

Chapter 1193.05 Storm Water Management

a) Compliance with Storm Water Management Plan

All development activity under the jurisdiction of this Zoning Ordinance shall comply with the requirements of the Storm Water Management Plan, as adopted by City Council in Ordinance 04-15-2007, on April 3, 2007, as may be subsequently amended. The latest version of the Storm Water Management Plan shall apply.

b) Erosion and Sediment Control

- (1) **Applicability.** This Section shall apply to earth disturbing activities on areas as designated below which are within the jurisdiction of the City of Circleville, unless otherwise excluded within this regulation or unless expressly excluded by State law, including land used or being developed for commercial, industrial, residential, recreational, public service or other non-farm purpose.
- (2) **Disclaimer of Liability.** Neither submission of a plan under the provisions of this Section, nor compliance with the provisions of this Section shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the City of Circleville for damage to any person or property.
- (3) **Requirements.** No person shall cause or allow earth- and/or land-disturbing activities on a development area except in compliance with the requirements of this Section and the allowable items below.
 - A. An erosion and sedimentation control plan shall be submitted and approved prior to any land-disturbing activities on development areas involving earth disturbance of one (1) or more acres, including those development areas being a part of any larger common plan of development or sale. The person proposing such land-disturbing activities shall develop and submit for approval a plan containing erosion and sediment pollution control practices so that compliance with other provisions of this regulation will be achieved during and after development. The Owner/Developer shall use adequate measures to minimize erosion and its impacts during all construction activity. The person proposing land-disturbing activities shall submit the plan and supporting information, as outlined in this Section, to the Director of Public Service.
 - B. For proposed development areas involving land-disturbance of less than one (1) acre, the Director of Public Service shall have the authority to require detailed erosion and sedimentation plans be submitted if it is determined that the size and/or scale of the proposed land-disturbing activity warrants such action. Such plans shall be prepared by a registered Professional Engineer, and indicate the techniques to be used to control erosion both during construction and permanently, and include a schedule for installing same. Erosion control plans shall be based on the control of erosion on-site, with the objective of minimizing erosion and sedimentation impacts off-site.
 - C. Any person seeking approval of an Erosion and Sedimentation Control Plan shall submit to the Director of Public Service a "Notice of Intent" that seeks coverage under the latest version of the Ohio Environmental Protection Agency National Pollutant Discharge Elimination System General Storm Water Permit for Construction Activities that has

been or will be filed with the Ohio Environmental Protection Agency (OEPA).

- D. The City may inspect the construction site for compliance with an approved erosion and sedimentation control plan. The City shall provide for these inspections as required by the Ohio EPA Small Municipal Separate Storm Sewer System Permit (Ohio EPA OHQ000004 or latest version). Inspections initiated by the City shall not relieve the developer of routine inspections during construction as required by the Ohio EPA General Storm Water Permit for Construction Activities. The Director of Public Service may issue a permit violation, stop work order, fine, or other measure as a result of a violation of the terms of the Ohio EPA General Storm Water Permit for Construction Activities or any provision of this ordinance, including, but not limited to, the following violations:
1. Undertaking any land disturbance activity regulated under this ordinance without an approved Ohio EPA General Storm Water Permit for Construction Activities;
 2. Failure to fully implement the terms of a Storm Water Pollution Prevention Plan; and
 3. Failure to satisfy any of the conditions of the approved Ohio EPA General Storm Water Permit for Construction Activities and/or Storm Water Pollution Prevention Plan.

Following issuance of a stop work order, if the Permittee fails to cease the non-compliant land disturbance activity or fully comply with an approved Construction Permit and/or corresponding Storm Water Pollution Prevention Plan within 5 calendar days, the Director of Public Service may revoke any approved Construction Permit for said Permittee. The Director of Public Service may reinstate an approved Construction Permit and retract a revocation if the Permittee corrects all violations and complies with the conditions of the Storm Water Pollution Prevention Plan and the provisions of this ordinance.

Following the issuance of a stop work order, in the event that an approved Construction Permit has not been issued or any person fails to cease the non-compliant land disturbance activity, the Director of Public Service may pursue any available remedies, criminal or civil, and said person will be subject to fines or penalties. Fines, as specified by separate ordinance, may be levied by the City as soon as one (1) week after notice of violation. Any person receiving a stop work order may appeal the determination of the City.

- E. The developer and construction site operators shall control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause potential water quality impacts.

c) Storm Water Runoff Control Standards

- (1) Applicability: Construction activities disturbing one or more acres of total 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, shall be required to implement post-construction storm water management facilities or Best Management Practices (BMPs). The threshold acreage includes the entire area disturbed in the larger common plan of development or sale. Construction activities that meet this threshold shall obtain coverage through the Ohio Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System General Storm Water Permit for Construction Activities (Ohio EPA

OHC00005 or latest version). Post-construction storm water management facilities or BMPs shall comply with the Post-Construction Storm Water Management Requirements prescribed in the Ohio EPA General Storm Water Permit for Construction Activities.

