

ORDINANCE NO.: 10-0-02
SPONSOR: MR. PARSONS
INTRODUCED: JULY 7, 2010 (Amended November 17, 2010)

AN ORDINANCE TO ADOPT SOIL/EROSION CONTROL AND POST CONSTRUCTION REGULATIONS FOR INCLUSION INTO THE NEW FRANKLIN ZONING CODE AND TO AMEND SECTION 1400.02 OF THE NEW FRANKLIN ZONING CODE TO INCORPORATE DEFINITIONS ASSOCIATED WITH THE SOIL/EROSION CONTROL AND POST CONSTRUCTION REGULATIONS.

WHEREAS, Soil/erosion control and post construction storm water practices are mandated by the Environmental Protection Agency under the NPDES Phase II Program; and

WHEREAS, the soil/erosion control and post construction regulations will be incorporated into the New Franklin Zoning Code as Section 1100.02; and

WHEREAS, it is also necessary to amend Section 1400.02 of the New Franklin Zoning Code to incorporate additional definitions for the soil/erosion control and post construction regulations; and

WHEREAS, New Franklin Council deems it necessary to adopt the regulations and definitions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

New Franklin Council hereby adopts the AMENDED attached soil/erosion control and post construction regulations and hereby incorporates them as Section 1100.02 of the New Franklin Zoning Code.

SECTION TWO:

New Franklin Council hereby adopts the definitions necessary for the implementation of the soil/erosion control and post construction regulations and hereby amends Section 1400.02 of the New Franklin Zoning Code to incorporate those definitions. The AMENDED definitions are attached to this ordinance.

SECTION THREE:

The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

ADOPTED: April 20, 2011




Tami Stefan, Clerk



Joseph Parsons, President

APPROVED: April 20, 2011



Al Bolas, Mayor

ENACTED EFFECTIVE: April 20, 2011

ON ROLL CALL: Adamson, Yes. Hess, Yes. Jones, Yes.
Kaderly, Yes. Kalapodis, Yes. Parsons, Yes.
Stock, Yes.

Publications on May 1, 2011 and May 8, 2011



Tami Stefan, Clerk

PROPOSED NEW FRANKLIN SOIL, EROSION CONTROL AND POST CONSTRUCTION REGULATIONS (as revised in council workshop September 2010)

NOTE: Additions are shown in bold CAPS and underlined, deletions are shown with double strikethrough.

1100.02 EROSION AND SEDIMENT CONTROL AND POST CONSTRUCTION STORM WATER QUALITY

A. Purpose and Scope. The purpose of this Section is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of the City.

(1) This Section will:

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

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

(2) This Section applies to all parcels in the City 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 1100.02A(3).

(3) This Section does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules. Rules 1501:15-5-01 to 15-5-18 of the Ohio Administrative Code as amended. HOWEVER, ALL AGRICULTURAL BUILDING CONSTRUCTION AND CONSTRUCTION OF OF NON-IRRIGATION RELATED PONDS ARE SUBJECT TO THE PROVISIONS OF THIS SECTION.

B. Disclaimer of Liability. Compliance with the provisions of this Section shall not relieve any person from the responsibility for damage to any person otherwise imposed by law. The provisions of this Section 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.

C. Conflicts, Severability, Nuisances and Responsibility.

(1) Where this Section is in conflict with other provisions of law, regulation, or ordinance, the most restrictive provisions shall prevail.

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

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

(4) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall no relieve the site owner from the responsibility for the condition or damage resulting there from, and shall noT result in the City, its officers, employees, or agents being responsible for any condition or damage resulting there from.

D. Regulated Activities. This Section requires that a Storm Water Pollution Prevention Plan (SWPPP) be developed and implemented for all parcels ~~of~~ ON WHICH one (1) acre or more IS SUBJECTED TO SOIL DISTURBANCE and on which any regulated activity of Section 1100.02A(2) is proposed. For parcels ON WHICH less than one acre ~~in size~~ IS SUBJECTED TO SOIL DISTURBANCE, a SWPPP may not be required; however the owner shall comply with ~~all other provisions of this Section~~ S 1100.02H(3)(a) THROUGH AND INCLUDING 1100.02H(3)(b)2b AND SECTIONS 1100.02K THROUGH AND INCLUDING 1100.02N.

