall not be issued without:

- (1) -aAn approved SWP3 or Abbreviated SWP3.

(2) NOI submittal to Ohio EPA and NPDES permit covered issued

(3) Physical marking in the field of protected areas or critical areas, including wetlands and riparian areas

~~(0)~~(4) Installation of construction entrances, perimeter sediment barriers and other erosion and sediment controls that must be in place to address initial site conditions.

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

~~(e)~~(f) The developer, engineer, contractor, and other principal parties, shall meet with the City Engineer for a Pre-Construction meeting no less than seven (7) days prior to soil-disturbing activity at the site to ensure the erosion and sediment control devices are properly installed, limits of disturbance and buffer areas are properly delineated and construction personnel are aware of such devices and areas. Pre-construction meetings for Abbreviated SWP3s may be waived at the discretion of the City Engineer.

~~(f)~~(g) Approvals issued in accordance with this chapter shall remain valid for one year from the date of approval or as authorized under the conditions of an individual zoning certificate.

(Ord. 18-91. Passed 8-14-18.)

## **1421.08 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.**

Approvals issued in accordance with this chapter do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army Corps of Engineers, and other Federal, State, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these State and Federal regulations shall be submitted with storm water pollution prevention plans or abbreviated storm water pollution prevention plans.

(a) Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof. Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, and a copy of the Ohio EPA Director's authorization letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.

(b) Section 401 of the Clean Water Act. Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, and project approval documentation, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the

Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this chapter.

- (c) Ohio EPA Isolated Wetland or Ephemeral Stream Permit. Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit or Ephemeral Stream application tracking number and public notice, ~~and~~ project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit or Ephemeral Stream permit is not applicable because there are not wetlands or ephemeral streams on the site. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation chapter.
- (d) Section 404 of the Clean Water Act. Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, and public notice, and project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineers' Nationwide Permit Program. This shall include one of the following:
  - (1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable because there are not wetlands on site.
  - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this chapter.
- (e) Ohio Dam Safety Law. Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

(Ord. 18-91. Passed 8-14-18.)

#### **1421.09      STORM WATER POLLUTION PREVENTION PLAN (SWP3).**

- (a) The applicant shall submit a SWP3 Plan that meets the requirements of the Construction General Permit and the following additional requirements. The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect. The SWP3 shall include control measures to ensure that discharges from the construction site and construction support activities comply with the non-numeric effluent limitations contained in the Construction General Permit.

~~(b)~~ In addition to all information is required by the Construction General Permit, the SWP3 shall also include completed design tools found on Ohio EPA's website such as the Sediment Basin Compliance Spreadsheet.

~~(c)~~ Before any off-site support areas such as borrow or spoil areas, concrete or asphalt batch plants, equipment staging yards or material storage areas are utilized, a SWP3 for the off-site support area must be submitted and approved by the City of Hudson. The applicant shall ensure appropriate permits have been obtained to operate the off-site support area. Failure to do so can lead to enforcement action under Sections 1005.1 of this code.

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

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

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

(1) Site description. The SWP3 shall provide:

- A. A description of the nature and type of the construction activity (e.g., residential, shopping mall, highway, etc.).
- B. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
- C. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity.
- D. Existing data describing the soil and, if available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.
- E. A description of prior land uses at the site.
- F. An implementation schedule which describes the sequence of major soil-disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence.
- G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).

- H. The aerial (plan view) extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.
- I. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detailed drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.
- J. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the best management practices to address pollutants in these storm water discharges.
- K. Site map showing:
  - 1. Limits of soil-disturbing activity of the site, including off site spoil and borrow areas.
  - 2. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils.
  - 3. Existing and proposed one-foot contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres.
  - 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 applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
  - 5. Existing and planned locations of buildings, roads, parking facilities, other pavement and utilities.
  - 6. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.
  - 7. Sediment ponds, including their sediment settling volume and contributing drainage area.
  - 8. 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.
  - 9. The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.
  - 10. The location of any in-stream activities including stream crossings.

