

City of Fairfield Storm Water Quality Management Plan



Prepared by

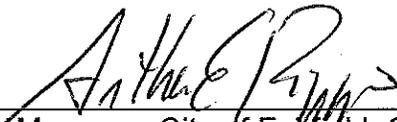
Public Works Department
City of Fairfield
8870 North Gilmore Road
Fairfield, Ohio 45014

January 2005
Revised February 2014



Certification

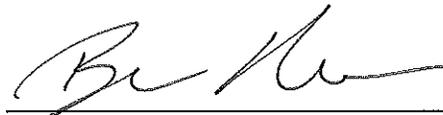
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



City Manager, City of Fairfield, Ohio 5/14/14
Date



Public Works Director, City of Fairfield, Ohio 5-13-14
Date



City Engineer, City of Fairfield, Ohio 5-13-14
Date

Approved as to form by:



Law Director, City of Fairfield, Ohio 5/14/14
Date

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Background

This storm water quality management plan is intended to demonstrate compliance by the City of Fairfield with the NPDES Phase II regulations. The City of Fairfield is regulated under the Phase II program as the operator of a small municipal separate storm sewer system (MS4). All of the described storm water program activities will be funded through existing funding mechanisms, including the City's general fund, the flood protection fund, and the Public Works Department's small drainage project account. The City of Fairfield has the legal authority to implement all of the storm water best management activities (BMPs) described in this plan.

The storm water quality management plan (SWQMP) outlines the Six Minimum Control Measures that are expected to result in reductions in the adverse effects of storm water discharged by the City of Fairfield over the 5 year permitting period of 2014-2018.

The Six Minimum Control Measures are:

1. Public Education and Outreach
2. Public Participation/Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm Water Runoff Control
5. Post Construction Storm Water Management in New Development and Redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

Each measure is addressed separately within the plan. Generally, the plan identifies the strategies, existing programs and proposed programs for each minimum control measure. A table of organization outlines who will be responsible for completing each Minimum Control Measure under this permit.

The City will submit its required update annually during the permit cycle to the Ohio EPA. The report will include the status of compliance with the permit conditions, an assessment of the appropriateness of the BMPs and progress towards achieving measurable goals for each of the Six Minimum Control Measures.

A summary of the activities the City will undertake during the subsequent annual reporting cycle and any changes to the BMPs or measurable goals will be included in the annual report.

This plan was revised in February of 2014 by the City of Fairfield as a result of meeting with the Ohio EPA. The purpose of the meeting with the Ohio EPA was to evaluate the City's storm water management program. The revised plan indicates the status of the previously established measurable goals set forth by

the original plan and identifies additional BMPs, goals, and schedules that are planned to be implemented by the City over the remainder of the City's small MS4 permitting period.

BMPs, Measurable Goals, and Schedule

This section describes the best management practices (BMPs), measurable goals, and implementation schedule for each of the six minimum control measures listed in the Phase II rule.

1. Public Education and Outreach

According to the Phase II rule (paraphrased),

... operators of small MS4s must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff ...

The City of Fairfield chose a mix of BMPs for public education and outreach. This control measure targets homeowners, commercial property owners, and the general public (those visiting Fairfield and non-homeowners). The program is predicated largely on increasing awareness of how the City's MS4 system functions through information dissemination. As awareness increases, the program will be enhanced to include more active public participation.

The City of Fairfield has partnered with the Groundwater Consortium and the Butler County and Hamilton County Soil and Water Conservation Districts for public education/outreach efforts and will continue its support of these activities within the City.

To fulfill this requirement, the City of Fairfield will use the following BMPs:

1.1 Storm Water Web-page - The City has developed a web-page (address - www.fairfield-city.org/publicworks/stormwater.cfm), linked to the City of Fairfield homepage, that provides information on storm water quality and pollution prevention. The information presented at this web site includes the impact of urbanization on storm water, typical sources of storm water pollution, pollution prevention measures, an overview of the City's storm water management plan, and links to related websites.

Links to additional storm water educational websites:

Ohio EPA:

http://www.epa.ohio.gov/dsw/storm/ms4_index.aspx

US EPA:

http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=6

Butler County Storm Water District:
<http://www.stormwaterdistrict.org/>

Hamilton County Storm Water District
<http://www.hamilton-co.org/stormwater/>

Schedule

Permit Year 1	Finalized content for storm water web-page and activated link
Permit Years 2 - 5	Log activity at site and update content as needed

Measurable Goal: At least 200 visits annually to storm water web page in Permit Years 2 through 5 (actual number of visits will be monitored by Fairfield's Web Analyst).

As of February 2014, the City has developed a storm water related web-page and will modify and update the content as needed to continue to provide educational material to those who visit the web-site over the remainder of the permit period.

Responsible Person(s): The web-page content was developed by the City Engineer in conjunction with the City's Web Analyst. The Web Analyst will log activity at the site.

1.2 Newsletter Articles - The City publishes a series of articles in the *Fairfield Flyer*, a quarterly newsletter that is sent to all residents of Fairfield. The initial article focused on the planned activities of the storm water program, steps the public can take to reduce storm water pollution, and how the public can become involved in the program.

Schedule

Permit Years 1 through 5	Prepare and publish articles documenting progress of the storm water program and provide additional storm water pollution prevention
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Measurable Goal: Publication of at least three articles in the Fairfield Flyer newsletter during the 5-year permit cycle.

As of February 2014, the City has published numerous newsletter articles and will continue to provide additional educational articles over the remainder of the permit period.

Responsible Person(s): The articles are written by Public Works Department personnel and they will coordinate their publications in the newsletters.

1.3 Public Education Display – The City has developed a set of educational materials for display at the Fairfield Municipal Building and Fairfield Library. This display includes posters providing information on storm water pollution, a flyer describing pollution prevention measures, and distribution items such as magnets and coloring books.

Schedule

Permit Year 1	Developed and purchased display materials
Permit Years 1 - 5	Present storm water display and distribute educational materials

Measurable Goal: Presentation of storm water display at least twice annually and distribution of 200 storm water items (flyers, magnets, coloring books) annually in Permit Years 1 through 5.

As of February 2014, the City has developed an educational display and has posted at City facilities and has partnered with the Groundwater Consortium at public events where educational materials were shared with the public. The City will continue to post the display and provide educational material throughout the remainder of the permit period.

Responsible Person(s): The City Engineer will organize the materials and coordinate with other City staff and outside personnel for their display.

1.4 Storm Water Quality Flyer – The City has developed a flyer describing storm water pollution prevention measures that can be implemented by residents and businesses. The flyer has been distributed as part of the Public Education Display and the information posted on the City storm water web page.

Schedule

Permit Year 1	Developed storm water quality flyer
Permit Years 1 - 5	Distribute flyer to residents and businesses and post on the City web page

Measurable Goal: Distribution of at least 100 flyers annually in Permit Years 2 through 5.

As of February 2014, the City has developed, printed, and made a storm water education brochure available at various City facilities. An electronic version of the brochure is posted on the City's storm water web-page. The City will continue to distribute the brochure throughout the remainder of the permit period.

Responsible Person(s): The City Engineer will coordinate with an outside contractor to develop and print the storm water flyer.

1.5 Educational Video – The City has coordinated with the local cable company, Time Warner, to present a public service announcement (PSA) on storm water pollution. The PSA, “Protecting Our Communities from Storm Water Pollution,” was produced by the US EPA and can be shown in formats ranging from 4 minutes to 30 seconds. The PSA has been shown on Time Warner channel 18, a local public access channel for the City of Fairfield. As of August 2012, approximately 12,000 of Fairfield’s 18,000 households receive Time Warner cable service. The City has additionally posted a storm water video, “After the Storm,” on the City’s storm water website to present to the public.

City web-page: www.fairfield-city.org/publicworks/stormwater.cfm

Schedule

Permit Years 1 - 5	Present storm water PSA on local public access channel and provide a link on the City web-page.
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Measurable Goal: Monthly presentation of storm water PSA on local public access channel during first 5-year permit cycle. Presentation times will be varied to maximize audience coverage.

As of February 2014, the City has coordinated with the local cable company to present the storm water pollution prevention PSA and posted an additional EPA sponsored video on the City’s storm water web-page. The PSA will continue to air over the local cable channel and the video will remain posted on the web-page throughout the remainder of the permit period.

Responsible Person(s): The City Engineer will coordinate with the Clerk of Council and the local cable company for the presentation of the public service announcement.

1.6 School Program – In coordination with the Fairfield City schools, the Groundwater Consortium, and the Butler County and Hamilton County Stormwater Districts, the City has provided storm water and groundwater pollution prevention educational presentations to students within the City’s School District. The City additionally provided training to intermediate school teachers on storm water related issues that can be included within the school educational program.

Schedule

Permit Years 1 - 5	Present program at City schools through cooperation with the Ground Water Consortium
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Measurable Goal: Presentation of educational program to at least two (2) intermediate school classes annually in Permit Years 1 through 5.

As of February 2014, the City has teamed with the Groundwater Consortium and has presented storm water and groundwater pollution prevention educational material to over 500 Fairfield students annually. The City has additionally teamed with the Butler County SWCD associated with providing storm water protection to intermediate school teachers. The City will continue to explore educational opportunities throughout the remainder of the permit period.

Responsible Person(s): The City Engineer will coordinate with the Ground Water Consortium to develop and present the educational program to Fairfield students.

1.7 Pet Waste Collection Stations – City Ordinance 521.15 (see Appendix A) requires pet owners to remove their pet’s waste from any public property or private property not owned by them. To ensure compliance with this ordinance, the City has installed and maintained pet waste collection stations in Fairfield’s public parks. These stations include signs describing the purpose of the station and disposable plastic bags for collecting waste.

Schedule

Permit Years 1 - 5	Purchase materials and install stations
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Measurable Goal: Installation of at least two (2) pet waste collection stations annually on Fairfield City Park property during the first 5-year permit cycle.

As of February 2014, the City has purchased pet waste collection stations that have been installed at various City park locations. The City will continue to maintain the pet waste collection stations throughout the remainder of the permit period.

Responsible Person(s): The Public Works and Parks Departments will coordinate on the purchase and installation of the pet waste collection stations.

1.8 Groundwater Consortium Partnership – The City will continue involvement with the Hamilton to New Baltimore Ground Water Consortium (website address: www.gwconsortium.org) as means of providing storm water and groundwater pollution prevention education materials to City residents and school students and providing public involvement activities such as the City of Fairfield Race for Global Water.

Schedule

Permit Years 1 - 5	Provide educational materials and organize public events
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Measurable Goal: Presentation of educational materials to intermediate school classes annually and assisting with the organization of at least one annual public event in Permit Years 1 through 5.

As of February 2014, the City has coordinated with the Groundwater Consortium to assist with distributing educational storm water brochures to the public and providing storm water and groundwater pollution prevention educational presentation to Fairfield students. The City will continue to work with the Groundwater Consortium throughout the remainder of the permit period to explore public educational opportunities.

Responsible Person(s): The City Engineer will coordinate with staff from the Ground Water Consortium to develop and present the educational materials and assist with organizing public events.

Rationale Statement

Individuals and households within Fairfield will be informed about the steps they can take to reduce storm water pollution through all of the BMPs previously described. The storm water web-page (BMP 1.1), newsletter articles (BMP 1.2), and storm water flyer (BMP 1.4) will encourage interested parties to contact the City to become involved in the program. The target audiences for the education program include homeowners and businesses at large. These groups were targeted because it is expected that changing their activities will produce the greatest storm water benefits. Additional narrowing of the target audience was not warranted because Fairfield does not have a particular population category or business type that is more prone to producing storm water impacts. The target pollutant sources include illegal dumping into the storm sewer system, improper disposal of yard waste, and improper use of household chemicals / lawn products. Through the newsletter articles (BMP 1.2), all households and business within the City will receive information on the storm water program during the first permit term. Success of this minimum measure will be based on the achievement of the measurable goals. The measurable goals for each BMP were selected to emphasize quantitative measurements of materials distributed to the public.

2. Public Involvement and Participation

According to the Phase II rule (paraphrased),

... operators of small MS4s must, at a minimum, comply with State and local public notice requirements when implementing a public involvement / participation program...

The City recognizes that a successful storm water program relies not only on the MS4 owners and operators and the regulatory community, but also upon the input, assistance and understanding of the general public. The City's program includes means and methods to give the public opportunity to play an active role in both the development and implementation of the NPDES Phase II program.

To fulfill this requirement, the City of Fairfield will use the following BMPs:

2.1 Public Hearings – Hold a public meeting prior to completing the revised storm water management plan to solicit comments and other input from the public.

Schedule

Permit Year 4	Hold a public hearing to receive input on the revised storm water plan.
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Measurable Goal: Hold one (1) public hearing to solicit comments from City Council and the general public on the storm water quality management plan.

As of February 2014, the City held a public hearing on January 14, 2003 prior to completing the initial storm water management plan to solicit comments and other input from the public. At the hearing, Public Works staff made a brief presentation and distributed copies of program materials. Additionally, the City will present the revised plan to City Council for review and adoption and publically advertise the meeting which will allow the public an opportunity to attend.

Responsible Person(s): The City Engineer will coordinate with the Clerk of Council and other City staff to publicize and conduct the public hearing.

2.2 Formal Adoption of Plan by City Council - The initial storm water quality management plan was formally adopted by the Fairfield City Council through Ordinance 27-03 (see Appendix A). The process involved public readings of a Council Letter at three City Council meetings. These council readings provided an opportunity to receive public comments on the storm water plan. A copy of the plan is kept at the Public Works Building for public review. The revised plan

will be presented to City Council for review and approval by means of establishing a new ordinance.

Schedule

February 2003	Adoption of initial plan by City Council
Permit Year 4	Adopt the revised plan by City Council

Measurable Goal: Formally adopt the revised storm water quality management plan by City Council.

Responsible Person(s): The City Engineer coordinated with the Clerk of Council and other staff on the formal adoption of the revised plan by City Council.

2.3 Storm Drain Marking – The City has installed storm drain markers on curb inlets in Fairfield’s public storm sewer system to assist with providing stormwater pollution prevention education to the public. The public storm sewer system in Fairfield contains an estimated 4,000 curb inlets.

Schedule

Permit Year 1	Purchased storm drain markers, and begin marker installation
Permit Years 2-5	Continue to install markers and inspect and maintain as necessary

Measurable Goal: Replace markers annually, in Permit Years 1 through 5.

As of February 2014, the City has installed markers on all public storm sewer inlets. Every storm sewer inlet will be checked by the City sidewalk inspector and markers replaced as necessary within the next five years. As structures are upgraded, the City will purchase storm sewer inlet grates that have the marking stamped into the metal.

Responsible Person(s): The City Engineer will coordinate with City staff to arrange for the installation of storm drain markers.

2.4 Tree Planting Program – The City of Fairfield has been recognized as a “Tree City” by the National Arbor Foundation since 1995. A key activity in the City’s reforestation program is the use of volunteers to plant trees on City property. The City will continue this activity and encourage tree planting in riparian corridors whenever feasible.

Schedule

Permit Years 1 - 5	Plant trees through volunteer tree planting program
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Measurable Goal: Provide a storm water and groundwater educational opportunity by coordinating with a volunteer group to plant trees within the City.

As of February 2014, the City has annually coordinated with a volunteer group to plant approximately 100 trees on public property every year since 2003. The trees were donated by the Izaak Walton League and planted by the City of Fairfield elementary school students.

Responsible Person(s): The Parks Department will manage the tree planting program and report program activities to the City Engineer.

2.5 Storm Water Hotline – To encourage participation from the public, the City has designated and publicized the central Public Works Department phone number as a “storm water hotline.” This phone number (513-867-4200) allows the public to report storm water problems such as illegal dumping, material spills, construction site erosion, clogged catchbasins, etc. This is featured prominently on the storm water flyer, Fairfield’s storm water web page, and other materials distributed through the storm water program.

Schedule

Permit Years 1 - 5	Publicize storm water hotline, respond to calls, and keep records on reported problems.
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Measurable Goal: During first 5-year permit term, respond to all reported problems and keep call records.

