ORDINANCE NO. 96-25

AN ORDINANCE CREATING NEW CHAPTERS 1347 "COMPREHENSIVE STORMWATER MANAGEMENT", CHAPTER 1349 "EROSION AND SEDIMENT CONTROL" AND CHAPTER 1351 "ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL" OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO, AND REPEALING THE EXISTING SECTION 1341.04 "PLANS AND MAPS REQUIRED FOR IMPROVEMENTS; EROSION CONTROL".

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That a copy of the new Chapter 1347 entitled "Comprehensive Stormwater Management" is marked Exhibit A, attached hereto and incorporated herein.

SEC. 2: That a copy of the new Chapter 1349 entitled "Erosion and Sediment Control" is marked Exhibit B, attached hereto and incorporated herein.

SEC. 3: That a copy of the new Chapter 1351 entitled "Illicit Discharge and Illegal Connection Control" is marked Exhibit C, attached hereto and incorporated

SEC. 4: That Section 1341.04 of the codified ordinances of the City of Medina, Ohio relative to "Plans and Maps Required for Improvements; Erosion Control" is hereby repealed.

SEC. 5: That this Ordinance is subject to final approval by the Law Director.

SEC. 6: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 7: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: May 12, 2025 **SIGNED:** John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: May 13, 2025

SIGNED: Dennis Hanwell
Mayor

Effective date – June 11, 2025

CHAPTER **1347**
Comprehensive Stormwater Management

CROSS REFERENCES

Erosion and sediment control - see Ch. **1349**

Illicit Discharge and Illegal Connection Control – see Ch. 1351

1347.01 PURPOSE AND SCOPE.

(a) The purpose of this regulation is to establish technically feasible and economically reasonable stormwater management standards to achieve a level of stormwater 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 of the City of Medina:

(b) This regulation requires owners who develop or re-develop their property within the City of Medina to:

(1) Control stormwater runoff from their property and ensure that all stormwater control measures (SCMs) are properly designed, constructed, and maintained.

(2) Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.

(3) Control the volume, rate, and quality of stormwater runoff originating from their property so that surface water and ground water are protected, and flooding and erosion potential are not increased.

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

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

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

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

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

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

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

(c) This regulation shall apply to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted in Section **1347**.01.

(d) Public entities, including the State of Ohio, Medina County, and the City of Medina shall comply with this regulation for linear projects within public rights-of-way (e.g. roadway and sidewalk projects).

(e) This regulation does not require a Comprehensive Stormwater Management Plan for linear construction projects, such as pipeline or utility line installation, that do not result in the installation of impervious surface as determined by the City Engineer. Such projects

must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of Chapter **1349** Erosion and Sediment Control.

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

(Ord. 96-25. Passed XX-XX-XX.)

1347.02 DEFINITIONS.

The definitions contained in Ohio Environmental Protection Agency ("Ohio EPA")'s Construction General Permit entitled "Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System" and Ohio EPA's Municipal Separate Storm Sewer (MS4) Permit entitled "Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Stormwater Under the National Pollutant Discharge Elimination System" 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:

(a) ACRE: A measurement of area equaling 43,560 square feet.

(b) 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.

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

(d) CITY: The City of Medina, its designated representatives, boards, or commissions.

(e) COMMUNITY: The City of Medina, its designated representatives, boards, or commissions.

(f) COMPREHENSIVE STORMWATER MANAGEMENT PLAN: The written document and plans meeting the requirements of this regulation that sets forth the plans and practices to minimize stormwater runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve stormwater quality and stream channels.

(g) CONSTRUCTION GENERAL PERMIT: The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of stormwater discharges associated with construction activities issued by Ohio EPA (Ohio EPA Permit #OHC000006 and its successors)

(h) CRITICAL STORM: A storm that is determined by calculating the percentage increase in volume of runoff by a proposed development area for the one (1) year twenty-four (24) hour event. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a developed site.

(i) 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.

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

(k) DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.

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

(m) 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.

(n) FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least eighty percent (80%) coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have been employed.

(o) GRADING: The process in which the topography of the surface of the land is altered to a new slope.

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

(q) LARGER COMMON PLAN OF DEVELOPMENT: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

(r) MAXIMUM EXTENT PRACTICABLE (MEP): The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Stormwater Phase II, must meet.

(s) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

(1) Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or

drainage districts, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into water resources; and

(2) Designed or used for collecting or conveying solely stormwater,

(3) Which is not a combined sewer, and

(4) Which is not a part of a publicly owned treatment works.

(t) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): 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.

(u) NONSTRUCTURAL STORMWATER CONTROL MEASURE (SCM): Any technique that uses natural processes and features to prevent or reduce the discharge of pollutants to water resources and control stormwater volume and rate.

(v) OHIO RAINWATER AND LAND DEVELOPMENT: Ohio's standards for stormwater management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.

(w) OWNER or OPERATOR: Any party associated with a construction project that meets either of the following two criteria:

(1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Stormwater Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions.)

(x) 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.

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

(z) 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.

(aa) PROFESSIONAL ENGINEER: A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.

(bb) REDEVELOPMENT: Sites that have been previously developed where no post construction SCMs were installed shall either ensure a twenty percent (20%) net reduction

of site impervious area, provide for treatment of at least twenty percent (20%) of the WQv, or a combination of the two (2). A one-for-one credit towards the twenty percent (20%) net reduction of impervious area can be obtained through the use of green roofs and/or pervious pavement. Where projects are a combination of new development and redevelopment, the total WQv that must be treated shall be calculated by a weighted average based on acreage with the new development at one hundred percent WQv and redevelopment at twenty percent (20%) WQv.

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

(dd) RIPARIAN AND WETLAND SETBACK: A designated transition area around water resources left in a natural, usually vegetated, state so as to protect the water resources from runoff pollution.

(ee) RUNOFF: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources.

(ff) SEDIMENT: The soils or other surface materials that can be transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

(gg) SEDIMENTATION: The deposition of sediment in water resources.

(hh) SITE OWNER or 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 construction site.

(ii) SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, increased stormwater quantity and/or decreased stormwater quality.

(jj) STABILIZATION: The use of Stormwater Control Measures that reduce or prevent soil erosion by stormwater runoff, trench dewatering, wind, ice, gravity, or a combination thereof.

(kk) STORMWATER: Defined at 40 CFR 122.26(b)(13) and means stormwater runoff, snow melt runoff and surface runoff and drainage.

(ll) STORMWATER CONTROL MEASURE (SCM): A structure or area designed to remove pollutants from stormwater and/or reduce stormwater flow rates. SCMs are a subset of Best Management Practices (BMPs) as defined in the Construction General Permit.

(mm) STRUCTURAL STORMWATER CONTROL MEASURE (SCM): Any constructed facility, structure, or device that prevents or reduces the discharge of pollutants to water resources and controls stormwater volume and rate.

(nn) SURFACE WATER OF THE STATE: Also Water Resource. Any stream, lake, reservoir, pond, marsh, wetland, or other waterway 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 Section 6111.01 of the Ohio Revised Code are not included.

(oo) TOTAL MAXIMUM DAILY LOAD (TMDL): The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water body, or water body segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensures attainment and maintenance of water quality standards.

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

(qq) WATER RESOURCE: Also SURFACE WATER OF THE STATE. Any stream, lake, reservoir, pond, marsh, wetland, or waterway 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 Section 6111.01 of the Ohio Revised Code are not included.

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

(ss) WATERSHED: The total drainage area contributing stormwater runoff to a single point.

(tt) 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).

(uu) WETLAND CONSULTANT: Individuals competent in the areas of botany, hydric soils and wetland hydrology that provide professional services or advice, and meet the education and professional experience requirements as required by the Society of Professional Wetland Scientists.

(Ord. 96-25. Passed XX-XX-XX.)

1347.03 DISCLAIMER OF LIABILITY.

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

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

(Ord. 96-25. Passed XX-XX-XX.)

1347.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this 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 of Medina, shall prevail.

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

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

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

(Ord. 96-25. Passed XX-XX-XX.)

1347.05 DEVELOPMENT OF COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) This regulation requires that a Comprehensive Stormwater Management Plan be developed and implemented for all commercial and industrial site development and 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, and on which any regulated activity of Section **1347**.01 (C) is proposed. The City Engineer reserves the right to require a comprehensive stormwater management plan on sites disturbing less than 1 acre.

(b) The City of Medina shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue such notices and orders

as may be necessary. The City of Medina may consult with the Medina County SWCD, state agencies, private engineers, stormwater districts, or other technical experts as necessary in reviewing the Comprehensive Stormwater Management Plan. Any and all fees or expenses incurred by the City of Medina to administer or enforce this ordinance shall be the responsibility of the owner.

(Ord. 96-25. Passed XX-XX-XX.)

1347.06 APPLICATION PROCEDURES.

(a) Pre-Application Meeting: The owner shall attend a Pre-Application Meeting, if required by the City of Medina Engineer or requested by the owner, to discuss the proposed project, review the requirements of this regulation, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.

(b) Preliminary Comprehensive Stormwater Management Plan: The owner shall submit two (2) sets of a Preliminary Comprehensive Stormwater Management Plan (Preliminary Plan) and the applicable fees to the City Finance Department. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, stormwater control facilities, and easements in sufficient detail and engineering analysis to allow the City Engineer to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed SCMs are capable of controlling runoff from the site in compliance with this regulation. The owner shall submit two (2) sets of the Preliminary Plan and applicable fees as follows:

(1) For subdivisions: In conjunction with the submission of the preliminary plat.

(2) For other construction projects where the development or redevelopment plan will result in the installation of impervious area, artificial turf or permeable pavement systems: In conjunction with the application for a building permit.

(3) For general clearing projects: Prior to commencement of any clearing/demolition activities or in conjunction with the application for a permit.