- (2) A soils engineering report. The City Engineer may require the SWP3 to include a Soils Engineering Report based upon his or her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the City Engineer shall be incorporated in the grading plans and/or other specifications for site development.
- A. Data regarding the nature, distribution, strength, and erodibility of existing soils.
  - B. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.
  - C. Conclusions and recommendations for grading procedures.
  - D. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.
  - E. Design criteria for corrective measures when necessary.
  - F. Opinions and recommendations covering the stability of the site.
  - G. Delineations of surface waters of the state located on the site. Affirmation by the U.S. Army Corps of Engineers may be required.

(Ord. 18-91. Passed 8-14-18.)

#### **1421.10 PERFORMANCE STANDARDS.**

The SWP3 must contain a description of the controls appropriate for each construction operation and the applicant must implement such controls. The SWP3 must clearly describe for each major construction activity the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the contractor responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization). The SWP3 shall identify all subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3.

The controls shall include the following minimum components:

- (a) Non-Structural Preservation Measures. The SWP3 must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and



vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.

(b) Erosion Control Practices. The SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.

Erosion control practices must meet the following requirements:

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

**Table 1: Permanent Stabilization**

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

**Table 2: Temporary Stabilization**

<u>Area Requiring Temporary Stabilization</u>	<u>Area Requiring Temporary Stabilization</u>
Any disturbed area within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days.
For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 14 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area.

Disturbed areas that will be idle over winter.	Prior to the onset of winter weather.
<p>Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, as determined by the City Engineer, alternative stabilization techniques may be employed. These techniques may include mulching, erosion control matting or other suitable application.</p>	

- (2) Permanent stabilization of conveyance channels. Applicants shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques, or rock check dams, all as defined in the most recent edition of Ohio Rainwater and Land Development Manual or the Field Office Technical Guide available at [www.nrcs.usda.gov/technical/efotg/](http://www.nrcs.usda.gov/technical/efotg/).
- (c) Runoff Control Practices. The SWP3 shall incorporate measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.
- (d) Sediment Control Practices. The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.

Sediment control practices must meet the following requirements:

- (1) Timing. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven 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 must be constructed or existing controls altered to address the changing drainage patterns.
- (2) Sediment settling ponds.

- A. A sediment settling pond, or equivalent best management practice upon approval from the City Engineer and/or the Summit SWCD, is required for any one of the following conditions, as determined in Table 3 below:
1. Concentrated storm water runoff.
  2. Runoff from drainage areas that exceeds the design capacity of silt fence or inlet protection.
  3. Ten acres of disturbed land.
- B. The sediment-settling pond shall provide both a sediment storage zone and a dewatering zone. The volume of the dewatering zone shall be at least 67 cubic yards of storage per acre of total contributing drainage area and have a minimum of 48-hour drain time for sediment basins serving a drainage area over five acres.
- C. The volume of the sediment storage zone shall be calculated by one of the following methods:
- (1) The volume of the sediment storage zone shall be 1,000 cubic feet per disturbed acre within the watershed of the basin.
  - (2) The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with a generally accepted erosion prediction model.
- D. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five feet. The configuration between the inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length:width ratio), however a length to width ratio of 4:1 is recommended. Sediment must be removed from the sediment-settling pond when the design capacity has been reduced by 40%. This limit is typically reached when sediment occupies one-half of the basin depth. When designing sediment settling ponds, the applicant must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

(3) Silt fence and diversions. Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties, water resources, and wetlands from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular

slope range is shown in Table 3 below. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to ten acres. Placing silt fence in parallel does not extend the permissible drainage area to the silt fence.