As of February 2014, the City has posted the “storm water hotline” on the City’s web-page and has included the number on various printed educational material distributed to the public. The City has followed-up to each complaint and concern received from the public and will continue posting the hotline number throughout the remainder of the permit period.

Responsible Person(s): Public Works Department staff will receive and respond to all calls to the storm water hotline.

Rationale Statement

The public hearing (BMP 2.1) and adoption of the plan by City Council (BMP 2.2) will be the primary means of public involvement for developing this storm water management program. Public involvement in the program will continue through storm drain marking (BMP 2.3), tree planting (BMP 2.4), and calls to the storm water hotline (BMP 2.5). The target audiences for the public involvement program include community groups interested in volunteering and the public at large (both homeowners and businesses). Success of this minimum measure will be based on the achievement of the measurable goals. The measurable goals for each BMP were selected to emphasize quantitative measurements (i.e., number of markers installed, number of trees planted, number of calls received) of public participation in the storm water program.

3. Illicit Discharge Detection and Elimination

According to the Phase II rule (paraphrased),

... the operator of a small MS4 must: (1) develop a storm sewer system map showing the location of all outfalls and names and location of all surface waters of the United States that receive discharges from those outfalls; (2) effectively prohibit non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions; (3) develop and implement a plan to detect and address non-storm water discharges, including illegal dumping; and (4) inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste...

Due to the largely residential nature of the City, it is important to coordinate the effort to eliminate illicit discharges by local citizens through the public education/outreach and public involvement portions of the Storm Water Management Plan. Public education, public complaint process, visual screening of outfalls, and dry weather screening of outfalls are components of the program.

The City has initiated an education program to increase public awareness of the storm water system and illicit discharge control. The City will continue to provide an illicit discharge detection and elimination brochure at City facilities. As the public education and outreach program results in greater awareness of the system, local citizens may become involved using the website to report illicit discharge locations.

To fulfill this requirement, the City of Fairfield will use the following BMPs:

3.1 Storm Sewer Mapping – The City has developed a geographic information system (GIS) map of the storm sewer system that includes all publicly-owned components (catchbasins, pipes, manholes, culverts, etc.), all outfalls that discharge to surface waters of the State, and the names and location of surface waters of the State. The storm sewer map was created using construction plans, field measurements, and an aerial survey of the City flown in March 2005. USGS maps were used to define surface waters of the State and an outfall will be defined as any conveyance (pipe or open channel) that directly connects to a surface water body. During the review of USGS mapping, it was determined that there are approximately 30 miles of receiving streams within the Fairfield City limits that receive discharge from the storm sewer system. No outfalls from Fairfield's public storm sewer directly discharge into the 2.5 river-miles of the Great Miami River that are adjacent to the city.

This GIS map was created using ArcView software. Construction plans used for the mapping work included hard-copy subdivision plans and roadway improvement plans. Field data was collected using survey-grade Trimble GPS

equipment (owned by City). The focus of the field work consisted of locating outfalls and storm sewer components in areas not covered by the available construction plans. The map will be updated by the City Public Works Department as new development occurs using construction plans and GPS-surveyed field data, if necessary.

A preliminary review of Fairfield's utility billing information indicates that there are approximately 160 addresses in Fairfield that feature home sewage treatment systems (HSTS). City and County records indicate that the majority of these systems are septic systems that percolate into the soil. As part of this storm sewer mapping BMP, staff from the Public Utilities Department inspected these systems over the first permit cycle to verify their working condition. If failing systems are found, the City contacted the local board of health to determine the proper course of action in resolving the non-functional HSTS. No HSTS's were found to be connected to the storm sewer system during the investigation.

Schedule

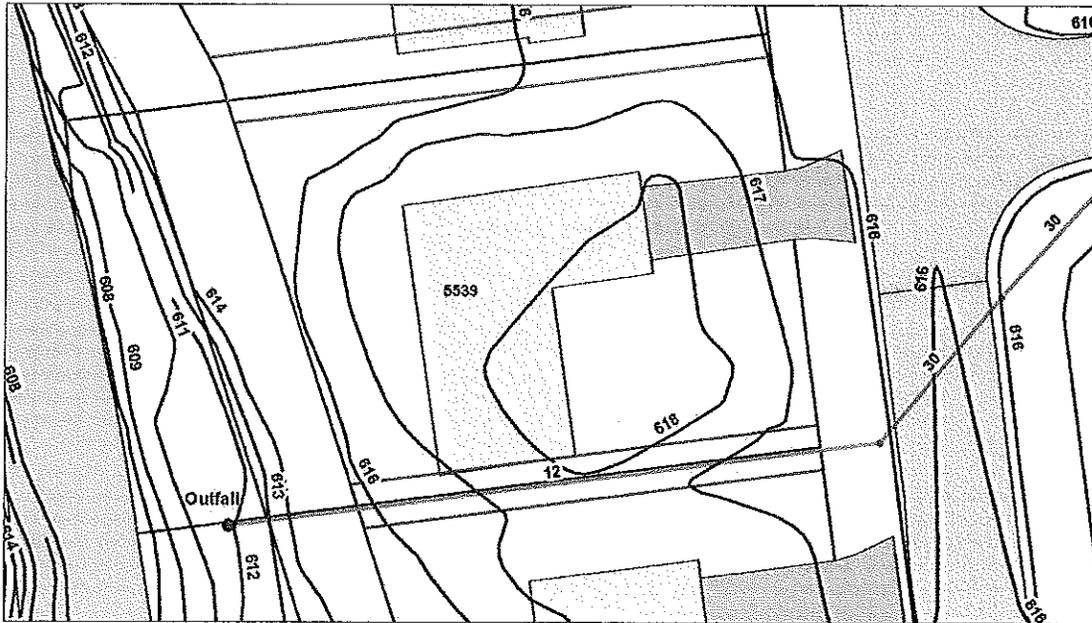
Permit Year 1	Completed Base Map of Storm Sewer System using available construction plans. Field-verified locations of outfalls and add other system components in areas not covered by construction plans. Inspected HSTS's.
Permit Years 1 - 5	Update the map using new development plans, as necessary.
Permit Years 4-5	Map the City maintained and privately maintained post-construction water quality Best Management Practices.

Measurable Goal: Base map of storm sewer system completed in Permit Year 1. Outfall locations field verified in Permit Years 2 through 5, beginning in largest stream reaches. All HSTS's inspected by end of first permit cycle.

As of February 2014, the City has developed a GIS map of the storm sewer system during Permit Year 1 that includes all the publicly-owned components, outfalls that discharge to waters of the State, and the names and locations of the surface waters of the State. Additionally, it has been confirmed that all HSTS located within the City don't consist of discharges into the City maintained storm sewer system. Known HSTS locations are identified on the City developed GIS map. The map will be updated as necessary during the remainder of the permit period by the City Public Works Department. The City will determine the locations of the City maintained and privately maintained post-construction water quality Best Management Practices and identify the locations on the map. The public can view the GIS map by means of the City web-site.

City web-site address: www.fairfield-city.org/maps/index.cfm

Storm System GIS Map Example



Responsible Person(s): Under the direction of the City Engineer, Public Works Department technicians will develop the storm sewer system map. Field work will be conducted by staff from the Public Works and Public Utilities Departments.

3.2 Prohibiting Illicit Discharges – Revised City Ordinance 925.07 (see Appendix B) prohibits illicit discharges into the storm sewer system and includes enforcement sanctions. Under this ordinance, any person, firm or corporation that is causing an illicit discharge is guilty of a third degree misdemeanor. Revised City Ordinance 521.08 (see Appendix B) prohibits littering and defines “litter” to include garbage, construction debris, leaves, yard waste or any material of an unsightly or unsanitary nature. Violations of Ordinance 521.08 are punishable as minor misdemeanors.

When necessary, these ordinances will be invoked to cause guilty parties to remove the source of an illicit discharge or stop illegal dumping. The City will enforce these ordinances using staff from the Public Works, Development Services, Police, and Fire Departments.

Schedule

Permit Year 1	Adopted Revised Ordinances 925.07 and 521.08
Permit Year 2 - 5	Enforce City Ordinances 925.07 and 521.08

Measurable Goal: When an illicit discharge / illegal dumping is detected or reported, City code will be invoked to cause the guilty party to eliminate the illicit discharge.

As of February 2014, the City has adopted revised City Ordinances 925.07 and 521.08 which prohibits illegal discharges into the City MS4 system. The City will continue to enforce these ordinances throughout the remainder of the permit period. Additionally as discussed within Part 2.3, the City has installed markers on all public storm sewer inlets to assist with educating the public and discourage illegal discharges into the City MS4 system.

Responsible Person(s): City Ordinances 925.07 and 521.08 will be enforced by the Public Works Director, City Engineer, Law Director, and other city staff as necessary.

3.3 Field Program to Detect and Address Illicit Discharges – The City has developed a program for the detection and elimination of illicit discharges. This program includes field inspection of outfalls, limited water quality analysis, and source identification. The field work involves walking City streams during dry-weather and visually inspecting outfalls. To best utilize City resources, this outfall inspection work will be conducted as part of the survey work for the GIS map development and routine drainage crew operations (see BMP 6.1).

If an outfall discharge is suspected to have an illicit source, on-site analysis with a YSI model 63 hand-held water quality meter will be conducted. The parameters included in this analysis include temperature, pH, and conductivity. If necessary, additional analysis will be performed at Fairfield’s wastewater department laboratory. This facility has the ability to test samples for fluoride, ammonia, chlorine, fecal coliform, BOD5, and TSS.

If the visual inspection and water quality analysis indicate a potential illicit discharge, the source will be identified using the storm sewer map in conjunction with other measures such as TV inspection of storm sewer lines (equipment owned and operated by Fairfield wastewater department). The City will work with any parties found to be causing illicit discharges to eliminate those sources. If necessary, enforcement sanctions will be applied in accordance with City Code. Fairfield will coordinate with neighboring communities if the source of an illicit discharge is found to be outside of city limits.

Schedule

Permit Year 1	Developed illicit discharge field inspection program
Permit Years 2 – 5	Conduct outfall inspections in field for detection and elimination of illicit discharges. Identify the sources of any discovered illicit discharges and work with responsible parties to eliminate those discharges.

Measurable Goal: Outfall inspection conducted over approximately 7.5-miles (25%) of Fairfield’s streams annually in Permit Years 2 through 5. All outfalls will be inspected by Year 5.

As of February 2014, the City has inspected has provided dry weather screening of all outfall locations within the MS4 system. These outfall locations are indicated on the City GIS map.

Responsible Person(s): The City Engineer will develop the illicit discharge detection program and coordinate with other Public Works Department staff in its implementation.

3.4 Educate Public Employees – The City will develop a training program for City staff that incorporates information on the hazards of illegal discharges and improper waste disposal. This training program will target staff from the Public Works, Development Services Departments, Public Utilities, Police, and Fire Departments.

Training for Public Works and Public Utilities staff will be oriented towards identification of existing illicit connections and improper waste disposal. Training for Development Services Department staff will be targeted towards insuring that new development / redevelopment projects do not result in illegal connections to the MS4. Training for Police and Fire Department staff will be targeted towards spill response / illegal dumping procedures.

Schedule

Permit Year 1	Developed a training program and conducted first session
Permit Years 3 and 5	Provide annual training for City staff

Measurable Goal: Determine the availability of educational training opportunities for City staff to attend during the first 5-year permit cycle.

As of February 2014, the City has City staff have attended various training sessions associated with illegal discharges and improper waste disposal. The City will continue to identify training opportunities for City staff to attend throughout the remainder of the permit period.

Responsible Person(s): The City Engineer will develop and present the public employee education program on illicit discharges.

3.5 Educate Businesses and the General Public – The Public Education and Outreach program includes information on the hazards of illegal discharges and improper waste disposal. This information is presented on the storm water web page (BMP 1.1), in the newsletter articles (BMP 1.2), on the storm water flyer (BMP 1.4), and is incorporated in the school program (BMP 1.6).

Schedule

Permit Years 1 - 5	Include illicit discharge information in Public Education program BMPs 1.1, 1.2, 1.4, and 1.6
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Measurable Goal: See Public Education and Outreach Best Management Practices 1.1, 1.2, 1.4, and 1.6.

Responsible Person(s): Same as listed in Public Education and Outreach section.

3.6 Spill Response Program – The City of Fairfield is a member of the Greater Cincinnati Hazardous Materials Unit, a regional response team that covers a number of counties and cities in the Cincinnati area. In coordination with the Fairfield Fire Department, the Greater Cincinnati Hazardous Materials Unit provides spill containment services to Fairfield for significant spill events. A private contractor under the direction of the Fairfield Fire Department removes any contained spilled hazardous materials. Spill response for smaller events (vehicle accident leaks, etc.) is provided solely by Fire Department personnel.

Schedule

Permit Years 1 - 5	Implement existing spill response program
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Measurable Goal: All spills reported to the Greater Cincinnati Hazardous Materials Unit within the City of Fairfield will be contained in accordance with their standard practices. The Fairfield Fire Department will respond to smaller spills.

Responsible Person(s): The Fire Department Chief will have overall authority in managing the City's spill response program.

Rationale Statement

The storm sewer map (BMP 3.1) will be developed by Public Works Department staff using construction plans, field data, and aerial mapping from Fairfield's GIS. The map will be updated using construction plans for new development projects in conjunction with field data collected with a survey-grade GPS unit. Ordinances 925.07 and 521.08 will be used to prohibit illicit discharges (BMP 3.2) and were selected because Fairfield's Codified Ordinances are a standard mechanism for enforcing compliance. Violations of Ordinance 925.07 are punishable as third-degree misdemeanors and violators are also subject to any enforcement penalties incurred by the City. Violations of Ordinance 521.08 are punishable as minor misdemeanors. The plan for detecting and addressing illicit discharges, including HSTS's, is described under BMP 3.3. Priority areas within Fairfield have not been identified because random, illegal dumping is the expected source of most illicit discharges, not aging sanitary sewer lines or failing septic systems. No particular areas of the City are more susceptible to illegal dumping than others. Procedures for tracking and removing illicit discharges are described in BMP 3.3.

The illicit discharge program will be evaluated annually by the City Engineer when the annual reports are being prepared. Public employees, businesses, and the general public will be informed on the hazards of illegal discharges through the following BMPs: employee training program (BMP 3.4), storm water web page (BMP 1.1), the newsletter articles (BMP 1.2), the storm water flyer (BMP 1.4), and the school program (BMP 1.6). Success of this minimum measure will be based on the achievement of the measurable goals. The primary measurable goal for this minimum control is the inspection of outfalls over the permit period. This measurable goal was selected because it is currently unknown whether there are any new significant illicit discharges in the City and the inspection program is the best mechanism for locating such discharges. Other measurable goals were selected to ensure that an accurate storm sewer map is prepared for the City and that City staff are trained to identify illicit discharges.

4. Construction Site Storm Water Runoff Control

According to the Phase II rule (paraphrased),

... the operator of a small MS4 is required to develop, implement, and enforce a pollutant control program to reduce pollutants in any storm water runoff from construction activities that result in land disturbance of greater than or equal to one acre. This program must include: (1) an ordinance or other regulatory mechanism to require erosion and sediment controls and sanctions to ensure compliance; (2) requirements for construction site operators to implement appropriate best management practices; (3) requirements for construction site operators to control waste that may cause adverse impacts to water quality; (4) procedures for site plan review; (5) procedures for receipt and consideration of information submitted by the public; (6) procedures for site inspection and enforcement of control measures ...

The City recognizes that sediment laden runoff from construction sites, if unchecked, can deposit more sediment and pollutants in a stream than would be deposited there over the course of decades from other land use types. The resulting siltation, and other pollutants, can cause physical, chemical, and biological harm to the waterways.

The permit requires that the City's program include pre-construction storm water pollution prevention plan review of all construction activities resulting in a land disturbance of greater than or equal to one acre. To ensure compliance, these construction sites must be initially inspected. The frequency of follow-up inspections is on a monthly basis unless the City documents its procedures for prioritizing inspections, such as location to a waterway, amount of disturbed area, compliance of site, etc.