(c) Final Comprehensive Stormwater Management Plan: The owner shall submit two (2) sets of a Final Comprehensive Stormwater Management Plan (Final Plan) and the applicable fees to the Finance Department conjunction with the submittal of the preliminary plat and improvement plans. The Final Plan shall meet the requirements of Section **1347**.08 and shall be approved by the City Engineer prior to approval of the final plat and/or before issuance of a building permit by the Building Inspector.

(d) Review and Comment: The City Engineer shall review the Preliminary and Final Plans submitted, and shall approve or return for revisions with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.

(e) Approval Necessary: Land clearing and soil-disturbing activities shall not begin and building permits shall not be issued without an approved Comprehensive Stormwater Management Plan.

(f) Sublots Will Not Proceed: Comprehensive Stormwater Management Plans for individual sublots in a subdivision will not be approved and building permits will not be issued unless the larger common plan of development or sale containing the sublot is in compliance with this regulation.

(g) Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval or as stipulated in the Construction General Permit.

(Ord. 96-25. Passed XX-XX-XX.)

1347.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the owner of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Owners are required to show proof of compliance with these regulations before the City of Medina will issue a building or zoning permit.

(a) Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System (NPDES) Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the owner's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.

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

(c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(d) Section 404 of the Clean Water Act: If an Individual Permit is required for the development project, proof of compliance shall be a copy of the U.S. Army Corps of

Engineers Individual Permit application, public notice, or project approval. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

(1) A letter from the site owner certifying that a qualified Professional Wetland Consultant has surveyed the site and found no waters of the United States.

(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 of application of this regulation.

(e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Soil and Water Resources permit application tracking number, a copy of the project approval letter from the ODNR Division of Soil and Water Resources, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

(Ord. 96-25. Passed XX-XX-XX.)

1347.08 COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) Comprehensive Stormwater Management Plan Required. The applicant shall develop a Comprehensive Stormwater Management Plan describing how the quantity and quality of stormwater will be managed after construction is completed for every discharge from the site and/or into a water resource or small municipal separate storm sewer system (MS4). The Comprehensive Stormwater Management Plan must meet the requirements found in the Construction General Permit and these regulations:

(b) A pre-construction SWP3 review and approval of all projects from construction activities that result in a land disturbance of greater than or equal to one acre, and from construction activities which are part of a larger common plan of development or sale that will disturb one acre or more, to ensure that required post-construction controls are designed per requirements. An objective tool such as software or checklist shall be used to document each SWP3 review. Documentation of any communications regarding review and plan revisions shall be maintained.

(c) These applicable sites shall be inspected to ensure that controls are installed per requirements. An objective tool such as software or checklist shall be used to document each site inspection to ensure all conditions of OHC000006 are addressed.

(d) Preparation by Professional Engineer: The Comprehensive Stormwater Management Plan shall be prepared by a Registered Professional Engineer registered in the state of Ohio and include supporting calculations, plan sheets, and design details. To the extent necessary, as determined by the City Engineer, a site survey shall be performed by a Registered Professional Surveyor registered in the state of Ohio to establish boundary lines, measurements, or land surfaces.

(e) Community Procedures: The City Engineer shall prepare and maintain procedures providing specific criteria and guidance to be followed when designing the stormwater management system for the site. These procedures may be updated from time to time, at the discretion of the City Engineer based on improvements in engineering, science, monitoring, and local maintenance experience. The City Engineer shall make the final determination of whether the SCMs proposed in the Comprehensive Stormwater Management Plan meet the requirements of this regulation. The City Engineer may also maintain a list of acceptable SCMs that meet the criteria of this ordinance to be used in the City of Medina.

(f) Contents of the Comprehensive Stormwater Management Plan: The Comprehensive Stormwater Management Plan must contain all elements and meet all requirements specified in the Construction General Permit and the following requirements: (Where there are conflicts the most restrictive provisions, as determined by the City of Medina shall prevail)

(1) Location Information: The application shall note the phase, if applicable, of the overall development plan and list sublot numbers if project is a subdivision.

(2) Site maps and SCM design plans: It is preferred that all SCMs and the entire site be shown on one plan sheet to allow a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided. Existing and proposed drainage patterns and any relevant offsite SCMs should be depicted. For each SCM, include the following:

a. An individual identification number.

b. Location and size, including detail drawings, maintenance requirements during and after construction, and design calculations, all where applicable.

c. Final site conditions and detail drawings of stormwater inlets and permanent SCMs. Details of SCMs shall be drawn to scale and shall show relevant volumes, elevations and sizes of contributing drainage areas.

d. A completed Ohio EPA WQv Calculator Spreadsheet and/or Runoff Reduction Spreadsheet or other equivalent compliance tools provided by Ohio EPA.

e. Any other structural and/or non-structural SCMs necessary to meet the design criteria in this regulation and any supplemental information requested by the City Engineer.

(3) Required Calculations: The applicant shall submit calculations for projected stormwater runoff flows, volumes, and timing into and through all SCMs for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and its floodplain. These submittals shall be completed for both pre- and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. The applicant shall also include critical storm determination and demonstrate that the runoff

from offsite areas have been considered in the calculations. For each SCM, identify the drainage area and size in acres, percent impervious cover within the drainage area, volumetric runoff coefficient, peak discharge, and the time of concentration for each subwatershed. Pervious and impervious areas should be treated as separate subwatersheds unless allowed at the discretion of the City Engineer. Identify the SCM surface area, discharge and dewatering time, outlet type and dimensions.

(4) An Inspection and Maintenance Agreement: Binding on the owner and all subsequent owners of lands served by the system of SCMs designed for the site. Such Agreements between the City and the Owner shall be stand-alone documents, shall include all post-construction SCMs, shall be recorded with the deed of the property(s) within the site, and shall provide and stipulate the following:

A. The location of each SCM, including those SCMs permitted to be located in, or within fifty (50) feet of, water resources and identification of the drainage area served by each SCM.

B. The method of funding long-term maintenance and inspections of all SCMs.

C. Features of the design that facilitate maintenance of the practice. Include a plan for providing an area for dewatering of dredged sediment, or the need to truck sediment directly from the site.

D. A schedule for regular maintenance for each aspect of the stormwater management system and description of routine and non-routine maintenance tasks to ensure continued performance of the system as is detailed in the approved Comprehensive Stormwater Management Plan. This schedule may include additional standards, as required by the City Engineer, to ensure continued performance of SCMs permitted to be located in, or within fifty (50) feet of, water resources.

E. Additional standards, as required by the City Engineer, to ensure continual performance of stormwater management practices permitted to be located in, or within fifty (50) feet of, water resources.

F. Identification of the landowner(s), organization, or entity responsible for long-term maintenance, including repairs, of the SCMs.

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

H. The landowner(s), organization, or municipality shall maintain SCMs in accordance with this regulation.

I. A prohibition on alteration of the practice without prior written approval from the City Engineer.

J. The location and documentation of all access and maintenance easements on the property that allows the City of Medina access to the SCM at reasonable times for inspections to document the condition of the practice and to ensure it is functioning as originally designed and approved.

K. Permission for City of Medina to enter upon the property and take whatever action is deemed necessary to maintain facilities that do not perform as specified in the Inspection and Maintenance Agreement, and to be reimbursed by the property owner(s) served by the facility for all expenses incurred within ten (10) days of receipt of invoice from the City of Medina.

L. A release of the City of Medina from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against said parties from the construction, presence, existence, or maintenance of the SCMs.

M. Alteration or termination of these stipulations is prohibited. The applicant owner must provide a draft of this Inspection and Maintenance Agreement as part of the Comprehensive Stormwater Management Plan submittal. Once a draft is approved, the City Engineer will submit the final version to City Council for approval. Once approved by Council, the City will cause the agreement to be recorded. Once it is recorded, the City will complete final inspection approval of the site.

N. Annual Inspection. There will be an annual inspection of all SCMs indicated in the CSWM. A SCM, in this case, shall be considered all stormwater facilities used for the purpose of water quality as decided upon by the City Engineer. Examples of SCMs requiring annual inspections are wet ponds, dry ponds, sand filters, bio-swales, and constructed wetlands. The City Engineer may require inspections to be performed more regularly if deemed necessary.

1. The landowner(s) or organization shall use a stormwater certified person (e.g., P.E., CESSWI, CPESC), as approved by the City Engineer, for annual stormwater inspections.

2. The Stormwater Inspector shall use the SCM checklists available from the City Engineer.

3. It is deemed a violation of this Section if the City does not receive the annual inspection report before August 1 of each year. In such an event, the City has the authority to enter upon the property to conduct any inspections as necessary to verify that the SCMs are being operated and maintained in accordance with this Chapter and charge the responsible party accordingly. Any accounts that are over thirty (30) days delinquent may be certified to the County Auditor, who shall then place the same on the tax duplicate of the County, with interest as allowed by law, to be collected as taxes are collected.

O. Annual Report. Following the annual inspection, the landowner(s) or organization shall submit an annual stormwater report to the City Engineer. This report shall contain the following:

1. The annual inspection form by a stormwater certified person;

2. Listing of all corrective actions coming from the annual inspection listed as either high priority or normal priority;

3. Records of all regular maintenance performed throughout the year;

4. Records of normal priority corrective actions from the previous year;

5. Contact information of party submitting report.

6. The City shall maintain public records of these annual stormwater reports for a period of five (5) years.

7. The City Engineer, or his designated appointee, will inspect all SCMs every five (5) years to ensure the integrity of the annual inspections.

P. Corrective Actions. Corrective actions created by the annual inspection report shall be listed as either high priority or normal priority.

1. High priority items shall be corrected within three (3) months of the date of the inspection report unless allowed further time by the City Engineer. The certified Stormwater Inspector shall submit a letter to the City Engineer when any high priority item is completed so that the City Engineer can personally inspect.

