

Fayette County Rules and Regulations for Stormwater Management and Sediment Control

Fayette County, Ohio

Tony Anderson, Commissioner

Dan Dean, Commissioner

Jim Garland, Commissioner

Adopted November 2, 2020

Effective December 3, 2020

ARTICLE 1 ADMINISTRATIVE

Section 1.1 Title

These ‘Regulations’ shall be known as the Fayette County Rules and Regulations for Stormwater Management and Sediment Control.

Section 1.2 Statutory Authorization

These Regulations are adopted in accordance with sections 307.79 and 307.37 of the Ohio Revised Code and the rules of 1501: 15-1-01 and 02 of the Ohio Administrative Code.

Section 1.3 Purpose

These Regulations are established and promulgated to effectively manage stormwater and minimize erosion due to development, in order to promote and maintain the health, safety and welfare of the citizens of Fayette County.

Section 1.4 Application

These Regulations will apply to all unincorporated areas of Fayette County for any and all earth disturbing activities, which include any and all types of developments except as specifically excluded by law.

Section 1.5 Legal

Neither the submission of a plan under these regulations nor compliance with these regulations shall relieve any person or entity from responsibility for damage to any person or property otherwise imposed by law and shall not impose any liability on Fayette County or its representative.

These Regulations do not relieve an owner from the responsibility of obtaining any and all other necessary permits or approvals from other local states or federal agencies. Applicants may be required to prove compliance with agencies.

Where these Regulations are in conflict with other requirements by rule or law, the more restrictive provisions shall prevail.

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

The failure of Fayette County to observe or recognize non-conforming conditions shall not relieve the owner from the responsibility to remedy those conditions, and shall not resolve in Fayette

County or its representative being responsible for those conditions or any damage resulting there from.

Section 1.6 Administration

Fayette County has designated the administration and enforcement of these Regulations to what shall be known as the Stormwater Review Committee, which shall be comprised of at least one representative from the following agencies:

- Fayette Soil & Water Conservation District
- Fayette County Building Department
- Fayette County Engineers Office

Submittals shall be made to the Fayette Soil & Water Conservation District at 1415 US Route 22 SW, Suite 500, Washington CH, OH 43160.

ARTICLE 2 PROCESS

Section 2.1 Applicability

An Earth Disturbing Permit shall be required for all earth disturbing operations or developments of 1 acre or more. Individual residential lots of an approved subdivision shall not be considered separately, but will be reviewed in the context of the overall subdivision plan submitted by the developer to the Planning Commission. Where an application and compliance is required by these Regulations, an Earth Disturbing Permit must be obtained prior to a Building Permit being issued.

Section 2.2 Applications

An application for a permit may be picked up or requested from any of the three entries comprising the stormwater review committee or downloaded from the Fayette Soil & Water Conservation District website. The Fayette Soil & Water Conservation District at 1415 US Route 22 SW, Suite 500, Washington CH, OH 43160 shall serve as the clearing house location for all submittals.

Each application shall be accompanied by three hard copies of the plan sets and calculations.

Section 2.3 Review and Approval

The Stormwater Review Committee shall have up to 30 days to review all information and respond to applicant. Should revisions or additional information be required, additional 30-day review periods shall follow until such time as the application is approved. Applications may be approved as submitted or conditionally as is deemed reasonable and necessary by the committee. The length of time needed for review will be commensurate with the complexity of the project.

Section 2.4 Construction and Monitoring

All permit holders shall provide notice to the Fayette Soil & Water Conservation District at least 2 days prior to commencing construction.

All construction activities and maintenance of the Stormwater Pollution Prevention Plan are subject to site inspections by a stormwater committee representative to ensure compliance to these Regulations. The approved plans shall serve as the basis of compliance. Due to changes in site conditions or unforeseen circumstances, the committee may require revisions to the plan.

Interim field inspections will be at the discretion of the Stormwater Review Committee. Inspection reports will be provided to the owner. Once earth disturbing activity is complete, owner shall contact the Fayette Soil & Water Conservation District for a final inspection.

If violations are observed, notification and corrective recommendations shall be sent to the responsible party.

Section 2.5 Guarantee of Completion

Owners signature on the application and permit shall serve as a binding guarantee of completion and maintenance of the stormwater facilities depicted on the approved plans. It shall also serve as recognition by the owner that the county has the right to enter the development area for review and inspection purposes.

Section 2.6 Fees and Expenses

The Board of Fayette County Commissioners may set reasonable fees for plan, review, permit processing, field inspection of all projects.