To fulfill this requirement, the City of Fairfield will use the following BMPs:

4.1 Erosion and Sediment Control Ordinance – Revised City Ordinances 1117.06 and 1309.15 (see Appendix B) requires that erosion and sediment control best management practices be established for all new development and redevelopment projects in Fairfield. Ordinance 1117.06 specifically states that an erosion and sediment control plan must be approved by the City through the Staff Technical Review (STR) site plan review process. The City currently requires the submittal of erosion and sediment control plans by means of the Building Division site plan submission checklist. Ordinance 1309.15 states that construction site operators are responsible for controlling construction site waste.

The City Engineer and Inspectors from the Public Works and Development Services Departments enforces these ordinances. If adequate erosion and sediment control measures are not being provided, the first response is to alert

the contractor or developer to the problem and advise them of the necessary changes both verbally and in writing. These ordinances provide the City with the authority to suspend work on a project until adequate controls are in place. Site inspections are performed by inspectors from the Public Works Department on projects involving the construction of public infrastructure. Public Works inspectors visit these sites at the following stages: site clearing / grading, sanitary sewer installation, water line installation, storm sewer installation, curb construction, and pavement construction. On individual lot developments (residential and commercial), Building Department staff inspects the site at the following stages of construction: footing / slab / foundation wall, rough framing, insulation, rough electric, HVAC, rough heating, and gas line installation. All construction sites are inspected by City staff, at a minimum of, once per month to ensure that construction site operators are properly managing the storm water runoff per the Revised City Ordinances. Sites requiring enforcement proceedings based upon observations made during site inspections will be implemented per Revised Ordinance 1117.06. Enforcement includes the issuance of stop-work orders where sediment and erosion control measures are not provided in accordance with the approved erosion and sediment control plan.

Schedule

Permit Years 1	Adopt Revised Ordinances 1117.06 and 1309.15
Permit Years 2 - 5	Review erosion and sediment control plans submitted to the City associated with site improvement projects.
Permit Years 2 - 5	Provide monthly erosion and sediment control site inspections and enforce Ordinances 1117.06 and 1309.15
Permit Years 4-5	Adopt an ordinance requiring the development of Storm Water Pollution Prevention Plans (SWPPPs) per the requirements of the latest version of the Ohio EPA's General Construction Storm Water Permit

Measurable Goal: All new development / redevelopment projects will include erosion and sediment control measures to minimize the water quality impact of construction site runoff.

As of February 2014, the City has adopted the revised ordinances that require erosion and sediment control plans to be submitted to the City for review and approval. The City has additionally been providing erosion and sediment control site inspections to ensure that the approved erosion and sediment control plans are being properly implemented throughout construction activities. The City will continue to review plans and conduct inspections throughout the remainder of the permit period. The City will additionally adopt an ordinance requiring the development of Storm Water Pollution Prevention Plans (SWPPPs) per the requirements of the latest version of the Ohio EPA's General Construction Storm Water Permit.

Responsible Person(s): The Public Works Director, Development Services Director, City Engineer, and other staff from the Public Works and Development Services Departments will enforce the erosion and sediment control ordinances.

4.2 Adoption of Erosion Control Manual – Per Revised Ordinance 1117.06, Fairfield has officially adopted the standard erosion control manual of the Ohio DNR, “Rainwater and Land Development.” It is expected that the use of this widely available and accepted manual will help ensure that erosion control measures are used properly on construction projects. The manual is referred to during plan reviews and field inspections.

Schedule

Permit Years 1	Adopted Revised Ordinance 1117.06
Permit Years 1 - 5	Per Ordinance 1117.06, use “Rainwater and Land Development” manual as standard reference for erosion control measures.

Measurable Goal: “Rainwater and Land Development” will be the standard erosion control reference document used for plan review and field inspection of all new development / redevelopment projects in Fairfield.

As of February 2014, the City has adopted Revised Ordinance 1117.06 that requires all erosion and sediment controls used to manage construction site runoff are to be installed and maintained per the Ohio DNR “Rainwater and Land Development” manual. City Staff will continue to inspect construction sites to ensure that the controls are installed and maintained per the manual requirements throughout the remainder of the permit period.

Responsible Person(s): The City Engineer and inspectors from the Public Works and Development Services Departments will be responsible for ensuring that erosion and sediment control measures be implemented in accordance with this ODNR manual.

4.3 City Staff Training – The City has developed a training program for inspectors in the Public Works and Development Services Departments. The training focused on the proper installation and maintenance of erosion and sediment control measures and verification that a given set of measures provides adequate protection. Public Works Department inspectors are used primarily for the inspection of residential and commercial subdivision projects. Development Services Department inspectors will be used for the inspection of individual lot projects.

Schedule

Permit Year 1	Developed training program and conduct first session
Permit Years 2 - 5	Conduct annual training sessions

Measurable Goal: Select City staff from Public Works and Development Services Departments will attend at least three (3) training sessions during first permit cycle that include information on construction site erosion and sediment control.

As of February 2014, City staff has attended at least three training sessions associated with erosion and sediment control. The City will continue to evaluate potential training opportunities during the remainder of the permit period.

Responsible Person(s): The City Engineer will develop and present the public employee education program on erosion and sediment control.

Rationale Statement

Ordinances 1117.06 and 1309.15 (BMP 4.1) will be used to enforce compliance with the construction site runoff program and were selected because Fairfield's Codified Ordinances are a standard regulatory mechanism for the City. Compliance with the City's erosion control requirements will be monitored through the site inspection process described in BMP 4.1. When violations occur, stop work orders will be issued. Ordinances 1117.06 and 1309.15 describe the City's basic requirements for preventing storm water pollution due to construction site runoff and construction site waste. Ordinance 1117.06 also states that Fairfield will use the most recent standards and specifications available from the Ohio Department of Natural Resources, which currently is the manual "Rainwater and Land Development," as an erosion and sediment control reference (BMP 4.2). Site plan review for all new construction and redevelopment projects will be provided through the City's Staff Technical Review process, and will include a consideration of water quality impacts. Information submitted by the public will be forwarded to the City Engineer. Inspectors from the Public Works and Development Services Departments will conduct site inspection. Success of this minimum measure will be based on the achievement of the measurable goals. The measurable goals were selected to ensure the continued operation of the City's erosion control program.

Prior to applying for its Phase II permit, Fairfield has had an erosion and sediment control program in place and has experienced good compliance with the program requirements. The BMPs listed under this minimum control represent a refinement of the existing program, not the beginning of a completely new City function.

5. Post-Construction Storm Water Management

According to the Phase II rule (paraphrased),

... the operator of a small MS4 must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The operator of a small MS4 is required to: (1) develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community; (2) use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects; (3) ensure adequate long-term operation and maintenance of BMPs...

The City addresses the post-construction storm water management in new development and redevelopment with structural and non-structural BMPs in keeping with the BMP requirements of the OEPA Construction General Permit, OHC00003. As part of this minimum control, the City seeks to effectively manage quantities of post development flow, diminish the impact of the amount of impervious cover within its system and enhance existing storm water practices through inclusion of water quality components.

To fulfill this requirement, the City of Fairfield will use the following BMPs:

5.1 Stormwater Management Requirements – Through revised Ordinance 1182 (see Appendix B), the City currently requires on-site stormwater runoff quantitative and qualitative control for all new development and redevelopment projects that result in an increased amount of impervious surface. Specifically, this ordinance requires the construction of facilities that reduce a 100-year post-developed peak flow rate from the site to the 2-year pre-developed level. Revised Ordinance 906.0 (see Appendix B) describes the maintenance responsibilities for facilities located on commercial, industrial, multi-family residential property and in single-family residential subdivisions.

City regulations allow for the use of dry basins (detention), wet basins (retention), underground storage, and infiltration measures to meet the requirements of Ordinance 1182. Infiltration structures have typically been used in the northwest portion of Fairfield where soils are permeable and the flat topography has made the construction of storm sewers difficult. On small sites where these facilities are not practical or in locations where they would not provide the intended benefits, the ordinance allows the developer to pay a waiver fee in lieu of constructing such facilities. In addition to requiring the construction of on-site facilities, the City also has built two regional detention basins for flood mitigation.

The storm water quality benefits of detention / retention facilities include the reduction of peak flows which can erode stream channels and the pollutant removal characteristics of wet ponds. Infiltration facilities provide additional storm water quality benefits because potential pollutants are not transported to surface waters. Ordinance 1182 is primarily enforced through the City's STR (Staff Technical Review) plan approval process.

Schedule

Permit Years 1 - 5	Enforce Ordinance 1182.
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Measurable Goal: All new development / redevelopment projects will be reviewed for storm water detention/retention facilities. Waivers will only be granted in those instances where these facilities are impractical or do not provide benefits.

As of February 2014, the City has reviewed site improvement plans to ensure compliance with ordinance 1182. The City will continue to review plans throughout the remainder of the permit period.

Responsible Person(s): The Development Services Director will enforce City Ordinance 1182 through the plan review process.

5.2 Wellhead Protection Program – Under City Ordinance 1192 (see Appendix A), portions of Fairfield have been delineated into a set of districts, collectively referred to as the “wellhead protection area” (see figure in Appendix C). Development within these districts is regulated for the protection of groundwater resources. These regulations include restrictions on new businesses with a high pollution risk potential such as gas stations, registration of existing facilities, and requirements for spill control plans.

This ordinance provides storm water quality benefits because it addresses a number of potential pollution sources (hazardous material spills, industrial operations involving hazardous materials, etc.) and provides authority to assess penalties for non-compliance.

Schedule

Permit Years 1 - 5	Enforce Ordinance 1192.
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Measurable Goal: All new development / redevelopment projects will be regulated in accordance with the wellhead protection program.

As of February 2014, the City has reviewed site improvement plans to ensure compliance with ordinance 1192. The City will continue to review plans throughout the remainder of the permit period.

Responsible Person(s): The Public Utilities Director will enforce City Ordinance 1192.

5.3 Maintenance of Regional Basins – Permits from the Ohio Department of Natural Resources (ODNR) were obtained for the two regional detention basins built and owned by the City (Sites ‘A’ and ‘C’). These permits require that the City conduct regular inspection, vegetation maintenance, and clearing of the basin outlet structures. The City will continue to inspect, maintain, and repair the two regional detention facilities in accordance with the ODNR permits.

Schedule

Permit Years 1 - 5	Maintain two regional detention basins in accordance with ODNR permits.
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Measurable Goal: Regional basins will be inspected by City staff at least quarterly, mowed at least monthly during the growing seasons, and repaired as necessary.

As of February 2014, the City has performed quarterly inspections and conducted routine maintenance to ensure the proper functionality of the basins. The City will continue to provide inspection and maintenance activities throughout the remainder of the permit period.

Responsible Person(s): The City Engineer will inspect the two regional basins. Maintenance will be performed by staff from the Public Works and Parks Departments.

5.4 Inspection of Residential Subdivision Detention Basins – The City has created an inventory of the detention/retention basins located in residential subdivisions and provides inspections. The purpose of the inspections is to verify their condition, with particular emphasis given to structural components such as inlet pipes, headwalls, outlet structures, and paved gutter. Where damaged components are found, their repair and replacement will be scheduled into the small drainage project program or capital improvement program.

Schedule

Permit Year 1	Established inventory of detention / retention basins located in residential subdivisions.
Permit Years 2 - 5	Inspect detention / retention basins located in residential subdivisions.

Measurable Goal: A complete inventory of residential subdivision detention / retention basins will be completed in Permit Year 1. City staff will inspect these basins once every two years in Permit Years 2 through 5. Damaged structural components will be scheduled for repair or replacement through the small drainage project and/or capital improvement programs.

As of February 2014, the City has established an inventory of basins located within residential subdivisions and has inspected the basins on a two-year cycle.

Responsible Person(s): Under the direction of the City Engineer, Public Works Department staff will perform the residential subdivision basin inspections.

5.5 Stamped Curb Inlets – Fairfield replaces existing curb inlets with new inlets that have grates stamped with a fish logo and the message “DUMP NO WASTE.” These inlets have been replaced through the street overlay program and a contract specifically intended for curb inlet work. These stamped inlets are also used in new development, redevelopment and public roadway improvement projects, whenever possible. The use of the stamped inlets serves the same purpose as the storm drain marking program (BMP 2.3).

Schedule

Permit Years 1 - 5	Install new curb inlets featuring fish logo and text “DUMP NO WASTE”
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Measurable Goal: Install at least 15 stamped curb inlets annually during first 5-year permit cycle.

As of February 2014, the City has installed more than 100 inlets and dry wells with “Dump No Waste” stamps. The City will continue to incorporate this educational Best Management Practice during future improvement projects during the remainder of the permit period.

Responsible Person(s): The City Engineer will coordinate with other City staff to monitor the activity and progress of the stamped inlet program.

5.6 Post-Construction BMP’s - Through the Staff Technical Review (STR) process, developers of projects involving the disturbance of at least 1 acre of land are required to demonstrate compliance with part III.G.2.e of the Ohio EPA’s general NPDES permit for construction activity. Project plans submitted to the City are required to include post-construction BMP’s as a condition for their approval. Allowable BMP’s include vegetated swales / filter strips, extended detention basins, retention basins, constructed wetlands, and alternative BMP’s that are equivalent in effectiveness to other structural controls listed in the general permit. Developers of large construction projects (five or more acres of disturbed land) will also be required to provide structural BMP’s that are sized to treat the water quality volume as defined in the Ohio EPA general permit.

Schedule

Permit Years 3 - 5	<i>Ensure compliance with part III.G.2.e of the Ohio EPA general construction permit through the STR process.</i>
Permit Year 4-5	<i>Adopt an ordinance requiring a post-construction</i>

	<i>Operation and Maintenance Plan and agreement</i>
<i>Permit Year 5</i>	<i>Ensure long-term O&M plans are prepared for post-construction water quality Best Management Practices</i>
<i>Permit Year 5</i>	<i>Ensure annual inspections are being provided to ensure compliance with the approved O&M plans</i>

Measurable Goal: Through the STR process, all new development / redevelopment projects that involve the disturbance of at least 1 acre of land will be required to submit plans that demonstrate compliance with part III.G.2.e of the Ohio EPA general construction permit prior to receiving site plan approval by the City.

As of February 2014, the City has reviewed site improvement plans to ensure that post-construction water quality controls are provided per the Ohio EPA General Construction Permit. The City will revise an existing ordinance or adopt new ordinance that requires the development of O&M plans and agreements between the post-construction operator and the City.

Responsible Person(s): The Public Works Director or his designee will be responsible for ensuring that all projects involving the disturbance of at least 1 acre meet the requirements of part III.G.2.e of the OEPA general construction permit.

Rationale Statement

Through Ordinance 1182, on-site detention / retention facilities are required for all new development and redevelopment projects that result in an increased amount of impervious surface (BMP 5.1). Ordinance 1182 also allows for the use of infiltration practices. Revised Ordinance 925 includes language describing maintenance responsibility for detention / retention facilities (BMP 5.1). Ordinance 1192 functions as a non-structural BMP that provides additional regulatory control for the region of the City where maintaining high groundwater quality is critical (BMP 5.2). BMP 5.3 describes the long-term maintenance program for the City's two regional detention basins. The residential subdivision basin inspection / inventory program (BMP 5.4) will help ensure the long-term operation of those facilities. Installation of the stamped curb inlets (BMP 5.5) serves the function of a non-structural BMP by reducing the likelihood of illegal dumping. BMP 5.6 will ensure that post-construction BMP's are incorporated into new development projects that disturb at least 1 acre (in accordance with the Ohio EPA general construction permit) and that an Operation and Maintenance plan and agreement are established.

Success of this minimum measure will be based on the achievement of the measurable goals. These BMPs were chosen because controlling peak runoff rates, protecting groundwater quality, and addressing illegal dumping are high

priority concerns for Fairfield. The measurable goals were selected to: (1) ensure the continued operation of the City's detention / retention and wellhead protection policies, (2) ensure that the residential detention / retention basins and the City's two regional basins are performing properly, and (3) establish a quantitative goal for installation of stamped curb inlets.

6. Pollution Prevention / Good Housekeeping

According to the Phase II rule (paraphrased),

... the operator of a small MS4 must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing storm water pollution from municipal operations...