2. Normal priority items shall be corrected before the next annual inspection and will be listed in the next annual stormwater report.

3. The City is authorized to enter upon the property and to perform the corrective actions identified in the inspection report if the landowner(s) or organization responsible for maintenance does not make the required corrections in the specified time period. In addition to any other penalty provided for in this Chapter, the City shall be reimbursed by the landowner(s) or organization responsible for maintenance for all expenses incurred within ten days of receipt of invoice from the City.

(5) Inspection and Maintenance Plan: This plan will meet the requirements of the Construction General Permit and will be developed by the applicant and reviewed by the City Engineer. Maintenance requirements of each SCM during and after construction should be included. Once the Inspection and Maintenance Plan is approved, a recorded copy of the plan must be provided to the property owner or association that will be responsible for long-term operations and maintenance of the BMP and submitted to the City Engineer as part of the final inspection approval as described in **1347.**12.

(6) List of all contractors and subcontractors before construction: Prior to construction or before the preconstruction meeting, provide the list of all contractors and subcontractors and their names, addresses, and phones involved with the implementation of the Comprehensive Stormwater Management Plan including a written document containing signatures of all parties as proof of acknowledgment that they have reviewed and understand the requirements and responsibilities of the Comprehensive Stormwater Management Plan.

(Ord. 96-25. Passed XX-XX-XX.)

1347.09 PERFORMANCE STANDARDS.

(a) Stormwater Design General Information. No person shall develop any real property or connect or cause to be connected any building or other structure, either directly or indirectly, with a drain for the removal of surface, roof, ground or other water to be discharged into a ditch, swale, waterway, stream or an existing storm drainage system for such real property, without complying with the performance standards and paying the charges set forth in this chapter.

(b) General: All components of the stormwater system, including SCMs for storage, treatment and control, and conveyance facilities, shall be designed to prevent structure flooding during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns, flows, and volumes; to meet the requirements of the Construction General Permit; and to meet the following criteria:

(1) Integrated practices that minimize degradation of water resources. The SCMs shall function as an integrated system that controls flooding and minimizes the degradation of the physical, biological, and chemical integrity of the water resources receiving stormwater discharges from the site. Acceptable SCMs shall:

A. Not disturb riparian areas, unless the disturbance is intended to support a watercourse restoration project.

B. Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable. Where feasible, bioretention, permeable pavement with infiltration, underground storage with infiltration, infiltration trenches, infiltration basins, and/or rainwater harvesting must be the water quality SCMs used. Separate SCMs may be used for peak discharge control and water quality treatment.

C. Only install new impervious surfaces and compact soils where necessary to support the future land use.

D. Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing stormwater peak flows to less than predevelopment levels.

E. Be designed according to the methodology included in the most current edition of the Ohio *Rainwater and Land Development* manual or another design manual acceptable for use by the City and Ohio EPA. SCMs that meet the criteria in this regulation, and additional criteria required by the City Engineer, shall comply with this regulation. Owners may propose alternative practices if they demonstrate to the satisfaction of the City Engineer and Ohio EPA that these practices also meet the above criteria.

(2) SCMs designed for final use: SCMs shall be designed to achieve the stormwater management objectives of this regulation, to be compatible with the proposed post-construction use of the site, to protect the public health, safety, and welfare, and to function safely with routine maintenance.

(3) Stormwater management for all lots: Areas developed for a subdivision, as defined in the Codified Ordinances of the City of Medina, Part Eleven, Title Three – Subdivision

Regulations, shall provide stormwater management and water quality controls for the development of all subdivided lots. This shall include provisions for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm; and maintain, to the extent practicable, the pre-development runoff patterns, volumes, and peaks from each lot.

(4) Stormwater facilities in water resources: SCMs shall not be constructed in water resources unless the owner obtains all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies, and the activity is in compliance with Chapter **1349** Erosion and Sediment control requirements and the City of Medina's riparian setback requirements, all as determined by the City Engineer.

(5) Stormwater facilities in the floodplain: Stormwater facilities constructed, manufactured or otherwise, that provide treatment of the water quality volume, detention, retention, and/or infiltration, and all related activities, shall not be constructed in any special flood hazard area, as defined in Chapter 1379 Flood Damage Regulations.

(6) Stormwater ponds and surface conveyance channels: All stormwater pond and surface conveyance designs must provide a minimum of one (1) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. When designing stormwater ponds and conveyance channels, the owner shall consider public safety as a design factor and alternative designs must be implemented where site limitations would preclude a safe design.

(7) Exemption: The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section **1347**.09 if it can be shown to the satisfaction of the City Engineer that the site is part of a larger common plan of development where the stormwater management requirements for the site are provided by an existing SCM, or if the stormwater management requirements for the site are provided by practices defined in a regional or local stormwater management plan approved by the City Engineer.

(8) Maintenance: All SCMs shall be maintained in accordance with the Inspection and Maintenance Plan and Agreements approved by the City Engineer as detailed in Section **1347**.08.

(9) Ownership: Unless otherwise required by the City of Medina, SCMs serving multiple lots in subdivisions shall be on a separate lot held and maintained by an entity of common ownership or, if compensated by the property owners, by the City of Medina. SCMs serving single lots shall be placed on these lots, protected within an easement, and maintained by the property owner.

(10) Agreements with Sub-dividers or Developers: A sub-divider or developer shall be required to construct an on-site SCM for the purposes of water quality and water retention approved by the City Engineer. The combination of stormwater quality and quantity requirements for two or more developments may be placed into one detention basin to be located at a strategic site given that a separate agreement with all parties is developed. The City shall enter into an agreement with the sub-divider or developer, to be approved by Council, containing the following conditions:

A. The sub-divider of a major subdivision shall require the formation of a homeowners' association, which shall assume responsibility for all maintenance, upkeep, repair, replacement and management of the SCM. In other developments, the sub-divider or developer shall make provisions acceptable to the City for maintenance of the SCM area as stated in Section **1347**.11. Easements shall be granted to the City for access to and maintenance of the stormwater management area.

B. If more than one development is to use a single SCM, a separate association of all members using that SCM shall be formed. This association will be held responsible for all future maintenance and repairs of the SCM as stated in this Chapter.

C. The sub-divider or developer shall be exempt from the application of this Section only if authorized by the City Engineer.

D. Where a sub-divider or developer is exempt from the provisions of this Section, that sub-divider or developer shall comply with and pay fees in accordance with this Chapter, governing subdivisions and development prior to the effective date of this Section.

E. All SCMs will be placed within blocks and/or easements to allow City access (See Section **1347**.11).

(11) Preservation of Existing Natural Drainage. SCMs that preserve and/or improve the existing natural drainage shall be used to the maximum extent practicable. Such SCMs may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and 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 and grubbing practices; and maintaining unconcentrated stormwater runoff to and through these areas. Postconstruction stormwater practices shall provide perpetual management of runoff quality and quantity so that a receiving stream's physical, chemical and biological characteristics are protected and ecological functions are maintained.

(12) Preservation of Wetland Hydrology: Concentrated stormwater runoff from SCMs to wetlands shall be converted to diffuse flow before the runoff enters a wetland(s) in order to protect the natural hydrology, hydroperiod, and wetland flora. The flow shall be released such that no erosion occurs down slope. SCMs such as level spreaders, vegetative buffers, infiltration basins, conservation of forest covers, and the preservation of intermittent streams, depressions, and drainage corridors may be used to maintain the wetland hydrology.

If the owner proposes to discharge to natural wetlands, a hydrological analysis shall be performed to demonstrate that the proposed discharge matches the pre-development hydroperiods and hydrodynamics.

(12) Soil Preservation and Post-Construction Soil Restoration: Except for areas that will be covered by impervious surface or have been incorporated into an SCM, the soil moisture-holding capacity of areas that have been cleared and graded must be restored to that of the original, undisturbed soil to the maximum extent practicable. Areas that have

been compacted or had the topsoil or duff layer removed should be amended using the soil profile restoration design criteria in the *Rainwater and Land Development* manual.

(c) Stormwater Conveyance Design Criteria: All SCMs shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to:

(1) Stream/storm sewer discharge. The stormwater facility (storm sewer main or natural watercourse) that will convey the discharge from the site shall be analyzed to determine if it is capable of conveying the additional storm sewer discharge from the site of a 100-year/24-hour storm. If the designated outlet is not capable of conveying the discharge from the site during the 100-year/24-hour storm, then additional storage must be placed onsite to store the additional volume for a period of forty-eight (48) hours.

(2) Surface water protection: The City Engineer may allow modification to streams, rivers, lakes, wetlands or other surface waters only if the owner shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies and the activity is in compliance with Chapter **1349** Erosion and Sediment Control and any City of Medina riparian setback requirements that may be in effect, all as determined by the City Engineer.

(3) Off-site stormwater discharges: Off-site stormwater runoff that discharges to or across the owner's development site shall be conveyed through the stormwater conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around stormwater quality control facilities or, if this is not possible, the stormwater quality control facility shall be sized to treat the off-site flow. Comprehensive Stormwater Management Plans will not be approved until it is demonstrated to the satisfaction of the City Engineer that off-site runoff will be adequately conveyed through the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.

(4) Sheet flow. The site shall be graded in a manner that maintains sheet flow over as large an area as possible. The maximum area of sheet flow shall be determined based on the slope, the uniformity of site grading, and the use of easements or other legally-binding mechanisms that prohibit re-grading and/or the placement of structures within sheet flow areas. Flow shall be directed into an open channel, storm sewer, or other SCM from areas too long and/or too large to maintain sheet flow, all as determined by the City Engineer.

(5) Open channels: Unless otherwise allowed by the City Engineer, drainage tributary to SCMs shall be provided by an open channel with landscaped banks and designed to carry within these banks the ten (10) year, twenty-four (24) hour stormwater runoff from upstream contributory areas.