E. Application Procedures.

- (1) *Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan.* The applicant shall submit the required number of sets of the SWPPP and the applicable fees to the Summit SOIL & WATER CONSERVATION DISTRICT (SWCD) and the required number of sets of the SWPPP to the City Engineer as follows:
 - (a) For subdivisions: After the approval of the preliminary plans by the Planning and Zoning Commission and with the submittal of the improvement plans to the City Engineer.
 - (b) For other construction projects: 30 days prior to soil disturbing activity.
 - (c) For general clearing projects: 30 days prior to soil disturbing activity.
- (2) The Summit SWCD shall review the plans submitted pursuant to 1100.02E(a) or 1100.02E(b) for conformance with current NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) permit requirements and this Section and approve, or return with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan. An approved SWPPP shall serve as a permit to commence soil disturbing activities following a pre-construction meeting.
- (3) Soil disturbing activities shall not begin, and final plat approvals will not be issued, without an approved SWPPP.
- (4) A pre-construction meeting must be held with the SWCD inspector and the City prior to earthwork activities. The applicant, contractor, and applicant's engineer should be in attendance at the pre-construction meeting.
- (5) A SWPPP for individual sublots in a subdivision may not be approved unless the larger common plan of development or sale containing the subplot is in compliance with this Section.
- (6) Approvals issued in accordance with this Section shall remain valid for two (2) years. If regulations concerning erosion and sediment control or storm water quality change prior to the beginning of active construction, a new SWPPP may be requested.

F. Storm Water Pollution Prevention Plan.

- (1) The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) consistent with the requirements of the most recent Ohio EPA NPDES General Construction Permit. For specific requirements of a SWPPP the designer shall refer to

the NPDES Ohio General Construction Permit and the Summit SWCD SWPPP Check List. The SWPPP must address erosion and sediment control during construction as well as post construction water quality practices. Post construction practices must meet the requirements of the NPDES Ohio General Construction Permit and the City.

- (2) The SWPPP shall be certified by a Qualified Individual.
 - (3) The SWPPP shall incorporate measures as recommended by the most current edition of the Rainwater and Land Development Manual as published by the Ohio Department of Natural Resources or other technical manuals approved by the Summit SWCD.
 - (4) *Trapping Efficiency.* All sediment basins and traps must maintain a minimum 75% trapping efficiency throughout the construction period as determined by engineering calculations contained within the Summit County Water Quality and Trapping Efficiency Program. The approved program to determine trapping efficiency is available through the Summit SWCD.
 - (5) *Soils Erodibility Reports.* The Summit SWCD may require the SWPPP 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. This report shall contain all the information listed below:
 - (a) Data regarding the nature and erodibility of existing soils.
 - (b) If applicable, data regarding the nature 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, for permanent soil stabilization after construction is completed.
- G. Compliance With Local, State, and Federal Regulations. All submittals are required to show proof of compliance with all state and federal regulations. Approvals issued in accordance with this Section do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below.
- (1) *Ohio EPA NPDES Permits Authorizing Storm Water Discharges Associated with Construction Activity or the Most Current Version Thereof.* Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, 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.
 - (2) *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 an application is made under this Section.

- (3) *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 an application is made under this Section.
- (4) *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, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
 - (a) A statement from a qualified wetland professional who has determined that Section 404 of the Clean Water Act is not applicable.
 - (b) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this Section.
- (5) *Ohio Dam Safety Law.* Proof of compliance shall be a copy of the Ohio Department of Natural Resources Division of Water permit application tracking number, a copy of the project approval letter from the Ohio Department of Natural Resources Division of Water, or a letter from the applicant's engineer certifying and explaining why the Ohio Dam Safety Law is not applicable.
- (6) *Section 1100.01 Riparian Setback Development Regulations of the City of New Franklin Zoning Code.* Proof of compliance shall be a copy of the SUMMIT SWCD approval letter, and/or a zoning certificate from the Zoning Administrator. Riparian setbacks must be shown on the SWPPP.

H. Performance Standards.

- (1) The SWPPP must contain a description and location of all appropriate BEST MANAGEMENT PRACTICES (BMPs) for each construction operation. Prior to the start of grading and within seven (7) days from the start of grubbing the applicant must implement such controls. The SWPPP must clearly describe for each major construction activity the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the person(s) responsible for implementation. The time frame for SWPPP implementation shall be consistent with the current Ohio EPA NPDES Construction Permit. No project subject to this Section shall commence without a SWPPP approved by the Summit SWCD and the City. No project subject to this Section shall commence without a pre-

construction meeting being held with the Summit SWCD. It will be the applicant's responsibility to contact the SWCD and the City.

- (2) The applicant shall inform all contractors and subcontractors not otherwise defined as "operators" as defined in the Ohio EPA's NPDES Permit, who will be involved in the implementation of the SWPPP of the terms and conditions of the SWPPP. The applicant shall maintain a written document containing the signatures of all contractors and subcontractors involved in the implementation of the SWPPP as proof acknowledging that they have reviewed and understand the conditions and responsibilities of the SWPPP. The written document shall be created and signatures shall be obtained prior to commencement of work on the construction site. A copy shall be provided to the Summit SWCD AND THE CITY prior to commencing with the project.
- (3) All projects regardless of the area of disturbance must utilize BEST MANAGEMENT PRACTICES (BMPs) to minimize AND CONTROL erosion and off site sedimentation. The controls shall include the following minimum components:

(a) During Active Construction

1. *Non-Structural Preservation Measures.* The applicant must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.
 - a. Stream protection. The requirements of Section 1100.01 shall be followed.
 - b. Wetland protection. The setback requirements of the New Franklin Subdivision Regulations shall be followed in addition to state and federal regulations.
2. *Erosion Control Practices.* The applicant must make use of erosion controls that are capable of providing cover over 70% of disturbed soils. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWPPP. The SWPPP must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.
3. *Runoff Control Practices.* The applicant must make use of measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These

practices shall divert runoff away from disturbed areas and steep slopes where practicable.