The City has a variety of procedures in place to provide 'good housekeeping'. These procedures include the following:

- The proper disposal of waste oils and greases used in the City's maintenance facilities;
- The careful use of salt and calcium chloride during snow removal periods using measures appropriate to conditions;
- Catch basin cleaning, removal of debris from swales, ditches and culverts;
- Maintenance of City-owned storm pipe;
- Street sweeping;
- Very limited pesticide/herbicide use on City-owned property.

To fulfill this requirement, the City of Fairfield will use the following BMPs:

6.1 Drainage Crew Operations – The City utilizes a four-man crew within the Public Works Department to conduct general maintenance and repair work on the public storm sewer system. Their operations include inspection of the storm sewer system, catchbasin cleaning, repairing structural components, and removing obstructions from major streams.

The storm water quality benefits of this crew's activities include the removal of pollutants from catchbasins and the potential identification and elimination of illicit discharges.

Schedule

Permit Years 1 - 5	Maintain public storm sewer system using Public Works Department drainage crew
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Measurable Goal: Drainage crew will address maintenance-related storm sewer system problems by performing necessary repairs or scheduling repair into long-range plan. Catchbasin structures will be inspected annually by the Drainage Crew. Specific Drainage Crew activities will be reported in annual reports.

Responsible Person(s): Under the direction of the Public Works Director, Streets Superintendent, and City Engineer, the drainage crew will perform storm sewer maintenance duties.

6.2 Street Sweeping Program – The City contracts with an outside vendor for street sweeping services. The street sweeping program involves the sweeping of all curbed streets within the City (approximately 232 curb miles) and four (4) publicly owned parking lots. The frequency of cleaning varies from weekly in the City center area to bi-monthly in lower-use residential streets (see figure in Appendix C).

This program provides storm water quality benefits through the removal of pollutants from streets that would otherwise be washed into receiving streams. The pollutants removed from the impervious areas as a result of the Street Sweeping Program are temporarily stored within enclosed dumpsters, in a manner not to expose the collected pollutants to storm water, located within the City maintained construction yard. The temporary stored pollutants are removed from the yard and properly disposed of at a licensed facility by a local waste management company.

Schedule

Permit Years 1 - 5	Perform street sweeping operations and properly dispose of the collected pollutants
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Measurable Goal: Street sweeping over approximately 232 curb miles of public street and four publicly-owned parking lots in accordance with schedule shown in figure from Appendix C.

Responsible Person(s): The Streets Superintendent will be responsible for management of the street sweeping program.

6.3 Fertilizer, Pesticide, and Herbicide Application Program – Certified City staff and Contractors apply these chemicals on City owned and maintained property. The chemicals are stored at the City facilities in a manner not to be exposed to storm water. The chemicals are applied per the manufacturers recommended application rates and careful consideration is made not to apply these chemicals just prior to, or during, a rain event or on impervious surfaces. The appropriate storage and application of these chemicals assist with storm water pollution prevention.

Schedule

Permit Years 1 - 5	Track the amount of chemicals applied to City maintained property and determine means to reduce application amounts throughout the City.
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Measurable Goal: Determine means to reduce application amounts on City maintained property to assist with water quality improvements.

Responsible Person(s): The Streets Superintendent and Parks Superintendent will be responsible for management of the application of the products.

6.4 Leaf / Brush Pickup Programs – The City provides leaf and brush pick-up services for all City residents. The leaf pick-up program operates from November through January. All areas of the City will receive the pick-up service three times over this period (see figure in Appendix C). The collected leaves are deposited at a City-owned lot for composting.

The brush pick-up program, provided upon request to City residents, begins in April and continues through October. The collected brush is chipped and transported to a local waste disposal company, Rumpke, for composting. A third program, Operation Dump truck, allows residents to borrow City-owned trucks for the collection and disposal of yard waste. This material is transported to Rumpke.

These programs provide storm water quality benefits through the removal of leaves, brush, and yard waste, which could otherwise be washed into the storm sewer system.

Schedule

Permit Years 1 - 5	Operate City leaf and brush pick-up programs
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Measurable Goal: Leaf and brush removal throughout City in accordance with program guidelines.

Responsible Person(s): The Streets Superintendent will be responsible for managing the leaf and brush pick-up programs.

6.5 Fleet Maintenance Program - The City's fleet maintenance program incorporates several components that help minimize the potential for storm water pollution. Pollution prevention measures used include the following:

- All City fleet maintenance operations are conducted within the main garage at the Public Works facility. This area is completely enclosed and features numerous spill control measures. All floor drains within the main garage are connected to the sanitary sewer system and feature grease interceptors.
- The Public Works facility includes an enclosed truck wash. The wash-water runoff is routed through an oil-water separator before being discharged to the sanitary sewer system.
- All waste oil generated through fleet maintenance operations is either re-used on-site in a waste oil furnace or recycled by an outside contractor.
- The City only uses above-ground fuel storage tanks equipped with leak detection systems.

Schedule

Permit Years 1 - 5	Continue use of existing pollution prevention measures in fleet maintenance program
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Measurable Goal: All City fleet maintenance activities will be conducted in accordance with storm water program guidelines. Quantified use of these measures (number of vehicles through truck wash and amount of oil recycled) will be included in the Phase 2 annual reports.

Responsible Person(s): The Fleet Manager will be responsible for managing the City's fleet maintenance program.

6.6 Snow Removal Program – The City's current snow removal program is based on the use of salt and calcium chloride. Although the amounts can vary widely from year to year, an average of 3,000 tons of salt and 1,800 gallons of calcium chloride are used annually. The salt is stored in a 4,000-ton capacity salt barn that is completely enclosed. All calcium chloride is stored in a 5,600-gallon tank. The pavement adjacent to the salt barn drains to a catchbasin equipped with a sediment trap that is periodically cleaned. All of the City's snowplows are equipped with computerized hydraulic control systems that optimize the application of road salt.

The storm water pollution prevention benefits of the City's snow removal program are that any un-necessary contact between salt and storm water is minimized and salt application to roads is optimized.

Schedule

Permit Years 1 - 5	Continued operation of Snow Removal program
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Measurable Goal: All salt and calcium chloride used in the snow removal program will be stored in the salt barn and tank and snowplows will continue to use computerized control systems. Actual amounts of materials used (salt and calcium chloride) will be included in the Phase 2 annual reports.

Responsible Person(s): The Streets Superintendent will be responsible for managing the City's snow removal program.

6.7 City Staff Training – The City has developed a training program for select City staff involved in municipal operations that could impact storm water quality. These staff members will include representatives from the Parks and Public Works Departments. The training focuses on minimizing the potential for storm water pollution from fleet maintenance, street maintenance, storm sewer maintenance, and park and golf course maintenance.

Schedule

Permit Year 1	Developed a training program and conducted the first session
Permit Years 3 and 5	Provide additional training sessions and determine educational opportunities for City staff to attend

Measurable Goal: Selected City staff from Parks and Public Works Departments will attend training sessions during first 5-year permit cycle.

Responsible Person(s): The City Engineer will develop and present the City staff training program on water quality impacts of municipal operations.

Rationale Statement

Fairfield's program to prevent or reduce pollutant runoff from municipal operations includes all of the BMPs described in this section of the plan. Municipal operations that are involved include storm sewer maintenance (BMP 6.1), street sweeping (BMP 6.2), fertilizer, pesticide, and herbicide application (BMP 6.3), yard waste management (BMP 6.4), fleet maintenance (BMP 6.5), snow removal (BMP 6.6), and parks / open space maintenance (BMP 6.7). The City staff training program is described in BMP 6.7. Floatables and other pollutants that could potentially enter the MS4 will primarily be controlled through BMPs 6.1 (drainage crew operations), street sweeping (BMP 6.2), and leaf / brush pick-up (BMP 6.4). Pollutants from streets, municipal parking lots, maintenance shops, and salt storage areas will be controlled primarily through BMPs 6.2 (street sweeping), 6.5 (fleet maintenance program), 6.6 (snow removal program). Waste material collected through the drainage crew operations is disposed of at Fairfield's sewage treatment plant. Yard waste collected through the leaf and brush pick-up programs is disposed of through composting.

Prior to applying for its Phase II permit, the City of Fairfield has been proactive in ensuring that City operations did not lead to storm water pollution. The BMPs listed under this minimum control represent a refinement of the existing City operations, not the beginning of a completely new City function. Success of this minimum measure will be based on the achievement of the measurable goals. The measurable goals were selected to ensure continued success in the implementation of these practices.

Appendix A

Existing City Ordinances

CHAPTER 521
Health, Safety and Sanitation

- 521.01 Abandoned refrigerators and airtight containers.
- 521.02 Venting of heaters and burners.
- 521.03 Barricades and warning lights; abandoned excavations.
- 521.04 Sidewalk obstructions; damage or injury.
- 521.05 Notice to fill lots, remove putrid substances.
- 521.06 Duty to keep sidewalks in repair and clean.
- 521.07 Fences.
- 521.08 Littering and deposit of garbage, rubbish, junk, etc.
- 521.09 Noxious or offensive odors.
- 521.10 Nonsmoking areas in places of public assembly.
- 521.11 Air pollution.
- 521.12 Swimming in certain streams prohibited.
- 521.13 Noise control.
- 521.14 Urinating in public.
- 521.15 Animal feces.
- 521.16 Smoking prohibited in City buildings.
- 521.17 Pollution from internal combustion engines.
- 521.18 Outdoor wood-fired boilers.
- 521.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Flagpole installation in sidewalk - see Ohio R.C. 723.012

Excavation liability - see Ohio R.C. 723.49 et seq.

Removal of noxious weeds or litter - see Ohio R.C. 731.51 et seq.

Nuisances - see Ohio R.C. Ch. 3767

Tampering with safety devices - see GEN. OFF. 541.04

521.08 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC.

(a) No person shall, regardless of intent, throw, drop, discard, place or deposit litter or cause litter to be thrown, dropped, discarded, placed or deposited on any public property, on private property not owned by him, or in or on waters of the State, the Municipality or waters not owned by him, unless the person has:

- (1) Been directed to do so by a public official as part of a litter collection drive.
- (2) Thrown, dropped, discarded, placed or deposited the litter in a litter receptacle in a manner that prevents its being carried away by the elements; or
- (3) Been issued a permit or license covering the litter pursuant to Ohio R.C. Chapter 3734 or 6111.

(Ord. 158-95. Passed 11-13-95.)

(b) As used in this section "litter" means garbage, trash, waste, rubbish, ashes, cans, drums, bottles, wire, oil, paper, cartons, boxes, scrap pieces of wood, concrete pieces, pieces of brick or concrete blocks, pieces of drywall, construction debris of any type, automobile or truck parts, furniture, glass, leaves, yard waste or anything else of an unsightly or unsanitary nature.

(Ord. 127-03. Passed 8-11-03.)

(c) No person shall cause or allow litter to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.

(d) No person shall throw, drop, discard, place or deposit litter in any dumpster or receptacle not owned by that person without the permission of the owner of the dumpster or receptacle or his/her authorized agent.

(e) Whoever violates subsection (a) or (d) hereof, is guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this subsection require a person who violates subsection (a) or (d) hereof to remove litter from any public or private property, dumpster or receptacle, or from any waters.

(f) Whoever violates subsection (c) hereof is guilty of a minor misdemeanor.
(Ord. 158-95. Passed 11-13-95.)

CHAPTER 925
Sewers

- 925.01 Definitions.
- 925.02 Responsibilities and enforcement.
- 925.03 General sewer construction requirements.
- 925.04 Use of public sewers.
- 925.05 Connection to public sewers.
- 925.06 Restrictions on sanitary sewer discharges.
- 925.07 Special storm sewer rules.
- 925.08 User charge established.
- 925.09 Industrial Cost Recovery System. (Repealed)
- 925.10 Payments of charges and fees.
- 925.11 Inspections.
- 925.99 Penalty.

CROSS REFERENCES

Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27

Power to regulate water closets and privies - see Ohio R.C. 715.40

Power to construct sewerage system - see Ohio R.C. 715.40, 717.01

Compulsory sewer connections - see Ohio R.C. 729.06

Regulations to control house sewers and connections - see Ohio R.C. 729.51

Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52

Untreated sewage - see Ohio R.C. 3701.59

Interference with sewage flow - see Ohio R.C. 4933.24

Sewerage districts - see Ohio R.C. 727.44 et seq.

Assessments - see Ohio R.C. Ch. 729

Household sewage disposal systems - see OAC Ch. 3701-29

925.07 SPECIAL STORM SEWER RULES.

(a) Permit; Fee. No connection shall be made to a public storm sewer within the City until the written permission of the Public Works Director or his designee has been obtained by the person, firm or corporation proposing to or employed to perform the work. An application for a permit shall be signed by the owner or agent of the property for which the connection is desired and by the person, firm or corporation employed to perform the work; shall describe the property and state the purpose for which the connection is desired; and shall be accompanied by a fee in accordance with the following schedule:

- | | |
|---|----------|
| (1) Existing residential structure sump pump drain pipe | \$10.00 |
| (2) Existing residential structure roof downspout | \$10.00 |
| (3) Existing residential structure yard drain pipe
(6-inch diameter or less) | \$10.00 |
| (4) Existing residential structure storm sewer pipe
(up to 12-inch diameter) | \$25.00 |
| (5) All other connections | \$125.00 |

No permit shall be issued until the appropriate application is made and the applicable fee is paid.

(b) Discharges Into Storm Sewers Regulated. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Public Works Director to a storm sewer or natural outlet after obtaining the appropriate permits from the State, Environmental Protection Agency or any other required agencies.

(c) Prohibition of Illegal Discharges. No person, firm, or corporation shall discharge or cause to be discharged into a public storm sewer or watercourse any substance other than storm water, except as follows:

(1) Water line flushing or other potable water discharges, irrigation or lawn watering, diverted stream flows, rising ground water, uncontaminated ground water infiltration, uncontaminated pumped ground water, foundation or footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential vehicle washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, water from fire fighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the Public Works Director or his designee as being necessary to protect public health and safety.

(3) Any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

(d) Prohibition of Certain Connections. The construction, use, maintenance or continued existence of any drain or conveyance, whether on the surface or subsurface, which allows a prohibited substance to enter a public storm sewer or watercourse is prohibited. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. When a prohibited connection is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the storm sewer system or watercourse. No person, firm or corporation shall fail to eliminate such connection(s) to the storm sewer or watercourse within thirty days after being ordered to do so as provided herein.

(e) Inspection of Storm Sewers. After a connection to a public storm sewer is built, and before it is covered, it shall be inspected and approved by the Public Works Director or his designee.

(f) Prohibition of Curb Line Discharges. No roof downspout, sump drain, or other surface or groundwater drainage line may be constructed to discharge directly into the curb line of any public street. This prohibition expressly includes, without limitation, any curb line discharge established in the past, regardless of whether its construction was permissible under law or practices applicable or prevailing at the time. When such a curb line discharge is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the curb line. No person, firm, or corporation shall fail to eliminate such curb line discharge(s) within 30 days after being ordered to do so as provided herein.

(g) Erosion and Sediment Control. To minimize the entry of sediment and other pollutants into the City's storm sewer system that is caused by construction site runoff, erosion and sediment control measures must be provided on all new development and redevelopment projects. These measures are to be shown in a sedimentation plan that has been prepared in accordance with the applicable requirements of the subdivision rules and regulations.

(h) Maintenance Responsibility for Detention/Retention Basins.

(1) Commercial, industrial, multi-family residential property. The property owner(s) shall fully maintain detention/retention basins located on private commercial, industrial, or multi-family residential property, whether such basins are located within a public easement or not. This maintenance responsibility shall include both routine maintenance such as mowing, cleaning, debris removal, and erosion repair and non routine maintenance such as the repair or replacement of damaged or missing structural components.

(2) Single family residential property. The property owner(s) and/or homeowner's association shall be responsible for routine maintenance such as mowing, cleaning, debris removal, and erosion repair for detention/retention basins located on private single family residential property, whether such basins are located within a public easement or not. The City shall be responsible for non-routine maintenance such as the repair or replacement of damaged or missing structural components of such basins.