(6) Drainage systems: Open drainage systems shall be preferred on all new development sites to convey stormwater where feasible. Storm Sewer systems shall be allowed to augment open drainage systems, such as to limit depth of roadside or conveyance ditches. The following criteria shall be used to design storm sewer systems when necessary.

A. Storm sewer design flow shall be based on the Rational Method. Storm sewers shall be designed such that they do not surcharge from runoff caused by the 10 - year, 24 - hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway, whichever is more restrictive during a 25 - year, 24 - hour storm. The system shall be designed to meet these requirements when conveying the flows from the contributing area within the proposed development and existing flows from offsite areas that are upstream from the development. These calculations will be reviewed and approved by the City Engineer prior to design acceptance. Rainfall data shall be obtained from the latest volume of the NOAA Rainfall ATLAS 14 or per Table 1. Runoff coefficients shall be per Table 2.

Table 1 – Rainfall per Storm Frequency

24-Hour Storm (year)	**Rainfall (in.)**
2 (50% storm)	2.47
5 (20% storm)	3.06
10 (10% storm)	3.55
25 (4% storm)	4.27
50 (2% storm)	4.87
100 (1% storm)	5.51

Table 2 - Rational Method Runoff Coefficients (C) for City of Medina

Cover Type and Hydrologic Condition	Average percent impervious area	Runoff Coefficients for Hydrologic Soil Groups			
		A	B	C	D
Fully developed urban areas (vegetation established)					
Impervious areas: Paved parking lots, roofs, driveways, etc. (excluding unpaved right-of-way)		0.94	0.94	0.94	0.94
Open space (lawns, parks, golf courses, cemeteries, etc.)					
Poor condition (grass cover, 50%)		0.29	0.48	0.63	0.70
Fair condition (grass cover 50% to 75%)		0.07	0.30	0.48	0.58
Good condition (grass cover >75%)		NA	0.19	0.39	0.50
Commercial and businesses (TND – TC)	85	0.70	0.77	0.83	0.85
Industrial	72	0.52	0.67	0.75	0.80
Residential Districts by Average Lot Size:					
Multi-family	80	0.63	0.75	0.80	0.83
1/12 to 1/6 acre lots	75	0.56	0.70	0.77	0.83
1/8 acre	65	0.44	0.60	0.72	0.77
¼ acre	38	0.19	0.40	0.56	0.65
½ acre	25	0.11	0.32	0.50	0.60
1 acre	20	0.08	0.29	0.48	0.58
Undeveloped or agricultural lands					
Cultivated Land:					
Without conservation treatment		0.35	0.52	0.67	0.75
With conservation treatment		0.21	0.34	0.46	0.52

Pasture, grassland, or range – continuous forage for grazing	Hydrologic condition:				
	Poor	0.29	0.48	0.63	0.70
	Fair	0.07	0.30	0.48	0.58
	Good	NA	0.19	0.39	0.50
Meadow – continuous grass, protected from grazing and generally mowed for hay	--	NA	0.16	0.34	0.46
Brush – brush-weed-grass mixture with brush the major element	Poor	0.06	0.27	0.44	0.56
	Fair	NA	0.13	0.32	0.44
	Good	NA	0.06	0.25	0.37
Woods	Poor	0.04	0.26	0.44	0.56
	Fair	NA	0.18	0.37	0.48
	Good	NA	0.12	0.32	0.44
Farmsteads – buildings, lanes, driveways, and surrounding lots	--	0.17	0.39	0.54	0.63

B. Rainfall intensity will be calculated using the equation $i = a/(t+b)^c$

Where:

i = Rainfall intensity (in./hour)

t = Time of concentration (minutes)

Refer to Ohio Department of Transportation's Location & Design Manual, Volume 2 (or latest edition) Drainage Design, Figure 1101-2 for Rainfall Intensity Constants (a, b & c). The maximum slope allowable shall be a slope that produces no less than 2.5-fps and no more than a 10-fps velocity within the pipe barrel under design flow conditions.

C. The minimum inside diameter of pipe to be used in public storm sewer systems is twelve (12) inches. Smaller pipe sizes may be used in private systems, subject to the approval of the City Engineer.

D. All stormwater conveyance systems shall be designed taking into consideration the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency. The hydraulic grade line for the storm sewer system shall be computed with consideration for the energy losses associated with

entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.

E. Catch basin design spread calculations shall be submitted to the City Engineer for review to determine catch basin spacing and sizing. At a minimum, there shall be at least one total clear lane during a twenty-five (25) year, twenty-four (24) hour storm.

F. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize the incidence of quiescent standing water where mosquitoes may breed.

G. Headwalls shall be required at all storm sewer inlets or outlets to and from open channels or lakes.

H. Outlets discharging into an open-water conveyance structure shall have an invert at a minimum of three (3) inches above the average water depth during the snow-melt season.

I. The flood elevation for a 100 year, twenty-four (24) hour storm must be a minimum of ten feet away horizontally from the perimeter of any homes within the new subdivision, nor cause any home flooding to adjacent neighboring properties, and shall be at least two feet below the finished grade elevation of any livable structure.

J. All storm sewer outlets from a subdivision must flow either into a public storm sewer, stream of the State, or a major ditch unless authorized by the City Engineer.

K. The maximum distance for sheet flow shall be 300 feet before entering a storm structure. Except, that the maximum overland drainage area tributary to the storm structure shall be no greater than one and one-half (1.5) acres.

(7) Water Resource Crossings. The following criteria shall be used to design structures that cross a water resource within the City of Medina:

A. Water resource crossings other than bridges shall be designed to convey the stream's flow for the minimum 10-year, 24-hour storm or as indicated by the City Engineer. The maximum allowable headwater elevation for such a storm shall be twelve (12) inches below the pavement crown elevation. Water crossings carrying receiving waters located near upstream City borders shall convey no more flow than currently designed to carry unless directed by the City Engineer.

B. Bridges, open bottom arch or spans are the preferred crossing technique and shall be considered in the planning phase of the development. Bridges and open spans should be considered for all State Scenic Rivers, coldwater habitat, exceptional warmwater habitat, seasonal salmonid habitat streams, and Class III headwater streams. The footers or piers for these bridges and open spans shall not be constructed below the ordinary high water mark.

C. If a culvert or other closed bottom crossing is used, twenty-five percent (25%) of the cross-sectional area or a minimum of one (1) foot of box culverts and pipe arches must

be embedded below the channel bed. The conduit or conveyance must be sized to carry the 25-year storm under these conditions.

D. The minimum inside diameter of pipes to be used for crossings shall be twelve (12) inches.

E. The maximum slope allowable shall be a slope that produces a ten (10) fps velocity within the culvert barrel. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.

F. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency.

G. Headwalls shall be required at all culvert inlets or outlets to and from open channels or lakes.

H. Streams with a drainage area of five (5) square miles or larger should incorporate floodplain culverts at the bankfull elevation to restrict the rise in headwater elevation upstream of the culvert to no more than one (1) foot during the 100-year, 24-hour storm.

I. Bridges shall be designed such that the hydraulic profile through a bridge shall be below the bottom chord of the bridge for either the 100-year, 24-hour storm, or the 100-year flood elevation as determined by FEMA, whichever is more restrictive. For replacement bridges, if these criteria cannot be achieved, match the existing headwater for a bridge replacement for the design storm and the 100-year flood elevation storm to the maximum extent practicable. If there is an increase in headwater, determine the upstream impacts.

(8) Overland flooding: Overland flood routing paths shall be used to convey stormwater runoff from the 100-year, 24-hour storm event to an adequate receiving water resource or SCM such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak 100-year water surface elevation along flood routing paths shall be at least one foot below the finished grade elevation of all structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.

(9) Compensatory flood storage mitigation: In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations, any filling within floodplains approved by the City of Medina must be compensated by providing an equivalent storage volume. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Consideration will also be given to enlarging existing or proposed retention basins to compensate for floodplain fill if justified by a hydraulic analysis of the contributing watershed. Unless otherwise permitted by the City of Medina, reductions in volume due to floodplain fills must be mitigated within the legal boundaries of the development. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes

adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited.

(10) Velocity dissipation: Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected.

(d) Stormwater Quality Control: The site shall be designed to direct runoff to one or more SCMs that meet or exceed the criteria in the Construction General Permit. For infiltration-based post-construction SCMs listed in Table 4b of the Construction General Permit, the SWP3 shall demonstrate the design infiltration rate values are derived from site-specific measurements obtained through field tests of the in-situ soil for practices designed to infiltrate the WQv.

(e) Stormwater Quantity Control: The Comprehensive Stormwater Management Plan shall describe how the proposed SCMs are designed to meet the following requirements for stormwater quantity control for each watershed in the development:

(1) The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under postdevelopment conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.

(2) Developers or sub-dividers shall include in their preliminary plans a local watershed study to determine the impact from the development or subdivision caused by stormwater onto the lands adjoining or downstream from the area to be developed, to assure that said lands shall not be adversely affected by the proposed development or subdivision.

(3) Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.

(4) The Critical Storm for each specific development drainage area shall be determined as follows:

A. Determine, using a curve number-based hydrologic method or other hydrologic method approved by the City Engineer, the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development site area only before and after development. These calculations shall meet the following standards:

1. Calculations shall include the lot coverage assumptions used for full build out as proposed.

2. Calculations shall be based on the entire contributing watershed to the development area.

3. Model pervious, directly connected impervious and disconnected impervious areas as separate subwatersheds.

4. Drainage area maps shall include area, curve number, time of concentrations. Time of concentration shall also show the flow path and the separation in flow type.

5. Use the Precipitation-Frequency Atlas of the United States, NOAA Atlas 14, Vol 2(3) or per Table 1 for rainfall depth data for stormwater design.

6. Temporal Distribution - Use the SCS Type II rainfall distribution for all design events with a recurrence interval greater than 1 year. Include lot coverage assumptions used for full build out of the proposed condition.