**Table 3: Maximum Drainage Area to Silt Fence**

<u>Maximum Drainage Area (Acres) to 100 Linear Feet of Silt Fence</u>	<u>Range of Slope for a Drainage Area (%)</u>
0.5	<2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

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

(5) Off-site tracking of sediment and dust control. Best management practices must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These best management practices must include, but are not limited to, the following:

- A. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than two inches in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the Rainwater and Land Development Manual.
- B. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily, or as directed by the City Engineer, to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly.
- C. Based on site conditions, the City Engineer and/or the Summit SWCD may require additional best management practices to control off-site tracking and dust. These additional BMPs may include:
- D. Silt fence or construction fence installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.
- E. Designated wheel-washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment-settling pond, or to a sump pump for dewatering in conformance with Section 1421.10(g) of this chapter.

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

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

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

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

(e) Non-Sediment Pollutant Controls. No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands. These practices shall include but are not limited to the following:

(1) Waste materials. A covered dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.

(2) Concrete truck wash out. The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available.

(3) Fuel/liquid tank storage. All fuel/liquid tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of all containers in the storage area.

(4) Toxic or hazardous waste disposal. Any toxic or hazardous waste shall be disposed of properly.

(5) Contaminated soils disposal and runoff. Contaminated soils from redevelopment sites shall be disposed of properly. Runoff from contaminated soils shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites or redevelopment sites.

(f) Compliance with Other Requirements. The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.

(g) Trench and Ground Water Control. There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

(h) Internal Inspections.

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

- A. The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month).
- B. Land disturbance activities have been suspended, and temporary stabilization is achieved.
- C. The beginning date and ending dates of the waiver period are documented in the SWP3.

(2) The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls.

These inspections shall meet the following requirements:

- A. 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.
- B. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. The applicant shall utilize an inspection form approved by the City Engineer. The inspection form shall include:
  - 1. The inspection date.
  - 2. Names, titles and qualification of personnel making the inspection.
  - 3. Weather information for the period since the last inspection, including a best estimate of the beginning of each storm event, duration of each storm event and approximate amount of rainfall for each storm event in inches, and whether any discharges occurred.
  - 4. Weather information and a description of any discharges occurring at the time of inspection.
  - 5. Location of:
    - a. Discharges of sediment or other pollutants from site.
    - b. BMPs that need to be maintained.
    - c. BMPs that failed to operate as designed or proved inadequate for a particular location.
    - d. Where additional BMPs are needed that did not exist at the time of inspection.
  - 6. Corrective action required including any necessary changes to the SWP3 and implementation dates.
- C. Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resources or wetlands.
- D. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.



E. The applicant shall maintain for three years following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the SWP3, a certification as to whether the facility is in compliance with the SWP3, and information on any incidents of non-compliance determined by these inspections.

- (i) Maintenance. The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all up-slope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the City Engineer.

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

- (1) When practices require repair or maintenance. If an internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within ten days of the inspection.
  - (2) When practices fail to provide their intended function. If an internal inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within ten days of the inspection.
  - (3) When practices depicted on the SWP3 are not installed. If an internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (j) Final Stabilization. Final stabilization shall be determined by the City Engineer. Once a definable area has achieved final stabilization, the applicant may note this on the SWP3 and no further inspection requirement applies to that portion of the site.

(Ord. 18-91. Passed 8-14-18.)

#### **1421.11 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.**

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

- (b) The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.
- (c) The Abbreviated SWP3 shall include a minimum of the following BMPs. The City may require other BMPs as site conditions warrant.
- (d) Construction Entrances. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than two inches in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the Rainwater and Land Development Manual.
- (e) Concrete Truck Wash Out. The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available.
- (f) Street Sweeping. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily, or as directed by the City Engineer, to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.
- (g) Stabilization. The development area shall be stabilized as detailed in Table 4.

**Table 4: Stabilization**

Area Requiring Stabilization	Time Frame to Apply Erosion Controls
Any disturbed area within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days.
For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 14 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to the onset of winter weather.
<p>Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, as determined by the City Engineer, alternative stabilization techniques may be employed. These techniques may include mulching, erosion control matting or other suitable application.</p>	

- (h) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. Straw or hay bales are not acceptable forms of inlet protection.
- (i) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period. Maintenance shall occur as detailed below:
- (j) When Practices Require Repair or Maintenance. If the internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within ten days of the inspection.
- (k) When Practices Fail to Provide Their Intended Function. If the internal inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated SWP3 must be amended and the new control practice must be installed within ten days of the inspection.
- (l) When Practices Depicted on the Abbreviated SWP3 Are Not Installed. If the internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (m) Final Stabilization. Final stabilization shall be determined by the City Engineer.