(3) Notification. When the maintenance of a detention/retention basin is found to be in violation of this subsection, the Public Works Director will provide written notice to the appropriate property owner(s) and/or homeowner's association ordering that the necessary maintenance be performed within a reasonable period of time. No person, firm or corporation shall fail to perform the required maintenance within the required period after being ordered to do so as provided herein.

(Ord. 127-03. Passed 8-11-03.)

(i) Storm Water Quality Management Plan. As a requirement of the City's NPDES Phase II Storm Water Permit, Council hereby adopts the "Storm Water Quality Management Plan" dated January 2005, prepared by City staff as the City's official planning document for addressing storm water quality and pollution prevention. All subsequent amendments to the "Storm Water Quality Management Plan" shall also be adopted by legislative action of Council. A copy of this plan is on file in the office of the Clerk of Council.

(Ord. 20-05. Passed 2-14-05.)

(j) Violation and Enforcement Costs. In addition to other penalties listed in this chapter, any person, firm or corporation who violates any provision of this chapter shall be liable to the City for any expense, loss or damage resulting from the cleaning, repair or replacement work caused by the

violation. Any person, firm or corporation who violates any provision of this chapter shall also be liable for any fine or penalty incurred by the City caused by their violation. Any person, firm or corporation who must be monitored by the City for enforcement and/or compliance shall be liable for the associated costs.

(k) Compliance with Other Regulations. Compliance with the provisions of this chapter or other sections of City Code does not relieve the site owner from obtaining all other necessary permits and/or approvals from federal, state and/or county agencies. If requirements vary, the most stringent requirement shall apply.

(Ord. 127-03. Passed 8-11-03.)

CHAPTER 1117
Storm Drainage and Sediment Control

- 1117.01 Definitions.
- 1117.02 General requirements.
- 1117.03 Flooding restrictions.
- 1117.04 Drainage plan.
- 1117.05 Design of storm sewers.
- 1117.06 Sedimentation plan.
- 1117.07 Detention/retention of storm water.
- 1117.08 Use of drywells.

CROSS REFERENCES

Storm drain conductors and leaders - see OAC 4101:2-51-69

Water backflow prevention - see S.U.&P.S. 921.12

Sanitary sewers - see S.U.&P.S. Ch. 925

Excavation and fill - see P. & Z. Ch. 1196

Lands subject to flooding - see P. & Z. Ch. 1199

1117.06 SEDIMENTATION PLAN.**(a) Intent.**

(1) No change shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees, or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and approved by the City Engineer or Public Works Director or there has been a determination by the Planning Commission that such plans are not required.

(2) No subdivision shall be approved unless:

A. There has been a plan approved by the City Engineer or Public Works Director that provides for minimizing erosion and sediment as consistent with the intent of this chapter, and performance bond or other acceptable securities are deposited with the City in the form of escrow guarantee which will insure installation and completion of the required improvements; or

B. There has been a determination by the Planning Commission that such plans are not required.

(b) Performance Principles and Standards.

(1) The following principles are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan.

A. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected and supplemented.

B. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential.

C. The smallest practical area of land shall be exposed at any one time, the topsoil shall be preserved and returned to the surface areas to be revegetated.

D. Disturbed soils shall be stabilized as quickly as practicable with temporary vegetation and/or mulching to protect exposed critical areas during development.

E. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

F. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, surface water run-off shall be structurally retarded.

G. Sediment in the run-off water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.

(2) The following standards shall be followed in all water management and sediment control plans:

A. All lots shall be graded to provide proper drainage away from buildings and to dispose of it without ponding. All land within a development shall be graded to

drain and dispose of surface water without ponding, except where waived by the Planning Commission.

B. All drainage provisions shall be of such design to adequately handle the surface run-off and to carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded, planted or paved as required and shall be of such slope, shape and size as to conform with the requirements of the City.

(Ord. 167-95. Passed 11-13-95.)

C. The installation of the specified water management and sediment control measures shall be accomplished in accordance with the most recent standards and specifications available from the Ohio Department of Natural Resources. A copy of such standards and specifications will be kept on file in the offices of the Public Works Director and Development Services Director.

(Ord. 127-03. Passed 8-11-03.)

(3) The approved plan for water management and sedimentation control required of the landowner or his agent shall include, but not be restricted to, the following requirements:

A. Location of any buildings, structures, utilities, sewers, water and storm drains on the site where the work is to be performed.

B. Location of any building or structure on land of adjacent property owners within 100 feet of the site.

C. Elevations and/or contours, dimensions, location and extent of all work proposed to be done, and the existing elevations and/or contours of the land all in two foot increments.

D. A certification of the quantity of excavation and fill involved.

E. Detailed plans of all drainage provisions, retaining walls, cribbing, vegetative practices, erosion and sediment control measures, location of proposed fences around sediment basins, steep excavations, or ponding areas, and other protective devices to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site, and estimated cubic foot per second run-off of the area served by any drain, computed in accordance with current City storm drainage criteria.

F. A timing schedule and sequence indicating the anticipated starting and completion dates of the development; stripping and/or clearing, rough grading and construction, final grading and vegetative establishment, and maintenance and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

G. The estimated cost of the grading and/or filling and the cost of the required erosion controls.

(c) Approval Procedures.

(1) Three backline copies of complete plans shall be filed with the office of the City Engineer.

(2) In order to insure that emergency measures could be taken by the City if the water management and sediment control measures were not implemented according to the

agreed upon plan and schedule, a performance bond in the amount of the cost of the water management and sediment control measures shall be required to be filed with the City. Such performance bond shall authorize immediate payment to the City upon certification of the Planning Commission that necessary emergency work must be done immediately to ensure proper water management and sediment control as a result of the landowner's failure to complete or adhere to the approved water management and sediment control plan.

(3) The Planning Commission and the City Engineer shall make a continuing review and evaluation of the methods used and overall effectiveness of the storm water management and sediment control program.

(Ord. 167-95. Passed 11-13-95.)

(d) Enforcement.

(1) The Public Works Director or his designee shall enforce compliance with the approved sediment control plans for projects that involve the construction of public infrastructure, including residential and commercial subdivisions.

(2) The Development Services Director or his designee shall enforce compliance with the approved sediment control plans for individual lot development projects.

(3) The Public Works Director and Development Services Director have the authority to issue stop work orders to any person, firm or corporation performing work where sediment and erosion control measures are not provided in accordance with the approved site development plans.

(Ord. 127-03. Passed 8-11-03.)

1117.07 DETENTION/RETENTION OF STORM WATER.

Detention/retention of storm water shall be required for each subdivision unless specifically exempted by the Planning Commission.

The objective of a detention/retention facility is to regulate the run-off from a rainfall and to control discharges to downstream areas in order to reduce the impact on downstream drainage systems.

(a) Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this section shall be as follows:

(1) "Storm water detention/retention facility" means any structure or facility used to detain storm water run-off, and gradually release the stored run-off at an acceptable rate.

(2) "Detention basin" means dry surface areas created by constructing an excavated or embankment basin.

(3) "Retention basin" means permanent ponds where additional storage capacity is provided above the normal water level.

(4) "Storm water run-off" means that portion of rainfall that is not lost to infiltration, surface storage or evaporation.

(b) Exemptions to Detention/Retention Requirements. The developer may apply to the Planning Commission for exemption from construction of detention/retention facilities. Each request will be reviewed on its own merit and as it affects the entire drainage area in which it lies and into which it flows.

(c) Design.

(1) Quantity of run-off. The peak rate of run-off during the 100 year post development storm cannot exceed the peak rate of run-off during the two year pre-development storm. For those areas where a study of the downstream area indicates the extended time of high discharge and/or velocity due to restricted release rate and storage may cause flooding and/or excessive erosion, the City Engineer may require additional controls.

(d) Submission Requirements. Plans and supporting data to verify storage volumes, release dates, etc., shall be submitted to the City Engineer. The submission shall include, but is not limited to, the following:

(1) A plan prepared by a registered professional engineer which may be the improvement plan, drainage and grading plan or similar plan at a scale of one inch to 100 feet or larger, shall be submitted and contain at least the following information:

A. All existing and proposed drainage facilities.

B. Existing and proposed contours.

C. Existing structures.

D. The detention/retention facility with outlet structures.

E. Cross section through detention/retention facility.

F. Pertinent elevations, e.g., water surface, flowline of flow control devices, etc.

G. Emergency spillway designed to pass a 100 year storm and with a minimum

depth of one foot.

H. Any other information required by the City Engineer to clarify intent or design features.

(2) All calculations, outlines and designation of drainage areas, and other supporting data in sufficient detail and form to facilitate an expedient and accurate review.

(e) Fees. Review work performed by professional consultants and other costs incurred by the City may be charged to the applicant at their billed cost plus ten percent (10%). The fee must be paid in full prior to approval of the plans by the Planning Director.
(Ord. 167-95. Passed 11-13-95.)

CHAPTER 1182
Detention/Retention Requirements

- 1182.01 Introduction.
- 1182.02 Exemptions to detention/retention requirements.
- 1182.03 Design.
- 1182.04 Submission requirements.
- 1182.05 Fee.

CROSS REFERENCES

- Storm drain conductors and leaders - see OAC 4101:2-51-69
- Special storm sewer rules - see S.U. & P.S. 925.07
- Storm drainage and sediment control - see P. & Z. Ch. 1117

1182.01 INTRODUCTION.

(a) Detention/retention of stormwater refers to storage of excess runoff on the site of a development and gradual release of the stored runoff at an acceptable rate.

(b) Detention basins are dry surface areas created by constructing an excavated or embankment basin.

(c) Retention basins are permanent ponds where additional storage capacity is provided above the normal water level.

(d) The objective of a detention/retention facility is to regulate the runoff from a rainfall and to control discharges to downstream areas in order to reduce the impact on downstream drainage systems.

(e) Detention/retention of stormwater will be required for each subdivision or land development unless specifically exempted. (Ord. 94-84. Passed 7-9-84.)

1182.02 EXEMPTIONS TO DETENTION/RETENTION REQUIREMENTS.

(a) The developer may apply to the City Engineer for exemption from construction of detention/retention facilities.

(b) Each request will be reviewed on its own merit and as it affects the entire drainage area in which it lies and into which it flows.

(c) If an exemption is granted by the City Engineer, the developer shall be required to pay a fee in lieu of the construction of the detention/retention facilities. The fee shall be 75 cents per cubic foot of detention/retention volume that would have been required if an exemption had not been granted. This fee must be paid to the City prior to recording of the plat of a subdivision or issuance of the building permit if no subdivision plat is involved.

(d) The developer may appeal the denial of an exemption to the Board of Zoning Appeals. (Ord. 30-00. Passed 3-13-00.)

1182.03 DESIGN.

(a) Runoff and Volume Calculation Methods. The methods outlined in the City Subdivision Rules and Regulations shall be used to determine the runoff and storage volumes.

(b) Quantity of Runoff.

(1) The peak rate of runoff during the 100 year post development storm cannot exceed the peak rate of runoff during the two year pre-development storm.

(2) For those areas where a study of the downstream area indicates the extended time of high discharge and/or velocity due to restricted release rate and storage may cause flooding and/or excessive erosion, the City Engineer may require additional controls.

(c) Basin Construction.

(1) The side slopes of a detention/retention basin shall not exceed four to one and shall be seeded or sodded.

(2) The bottom of the basin shall be seeded or sodded and sloped to the outlet flow control device. A method of carrying low flow through the basin shall be provided and include appropriate erosion control.

(3) The maximum water depth for detention basins shall be six feet.

(4) The top of the embankment shall have a minimum width of eight feet.

(5) Outlet flow control devices may be either single-stage or multi-stage.

(6) Other requirements may be imposed for specific cases.

(Ord. 94-84. Passed 7-9-84.)

1182.04 SUBMISSION REQUIREMENTS.

Plans and supporting data to verify storage volumes, release rates, etc., shall be submitted. The submission shall include, but is not limited to, the following:

- (a) A plan, which may be the Improvement Plan, Drainage and Grading Plan, or similar plan at a scale of 1" - 100' or larger, shall be submitted and contain at least the following information:
 - (1) The outline and designation of the drainage area(s).
 - (2) All existing and proposed drainage facilities.
 - (3) Existing and proposed contours.
 - (4) Existing structures.
 - (5) The detention/retention basin with outlet structures.
 - (6) Pertinent elevations (e.g. water surface, flowline of flow control devices, etc.)
 - (7) A recommendation from a soils engineer for the foundation and design of the embankment to be used for the retention/detention basin.
 - (8) Any other information required by the City to clarify intent or design features.
- (b) All calculations and other supporting data in sufficient detail and form to facilitate an expedient and accurate review.

(Ord. 94-84. Passed 7-9-84.)

1182.05 FEE.

Work performed by professional consultants and other costs incurred by the City will be charged to the applicant at their billed cost plus ten percent (10%). The fee must be paid in full prior to approval of the plans by the City Engineer.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1192
Source Water Protection Program

- 1192.01 Definitions.
- 1192.02 Designation of protection areas.
- 1192.03 Regulated substances.
- 1192.04 General provisions.
- 1192.05 Regulated substance storage provisions: above ground storage.
- 1192.06 Underground storage tanks.
- 1192.07 Management of other potential pollution sources.
- 1192.08 Violation, penalty and administrative remedies.
- 1192.09 Variance and appeals under the Source Water Protection Program.
- 1192.10 Regulated substances list.

1192.01 DEFINITIONS.

The following terms shall have the following meanings within the context of this Chapter:

(a) ABOVEGROUND STORAGE TANK (AST).

This term, as it applies to Source Water Protection, refers to any non-portable container and supporting structure, excluding all pipes connected thereto, which is used to store an accumulation of Regulated Substances and in which more than 90 percent of the final volume of the storage container is at or above the final ground elevation.

(b) BEST MANAGEMENT PRACTICES (BMP).

This term, as it applies to Source Water Protection, refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the environment. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills, and leaks.

(c) BOREHOLE.

This term, as it applies to Source Water Protection, refers to a hole drilled/cored into the ground to obtain geological information, release water, etc.

(d) BUSTR.

This term, as it applies to Source Water Protection, refers to the Ohio Bureau of Underground Storage Tank Regulations.

(e) CERCLA.

This term, as it applies to Source Water Protection, refers to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., Pub. L. 96-510, December 11, 1980), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, October 17, 1986; 100 Stat. 1613). All references to CERCLA within this regulation are meant to indicate CERCLA, as amended by SARA.

(f) CITY.

This term, as it applies to Source Water Protection, refers to the City of Fairfield and any of its designated agents.

(g) DRY WELL.

This term, as it applies to Source Water Protection, refers to a type of drainage well used for the underground disposal of storm water runoff from paved areas, which include parking lots, streets, highways, residential subdivisions, and building rooftops; agricultural areas; and industrial areas.

(h) EPCRA.

This term, as it applies to Source Water Protection, refers to the Emergency Planning and Community Right-To-Know Act of 1986, also known as the Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, 42 U.S.C. 960).

(i) EXISTING FACILITY or EXISTING STORAGE UNIT.

This term, as it applies to Source Water Protection, refers to any Facility or Regulated Substance storage unit in operation or for which construction commenced on or before the effective date of this Chapter. Construction of a Facility or Regulated Substance storage unit has commenced if:

- (1) The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either
- (2) A continuous on-site, physical construction program has begun; or the owner or operator has entered into contractual obligations for physical construction of the Facility or Regulated Substance storage unit which cannot be canceled or modified without substantial loss.

(j) EXTREMELY HAZARDOUS SUBSTANCE.

This term, as it applies to Source Water Protection, refers to any substance listed by the United States Environmental Protection Agency under 40 CFR Part 355 appendixes A and B; and any substance listed by the commission pursuant to divisions (B)(4) and (C)(5) of Section 3750.02 of the Ohio Revised Code.

(k) FACILITY.

This term, as it applies to Source Water Protection, refers to all contiguous land and related structures, appurtenances, and improvements on land with the same Facility Operator. A Facility may consist of several operations. For these purposes, contiguous land shall include land separated by a public right-of-way so long as such land would otherwise be contiguous. The term Facility includes all principal and accessory uses, including residential uses.