- (2) Post Construction Storm Water Management. So that receiving streams' physical, chemical and biological characteristics are protected and stream functions are maintained, post-construction storm water practices shall provide for the perpetual management of runoff quality and quantity, pursuant to the standards established below:
- A. Storm Water Runoff Quality Control. Storm water runoff quality controls shall be implemented into sites within developing areas in accordance with general and specific requirements outlined in the latest version of the State of Ohio National Pollutant Discharge Elimination System General Permit for Construction Activity. Development or redevelopment sites may be inspected for compliance and, if found lacking, the Director of Public Service may issue a permit violation, stop work order, or fine to ensure compliance. Fines, as specified by separate ordinance, may be levied by the City as soon as one (1) week after notice of violation.
 - B. Storm Water Runoff Quantity Control. The requirement for and design of storm water runoff quantity controls (i.e., permanent drainage systems) shall be based upon the general and specific policies, standards and specifications as outlined in the latest version of the City of Columbus, Ohio Stormwater Drainage Manual. The Planning and Zoning Commission shall have the authority to deny subdivision approval for areas of extremely poor drainage, including subdivisions in areas dominated by hydric soils. In any subdivision, the storm drainage system shall be separate and independent of any sanitary sewer system.
 - C. Preservation of Natural Drainage Courses. The flow of all existing drainage courses, including underground drainage systems, shall not be impeded. Such underground systems, including farm field tile systems, shall be identified and mapped as part of the preliminary plan. No natural drainage course shall be altered and no fill, buildings or structures shall be located unless provision is made for the flow of storm runoff and/or surface water. An easement shall be provided on both sides of the existing surface drainage course adequate for the purpose of future widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the Owner/Developer for construction and future maintenance. These easements must be shown on the Construction Plans, including the volume and page number of the recorded easement.
 - D. Outlets. No subdivision plan or plat shall be approved by the Planning and Zoning Commission unless an adequate outlet for storm water, as shown on the plan or plat, is approved by the Director of Public Service. Generally it will be necessary to pipe storm water to an adequate watercourse, stream or existing storm system which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention methods adequate to minimize excessive off-site storm water flows.
 - E. Storm Sewers. Storm sewer systems shall be designed and sized to convey the peak flow rate of storm water runoff for a 10-year storm event, such that the hydraulic grade line remains below the crown of the pipe during peak flow conditions. The peak flow rate of storm water runoff for a 25-year storm event shall be evaluated as a check to verify the hydraulic grade line remains below the rim opening of the storm sewer system to prevent

surcharging onto the ground surface. In addition, the peak flow rate of storm water runoff for a 100-year storm event shall be safely conveyed through an overland flood route to avoid flooding damage. The Director of Public Service may require the Owner/Developer to pay for an analysis of the existing storm water system to determine how best to connect the proposed development to the existing system or any required improvements downstream so as not to overload the system.

- F. Storm Water Detention / Retention. If the post-development storm water runoff volume from a site will be greater than the pre-development storm water runoff volume from the same site, the peak flow rate from the Critical Storm and all more frequent storms shall be less than or equal to the peak flow rate from a 1-Year 24-Hour storm occurring on the same site under pre-development conditions. The post-development peak flow rate from storms of less frequent occurrence (longer return periods) than the Critical Storm up to the 100-Year 24-Hour storm shall be less than or equal to the pre-development peak flow rates from equivalent size storms. The methodology and calculations used for the design and sizing of storm water management facilities for detention or retention shall be based on the Critical Storm Method as described in the latest version of the City of Columbus, Ohio, Stormwater Drainage Manual and within the latest version of the Ohio Department of Natural Resources Rainwater and Land Development Manual.
- G. Culverts. The requirement for and design of all culverts utilized in subdivisions shall have the appropriate headwalls and/or other structures and improvements to protect the facility.
- H. Open Drainage Channels. The determination as to whether a specific drainage course shall be enclosed or open shall be made by the Director of Public Service. The cross section and profile of any open channel and its banks shall be determined by the Director of Public Service.
- I. Record Drawing Requirements. The owner or authorized representative responsible for land disturbing activities shall submit record drawings to the City for all post-construction storm water conveyance systems and storm water management facilities. Record drawings furnished upon completion of construction shall be signed and sealed by an Ohio licensed Professional Engineer certifying that the storm water conveyance system and storm water management facilities were generally constructed according to the approved design on file with the City.
- J. Maintenance Agreements. Post-construction storm water management facilities and BMPs that have been reviewed and approved by the City shall be required to enter into a maintenance agreement following construction to ensure adequate long-term operation and maintenance. The City shall utilize its Post-Construction Storm Water Management Facility Maintenance Agreement as the mechanism for long-term operation and maintenance requirements of post-construction storm water management facilities or BMPs. Failure to comply with the requirements of the Post-Construction Storm Water Management Facility Maintenance Agreement by the owner of the storm water management facility or BMP will be subject to fines or penalties. Fines, as specified by separate ordinance, may be levied by the City as soon as one (1) week after a notice of violation.