7. Curve numbers for the pre-development condition must reflect the average type of land use over the past 10 years and not only the current land use. Curve Numbers shall conform to the National Engineering Handbook Table 9-1.

i. Pre-development Curve Numbers – For wooded or brushy areas, use listed values from TR-55 NRCS USDA Urban Hydrology for Small Watersheds, 1986 in good hydrologic condition. For meadows, use listed values. For all other areas (including all types of agriculture), use pasture, grassland, or range in good hydrologic condition.

ii. Post-development Curve Numbers - Open space areas shall use post-construction hydrologic soil groups from the *Rainwater and Land Development* manual unless the soil is amended using the soil profile restoration design criteria in the *Rainwater and Land Development* manual. All undisturbed areas or open space with amended soils shall be treated as "open space in good condition."

8. Time of Concentration - Use velocity-based methods from (TR-55 NRCS USDA Urban Hydrology in Small Watersheds, 1986) to estimate travel time (Tt) for overland (sheet) flow, shallow concentrated flow and channel flow.

i. Maximum sheet flow length is 300 feet.

ii. Use the appropriate "unpaved" velocity equation for shallow concentrated flow from the Soil Conservation Service National Engineer Handbook Section 4 – Hydrology (NEH-4).

9. The volume reduction provided by permeable pavement, bioretention, or other LID SCMs may be subtracted from the post development stormwater volume. Volume reductions for these practices may be demonstrated using methods outlined in the Ohio *Rainwater and Land Development* manual or a hydrologic model acceptable to the City Engineer.

10. To account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways, regardless of the surface proposed in the site description except in instances of engineered permeable pavement systems.

B. From the volume determined in Section **1347**.09, determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical Storm from Table 3.

Table 3: 24-Hour Critical Storm

If the Percentage of Increase in Volume of Runoff is:		**The Critical Storm will be:**
Equal to or Greater Than:	And Less Than:	
----	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year
250	500	50 year
500	----	100 year
For example, if the percent increase between the pre- and post-development runoff volume for a 1-year storm is 35%, the Critical Storm is a 5-year storm. The peak discharge rate of runoff for all storms up to this frequency shall be controlled so as not to exceed the peak discharge rate from the 1-year frequency storm under pre-development conditions in the development drainage area. The post-development runoff from all less frequent storms need only be controlled to meet pre-development peak discharge rates for each of those same storms.		

(f) Stormwater Management for Previously Developed Areas.

(1) SCMs on previously developed sites must meet the criteria in the Construction General Permit.

(Ord. 96-25. Passed XX-XX-XX.)

1347.10 ALTERNATIVE ACTIONS.

When the City of Medina determines that site constraints compromise the intent of this regulation, off-site alternatives may be used that result in an improvement of water quality and a reduction of stormwater quantity. Such alternatives shall meet the standards in the Construction General Permit and shall achieve the same level of stormwater quantity control that would be achieved by the on-site controls required under this regulation. The City Engineer may require proof of Ohio EPA review and approval for any alternative action proposed.

(Ord. XX-XXXX. Passed XX-XX-XX.)

1347.11 EASEMENTS.

Access to SCMs as required by the City Engineer for inspections shall be secured by easements. The following conditions shall apply to all easements:

(a) Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Stormwater Management Plan.

(b) Easements shall be approved by the City of Medina prior to approval of a final plat and shall be recorded with the Medina County Auditor and on all property deeds.

(c) Unless otherwise required by the City Engineer, access easements between a public right-of-way and all SCMs shall be no less than 25-feet wide. The easement shall also incorporate the entire SCM plus an additional 25-foot wide band around the perimeter of the SCMs.

(d) The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance Agreement for the site.

(e) Easements to structural SCMs shall be restricted against the planting in said easement of trees, shrubbery, or other woody growth; against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of stormwater and the passage of inspectors and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City of Medina. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City of Medina at the property owners' expense. Grading and/or obstructions that is/are revised or removed may not be returned to original condition or configurations if determined by the City of Medina to be an obstruction to the operation and maintenance of the stormwater facility.

(Ord. 96-25. Passed XX-XX-XX.)

1347.12 MAINTENANCE AND FINAL INSPECTION APPROVAL.

To receive final inspection and acceptance of any project, the following must be completed by the owner and provided to the City Engineer:

(a) Final stabilization and all permanent SCMs must be installed and made functional, as determined by the City Engineer and per the approved Comprehensive Stormwater Management Plan.

(b) An As-Built Survey must be certified (sealed, signed and dated) by a Professional Engineer with a statement certifying that the stormwater control measures as designed and installed, meet the requirements of the Comprehensive Stormwater Management Plan approved by the City Engineer. In evaluating this certification, the City Engineer may require the submission of a new set of stormwater practice calculations if he/she determines that the design was altered significantly from the approved Comprehensive Stormwater Management Plan. The As Built Survey must provide the location, dimensions, and bearing of such SCMs and include the entity responsible for long-term maintenance as detailed in the Inspection and Maintenance Agreement.

(Ord. 96-25. Passed XX-XX-XX.)

1347.13 ON-GOING INSPECTIONS.

The owner shall inspect SCMs regularly as described in the Inspection and Maintenance Plan and Inspection and Maintenance Agreement. The City has the authority to enter upon the property to conduct inspections as necessary, with prior notification of the property owner, to verify that the SCMs are being maintained and operated in accordance with this regulation. Upon finding a malfunction or other need for maintenance, the City of Medina shall provide written notification to the responsible party, as detailed in the Inspection and Maintenance Agreement, of the need for maintenance. Upon notification, the responsible party shall have ten (10) working days, or other mutually agreed upon time, to make repairs or submit a plan with detailed action items and established timelines. Should repairs not be made within this time, or a plan approved by the City Engineer for these repairs not be in place, the City of Medina may undertake the necessary repairs and assess the responsible party.

(Ord. 96-25. Passed XX-XX-XX.)

1347.14 FEES.

The Comprehensive Stormwater Management Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City of Medina before the review process begins. The fees shall be as follows:

Individual Residential Lots and Duplexes	$250
Commercial Abbreviated Stormwater Pollution Prevention Plan (SWP3)	$750
Commercial Full Stormwater Pollution Prevention Plan (SWP3)	$2,500

(Ord. 96-25. Passed XX-XX-XX.)

1347.15 BOND.

(a) If a Stormwater Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a performance guarantee (cash, bond or letter of credit) of one thousand five hundred dollars ($1,500)/acre disturbed, has been deposited with the City of Medina. This Bond shall only be required if the proposed work is not covered by other engineering Bonds securing the same improvements, in an amount equal to or greater than the bonding rate presented above, have been deposited with the City of Medina. This bonding instrument must be in a form acceptable to the Law Director and shall be posted for the benefit of the City of Medina to perform the obligations otherwise to be performed by the owner as stated in this regulation and to allow all work to be performed as needed in the event that the owner fails to comply with the provisions of this regulation. No project subject to this regulation shall commence without a Stormwater Management Plan approved by the City Engineer. The stormwater bond will be returned when the following three criteria are met:

(1) After eighty percent (80%) of the lots of the project have been complete or eighty percent (80%) of the total project has been permanently stabilized from the time of permanent stabilization have passed.

(2) The City Engineer conducts an as-built inspection of all water quality practices and issues final acceptance that the water quality practices have been constructed per the approved Plan.

(3) An Inspection and Maintenance Plan has been approved by the City and an Inspection and Maintenance Agreement signed by the developer, the contractor, the City of Medina, and the private owner or homeowners association who will take long-term responsibility for these SCMs, is accepted by the City Engineer.

(b) Once these criteria are met, the owner shall be reimbursed all bond monies that were not used for any part of the project. If all of these criteria are not met after three years of permanent stabilization of the site, the City of Medina may use the bond monies to fix

any outstanding issues with all water quality structures on the site and the remainder of the bond shall be given to the private lot owner/ homeowners association for the purpose of long term maintenance of the project.

(Ord. 96-25. Passed XX-XX-XX.)

1347.16 INSTALLATION OF WATER QUALITY BEST MANAGEMENT PRACTICES.

The owner may not direct runoff through any water quality structures until the site has reached final stabilization as determined by the City Engineer. This is required to prevent the clogging of any of the constructed facilities with sediment due to erosion from un-stabilized areas. This occurs after the completion of the final grade at the site, after all of the utilities are installed, and the site is subsequently stabilized with vegetation or other appropriate methods. The developer must provide documentation acceptable to the City Engineer to demonstrate that the site is completely stabilized. Upon this proof of compliance, the water quality structure(s) may be completed and placed into service. Upon completion of installation of these SCMs, all disturbed areas and/or exposed soils caused by the installation of these SCMs must be stabilized within two (2) days.

(Ord. 96-25. Passed XX-XX-XX.)

1348.17 VIOLATIONS.

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

(Ord. 96-25. Passed XX-XX-XX.)

1347.18 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the **City of Medina** in relation to this regulation may appeal to the **Board of Zoning Appeals.** Such an appeal shall be made in conformity with **Ohio Revised Code section** 2506. Written notice of appeal shall be served on the **City of Medina.**

(Ord. 96-25. Passed XX-XX-XX.)

1347.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation 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 sixty (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 of Medina 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 regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Medina.

(Ord. 96-25. Passed XX-XX-XX.)

CHAPTER **1349**
Erosion and Sediment Control

CROSS REFERENCES

Stormwater Management - see Ch. **1347**

Illicit Discharge and Illegal Connection Control – see Ch. 1351

1349.01 PURPOSE AND SCOPE.

(a) The purpose of this regulation 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 will promote and maintain the health and safety of the citizens of City of Medina:

(b) This regulation will:

(1) Allow development while minimizing increases in erosion and sedimentation.

(2) Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.