(l) FACILITY OPERATOR.

This term, as it applies to Source Water Protection, refers to the person or designee in possession or control of a Facility or Regulated Substance storage unit, regardless of whether such person is the owner, lessee, or other possessor. The term also includes contractors or site managers at construction sites who are responsible for the general management of Regulated Substances located on site.

(m) GREAT MIAMI BURIED VALLEY AQUIFER.

This term, as it applies to Source Water Protection, refers to a regionally extensive groundwater aquifer system providing drinking water to communities throughout central and southwest Ohio. The Great Miami Buried Valley Aquifer is a designated Sole Source Aquifer under the federal Safe Drinking Water Act, signifying a protected status as a valued natural resource.

(n) GEOHERMAL WELL.

This term, as it applies to Source Water Protection, refers to well(s) that have been drilled to access and utilize heat sources from within the earth.

(o) GROUNDWATER.

This term, as it applies to Source Water Protection, refers to all the water naturally occurring beneath the surface of the ground, excluding those waters in underground piping for water, wastewater, and/or storm water distribution/collection systems.

(p) HAMILTON TO NEW BALTIMORE GROUNDWATER CONSORTIUM.

This term, as it applies to Source Water Protection, refers to a consortium of seven public and industrial groundwater suppliers and users in the Hamilton to New Baltimore area of Butler and Hamilton Counties, Ohio. Members are: Greater Cincinnati Water Works, The City of Fairfield, The City of Hamilton, Southwest Regional Water District, Millercoors LLC, Butler County Water and Sewer Southwestern Ohio Water Company, and their successors.

(q) IMPERVIOUS SURFACE.

This term, as it applies to Source Water Protection, refers to any surface which prevents the absorption of Regulated Substances into surrounding soils or other pervious surface areas, and which will not react with the Regulated Substance being stored in such a way that the surface will deteriorate and no longer be impervious.

(r) NEW FACILITY OR NEW STORAGE UNIT.

This term, as it applies to Source Water Protection, refers to any Facility or Regulated Substance storage unit beginning operation after the effective date of this chapter.

(s) NON-CONFORMING FACILITY or NON-CONFORMING STORAGE UNIT.

This term, as it applies to Source Water Protection, refers to any existing Facility or Regulated Substance storage unit which, as of the effective date of this ordinance, would otherwise be prohibited within a designated TOT.

(t) OAC.

The Ohio Administrative Code.

(u) OHIO EPA.

The Ohio Environmental Protection Agency.

(v) PERMANENT.

This term, as it applies to Source Water Protection, refers to more than ninety (90) consecutive days.

(w) PESTICIDE.

This term, as it applies to Source Water Protection, refers to (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest as defined in Section 2 (t) of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 100-64, 100-464, to 100-526 and 100-532); and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. The term shall include all fungicides, insecticides, nematocides, or other substances used for the control of pests.

(x) PRIMARY CONTAINMENT.

This term, as it applies to Source Water Protection, refers to the first level of containment, i.e., the inside portion of a container or storage device which comes into immediate contact on its inner surface with a Regulated Substance.

(y) PRINCIPAL.

This term, as it applies to Source Water Protection, refers to the primary, predominant, or foremost use or activity at a Facility.

(z) PROCESS.

This term, as it applies to Source Water Protection, refers to the incorporation of a Regulated Substance into a product. Includes making mixtures, repackaging, or using a Regulated Substance as a feedstock, raw material, or starting material for making another chemical.

(aa) RAIL SWITCH YARD.

This term, as it applies to Source Water Protection, refers to any area or railroad center where trains/railroad cars are made up, serviced, switched from track to track, or stored.

(bb) RCRA.

This term, as it applies to Source Water Protection, refers to the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.

(cc) REGULATED SUBSTANCES.

This term, as it applies to Source Water Protection, refers to those substances identified in Subsection 1192.10(a) of this Chapter which are regulated under the Source Water Protection Program.

(dd) REGULATED SUBSTANCE STORAGE AREA.

This term, as it applies to Source Water Protection, refers to that area where Regulated Substances are stored. A Regulated Substance storage area can include single or multiple Regulated Substance storage units.

(ee) REGULATED SUBSTANCE STORAGE UNIT.

This term, as it applies to Source Water Protection, refers to any underground storage tank, aboveground storage tank, drum, carboy, or other container used for the storage of one or more Regulated Substance(s), including silo, bag, tank wagon, box, glass, cylinder, tote bin, and truck body, rail car, or tanker when used for the permanent or temporary storage of Regulated Substances.

(ff) RELEASE.

This term, as it applies to Source Water Protection, refers to the spilling, leaking, pumping,

pouring, emitting, emptying, or dumping of Regulated Substances upon or into any land or water. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied in this Chapter does not include the following:

(1) Disposal, in accordance with all applicable legal requirements and in accordance with the requirements of RCRA regulations, of hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;

(2) Disposal or release of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, State, or Federal permit if such permits are required by applicable environmental laws;

(3) Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;

(4) Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by state or county health departments;

(5) Any discharge of a petroleum substance in a quantity less than twenty-five (25) gallons unless such petroleum discharge enters a dry well, storm sewer, test well, monitoring well, abandoned well or surface water body; or

(6) Any discharge of hazardous materials listed in SARA Title III or CERCLA when the discharge is less than twenty-five (25) pounds within a twenty-four (24) hour period in the one (1) and five (5) year time-of-travel zone, or less than one hundred (100) pounds within a twenty-four (24) hour period in the ten (10) year time-of-travel zone; or

(7) The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under best management practices as indicated by soil tests, the Ohio State University Cooperative Extension Service, the Soil and Water Conservation District, and label directions approved by the United States Environmental Protection Agency or the Ohio Department of Agriculture.

(gg) REPLACEMENT.

This term, as it applies to Source Water Protection, refers to the physical removal of a Regulated Substance storage unit for installation of a new Regulated Substance storage unit.

(hh) RESTRICTED USE PESTICIDE.

This term, as it applies to Source Water Protection, refers to any pesticide or pesticide use classified by the administrator of the United States Environmental Protection Agency for use only by a certified applicator or by an individual working under the direct supervision of a certified applicator.

(ii) SALVAGE YARD.

This term, as it applies to Source Water Protection, refers to a location where wrecked or decommissioned vehicles and machinery are brought; their usable parts are sold, while the unusable metal parts, known as scrap metal parts, are sold to metal-recycling companies.

(jj) SECONDARY CONTAINMENT.

This term, as it applies to Source Water Protection, refers to containment external to and separate from primary containment designed to contain a release from a primary containment unit. Secondary containment may include, but is not limited to, double walls, dikes, vaults, or impervious liners (both natural and synthetic).

(kk) SENSORY RECEPTORS.

As a part of the body's nervous system, sensory receptors are responsible for processing obtained information from the surrounding environment.

(ll) SOURCE WATER PROTECTION PROGRAM (SWPP).

In 1996, the Safe Drinking Water Act was amended again. Section 1453 was added, providing states with federal funding to complete source water assessments for their public water systems. At that time, the program was extended to include surface water systems and was renamed "Source Water Protection". Also an additional piece of information was required in an assessment- A susceptibility analysis. It is the intent of Congress that public water systems use the information in their source water assessment to develop a drinking water Source Protection Plan.

(mm) STORM WATER MANAGEMENT PLAN.

This term, as it applies to Source Water Protection, refers to the Ohio Environmental Protection Agency requirements to control pollutants in storm water discharge from municipal separate storm sewer systems, industrial storage facilities and construction activities. OEPA requirements include such activities as training, planning, maintenance, construction and facilities management with a common focus on water quality issues.

(nn) STORM WATER MANAGEMENT ZONE.

This terms, as it applies to Source Water Protection, refers to any area applicable to the Storm Water Management Plan.

(oo) TEMPORARY.

This term, as it applies to Source Water Protection, refers to a period of ninety (90) consecutive days or less. Regulated Substances and the individual storage units containing such substances that are used on site as part of regular business operations are not to be considered temporary storage.

(pp) TIME OF TRAVEL ZONE (TOT).

This term, as it applies to Source Water Protection, refers to the advective travel time for water to flow through an aquifer and reach a well or wellfield.

(qq) UNDERGROUND STORAGE RELEASE COMPENSATION BOARD (USRCB).

The Ohio Petroleum Underground Storage Tank Release Compensation Board (The Board) consists of government and industry representatives and has the primary responsibility of administering the Petroleum Financial Assistance Fund. The Fund is a source of income derived from mandatory per-tank fees and is available to eligible underground storage tank owners to reimburse petroleum release clean up costs.

(rr) UNDERGROUND STORAGE TANK (UST).

This term, as it applies to Source Water Protection, refers to one or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of Regulated Substances the volume of which, including the volume of the underground pipes connected thereto, is 10% or more beneath the surface of the ground. For the purposes of this Chapter, the term does not include:

(1) Pipeline facilities, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968", 82. Stat, 720, 49 U.S.C.A. 2001, as amended;

(2) Surface impoundments, pits, ponds, or lagoons;

(3) Storm or waste water collection systems;

(4) Flow-through process tanks;

(5) Septic tanks;

(6) Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated; or

(7) Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations.

(ss) USE or OTHERWISE USE.

This term, as it applies to Source Water Protection, refers to handling, transferring, processing,

packaging, treating, emitting, discharging, or disposal of Regulated Substances at a Facility.

(tt) WELLFIELD.

A tract of land that contains one or a number of wells (wellheads) for use in public water supplies.

(uu) WELLHEAD.

An individual well for supplying water.

(vv) SOURCE WATER PROTECTION AREA (SWPA).

The surface and subsurface areas supplying water to wells or wellfields through which contaminants are likely to move and reach such wells or wellfields. The Source Water Protection Area includes the one (1), five (5), and ten (10) year time- of-travel zones.

(ww) SOURCE WATER PROTECTION PROGRAM (WHPP).

A program established by Section 1428 of the Safe Drinking Water Act of 1986 (Public Law 93-523) designed to minimize the potential for contamination of groundwater being used as a source of public drinking water.

(Ord. 120-11. Passed 11-28-11.)

1192.02 DESIGNATION OF PROTECTION AREAS.**(a) Source Water Protection Areas Established.**

(1) Certain areas of the City of Fairfield are hereby delineated into the following districts for the protection of groundwater resources and shall be collectively referred to as the "Source Water Protection Area" (SWPA). A map of the SWPA (SWPA map) is on file in the City Planning Department and the office of the Clerk of Council, which map is hereby incorporated herein by reference.

(2) One (1) Year Time-of-Travel (TOT) Zone. The one (1) year TOT zone is that area around the well or wellfield from which groundwater will be drawn for use in a public water supply in a one (1) year or less time period. The one (1) year TOT is hereby established in those areas of the City of Fairfield as illustrated in Exhibit A of this Chapter.

(3) Five (5) Year Time-of-Travel (TOT) Zone. The five (5) year TOT zone is that area located outside the one (1) year TOT zone but within the boundaries of the five (5) year TOT zone from which groundwater will be drawn for use in a public water supply in a five (5) year or less time period. The five (5) year TOT is hereby established in those areas of the City of Fairfield as illustrated in Exhibit A of this Chapter.

(4) Ten (10) Year Time-of-Travel (TOT) Zone. The ten (10) year TOT zone is that area located outside the one (1) and five (5) year TOT zones but within the boundaries of the ten (10) year TOT zone from which groundwater will be drawn for use in a public water supply in a ten (10) year or less time period. The ten (10) year TOT is hereby established in those areas of the City of Fairfield as illustrated in Exhibit A of this Chapter.

(b) Redelineation of the SWPA.

(1) Procedure for Proposals Respecting Changes/Redelineation of SWPA Designation. Any change in the boundary of a SWPA resulting from redelineation of a SWPA shall be effective after approval of the redelineation by Fairfield City Council. Public notice of the change shall be provided in accordance with requirements for the City of Fairfield but shall include no less than the following:

A. Notification through publication of the change for one (1) day in at least one (1) newspaper with general circulation in the community; and

B. Notification via first class mail to those registered Facility Operators in the pre-existing SWPA whose location in a TOT zone has changed as a result of the redelineation, and any non-residential property owners in the newly delineated portions of the updated SWPA. Said notification shall be mailed, via first class mail, no less than thirty (30) days prior to the public hearing date and the notification shall be in the form of a letter stating the results of the redelineation and any subsequent change in the facility's regulatory status.

(c) Impact on SWPA Facilities.

(1) Where an existing facility required to comply with the provisions set forth herein is no longer located in a SWPA as a result of the redelineation, the facility is no longer subject to compliance with the requirements of this Chapter.

(2) Any facility previously located outside the boundary of the SWPA that is located inside the boundary of the SWPA as a result of the redelineation must be registered in accordance with Subsection 1192.04(d) of this Chapter and must comply with those provisions required of existing facilities for the TOT zone in which the facility is located as applicable and in accordance with the time frames specified for those applicable provisions.

(3) Any registered facility whose classification within a TOT zone is changed to a different TOT zone as a result of the redelineation must submit an amended facility registration to the

Development Services Director or Designee in accordance with Subsection 1192.04(d)(7) of this Chapter and must comply with those provisions required of existing facilities as applicable for the new TOT zone in which that facility is now located in accordance with the time frames specified for those applicable provisions.

(d) Prohibitions in the Source Water Protection Area.

(1) One (1) Year TOT Prohibitions. Establishment of the following new activities/land uses is prohibited in the one (1) year TOT as of the effective date of this Chapter:

- A. Commercial junk and salvage yards;
- B. Commercial sanitary/solid waste/construction and demolition debris landfills;
- C. The disposal of shingles, asphalt, asbestos and/or lead-based or lead containing materials in an unlicensed landfill;
- D. The manufacturing, processing, or recycling of Regulated Substances as the principal activity where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- E. Commercial establishments for gasoline and or diesel fuel dispensing service stations, motor vehicle repair/service shops and/or body repair where storage or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four- hundred forty (440) pounds aggregate for dry weights;
- F. Trucking or bus terminals where storage or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- G. Animal feedlots exceeding one thousand (1,000) animal units;
- H. Primary metal product industries where storage or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- I. Metal plating, polishing, etching, engraving, anodizing, or similar processes where storage or use of a regulated substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- J. Lawn, garden, pesticide, and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides, and other industry- related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site exceed fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights;
- K. Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars not meeting conditions specified in Subsection 1192.05(b)(3) of this Chapter where storage of the Regulated Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- L. Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
- M. Use of fly ash or other ash material for fill material. This prohibition does not apply where fly ash is used as a component in cement, concrete, or cinder block;
- N. Dry cleaning facilities with on-site dry cleaning service where storage or use of a Regulated Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- O. Installation of underground storage tanks except as permitted in Subsection 1192.06(d) of this Chapter; and
- P. Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle

lubricants, and fuel for building and/or process heating in new underground storage tanks (USTs), except as permitted in Subsection 1192.06(d) of this Chapter.

- Q. Rail switch yards and container ports.
- R. The application of sewage sludge solids.
- S. All oil and gas drilling and exploration.

(2) Five Year TOT Prohibitions. Establishment of the following new activities/land uses is prohibited in the five-year TOT zone as of the effective date of this chapter:

- A. Points A. - D., K., L., O., P., Q., R., and S. in Subsection 1192.02(d)(1).

(3) Ten Year TOT Prohibitions. Establishment of the following new activities/land uses is prohibited in the ten-year TOT zone as of the effective date of this provision:

- A. Points B., C., K., L., O., P., Q., R., and S. in Subsection 1192.02(d)(1).

(4) Conditional Uses Applicable to all Source Water Protection Time- of- Travel (TOT) Zones. The following land uses/activities will only be permitted within specified TOTs based on case-by-case review by the Board of Zoning Appeals. Each case must be submitted as a variance request to the Board of Zoning Appeals in accordance with Section 1137.05 of these Codified Ordinances:

A. Use of fly ash as fill material as described in Subsection 1192.02(d)(1)M. at any facility or property located in the ten-year TOT zone. This prohibition does not apply where fly ash is used as a component in cement, concrete or cinder block.