Section 2.7 Enforcement and violations

If the County or its representative determines that a violation of the rules adopted under this section exists, it may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity. In addition, if the County or its representative determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the County or its representative may authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the County or its representative shall issue a second notice of violation. If after a period of not less than fifteen days have elapsed following the issuance of the second notice of violation, the violation continues, the County or its representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the County if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the County or its representative shall request, in writing, the county prosecuting attorney to seek an injunction or other appropriate relief in the court of common pleas to abate the violation and secure compliance with these regulations. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order strict compliance with these regulations, and may assess a civil fine of not less than one hundred (\$100.00) or not more than five hundred dollars (\$500.00). Once an injunction or other appropriate relief is issued, an expedited motion may be filed by the prosecuting attorney for future violations by the developer/owner requesting the Court to order the developer/owner to appear and show cause why the developer/owner should not be held in further contempt of the injunction or other appropriate relief ordered by the court.

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

Section 2.8 Appeals

When any person or entity is denied a permit or aggrieved by any order, requirement or determination, or any other action or inaction by the County, it may appeal to the court of common pleas in conformance with chapters 2505 and 2506 of the Ohio Revised Code.

Section 2.9 Variance

The County may grant a variance from the requirements of these regulations where the applicant can prove to the committee's satisfaction, that just cause exists that all or a portion of these regulations should not be adhered to.

ARTICLE 3 PLAN REQUIREMENTS

Section 3.1 Overall

The applicant shall develop a stormwater pollution prevention plan that address how both the stormwater quality and quantity are to be managed during and after construction.

Section 3.2 Preparation of the plan

The plan shall be prepared by a professional engineer in the state of Ohio. It shall include a narrative, pertinent calculations, plans and details as is necessary to meet the intent of these Regulations.

Section 3.3 Stormwater Quality

Stormwater quality shall meet all of the requirements as set forth in the most recent version of the Ohio Environmental Protection Agency's "General Permit Authorization For Stormwater Discharges Associated With Construction Activity Under The National Pollutant Discharge Elimination System".

Section 3.4 Stormwater Quantity

The Plan shall be designed to protect all property from nuisance and/or damage due to any and all effects of stormwater runoff. This shall be done in part by restricting the release rate of runoff from the site. The post development runoff rates cannot exceed predevelopment rates. Where post development runoff volumes are greater, the runoff rates will be adjusted by using the "critical storm methodology".

A. Design

1. In determining the critical storm, all runoff calculations must utilize the NRCS, Technical Release 55 (TR-55). A 1-year frequency, 24-hour storm shall be used as the basis for determining runoff volumes.
2. The plan shall clearly depict the pre-development site and the post-development site, showing all necessary features and information. Offsite areas may also need to be shown in order to adequately identify and consider offsite or downstream effects.
3. Each drainage area within the site, or each point of discharge from the site shall be designed and evaluated separately. If they can be combined it must be explained in the narrative.

4. The runoff rates for the site shall be calculated for the 1, 2, 5, 10, 25, 50 and 100-year, 24-hour storm. The allowable rate of runoff for any frequency storm is the **predeveloped** rate for that storm. Runoff volumes must also be calculated for each frequency storm. If runoff volumes increase for any frequency storm, the release rate must be adjusted according to the table below:

CRITICAL STORM FOR DISCHARGE LIMITATION

If the percentage of increase in volume of runoff is:

EQUAL TO OR GREATER THAN	AND LESS THAN	THE CRITICAL STORM FOR DISCHARGE LIMITATION WILL BE
---	10%	1 year
10%	20%	2 years
20%	50%	5 years
50%	100%	10 years
100%	250%	25 years
250%	500%	50 years
500%	---	100 years

For example: if a predeveloped runoff volume is 1” of runoff and the post developed is 1.5”, that will equate to a 50% increase. From the table, a 10-year frequency storm would be the critical storm and the maximum release rate for the site would be the 1-year predeveloped rate all the way up to a 10-year storm. For rain events beyond that, the predeveloped 25-year release rate would be acceptable for a 25-year storm, the 50-year predeveloped release rate for a 50-year storm, etc.

5. Detention volumes should be calculated using the TR.55-chapter 6 storage indication method. Other methods may be accepted on an individual basis.

Section 3.5 Special Considerations

If a proposed development is sited adjacent to an existing channel, the stormwater storage facility cannot be located inside the floodway or fringe such that it would displace floodwaters of the channel. The preferred method for stormwater management and meeting the intent of these Regulations would be to expand the volume of floodway available to the channel in lieu of constructing an impoundment area for the stormwater just for the development site.

If the proposed development site is within a county stormwater district, additional considerations may apply.

ARTICLE 4 ADOPTION

This resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted by the Board of County Commissioners on this 2nd day of November, 2020.

Roll Call Vote:

Tony Anderson, aye

Dan Dean, aye

Jim Garland, aye

Attest:

Dana Foor
Administrative Clerk