

## Article XII

### STORMWATER QUALITY

#### 1200 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM REGULATIONS

The development, implementation, and enforcement of the Delaware County Drainage, Erosion, and Sediment Control (DESC) Permit Program is mandated by both the Federal Government and the State of Ohio. The Federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES) Stormwater Regulations require that stormwater discharges from certain types of facilities be authorized under discharge permits (40 C.F.R., 122.26). The goal of the NPDES stormwater permits program is to reduce the amount of pollutants entering streams, lakes, and rivers as a result of stormwater runoff from residential, commercial, and industrial areas. The original 1990 regulation (**Phase I**) covered municipal (i.e., publicly-owned) storm sewer systems for municipalities over 100,000 population. The regulation was expanded in 1999 to include smaller municipalities, as well as some counties, including Delaware County. This expansion of the program is referred to as **Phase II**. In Ohio, stormwater discharge permits are issued by the Ohio Environmental Protection Agency (OEPA). The Phase II municipal separate storm sewer systems (MS4s) will be covered under an OEPA general permit for stormwater discharges. As per the Phase II regulation, the main requirement of this general permit will be for Delaware County to develop and implement six stormwater management programs, or minimum control measures. One of these six measures is **construction site stormwater runoff control**. The Phase II regulation states that the County must "develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from unincorporated lands in the County to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. In short, the Delaware County must develop a stormwater management program that meets the requirements of the six minimum control measures and protects state waters from pollution, contamination, and/or degradation.

#### 1201 PURPOSE

To inform the Owner and his contractor(s) of the information, scheduling and requirements that must be provided and followed during construction of the improvement.

## Article XII

### STORMWATER QUALITY

#### 1202 GENERAL SPECIFICATIONS

These Standards and Delaware County Supplemental Specifications shall apply unless otherwise approved by the County Engineer. Please refer to Article II, Section 203 for additional information on the required construction and material specifications.

No person shall cause or allow earth- and/or land-disturbing activities on a development area except in compliance with these Standards. A DESC plan shall be submitted and approved prior to any land-disturbing activities on development areas involving earth disturbance, including those development areas being a part of a 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 (SWP3) so that compliance with other provisions of this regulation will be achieved during and after development. Such a plan shall address specific requirements established by the Delaware County Engineer.

The requirement for and design of permanent drainage systems for the control of stormwater runoff shall be based upon the general and specific policies, standards and specifications outlined in the latest version of the Delaware County DESC Manual. A copy of the DESC Manual is included in the Supplemental Specifications of these Standards. Temporary and permanent stormwater runoff controls shall be designed in accordance with the standards and specifications outlined in the latest edition of the Ohio Department of Natural Resources (ODNR) Rainwater and Land Development manual. Other federal, state, or local manuals containing standards and specifications for erosion and sediment control practices may be used, subject to prior approval of these manuals by the Delaware County Engineer.

#### 1203 GENERAL DESC PERMIT PROCESS

1. **Application** - An application for the DESC permit must be completed and submitted with the plans for review and approval. The Owner or designated representative must sign the application declaring him/her as the person responsible for the land disturbing activity. A copy of the DESC permit application is included in the Supplemental Specifications of these Standards.

## Article XII

### STORMWATER QUALITY

2. **Fee** - Fee amounts for the DESC permit(s) are provided in the Supplemental Specifications of these Standards.
3. **Plans** – All projects require the submittal and approval of a preliminary SWP3 plan. In addition, all projects require the submittal and approval of a *General DESC Permit* along with, or as part of, the Final Engineering and Construction Plan.
4. **Detailed Construction Plan Checklist** - A completed *General DESC Checklist for Construction Activities* must be submitted along with the SWP3 for review and approval. A copy of the General DESC Checklist is included in the Supplement Specifications of these Standards.
5. **Pre-construction site meeting(s)** - If required as a condition of *General DESC Permit* Plan approval or deemed necessary *during* the Final *General DESC Permit* approval process, a pre-construction site meeting shall be conducted *prior* to the final action on the *General DESC Permit*. The Delaware County Engineer will also require a pre-construction site meeting as a condition of Final *General DESC Permit* approval. This meeting must occur prior to scheduling of a pre-construction conference (per Article XI). If site clearing is necessary, this meeting must occur prior to any clearing activities. The purpose of a pre-construction site meeting is to correct any inadequacies in the *General DESC Permit* that are identified during the visit and to ensure that the Owner and the onsite contractor representative understand the *General DESC Permit*, sequence of construction related activities, self-inspection reporting, and maintenance and record keeping requirements.
6. **Erosion and Sediment Control Surety** - Delaware County requires surety for erosion and sediment control construction. The types of surety accepted by Delaware County are listed in Article V. The surety shall be an amount sufficient to cover site stabilization costs should the site fall out of compliance. The Delaware County Engineer shall review and approve the Engineer's estimate for the site stabilization costs. The Owner is responsible for the site until the site is accepted by Delaware County.
7. **Issuance of a Drainage, Erosion, Sediment Control (DESC) Permit** - Upon adequate completion of the above activities, as applicable, Delaware County Drainage Engineer will issue *General DESC Permit*. No land disturbing activities, including clearing, grubbing, or blasting, may occur on the site prior to this time. Doing so will result in an immediate issuance of a Notice of Violation with a Stop Work Order.
8. **Final Stabilization** - Final stabilization at the site must include the following:

## Article XII

### STORMWATER QUALITY

- a. All land disturbing activities at the site have been completed.
  - b. There are no areas of active erosion evident.
  - c. Establishment of a permanent perennial vegetative cover of the disturbed area, with a minimum density of 70% cover for the area has been established; or the area has been seeded and interim measures (i.e., mulches or geotextiles) sufficient to prevent erosion from the disturbed areas have been employed. The Delaware County Engineer shall determine if the minimum 70 % coverage or if adequate seeding and interim measures have been provided.
9. **Letter of Completion** - The Owner must submit a Letter of Completion to the Delaware County Engineer (Stormwater Permit Department) upon completion of site construction and final stabilization. On this letter, the Owner shall certify that construction, including final stabilization, is complete and in accordance with the approved *General DESC Permit*.
10. **Release of the General DESC Permit** - Once the results of the final inspection signify compliance with the approved SWP3 plans and conditions, including final stabilization, the General DESC permit shall be terminated.
11. **Release of Surety** - One year after release of the *General DESC Permit*, the final inspection for the release of the surety may be conducted. The Owner shall contact the County Engineer to schedule this inspection.

### 1204 REQUIRED AGENCY DOCUMENTATION

The following items shall be obtained by the Owner prior to issuance of the General DESC permit and approval of the Final Engineering and Construction Plan. Copies of these items shall be submitted to the County Engineer as part of the General DESC permit and Final Engineering and Construction Plan approval.

1. **Ohio EPA 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/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 Owner certifying and explaining why the NPDES Permit is not applicable.
2. **Section 401 of the Clean Water Act** - Proof of compliance with Section 401 of the Clean Water Act shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or

## Article XII

### STORMWATER QUALITY

a letter from the 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 regulation.

3. **Ohio EPA Isolated Wetland Permit** - Proof of compliance with an Ohio EPA Isolated Wetland Permit shall be a copy of Ohio EPA Isolated Wetland Permit application tracking number, public notice conditions, project approval, or a letter from the 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 regulation.
4. **Section 404 of the Clean Water Act** - Proof of compliance with Section 404 of the Clean Water Act 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 Owner shall submit proof of compliance with the U.S. Army Corps of Engineers Nationwide Permit Program. This shall include one of the following:
  - a. A letter from Owner certifying that a qualified professional has surveyed the site and 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 regulation.
5. **Ohio Dam Safety Law** - Proof of compliance with Ohio Dam Safety Law shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the Owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

### 1205 OPEN WATERCOURSES

## Article XII

### **STORMWATER QUALITY**

The requirements for Open Watercourses are outlined in Article IX, Section 904. In addition to the requirements outlined in Article IX, first- through third-order streams shall not be enclosed with storm sewers.

#### **1206 CONSTRUCTION SITE RUNOFF CONTROLS.**

Controls shall be implemented to address construction site runoff. These runoff controls are outlined in the Supplemental Specifications of these Standards (Please refer to the Delaware County DESC Manual in the Supplemental Specifications).

#### **1207 POST CONSTRUCTION STORMWATER MANAGEMENT PRACTICES**

Unless otherwise exempted, all runoff from development sites shall be directed to one or more stormwater quality controls designed according to these Standards and Supplemental Specifications. These stormwater quality controls are outlined in the Supplemental Specifications of these Standards (Please refer to the Delaware County DESC Manual in the Supplemental Specifications).

Stormwater quality control facilities shall either be integrated with the stormwater quantity controls or, if not integrated, flows exceeding the capacity of the stormwater quality control shall be conveyed to a stormwater quantity control facility. Permanent stormwater quality control basins, as defined by these Standards may be used as temporary sedimentation basins designed to control sedimentation during construction, as long as collected sediments are removed, the design grade of the facility is restored, permanent vegetation is established, the temporary outlet is removed, and permanent outlet structure is constructed as designed. Please refer to the Supplemental Specifications of these Standards for additional requirements.

Measures to address post-construction stormwater quality shall comply with these Standards and Supplemental Specifications. These post-construction stormwater quality controls are outlined in the Supplemental Specifications of these Standards (Please refer to the Delaware County DESC Manual in the Supplemental Specifications).