B. Lawn, garden, pesticide, and agricultural services, located in the five-year TOT zone, which have on-site bulk mixing or blending of fertilizers, pesticides, and other industry-related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site meet or exceed five hundred (500) gallons aggregate for liquid materials or four thousand (4,000) pounds aggregate for dry weights.

(e) General Applicability.

(1) Unless specified otherwise, all provisions of this Chapter apply to any Facility Operator of any real property or business in the City of Fairfield when storing or otherwise using Regulated Substances as defined in Subsection 1192.10(a) of this Chapter, or conducting any activity regulated under Section 1192.07 herein, and located within a Source Water Protection Area as established in Subsection 1192.02(a) of this Chapter. It is the responsibility of the Facility Operator to determine the applicability of this Chapter to his or her property and/or business, and to comply with all requirements established in this rule as applicable to the Facility. Failure to do so shall not excuse any violations of this Chapter.

(2) Limited Exemptions. The following are exempt from the provisions set forth herein except for compliance with Subsections 1192.04(d) through 1192.04(i) of this Chapter:

A. Indoor storage/use of Regulated Substance(s) in an area capable of fully containing a total release of the Regulated Substance(s) within the facility or draining the release to a wastewater treatment system capable of and permitted to/agreeable to treating the released substance(s). Septic tank systems do not qualify as a wastewater treatment system under this exemption;

B. Sale/storage of Regulated Substances packaged as consumer products in original containers when the aggregate quantity on site meets or exceeds those thresholds established in Subsection 1192.10(a)(3) of this Chapter;

C. Current hazardous waste storage areas at RCRA permitted facilities;

D. Radioactive materials regulated by the U.S. Nuclear Regulatory Commission;

E. Aboveground storage tanks in the five (5) year TOT used exclusively for the storage of residential quantities of Grade 1 or Grade 2 heating fuels and diesel fuel; and

F. Oil/water separator underground storage tanks.

(3) Full Exemptions. The following uses of Regulated Substances are exempt from the provisions set forth herein.

- A. Laboratory activities;
- B. Chemical storage tanks containing pressurized gases such as chlorine, propane, hydrogen, and nitrogen;
- C. Household use of Regulated Substances packaged for consumer use in original pre-packaged containers;
- D. Excavation or removal of earth materials;
- E. Office and maintenance/janitorial use of Regulated Substances packaged as consumer products. This exemption does not apply to hydrocarbon or halogenated hydrocarbon solvents;
- F. Oils and fluids within electrical utility transformers/switches except when stored in quantities meeting or exceeding thresholds established in subsection 1192.10(a)3) of this chapter;
- G. Materials present as a solid inside of a manufactured item;
- H. Transport of Regulated Substances in trucks, trailers, tankers, or rail cars to facilities through the Source Water Protection Area, provided the Regulated Substances are fueling the transporting vehicle, or the transporting vehicle is in continuous transit, making a delivery, or is stopped for a period of time not to exceed twenty- four (24) hours;
- I. Sale/storage of Regulated Substances packaged as consumer products in original containers when the aggregate quantity on site is less than those thresholds established in Subsection 1192.10(a)3) of this Chapter.

(Ord. 120-11. Passed 11-28-11.)

1192.03 REGULATED SUBSTANCES.**(a) Regulated Substances.**

(1) Defined. Regulated Substances shall be those substances listed in Subsection 1192.10(a)(1) herein when storage or use at a facility at any time of the year meets or exceeds those thresholds specified in Subsection 1192.10(a)(2). A Facility Operator may, at their choice, calculate the quantity of Regulated Substances stored or used on site as follows:

A. Maximum amount at any one time. The Facility Operator may report the quantity of Regulated Substances stored or otherwise used on site as the maximum amount found on site at any one time during the course of a year. Where there are seasonal fluctuations in Regulated Substance use, the amount should be based on storage or use of Regulated Substances during peak times of the year; or

B. Monthly daily average. The Facility Operator may calculate the daily average of Regulated Substance storage or use on site over the course of a month. The Facility Operator must calculate this average using the anticipated quantity of Regulated Substances storage or use during peak months at the facility.

(b) Exemptions from the Regulated Substance Listing.

(1) A substance listed in Subsection 1192.10(a)(1) may be partially or fully exempt from regulation under this Chapter if use or storage of the Regulated Substance is exempted under Subsections 1192.02(e)(2) or (3) of this Chapter, or if the Facility Operator can provide proper documentation to the Development Services Director or Designee that a Regulated Substance does not present a threat to groundwater due to the nature of the substance. Information from the substance manufacturer or other qualified, verifiable source indicating that the substance does not present a threat to groundwater shall be considered proper documentation.

(c) Additions/Deletions to the Regulated Substance List.

(1) The Development Services Director or Designee reserves the right to designate additional substances or remove substances from the list of Regulated Substances in Subsection 1192.10(a)(1) as necessary for the protection of the groundwater resource. Public notice of changes to the Regulated Substance list shall be provided by the Development Services Director or Designee in accordance with public notice requirements for the City of Fairfield but shall include no less than:

A. Notification of the intent to remove or add a Regulated Substance to the list via mail to all registered Facility Operators no later than thirty (30) days prior to action by the Development Services Director or Designee;

B. Notification through publication of the change for one (1) day in at least one (1) paper with general circulation in the community; and

C. Notification via first-class mail to all registered Facility Operators no later than thirty (30) days after removal or addition of Regulated Substances to the list by the Development Services Director or Designee.

(Ord. 120-11. Passed 11-28-11.)

1192.04 GENERAL PROVISIONS.**(a) Purpose.**

(1) The purpose of this Chapter is to safeguard the public health, safety, and welfare of persons and property in the City of Fairfield by protecting designated groundwater supplies from degradation resulting from the improper storage, use, or discharge of Regulated Substances in and around existing and future wellfields and their recharge areas, and to promote the economic viability of the City of Fairfield by balancing the protection of groundwater with the promotion of the economy of the City.

(b) Compliance with Existing Federal, State and Local Regulations.

(1) Facility Operators subject to regulation under this Chapter must comply fully with all existing applicable federal, state, and local regulations in addition to any of the requirements established in this Chapter.

(c) Continuation of Existing Non-conforming Facilities and Non-conforming Uses of Land.

(1) Where, at the effective date of the adoption of, or amendment to, the provisions set forth herein, lawful use of land exists that is no longer permissible under the provisions of Subsection 1192.02 (d) of this Chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to provisions of this Chapter.

(2) Any non-conforming use of land, building, or regulated substance storage unit existing as of the effective date of adoption of, or amendment to, the provisions set forth herein and which operates within a Source Water Protection Area Time-of-Travel Zone is permitted to continue operation as a non-conforming existing land use, building, or regulated substance storage unit provided it remains otherwise lawful and complies with the provisions of this Chapter which apply to existing facilities.

(3) An existing use made non-conforming solely by application of the Source Water Protection provisions set forth herein shall be treated as non-conforming only as to those uses prohibited by these Source Water Protection provisions. As to existing uses not prohibited or otherwise regulated by these Source Water Protection provisions, those uses remain conforming such that they may be expanded or otherwise altered without violation of this Chapter.

(d) Facility Registration.

(1) Registration. Facility registration is required once every two (2) years for any facility where on site storage or use of Regulated Substances meets or exceeds those quantities established in Subsection 1192.10(a)(2) of this Chapter, or for any activity identified as a regulated activity under Section 1192.07 of this Chapter or for any active ground water monitoring or remediation system regulated by the USEPA, Ohio EPA or BUSTR. A Facility Operator may register the facility or, at the request of the Facility Operator, the Development Services Director or Designee may register the facility. The Development Services Director or Designee shall conduct any facility registration in the following manner:

A. The Development Services Director or Designee shall provide written notice of the intent to register the facility no less than fourteen (14) days prior to the registration date;

B. The registration shall be conducted at reasonable times during normal business hours. To help ensure accuracy of the registration and safety of the persons involved, the Facility Operator or designee must accompany the Development Services Director or Designee during the registration;

C. The registration will not unreasonably interfere with facility operations; and

D. The scope of the registration will be limited to gathering information necessary to complete the registration required by this Section.

All facility registrations must be completed and, where applicable, submitted to the

Development Services Director or Designee within one hundred eighty (180) days of the date a property becomes subject to regulation under this Chapter, and by July 1 of every second year thereafter. A Facility Operator choosing to have their facility registered by the Development Services Director or Designee must contact the Development Services Director or Designee no less than ninety (90) days before a registration is due to ensure completion of the registration by the required due date.

(2) Registration Requirements. Facility registration will include, but is not necessarily limited to, information on the following:

- A. Name, address, and phone number of the registered Facility;
- B. Facility Operator name and number;
- C. Emergency contact, address, and phone;
- D. Primary and, where applicable, secondary business activities at the Facility, including Standard Industrial Classification codes or Chemical Abstract Service (CAS) number and a brief description of how Regulated Substances are used at the Facility;
- E. The types, quantity, and location of Regulated Substances stored or otherwise used on-site. Where the Regulated Substance is identified by a common trade name or a mixture, the primary chemical component(s) must be identified;
- F. The manner of Regulated Substance storage (i.e., ASTs, fifty-five (55) gallon drums, totes, etc.). AST registration will include information on current tank status, contents, volume, construction, and age;
- G. A general description of any secondary containment or other spill containment and/or spill prevention measures used at the Facility for Regulated Substance storage units or storage areas;
- H. A general description of Regulated Substance waste disposal methods. Where applicable, the Facility's hazardous waste generator identification number must be provided;
- I. Where applicable, location of any groundwater monitoring equipment on the Facility's property;
- J. Where applicable, the location of any dry wells on the Facility property; and
- K. Where applicable, the type of septic system used on site and type of waste treated.
- L. Where applicable, the location of any production wells used for potable and non-potable use on the facility (property) or any unused well of any type.
- M. For facilities located in approved storm water management zones and the approved storm water management plans; compliance with such a plan must be in addition to compliance with the requirements of this Source Water Protection Program.

Any person identified as the emergency contact for a Facility under Subsection 1192.04(d)(2) C. must have authority to provide additional information about the Facility and materials stored or otherwise used on site when requested and to authorize the use of response personnel, including hazardous materials contractors, in the event of a release at the Facility. The Facility Operator must notify the Development Services Director or Designee of any change in name, phone number, and/or address of the emergency contact person no later than two (2) weeks after any change.

(3) Operator Signature. The Facility Operator must sign the completed facility registration. The Facility Operator's signature shall serve as acknowledgment of the accuracy of the registration and compliance with the following, where applicable:

- A. Storage Unit Inspections - compliant with Subsection 1192.05(b)(1)E.
- B. Development and implementation of a Spill Control Plan - compliant with Subsection 1192.05(g).

Any Facility Operator whose Facility is registered by the Development Services Director or Designee must submit a copy of the signed registration to the Development Services Director or Designee no later than two (2) weeks after the registration date.

(4) Use of Existing Registration Information. Any Facility Operator required to register a Facility or Regulated Substance storage unit under another federal, state, or local program may submit a copy of that registration to the Development Services Director or Designee to expedite the registration process. Any existing registration information should be presented to the Development Services Director or Designee prior to or at the time of facility registration.

(5) New Facility Registration. Any Facility subject to regulation under this Chapter that begins operation or commences conduct governed by this Chapter after the effective date of this Chapter must be registered in accordance with Subsection 1192.04(d)(1) no later than one hundred eighty (180) days after beginning operation.

(6) Registration of Previously Exempt Facilities. Any previously exempt Facility that becomes subject to the requirements of this Chapter due to changes at the Facility must be registered in accordance with Subsection 1192.04(d)(1) no later than one hundred eighty (180) days after becoming subject to regulation under the Chapter. A previously exempt Facility becomes subject to regulation under this Chapter when:

A. A new AST or UST system subject to regulation under this Chapter is installed at the Facility;

B. There is a permanent change in the type and/or volume of Regulated Substances stored or otherwise used at the Facility that results in the storage or use of Regulated Substances in quantities meeting or exceeding the thresholds established in Subsection 1192.10(a)(2) and/or

C. There is a change in the delineated TOTs as specified in Subsection 1192.02(b) of this Chapter.

(7) Amending Existing Facility Registrations. A Facility Operator must amend an existing Facility registration, or may request that the Development Services Director or Designee amend the registration, no later than sixty (60) days after any:

A. Change in ownership or management of the Facility;

B. Installation, return to service, or removal of an AST or UST system subject to regulation under this Chapter;

C. Permanent on-site storage or use of a previously unregistered Regulated Substance in quantities meeting or exceeding the thresholds established in Subsection 1192.10(a)(2) and/or

D. Change in the delineated TOTs as specified in Subsection 1192.02(b) of this Chapter.

And no later than ninety (90) days after:

E. Permanent cessation of regulated operations or storage of Regulated Substances as specified in Subsection 1192.04(f).

A Facility Operator choosing to have their facility registration amended by the Development Services Director or Designee must contact the Development Services Director or Designee no less than thirty (30) days before a registration is due to ensure completion of the registration within the allowed sixty (60) day time frame when meeting Subsections A. through D. above. The Facility Operator is responsible for amending a registration under the Subsection E. above.

(8) Registration of Multiple Facilities. Any person owning and/or operating more than one facility subject to regulation under this Chapter must register each regulated facility separately in accordance with the provisions of this Chapter.

(e) Temporary Storage of Regulated Substances.

(1) Applicability. This Section applies to the temporary storage of Regulated Substances at new and existing non-residential facilities in the Source Water Protection Area when the Regulated Substances:

A. Are stored or otherwise used in quantities meeting or exceeding the quantity thresholds

established in Subsection 1192.10(a)(2); and

B. Do not meet any of the exemption criteria specified in Subsection 1192.05(e)(1).

(2) Conditions. Temporary storage subject to regulation under this Chapter must meet the following conditions when aboveground:

A. The Regulated Substance storage unit(s) must meet the general container requirements specified in Subsections 1192.05(b)(1) through (3) of this Chapter; and

B. When possible, the temporary storage unit(s) should be located in a non-hazardous area (i.e., where the unit(s) are not generally exposed to routine vehicular traffic, flammables, or other hazards).

Any Regulated Substance release meeting or exceeding the release notification criteria in Subsection 1192.04(g)(1) must be reported and remediated in accordance with Subsection 1192.04(g) of this Chapter.

(3) Temporary Storage Extensions. Temporary storage of Regulated Substances beyond ninety (90) days is permitted provided compliance with the following requirements.

A. The Facility Operator must notify the Development Services Director or Designee of the need to continue temporary storage of the Regulated Substance(s) prior to expiration of the temporary storage period. The Facility Operator shall submit notification to the Development Services Director or Designee on a prescribed form supplied by the Development Services Director or Designee at the request of the Facility Operator. The notification shall specify:

1. Facility name, address, and telephone;
2. Facility Operator name and twenty-four (24) hour emergency contact. Designation of an emergency contact must be done in accordance with Subsection 1192.04(d)(2);
3. Regulated Substance(s) temporarily being stored at the Facility;
4. The manner in which the Regulated Substances are stored; and
5. The anticipated date when temporary storage will cease.

B. The Regulated Substance continues to be stored in compliance with Subsections 1192.05(b)(1) through (3) when aboveground.

(f) Facility Closure.

(1) Applicability. This Section applies to any non-residential Facility subject to regulation under this Chapter that becomes unoccupied or where operations are permanently discontinued for a period greater than ninety (90) consecutive days any time after the effective date of this Chapter. Facility Operators subject to compliance with any federal, state, or local facility closure program addressing the storage or handling of Regulated Substances at a closing facility are exempt from the requirements in this Section except for compliance with Subsection 1192.04(f)(3).

(2) Removal of All Regulated Substances. Except in the case of seasonal discontinuation of operation, the Facility Operator must remove all Regulated Substances other than those used exclusively for heating, cooling, and providing electrical lighting for the premises from the property no later than ninety (90) days after the date the property initially became unoccupied or operation was permanently discontinued.

(3) Closure Notice. Any Facility Operator permanently discontinuing operation of a Facility subject to regulation under this Chapter must submit an amended Facility registration to the Development Services Director or Designee in accordance with Subsection 1192.04(d)(7). The amended Facility registration shall include the date on which operations will or have ceased; the current operator's new phone number and address; and the fate of Regulated Substances stored or otherwise used on site. Any Facility Operator required to submit a closure notification under any federal, state, or local closure program may copy the Development Services Director or Designee on that notification in

lieu of submitting an amended Facility registration.