4. ***Sediment Control Practices.*** The applicant must install structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than seven (7) days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding or filtering runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.
5. ***Non-Sediment Pollutant Controls.*** No solid or liquid waste, including building materials and concrete wash out water shall be discharged in storm water runoff. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands.
6. ***Compliance With Other Requirements.*** The SWPPP shall be consistent with applicable state and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.
7. ***Trench and Ground Water Control.*** There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
8. ***Applicant Inspections.*** An initial inspection of all erosion and sediment control practices shall be conducted by a qualified individual to certify that the installations comply with the approved SWPPP. All controls on the site shall be inspected by the applicant's agent at least once every seven (7) calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The applicant shall assign a qualified individual to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWPPP is adequate, or whether additional control measures are required. Internal inspections and documentation of corrective actions taken must be made available upon request.

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

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

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

ii. When practices fail to provide their intended function. If an inspection reveals that a control practice fails to perform its intended function as detailed in the SWPPP and that another, more appropriate control practice is required, the SWPPP must be amended and the new control practice must be installed within ten (10) days of the inspection.

iii. When practices depicted on the SWPPP are not installed. If an inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

10. **Final Stabilization.** All soil disturbing activities are complete and a uniform perennial vegetative cover with a density of 70 percent coverage for the area has been established on all unpaved areas and areas not covered by permanent structures. In addition, all temporary erosion and sediment control practices have been removed and disposed of in an acceptable manner.

(b) **Post Construction Water Quality Practices.**

1. **Non-Structural Water Quality Practices.** Non-structural post construction best management practices include preservation, planning, or procedures that direct development away from water resources or limit creation of impervious surfaces. Practices such as conservation easements, riparian and wetland setbacks, and conservation subdivision design are all non-structural controls.

- a. All non-structural water quality practices must be protected from disturbance through the construction phase of the project.
 - b. All non-structural water quality practices must be protected in perpetuity through the use of appropriate legal tools. All easement or conservation areas must appear on the final plat and be disclosed to potential buyers.
- 2. **Structural Water Quality Practices.** Structural post construction best management practices are permanent features constructed to provide treatment of storm water runoff either through storage, filtration, or infiltration.
 - a. All structural water quality practices must be established prior to the completion of the project. Structural water quality practices should be made functional once the disturbed areas on site are stabilized. If detention/retention facilities were used for sediment control during development, sediments must be removed prior to the basin being used for post construction storm water quality.
 - b. Maintenance. The post construction water quality practice must be maintained in perpetuity by those parties identified in the SWPPP or the Storm Water Management Maintenance Agreement.
- I. **Fees.** A Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Plan review, filing, and inspection fee is part of a complete submittal. Fees are required to be submitted to the Summit SWCD before the review process begins. The Summit SWCD shall provide a current fee schedule upon request.
- J. **Bond.** If a Storm Water Pollution Prevention Plan is required by this Section, then a performance and maintenance bond shall be posted according to the New Franklin Subdivision Regulations. No project will be released from Bond if there is failure to comply with an approved SWPPP.
- K. **Enforcement.**
 - (1) All development areas will be subject to inspections by the Summit SWCD and the City to ensure compliance with the approved SWPPP.
 - (2) After each inspection the Summit SWCD may prepare and distribute a status report to the applicant.
 - (3) If an inspection determines that operations are being conducted in violation of the approved SWPPP, the City may take action as detailed in Section 1100.02L.
- L. **Violations.**
 - (1) No person shall violate or cause or knowingly permit to be violated any of the provisions of this Section, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this Section, or knowingly use or cause or permit the use of any lands in violation of this Section or in violation of any permit granted under this Section.