(c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in Section **1349**.01(d).

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

(Ord. 96-25. Passed XX-XX-XX.)

1349.02 DEFINITIONS.

The definitions contained in Ohio Environmental Protection Agency ("Ohio EPA")'s Construction General Permit entitled "Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System" 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:

(a) ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (ABBREVIATED SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

(b) ACRE: A measurement of area equaling 43,560 square feet.

(c) ADMINISTRATOR: The person or entity having the responsibility and duty of administering and ensuring compliance with this regulation.

(d) COMMENCEMENT OF CONSTRUCTION: The initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.

(e) COMMUNITY: Throughout this regulation, this shall refer to City of Medina, its designated representatives, boards, or commissions.

(f) CONSTRUCTION ENTRANCE: The permitted points of ingress and egress to development areas regulated under this regulation.

(g) CONSTRUCTION GENERAL PERMIT: The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of stormwater discharges associated with construction activities issued by Ohio EPA (Ohio EPA Permit#OHC000006 and its successors)

(h) 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.

(i) 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.

(j) DEWATERING VOLUME: See current Ohio *Rainwater and Land Development* manual.

(k) DISCHARGE: The addition of any pollutant to surface waters of the state from a point source.

(l) DISTURBANCE: Any clearing, grading, excavating, filling, or other alteration of land surface where natural or manmade cover is destroyed in a manner that exposes the underlying soils.

(m) 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.

(n) 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.

(o) DRAINAGE WAY: A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.

(p) 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.

(q) 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.

(r) FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least eighty percent (80%) coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of, and all trapped sediment is permanently stabilized to prevent further erosion. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs).

(s) GRADING: The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

(t) GRUBBING: Removing or grinding of roots, stumps and other unwanted material below existing grade.

(u) IMPERVIOUS: That which does not allow infiltration.

(v) LANDSCAPE ARCHITECT: A Registered Professional Landscape Architect whom is registered in the State of Ohio.

(w) 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.

(x) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

(1) Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act that discharges into surface waters of the state; and

(2) Designed or used for collecting or conveying solely stormwater,

(3) Which is not a combined sewer, and

(4) Which is not a part of a publicly owned treatment works

(y) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318, 405 under the Clean Water Act.

(z) OWNER OR OPERATOR: The owner or operator of any "facility or activity" subject to regulation under the NPDES program.

(1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Stormwater Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions.)

(aa) PARCEL: Means 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 Medina County Auditor's Office.

(bb) PERCENT IMPERVIOUSNESS: The impervious area created divided by the total area of the project site.

(ff) PERMANENT STABILIZATION: Establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap, and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.

(gg) 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.

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

(jj) PROFESSIONAL ENGINEER: A Registered Professional Engineer registered in the State of Ohio.

(kk) PROFESSIONAL WETLAND CONSULTANT: Individuals competent in botany, hydric soils and wetland hydrology that provide professional services or advice, and meet the education and professional experience requirements as required by the Society of Professional Wetland Scientists.

(mm) RAINWATER AND LAND DEVELOPMENT: Ohio's standards for stormwater management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.

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

(oo) 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.

(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.

(ss) SEDIMENT SETTLING POND: A sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of the Ohio *Rainwater and Land Development* manual.

(tt) SEDIMENT STORAGE VOLUME: See current edition of the Ohio *Rainwater and Land Development* manual.

(vv) 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.

(ww) SOIL & WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Medina County SWCD.

(xx) STABILIZATION: The use of SCMs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.

(zz) STORMWATER: Stormwater runoff, snow melt and surface runoff and drainage.

(aaa) STORMWATER CONTROL MEASURE (SCM): A structure or area designed to remove pollutants from stormwater and/or reduce stormwater flow rates. SCMs are a subset of Best Management Practices (BMPs) as defined in the Construction General Permit.

(bbb) STORMWATER POLLUTION PREVENTION PLAN (SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

(ccc) SUBDIVISIONS, MAJOR AND MINOR: See Ohio Administrative Code 711.001 for definition.

(ddd) SURFACE OUTLET: A dewatering device that only draws water from the surface of the water.

(eee) SURFACE WATER OF THE STATE: Also, Water Resource or Water Body. Any stream, lake, reservoir, pond, marsh, wetland, or other waterway 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 Section 6111.01 of the Ohio Revised Code are not included.

(fff) 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.

(ggg) TOPSOIL: The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.

(iii) UNSTABLE SOILS: A portion of land that is identified by the City of Medina Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.

(jjj) WATER RESOURCE Also SURFACE WATER OF THE STATE: Any stream, lake, reservoir, pond, marsh, wetland, or waterway 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 Section 6111.01 of the Ohio Revised Code are not included.

(kkk) WATERSHED: The total drainage area contributing runoff to a single point.

(lll) 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. 96-25. Passed XX-XX-XX.)

1349.03 DISCLAIMER OF LIABILITY.

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

(b) By approving an SWP3 under this regulation, the City does not accept responsibility for the design, installation, and operation and maintenance of stormwater management practices.

(c) Performance Liability. No provision of this Chapter shall limit, increase or otherwise affect the liabilities of the owner nor impose any liability upon the City not otherwise imposed by law.

(d) No release from Other Requirements. No condition of this permit shall release the owner from any responsibility or requirements under other Federal, State, or local environmental Chapters. If requirements vary, the most restrictive requirements shall prevail.

(e) Proceeding with Activity. Soil-disturbing activities regulated under this Chapter shall not begin until all necessary City, State and Federal permits and appropriate approvals of the SWP3 have been granted to the site owner.

(f) Performance Responsibility. The owner is responsible for carrying out all provisions of the approved SWP3 and for meeting all the standards and requirements of this Chapter.

(Ord. 96-25. Passed XX-XX-XX.)

1349.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

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

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

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

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

(Ord. 96-25. Passed XX-XX-XX.)

1349.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.

(a) This regulation requires that a Stormwater Pollution Prevention Plan (SWP3) be developed and implemented for all development projects disturbing one (1) acre or more 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, and on which any regulated activity of Section **1349**.01(c) is proposed. The City Engineer has the discretion to require a SWP3 for projects on sites of any size.

(b) The following activities shall submit an Abbreviated SWP3:

(1) New single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, a full SWP3 and compliance with the Ohio EPA Construction General Permit may be required.

(2) Additions, accessory buildings, for single-family residential construction. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, a full SWP3 and compliance with the Ohio EPA Construction Site General Permit are required.

(3) All non-residential construction. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, compliance with the Ohio EPA Construction Site General Permit and a full SWP3 are required.

(4) General land clearing activities not related to construction. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, compliance with the Ohio EPA Construction Site General Permit and a full SWP3 are required.

(c) Activities disturbing 1/10th (one tenth) or less of an acre are not required to submit a SWP3 or an Abbreviated SWP3, unless required by the City of Medina Engineer. These activities must comply with all other provisions of this regulation.

(Ord. 96-25. Passed XX-XX-XX.)

1349.06 APPLICATION PROCEDURES.

(a) SOIL DISTURBING ACTIVITIES SUBMITTING A STORMWATER POLLUTION PREVENTION PLAN (SWP3): The owner shall submit two (2) sets of the SWP3 and the applicable fees to the City of Medina and as follows:

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

(2) For other construction projects: SWP3 plans and fees must be submitted in conjunction with the submission of site development plans. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Medina issuing a building permit.

(3) For general clearing projects: SWP3 plans and fees must be submitted prior to the commencement of clearing/demolition activities begin. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Medina issuing a pertinent permit or clearing/demolition activities begin.

(b) SOIL DISTURBING ACTIVITIES SUBMITTING AN ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (SWP3): The owner shall submit two (2) sets of the Abbreviated SWP3 and the applicable fees to the City of Medina as follows:

(1) For single-family home construction: With submission of a residential site plan for the proposed structure. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Medina issuing a building permit.

(2) For other construction projects: SWP3 plans and fees must be submitted prior to construction. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Medina issuing a building permit.

(3) For general clearing projects: SWP3 plans and fees must be submitted prior to the commencement of clearing/demolition activities begin. The SWP3 must be reviewed and approved by the City Engineer before the Chief Building Official for the City of Medina issuing a pertinent permit or clearing/demolition activities begin.

(c) The City Engineer shall review the plans submitted under **1349.06 (a) or (b)** for conformance with this regulation and approve or return for revisions with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a checklist or narrative report stating specific problems and the procedures for filing a revised plan.

(d) Soil disturbing activities shall not begin and building permits shall not be issued without the following:

(1) Approved SWP3 or Abbreviated SWP3.

(2) NOI submittal to Ohio EPA and NPDES permit covered issued, if disturbing one (1) or more acres of land or will disturb less than one acre of land but are part of

a larger common plan of development or sale that will ultimately disturb one or more acres of land.

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

(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 sublot is in compliance with this regulation.

(f) The developer, engineer and 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 that 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.

(g) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

(Ord. 96-25. Passed XX-XX-XX.)

1349.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the owner of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US 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 SWP3s or Abbreviated SWP3s.

(a) Ohio EPA Construction General Permit: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI), a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit including the NPDES Facility Permit number assigned by Ohio EPA, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable. Please note that when a separate SWP3 shall be prepared for a separate phase or stage of development, a separate NOI or NPDES Permit number must be provided.

(b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the site owner certifying that a qualified Professional Wetland Consultant has surveyed the site and found no waters of the United States. 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 of application of this regulation.

(c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice, or project approval, or a letter from the site owner certifying that a qualified Professional Wetland Consultant has surveyed the site and found no waters of the State. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(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, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. 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 of application of this regulation. Proof of compliance shall include one of the following:

(1) A letter from a qualified professional who has evaluated the site and determined that Section 404 of the Clean Water Act is not applicable.

(2) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific 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 regulation.

(e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application, 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. 96-25. Passed XX-XX-XX.)