(Ord. 18-91. Passed 8-14-18.)

#### **1421.12 FEES.**

The Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City and the Summit SWCD before as part of the review process ~~begins~~. Please contact the City Engineer for the current fee schedule.

- (a) Construction activities have started at the site with no SWP3 completed.
- (b) Failure to install sediment basin(s) when the SWP3 and/or site drainage clearly indicate as a first step (within 7 days prior to grading and within 7 days of grubbing.)
- (c) Failure to implement any sediment/erosion controls; or
- (a)(d) Dewatering activities resulting in turbid discharges.

(Ord. 18-91. Passed 8-14-18.)

#### **1421.13 BOND.**

(a) If a Storm Water Pollution Prevention Plan is required by this chapter, soil disturbing activities shall not be permitted until a performance bond has been deposited with the City in the amount of 110% of the certified engineer's estimate of the work is submitted in accordance with the Land Development Code paid for each subsequent acre or fraction thereof. The bond will be used for the City to perform the obligations otherwise to be performed by the owner of the development area as stated in this chapter and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this chapter. The cash bond shall be returned, less City administrative fees, after all work required by this chapter has been completed and final stabilization has been reached, all as determined by the City Engineer.

~~(0)(1)~~ A portion of the bond (equivalent of cost to apply final stabilization) will be retained until all areas disturbed by construction activity are permanently stabilized and a Notice of Termination has been submitted to the Ohio EPA. Where vegetative growth is used to achieve permanent stabilization, the area shall comply with final stabilization requirements of the Construction General Permit.

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

(Ord. 18-91. Passed 8-14-18.)

#### **1421.14 ENFORCEMENT.**

(a) If the City of Hudson and/or the Summit County SWCD determines that a violation of the rules adopted under this code exists, the City of Hudson 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.

~~(a)(b)~~ All development areas may be subject to inspections by the City and/or the Summit SWCD to ensure compliance with the approved SWP3 or Abbreviated SWP3.

~~(b)(c)~~ After each external inspection, the City and/or the Summit SWCD shall prepare and distribute a status report to the applicant.

(d) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3 the City and/or the Summit SWCD may take action as detailed in Section 1421.15 of this chapter.

(e) Failure to maintain and repair erosion and sediment control per the approved SWP3 plan may result in the following escalation:

(1) The City Engineer will monitor soil-disturbing activities from non-farm residential, commercial, industrial, or other non-farm purposes on land of less than one contiguous acre to ensure compliance required by these Rules.

(2) The City Engineer shall notify the U.S. Army Corps of Engineers when a violation on a development project covered by an Individual or Nationwide Permit is identified. The City Engineer shall notify the Ohio Environmental Protection Agency when a

violation on a development project covered by a Section 401 Water Quality Certification and/or Isolated Wetland Permit is identified.

~~(0)~~(3) The City of Hudson shall not issue building permits for projects regulated under this code without approved SWP3s.

(Ord. 18-91. Passed 8-14-18.)

#### **1421.15 VIOLATIONS.**

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

(Ord. 18-91. Passed 8-14-18.)

#### **1421.16 APPEALS.**

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City in relation to these regulations may appeal to the Board of Zoning and Building Appeals. Such an appeal shall be made in conformity with Section 1202.03 of the Land Development Code and a copy shall be provided to the Summit SWCD.

(Ord. 18-91. Passed 8-14-18.)

#### **1421.99 PENALTY.**

- (a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his or her agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than 60 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) The imposition of any other penalties provided herein shall not preclude the City from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to

require compliance with the provisions of this chapter or other applicable laws, ordinances, rules, or regulations, or the orders of the City.

(Ord. 18-91. Passed 8-14-18.)