- (2) If the SWCD and/OR the City determines that a violation of the rules adopted under this section exists, the City shall 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 SWCD or the City determines such a rule violation exists, regardless of whether or not the violator has obtained proper permits, the SWCD OR THE CITY shall authorize the issuance of a notice of violation.
- (3) If, after a period of not less than thirty (30) days has elapsed following the issuance of the notice of violation, the violation continues, the City shall issue a second notice of violation. Except as provided in Section 1100.02L(6), if, after a period of not less than fifteen (15) days has elapsed following the issuance of the second notice of violation, the violation continues, the City shall issue a stop work order after first obtaining written approval from the City Law Director if, in the opinion of the Law Director, the violation is egregious.
- (4) Once a stop work order is issued, the City shall request, in writing, the City Law Director to seek an or other appropriate relief in the Summit County Court of Common Pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this Section.
- (5) If the City Law Director seeks an injunction or other appropriate relief, then, in granting relief, the Summit County Court of Common Pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred (\$100.00) or more than five hundred (\$500.00) dollars. Each day of violation of a rule or stop work order issued under this Section shall be considered a separate violation subject to a civil fine.
- (6) No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the City or the chief of the Division of Soil and Water ~~Conservation~~ RESOURCES in the Ohio Department of Natural Resources.
- (7) Notwithstanding subsections (2) through (6) hereof, if the Mayor determines that a violation of any rule adopted or administrative order issued under this Section exists, the Mayor may request, in writing, the City Law Director to seek an injunction or other appropriate relief in the Summit County Court of Common Pleas to abate excessive erosion or sedimentation and secure compliance with the rules of order. In granting relief, the Court may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred (\$100.00) or more than five hundred (\$500.00) dollars. Each day of violation of a rule adopted or administrative order issued under this Section shall be considered a separate violation subject to a civil fine.
- (8) The New Franklin Planning and Zoning Commission may deny the issuance of any further plat approvals for the property in question until the site is brought into compliance with this Section.

(9) The Summit County Department of Building Standards may suspend the issuance of occupancy certificates within developments that are not in compliance with this Section.

(10) The City Engineer may suspend the inspection of site improvements and/or refuse the release of Bonds on developments that are not in compliance with this Section.

M. Appeals. Any person aggrieved by any order, requirement, determination or any other action or inaction by the City in relation to this Section may appeal to the New Franklin Board of Zoning Appeals. The aggrieved party may appeal the decision of the Board of Zoning Appeals to the Summit County Court of Common Pleas. Written notice of the appeal to the Court of Common Pleas shall be served on the City and a copy shall be provided to the Summit SWCD.

N. SCWD Agreement. The Mayor is hereby authorized to negotiate an agreement with the Summit SWCD on behalf of the City to ensure the Summit SWCD performs its duties in accordance with this Section. County Council's authorization is required prior to execution or amendment of such agreement.

1400.02 DEFINITIONS

Certified Professional In Erosion and Sediment Control (CPESC) – A professional who has met the requirements of and has been certified by CPESC Inc.

Community – The City of New Franklin and its designated representatives, boards, or commissions.

Construction Entrance – The permitted points of ingress and egress to development areas.

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.

Disturbed Area – An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.

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

Erosion and Sediment Control – ~~A system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.~~ 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.

Final Stabilization – All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.

Landscape Architect – A Professional Landscape Architect registered with the State of Ohio.

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.

Maximum Extent Practicable – The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as the National Pollutant Discharge Elimination System (NPDES) Storm Water Phase II must meet.

National Pollution Discharge Elimination System (NPDES) - ~~A storm water discharge permit administered by the Ohio Environmental Protection Agency (OEPA).~~ 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.

Ohio EPA NPDES General Construction Permit – A permit issued by the Ohio Environmental Protection Agency to an applicant for the discharge of storm water from sites where construction activity is being conducted with discharges to subsequent receiving waters. (Permit Number OHC0000023 as amended)

Parcel – A tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a "Permanent Parcel Number" assigned by the Summit County Fiscal Office.

Phasing – Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

Professional Engineer/Surveyor – A professional registered in the State of Ohio by the appropriate board.

Qualified Individual – Professional engineers, professional surveyors, and landscape architects registered in the State of Ohio or a Certified Professional in Erosion and Sediment Control as recognized by CPESC Inc.

Rainwater and Land Development Manual (RWLD) – A publication of the Ohio Department of Natural Resources that contains Ohio's minimum technical standards for post construction storm water quality and erosion and sediment control standards.

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.

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.

Sedimentation – The deposition or settling of sediment.

Soil Disturbing Activity – Clearing, grubbing, grading, excavating, filling or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

Soil Erodibility – The susceptibility of soil to erosion and the amount and rate of runoff, as measured under the standard unit plot condition. Soil erodibility factors are available in the Summit County Soil Survey.

Stabilization – The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.

Stream – A surface water course with a well defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel.

Summit County Storm Water Management Manual – Summit County's storm water management requirements developed and updated by the County Engineer.

Unstable Soils – A portion of land that is identified by the City Engineer, Summit County Building Standards and/or the Summit SWCD 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.

Water Resource – Any public or private body of water including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.

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.

Wetland Professional – An individual with training and experience in wetland delineation acceptable to the U.S. Army Corps of Engineers.