1349.08 STORM WATER POLLUTION PREVENTION PLAN.

(a) The applicant shall submit a SWP3 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 required by the Construction General Permit, the SWP3 shall also include completed design tools found on the 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 Engineer. 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 **1349.13 and 1349. 14** of this code.

(d) The SWP3 shall be amended if requested by the City of Medina Engineer, whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity.

(e) A pre-construction (SWP3) review and approval of all projects from construction activities that result in a land disturbance of greater than or equal to one acre and from construction activities which are part of a larger common plan of development or sale that will disturb one acre or more shall be implemented. An objective tool such as software or checklist shall be used to document each SWP3 review. Documentation of any communications regarding review and plan revisions and any notification to obtain NPDES permit coverage shall be maintained.

(f) MS4 OVERSIGHT INSPECTIONS - To ensure compliance, all applicable sites shall have an initial inspection. Follow-up inspections shall be on a monthly basis (at least every 31 calendar days). An objective tool such as software or checklist shall be used to document each site inspection to ensure all conditions of OHC000006 are addressed. These inspections are to be conducted by the MS4 or their contracted representative. They are in addition to the self-inspections required of construction site operators under OHC000006.

(g) The SWP3 may be required to include the following additional information:

(1) A soils engineering report. The City of Medina Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings and/or site investigation, and shall contain all the information listed below. Recommendations included in the report and approved by the City of Medina 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. 96-25. Passed XX-XX-XX.)

1349.09 PERFORMANCE STANDARDS.

The SWP3 must contain a description of the controls appropriate for each stage of construction operation and the applicant must implement such controls. BMP selection and design must meet the criteria established within the current Construction General Permit. BMP's must be designed, constructed, and installed to meet the specifications in the *Rainwater and Land Development* manual or another design manual acceptable to the City of Medina. The approved SWP3, and the sediment and erosion controls, and non-sediment pollution controls contained therein, shall be implemented, and maintained according to the requirements in the Construction General Permit. Site operators must conduct site inspections as described in the Construction General Permit. The following shall also apply:

(a) BMPs must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These BMPs must include, but are not limited to, the following:

(1) 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 2" in diameter placed over a geotextile. Culverts shall be provided where construction entrances cross drainage ditches and water bars shall be provided to divert sediment-laden runoff away from connected roadways.

(2) Streets and catch basins adjacent to construction entrances shall be kept free of sediment tracked off site. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly and protected from sediment-laden runoff, if feasible without posing a public safety hazard.

(3) Based on site conditions, the City Engineer and/or the Medina County SWCD may require additional best management practices to control off site tracking and dust. These additional BMPs may include:

A. Fencing shall be installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.

B. 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 Medina County 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.

(b) Construction vehicles shall avoid water resources. If it is infeasible to provide and maintain an undisturbed natural buffer around water resources, the SWP3 shall comply with all the following additional requirements:

(1) All stream crossings shall be designed as specified in the most recent edition of the *Rainwater and Land Development* manual.

(2) Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.

(3) 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.

(4) Protected areas or critical areas, including wetlands and riparian areas shall be physically marked in the field prior to earth disturbing activities.

(c) FINAL STABILIZATION. Final stabilization shall be determined by the City of Medina Engineer. Once a definable area has achieved final stabilization, the owner may note this on the SWP3, and no further inspection requirement applies to that portion of the site. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs). Obligations under this chapter shall not be completed until installation of post-construction SCMs is verified.

(d) DISPOSITION OF TEMPORARY PRACTICES. All temporary and permanent erosion and sediment control practices shall be disposed of within thirty days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the City Engineering Department. Trapped sediment shall be permanently stabilized or removed to prevent further erosion.

(Ord. 96-25. Passed XX-XX-XX.)

1349.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources, the owner shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.

(b) The Abbreviated SWP3 shall be certified by a Registered Professional Engineer, a Registered Professional Surveyor, certified Professional Erosion and Sediment Control Specialist, or a Registered Landscape Architect.

(c) The Abbreviated SWP3 shall include a minimum of the following SCMs. City of Medina may require other SCMs as site conditions warrant.

(1) 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 (2") 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.

(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 indicated on the plan. Use for other waste and wastewater is prohibited.

(3) Street Sweeping: Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily as needed or when directed by the City Engineer or Service Director to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.

(4) Stabilization. The development area shall be stabilized as detailed in Table 1 and Table 2.

Table 1: Permanent Stabilization

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

Table 2: Temporary Stabilization

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

Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. Permanent and temporary stabilization are defined in Part VII of the Ohio Construction General Permit (OHC000006).

(5) 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, including rear yard inlets. Straw, hay bales, and filter socks are not acceptable forms of inlet protection.

(6) Silt Fence and other Perimeter Controls: Silt fence and other perimeter controls approved by the City of Medina shall be used to protect adjacent properties and water resources from sediment discharged via sheet (diffused) flow. Silt fence shall be placed along level contours and the permissible drainage area is limited to those indicated in the Construction General Permit.

(7) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within twenty-four (24) hours after any storm event greater than one-half (½) inch of rain per twenty-four (24) hour period. Maintenance shall occur as detailed below:

A. When SCMs require repair or maintenance. If the internal inspection reveals that a SCM is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

B. When SCMs fail to provide their intended function. If the internal inspection reveals that a SCM fails to perform its intended function and that another, more appropriate SCM is required, the Abbreviated SWP3 must be amended and the new SCM must be installed within ten (10) days of the inspection.

C. When SCMs depicted on the Abbreviated SWP3 are not installed. If the internal inspection reveals that a SCM has not been implemented in accordance with the schedule, the SCM must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned SCM is not needed, the record must contain a statement of explanation as to why the SCM is not needed.

(8) Final Stabilization: Final stabilization shall be determined by the City of Medina Engineer.

(Ord. 96-25. Passed XX-XX-XX.)

1349.11 FEES.

Reference Chapter 1347 Comprehensive Stormwater Management, Section 14 for applicable fees.

(Ord. 96-25. Passed XX-XX-XX.)

1349.12 BOND.

(a) If a SWP3 or Abbreviated SWP3 is required by this regulation, soil-disturbing activities shall not be permitted until either a Cash Bond, Performance Bond or Letter of Credit in the amount of one thousand five hundred dollars ($1,500) for a single-family residential lot, or one thousand five hundred dollars ($1,500) per acre for subdivisions, has been deposited with the City of Medina Finance Department. This bonding instrument must be in a form acceptable to the Law Director and shall be posted for the City of Medina to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the owner fails to comply with the provisions of this regulation. The bond shall be returned after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the City Engineer.

(b) The bond will be retained until all areas disturbed by construction activity are permanently stabilized. Where vegetative growth is used to achieve permanent stabilization, the area shall comply with final stabilization requirements in the Construction General Permit.

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

(d) Upon the failure of the owner and/or developer and/or contractor(s) to complete any work ordered by the City Engineer, the City may elect to contract with others or employ its own employees to remedy all or part of the said unfinished work and the owner and/or developer and/or contractor(s) shall be liable to the City of Medina for the cost of such work and for the cost to the City to collect its costs if not paid upon presentment. The

City shall have the right to enter upon the disturbed lands to correct such failure and to abate any nuisance found.

(Ord. 96-25. Passed XX-XX-XX.)

1349.13 ENFORCEMENT.

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

(b) All development areas may be subject to external inspections by the City Engineer and/or the Medina County SWCD to ensure compliance with the approved SWP3 or Abbreviated SWP3.

(c) After each external inspection, the City Engineer and/or the Medina County 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 Engineer and/or the Medina County SWCD may take action as detailed in Sections **1349**.13 and **1349**.14 of this regulation.

(e) Failure to maintain and repair erosion and sediment controls per the approved SWP3 plan may result in the following escalation. The penalty is determined by the total number of violations per site even if the violations are for different BMPs.

(1) First Violation: The City Engineer will issue a Notice of Deficiency to the owner or operator. All controls are to be repaired or maintained per the SWP3 plan within three (3) days of the notification. If controls have not been corrected after this time, the City Engineer may issue a Stop Work Order for all activities until corrections have been made.

(2) Second Violation: The City Engineer may issue a formal Notice of Violation which includes a $500 administrative fee against the SWP3 Bond or site plan deposit. All controls are to be repaired or maintained per the approved SWP3 plan within three (3) days of the Notice of Violation. If controls have not been corrected after this time, the City Engineer may issue a Stop Work Order for all activities until corrections have been made.

(3) Third and subsequent violations: The City Engineer may issue a Stop Work Order for all construction activities and charge a $1,000 administrative fee against the SWP3 bond or site plan deposit. The Stop Work Order will be lifted once all controls are in compliance with the approved SWP3 plan.

(f) The City Engineer shall have the authority to make immediate on-site adjustments to the SWP3 in order to achieve compliance with this ordinance.

(g) A final inspection will be made to determine if the criteria of this code has been satisfied and a report will be presented to the City of Medina and the site operator on the site's compliance status.

(h) The City Engineer will monitor soil-disturbing activities for 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.

(i) 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.

(j) The City of Medina shall not issue building permits for projects regulated under this code without approved SWP3s.

(Ord. 96-25. Passed XX-XX-XX.)

1349.14 VIOLATIONS.

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

(b) Upon notice, the City Engineer may suspend any active soil disturbing activity for a period not to exceed ninety (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 regulation. Such notice shall be in writing, shall be given to the owner, and shall state the conditions under which work may be resumed. In instances, however, where 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. 96-25. Passed XX-XX-XX.)

1349.15 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the **City of Medina** in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with Ohio Revised Code 2506. Written notice of appeal shall be served on the **City of Medina** and a copy shall be provided to the **Medina County** SWCD.

(Ord. 96-25. Passed XX-XX-XX.)

1349.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation 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 sixty (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 of Medina 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 regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Medina.

(c) All expenses incurred by the City of Medina to initiate an enforcement action, implement a mitigating event, remediation of damages caused or resolve a violation shall be the responsibility of the owner shall be deducted from any funds or bonds on file with the Finance Department.

(Ord. 96-25. Passed XX-XX-XX.)

CHAPTER **1351**
Illicit Discharge and Illegal Connection Control

CROSS REFERENCES

Erosion and Sediment Control - see Ch. **1349**

Storm Water Management - see Ch. **1347**

1351.01 PURPOSE AND SCOPE.

The purpose of this regulation is to provide for the health, safety, and general welfare of the residents of the City of Medina through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA). The objectives of this regulation are:

(a) To prohibit illicit discharges and illegal connections to the MS4.

(b) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

(Ord. 96-25. Passed XX-XX-XX.)

1351.02 APPLICABILITY.

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Medina, except for those discharges generated by the activities detailed in Section **1351**.07 (a)(1) to (a)(3) of this regulation.

(Ord. 96-25. Passed XX-XX-XX.)

1351.03 DEFINITIONS.

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

(a) Best Management Practices (BMPs): means 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 to storm water. 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.

(b) Community: means the City of Medina, its designated representatives, boards, or commissions.

(c) Environmental Protection Agency or United States Environmental Protection Agency (USEPA): means 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.

(d) Floatable Material: in general, this term means 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.

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

(f) Illicit Discharge: as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section **1351**.07.

(g) Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.

(h) Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system 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):

(1) Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, county, 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;

(2) Designed or used for collecting or conveying storm water;

(3) Which is not a combined sewer; and

(4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.

(i) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC §1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.

(j) Off-Lot Discharging Home Sewage Treatment System: means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(k) Owner/Operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(l) Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

(m) Storm Water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(n) Wastewater: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

(Ord. 96-25. Passed XX-XX-XX.)

1351.04 DISCLAIMER OF LIABILITY.

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

(Ord. 96-25. Passed XX-XX-XX.)

1351.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Medina, shall prevail.

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

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

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

(Ord. 96-25. Passed XX-XX-XX.)

1351.06 RESPONSIBILITY FOR ADMINISTRATION.

The City of Medina shall administer, implement, and enforce the provisions of this regulation. The City of Medina may contract with the Medina County Board of Health to conduct inspections and monitoring and to assist with enforcement actions.

(Ord. 96-25. Passed XX-XX-XX.)

1351.07 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) 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 below:

(1) 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; de-chlorinated/de-brominated/de-salinated swimming pool discharges; street wash water with dry cleanup methods and no detergents to minimize pollutants; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by the City of Medina to be significant contributors of pollutants to the MS4.

(2) Discharges specified in writing by the City of Medina as being necessary to protect public health and safety.

(3) Discharges from off-lot discharging home sewage treatment systems existing prior to January 1, 2007 and permitted by the Medina County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29, or other applicable Medina County Board of Health regulations, until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for household sewage treatment systems existing prior to January 1, 2007. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Medina County Board of Health. Discharges from new or replacement off-lot household sewage treatment systems installed after January 1, 2007 are not exempt from the requirements of this regulation.

In compliance with the City of Medina Storm Water Management Program, discharges from all off-lot discharging home sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available for systems existing prior to January 1, 2007, discharges from off-lot discharging home sewage treatment systems existing prior to January 1, 2007 will no longer be exempt from the requirements of this regulation.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

(Ord. 96-25. Passed XX-XX-XX.)

1351.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.

(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The City of Medina shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and home sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

(b) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

(1) The City of Medina shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

(2) The City of Medina 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 City of Medina.

(3) The City of Medina 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 by the City of Medina to ensure their accuracy.

(4) 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 City of Medina and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

(5) Unreasonable delays in allowing the City of Medina access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

(6) If the City of Medina is refused access to any part of the facility from which storm water is discharged, and the City of Medina 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 City of Medina may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(7) Any costs associated with these inspections shall be assessed to the facility owner/operator.

(Ord. 96-25. Passed XX-XX-XX.)

1351.09 ENFORCEMENT.

(a) Notice of Violation. When the City of Medina finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Medina 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. The Ohio EPA will be notified within 24-hours if any illicit discharge takes place related to illicit sanitary cross connections from industrial, commercial or multi-family sources and from leaking or broken sanitary sewer lines that are actively contributing sewage to your small MS4. Notification shall include the location, general description, date, and approximate time the illicit discharge was discovered.

(2) The elimination of illicit discharges or illegal connections;

(3) That violating discharges, practices, or operations cease and desist;

(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or

(5) The implementation of source control or treatment BMPs.

(b) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(c) Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.

(d) Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the City of Medina shall issue a citation for noncompliance. Notice of the citation shall be hand delivered and/or sent registered mail.

(e) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to Ohio R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City of Medina 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.

(Ord. 96-25. Passed XX-XX-XX.)

1351.10 REMEDIES NOT EXCLUSIVE.

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the City of Medina to seek cumulative remedies.

(Ord. 96-25. Passed XX-XX-XX.)

1351.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner and or operator of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation 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 sixty (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 beyond the date established in the Notice of Violation as set forth in Section **1351.**09.

(b) All expenses incurred by the City of Medina to initiate an enforcement action, implement a mitigating event, remediation of damages caused or resolve a violation shall be the responsibility of the property owner and/or operator.

(Ord. 96-25. Passed XX-XX-XX.)

REPEAL 1341.04

(c) Soil Pressure. The pressure on the soil under such retaining walls shall not exceed the safe bearing capacities allowed by this Building Code. 2000 PSF will be assumed. Verification will be required at the discretion of the City Engineer or the Chief Building Official.

(d) Coping. Retaining walls shall be properly protected by a durable coping unless such walls are constructed of concrete.

(e) Guardrails. Guardrails are required when the height difference between corresponding grades is thirty inches or more. Guardrails shall comply with the requirements of Section 1341.01 (b)(3).
(Ord. 142-96. Passed 9-23-96.)

REPEAL 1341.04

1341.04 PLANS AND MAPS REQUIRED FOR IMPROVEMENTS; EROSION CONTROL.

(a) Every person, firm or corporation who proposes to improve land by the construction, installation or maintenance of sanitary and/or storm sewerage; or change the contours of land by grading or excavating in excess of 2500 square feet and less than 20,000 square feet; or remove or destroy the natural topsoil in excess of 2500 square feet and less than 20 000 square feet; (hereinafter these described purposes shall be referred to as "improvements"), shall submit to the City Engineer preliminary plans, including maps generally describing the proposed improvements. After review and upon finding that erosion and sediment control measures are not necessary, and that said changes to the contours of the land will not adversely affect adjacent properties, the City Engineer shall authorize the issuance of necessary permits. In the event that the City Engineer finds that the proposed improvements may result in erosion and/or siltation of adjoining property or property in the immediate area, the City Engineer shall, within ten days of receipt of such plans and maps, inform such person, firm or corporation, of his findings, and that such person, firm or corporation shall submit to the City Engineer additional information in the form of five copies of plans, as prepared by such applicant, consisting of maps and a description of the premises, setting forth the proposed improvements, together with the report of the Medina County Soil and Water Conservation District, hereinafter referred to as the Conservation District, providing for erosion and sediment control measures.

(b) Every person, firm or corporation who proposes to improve land by the construction, installation or maintenance of sanitary and/or storm sewerage; or change the contours of land by grading or excavating in excess of 20,000 square feet; or remove or destroy the natural topsoil in excess of 20,000 square feet; (hereinafter these described purposes shall be referred to as "improvements"), shall file a sediment control plan, and comply with all stormwater management, retention/detention, and erosion control requirements as outlined in the Stormwater Management and Sediment Control Manual published by the Medina County Engineer. The sediment control plan must include submittal of all calculations as outlined in said Manual.

(c) Where applicable, the plans required under subsection (b) hereof, shall include but not be restricted to the following matters:

(1) The areas of such described premises that may be exposed at any one time;

(2) The type of temporary vegetation and/or mulching that should be used to protect exposed areas of such described premises during the construction of any type of improvements thereon; or changes being made in the contours thereof; or in removal or destruction of topsoil;

(3) The locations, construction and maintenance of sediment basins, or other control measures that should be constructed and maintained on such described premises.

(4) The type of permanent and final vegetation or other ground cover, and structures that should be planted and installed on the described premises and the time within which such vegetation and structures are to be planted and installed;

(5) Description of the type of the soil comprising the described premises and the physical properties thereof.

(d) The plans submitted to the City Engineer pursuant to subsection (c) hereof, shall incorporate the appropriate recommendations of the Conservation District. However, if any of the recommendations of the Conservation District are not incorporated into the submitted plans, the person, firm or corporation shall set forth the reason for not incorporating any of the recommendations of the Conservation District.

(e) Upon the date such plan has been submitted to the City Engineer, he shall act within ten days from the receipt of such plan. The approval by the City Engineer of such plan shall be contingent on the posting of a performance bond for the work proposed, in an amount determined by him and the form approved by the Law Director.

(f) Upon approval by the City Engineer of such plan as submitted, or amended, the Building Department may issue the necessary permits. Immediately thereafter the Building Department shall file one copy of such plan as approved by the City Engineer with the Conservation District. The City Engineer shall be responsible for the administration of the approved plan. If he finds that any of the provisions of the approved plan are not being complied with or performed, approval shall be revoked, until such time as he is assured that the necessary steps have been taken to comply with each of the provisions of such plan.

(g) The current Stormwater Management and Sediment Control Manual, as published by the Medina County Engineer, a copy of which is on file with the City Engineer, is hereby adopted as the minimum requirements and standards to be used in the administration and enforcement of this section.

(Ord. 142-96. Passed 9-23-96.)

1341.99 PENALTY.

(EDITOR'S NOTE: See Section 1301.99 for General Building Code penalty if no other penalty is provided.)