(4) Facility Security. Upon permanent closure of a facility, the Facility Operator must take reasonable steps to secure all Regulated Substance storage units or Regulated Substance storage areas against vandalism. Compliance with Subsections 1192.05(b)(1) through (3) and maintenance of all security measures implemented in accordance with this Section are required until all Regulated Substances are removed from the site.

(g) Regulated Substance Releases.

(1) Release Notification Required. Any release of a Regulated Substance within a Source Water Protection Area, if such release:

- A. originates from an underground storage tank; or
- B. contacts a pervious ground surface; and
- C. is not immediately and completely remediated within twenty-four (24) hours; or
- D. enters a surface water body; or

E. enters a dry well, monitoring well, abandoned well or storm sewer must be reported to the Development Services Director or Designee or on-duty drinking water treatment plan operator or ground water consortium manager within twenty-four (24) hours of discovery by the Facility Operator or any other party responsible for the storage unit from which the release occurred. Such notification in no way alleviates other federal, state, or local reporting obligations imposed by law.

(2) Notification Contents. Initial notice shall include, at a minimum, information related to the following:

- A. Location of the release (Facility name, address, and phone);
- B. Facility/responsible party's name, address, and phone;
- C. Emergency contact and phone;
- D. Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) released.
- E. Description of preliminary release control and mitigation efforts.

(3) Regulated Substance Release Report. Within seven (7) days of a reported release, the responsible party must submit to the Development Services Director or Designee a Regulated Substance Release Report providing any additional detail on the nature and management of the release, including control and corrective actions taken, fate of the released material, and, where applicable, the name of the contractor responsible for removal of released substances. Information submitted in the Regulated Substance Release Report shall be used by the Development Services Director or Designee to determine if and where any additional follow-up work needs to be completed to assess the potential pollution impact of the release.

(4) Remediation of Release. Upon discovery of a release, the Facility Operator or other responsible party must take appropriate reasonable actions to mitigate the potential impact of the release on groundwater and remediate the release. Remediation must be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance release must be handled in accordance with Subsections 1192.05(b)(1) through (3) when the quantity of regulated wastes generated meet or exceed the quantity thresholds established in Subsection 1192.10(a) (2) in addition to all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to the Development Services Director or Designee by the Facility Operator in accordance with Subsection 1192.04(e)(3)A.

(5) Submission of Additional Information. The responsible party must copy the Development Services Director or Designee on all correspondence submitted to federal, state, or local agencies related to site assessment and site remediation. The Development Services Director or Designee may request, if

deemed necessary, that:

A. The Fire Department provide a copy of the department's Ohio Fire Incident Reporting System report to the Development Services Director or Designee;

B. The Ohio EPA provide a copy of the agency's Emergency Response Section Incident Report to the Development Services Director or Designee; and/or

C. The Facility Operator develop and implement procedures to minimize the likelihood of reoccurrence of such a release. The Facility Operator must submit procedures developed under this provision to the Development Services Director or Designee no later than sixty (60) days after being required, and implemented no later than one hundred eighty (180) days after approval by the Development Services Director or Designee.

(6) Liability. The City is authorized to order the cleanup or abatement, or take such other actions as may be necessary to cause cleanup or abatement, of any hazardous material release to soils, surface water, and/or groundwater in or near a SWPA which may present a threat to groundwater quality or violate Ohio's water quality standards. The entity or person responsible for the release shall be liable for any reasonable expense, loss, or damages attributable to the release incurred by the City in response to such an incident, in addition to any fines imposed under Ohio and Federal law, and these Codified Ordinances.

(h) Records Retention.

(1) The Facility Operator must retain all records, reports, or other documentation related to the requirements of this Chapter on site for a minimum of five (5) years from the original date of the record, report, or document.

(i) Inspection.

(1) The Development Services Director or Designee shall inspect all facilities subject to regulation under this Chapter no less than once every two (2) years for compliance with the provisions of this Chapter. Any inspection shall be conducted under the conditions listed in Subsection 1192.04(d) (1)A. through D.

(j) Severability.

(1) Each provision of this Chapter shall be construed as separate, to the end that if any part of it is held invalid for any reason, the remainder shall continue in full force and effect.

(k) Confidentiality.

(1) Information contained in any documentation collected by or submitted to the Development Services Director or Designee under the provisions of this Chapter that is designated as confidential by a Facility Operator shall be considered confidential only to the extent allowable under Ohio Public Records Law and other applicable federal and state laws.

(Ord. 120-11. Passed 11-28-11.)

1192.05 REGULATED SUBSTANCE STORAGE PROVISIONS: ABOVE GROUND STORAGE.**(a) Applicability.**

(1) This Section applies to the above ground storage of Regulated Substances in the Source Water Protection Area in quantities meeting or exceeding those specified in Subsection 1192.10(a)(2).

(b) General Container and Regulated Substance Handling Requirements at Non-residential Facilities.

(1) All containers subject to regulation under this Chapter used for the storage or use of Regulated Substances at new and existing non-residential facilities must be:

A. Product-tight and free of any defects which may result in a release of the contained Regulated Substance;

B. Made of or lined with materials which will not react with and are otherwise compatible with the Regulated Substance stored;

C. Individually and clearly labeled with the contents of the container. If a Regulated Substance is being stored on site under the temporary storage provisions in Subsection 1192.04(e), the Regulated Substance storage unit must also be labeled with the date on which temporary storage began.

D. Stored on or above an impervious surface at all times that is free of any gaps, cracks, or other effects of deterioration that would allow for the penetration of Regulated Substances stored on that surface into surrounding soils, or, if stored on a pervious surface, stored with secondary containment in the form of a dike, containment pallet, or other containment unit capable of containing a release from the Regulated Substance storage unit. Existing ASTs are exempt from this requirement; and

E. Visually inspected weekly by the Facility Operator for any evidence of leaks, improper storage, or potential hazards that may result in a release of materials being stored in or transferred into the storage unit. Aisle space between containers must be adequate to allow for inspections. Where applicable, any leak detection or early warning system associated with an AST also must be inspected on a weekly basis. The Facility Operator must maintain a record of inspections and the findings of those inspections, and made available on request by the Development Services Director or Designee. Any weekly inspection log maintained by a Facility Operator under another federal, state, or local program shall satisfy the requirements of this subsection provided the inspection includes those Regulated Substance storage units regulated under this Chapter.

Any Facility Operator installing an impervious surface or providing secondary containment under subsection (b)(1)D. hereof must do so no later than one hundred eighty (180) days after becoming subject to regulation under subsection (b)(1)D. hereof. Continued storage of Regulated Substances on a pervious surface beyond this one hundred eighty (180) day period is permitted only if granted a temporary variance.

(2) Defective Storage Units. A Facility Operator must remove defective storage units from service immediately and repair or replace the defective units if needed. Defective storage units permanently taken out of service must be decontaminated and disposed of in accordance with applicable federal, state, and local waste management standards.

(3) Storage in Trucks, Trailers, Tankers, or Rail Cars. Any truck, trailer, tanker, or rail car used for the storage of Regulated Substances within the Source Water Protection Area must:

A. Be structurally stable and free of any defects that may result in a release of the Regulated Substances stored in the truck, trailer, tanker, or rail car;

B. Be clearly labeled with the contents;

C. Be visually inspected weekly by the Facility Operator for any evidence of leaks, improper storage, or potential hazards that may result in a release of materials being stored in or transferred into or out of the storage unit; and

D. Have all doors, valves, or other openings through which a release could occur locked or otherwise secured when not in use so as to prevent a release of the Regulated Substance through the opening(s)

(4) Spill Control Plan. Permanent storage or use of Regulated Substances subject to regulation under this Chapter at new and existing facilities in a storage unit where a release from the storage unit would reach a pervious soil surface, dry well, storm sewer, or surface water body requires the development of a Spill Control Plan in accordance with Subsection 1192.05(g). A Facility Operator is exempt from this requirement if the storage unit or storage/usage area is secondarily contained.

(c) Residential Regulated Substance Storage Units.

(1) All containers subject to regulation under this Chapter used for the storage or use of Regulated Substances at new and existing residential facilities must be:

A. In compliance with Subsections 1192.05(b)(1)A. through D.;

B. Visually inspected by the Facility Operator on a monthly basis. Where applicable, any leak detection or early warning system associated with an AST also must be inspected at that time; and,

C. Provided with a Spill Control Plan in accordance with Subsection 1192.05(g)(5), where applicable.

(d) Aboveground Storage Tank (AST) Installation.

(1) Installation of New ASTs. This Section applies to the installation of ASTs at new or existing facilities after the effective date of this Chapter when the capacity of the AST meets or exceeds the quantity thresholds established in Subsection 1192.10(a)(2). All new ASTs must be registered in accordance with Subsection 1192.04(d)(1) and meet the general handling requirements specified in Subsection 1192.05(b) in addition to the following:

A. Bottom Clearance. All ASTs must have ground clearance of no less than two (2) inches from the outermost wall of the AST to allow for visual inspection of the underside of the AST. This requirement may be waived if the size of the AST prevents raising the tank as required or the AST is a concrete vaulted tank.

B. Secondary Containment. Unless required under Subsection 1511.01(c)(18) of these Codified Ordinances, all ASTs meeting or exceeding the thresholds established for secondary containment in Subsection 1192.05(e)(2) herein must be installed with secondary containment meeting or exceeding those requirements specified in Subsections 1192.05(e)(3) through (5).

C. Barriers. Any AST meeting or exceeding the thresholds established for secondary containment in Subsection 1192.05(e)(2) and which is installed in an area where the AST is open to vehicle damage must be protected against impact with physical barriers meeting the approval of the Development Services Director or Designee. Any impervious dike utilized as secondary containment meets the requirements for a physical barrier.

(2) Replacement of Existing ASTs. Replacement of an existing AST after the effective date of this Chapter with any new or used AST is considered installation of a new system and therefore subject to any federal, state, and local regulations for the installation of new ASTs in addition to the provisions of this Chapter, unless specified otherwise.

(e) Secondary Containment Requirements.

(1) Exemptions. Unless required under Subsection 1511.01(c)(18) of these Codified Ordinances, the following are exempt from the secondary containment requirements in this Chapter:

A. Storage of Regulated Substance(s) indoors in an area capable of fully containing within the Facility a total release of the Regulated Substance(s) for which the exemption is being claimed, or

draining the release to a wastewater treatment system capable of treating the released substance(s).
NOTE: Septic tank systems do not qualify as a wastewater treatment system under this exemption;

B. Storage of Regulated Substances as consumer products packaged in original containers;

C. Storage of Regulated Substances in storage units/areas with secondary containment comparable to or exceeding that required in Subsections 1192.05(e)(3) through (5) herein; and

D. ASTs located in the 10 year TOT.

(2) Secondary Containment Requirements for ASTs. Unless exempted under Subsection 1192.05(e)(1), secondary containment is required as follows for ASTs installed after the effective date of this Chapter:

A. All ASTs installed in the one (1) year TOT with a capacity exceeding fifty-five (55) gallons; and

B. All ASTs installed in the five (5) year TOT with a capacity of five hundred (500) gallons or more when storing petroleum or petroleum-based products, or two hundred and fifty (250) gallons or more when storing all other Regulated Substances.

(3) Construction. Secondary containment systems must be constructed of or lined with materials compatible with the Regulated Substance stored. Secondary containment must be of sufficient thickness, density, and composition so as not to be structurally weakened from contact with the Regulated Substance or precipitation, and must be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment.

(4) Double Walls and Diking. An AST must have at least one of the following at the choice of the Facility Operator:

A. Double Walls: designed as a containment area and providing the Facility Operator with manual or electronic interstitial space monitoring capabilities. Laminated, coated, or clad materials shall be considered single-walled and shall not be construed to fulfill the requirement for double walling; or

B. Diking: capable of containing one hundred and ten percent (110%) of the total volume of the tank. If the storage area contains multiple ASTs, the secondary containment must be large enough to contain one hundred and fifty percent (150%) of the volume of the largest AST placed in it, or ten percent (10%) of the aggregate internal volume of all ASTs in the storage area, whichever is greater.

(5) Precipitation.

A. If an AST using a dike as a secondary containment system is exposed to and subject to accumulation of precipitation within the dike, the dike must be designed and operated as follows:

1. The base of the dike must be sloped to a collection point or sump to allow for controlled removal of accumulated storm water or spilled regulated materials; and

2. If the dike is penetrated by a drainage pipe, the pipe must have a lockable valve. This valve shall be kept closed and locked under normal conditions until a determination is made by the Facility Operator that the discharge of storm water is acceptable pursuant to subsection (e)(5)B. hereof.

B. Storm water accumulated within secondary containment that is known or suspected to contain a release from the primary containment unit must be handled in accordance with applicable federal, state, or local laws. No potentially contaminated stormwater may be discharged to a sanitary sewer without approval of the Development Services Director or Designee. The Development Services Director or Designee may require analysis of the stormwater before allowing discharge to the sanitary sewer if the released substance could present a treatment problem at the wastewater treatment plant. The Facility Operator must take all reasonable steps to neutralize the stormwater before discharging the stormwater to any septic system, dry well, sewer, soil, or surface water body.

(f) Temporary Placement Out of Service of ASTS.

(1) Removal from Service. Any Facility Operator intending to place an AST system out of

service for less than one (1) year must remove the system from service in accordance with Chapter 1301:7-7-28, Section FM- 2807.2.1 of the State Fire Code in addition to any other applicable federal, state, or local regulations. Any AST meeting any of the secondary containment exemption criteria in Subsection 1192.05(e)(1) or any heating fuel AST taken out of use for seasonal conditions, is exempt from this requirement.

(2) Returning the Tank to Service. Unless required otherwise under another applicable federal, state, or local regulation, any AST placed out of service for more than ninety (90) consecutive days but less than one (1) year which is to be brought back into service must be brought back into service by the Facility Operator in accordance with Chapter 1301:7-7-28, Section FM- 2807.2.1 of the State Fire Code. Any AST meeting any of the secondary containment exemption criteria in Subsection 1192.05(e)(1) is exempt from this requirement.

(g) Spill Control Plans.

(1) Non-Residential Facilities. Facility Operators required to develop a Spill Control Plan (SCP) must complete the plan no later than one hundred eighty (180) days after becoming subject to this requirement. The Development Services Director or Designee may provide, at the request of the Facility Operator, a template of the SCP to facilitate development of the SCP. The SCP does not require the signature of a professional engineer. The SCP must be stored on site and made available on request to the fire department or other inspection authority. Any SCP developed in compliance with other federal, state, or local regulatory programs may satisfy the requirements of this provision provided that SCP contains all information specified in Subsection 1192.05(g)(2). Any deficient information must be amended into the existing SCP to be considered compliant with this Section. If a pre-existing SCP is being used to satisfy this requirement, only compliance with Subsections 1192.05(g)(3) and (4) is required. Where applicable, one (1) copy of the SCP must be kept in the Facility's repository box (lock box).

(2) Content of the Spill Control Plan. The SCP must specify all of the following:

- A. Facility name, address, and phone;
- B. Facility Operator name and phone;
- C. Emergency contact and phone. Designation of an emergency contact must be done in accordance with Subsection 1192.04(d)(2);
- D. A brief description of the type of business conducted at the Facility;
- E. The location of the Regulated Substance storage area(s) for which the SCP is being developed;
- F. The type(s) and normally anticipated quantity of Regulated Substance(s) stored in the Regulated Substance storage area(s) for which the plan is being developed;
- G. Potential hazards (including activities) to the Regulated Substance(s) stored in the area;
- H. All openings/routes through which a release from the storage area(s) would potentially flow into the Facility's property and within five hundred (500) feet beyond the property line, including floor drains, doorways, storm sewers, dry wells, streams, and other openings/routes;
- I. Emergency response procedures to be followed in the event of a release, including specific points of contact for releases, evacuation procedures, and emergency notification procedures for appropriate federal, state, and local agencies; and
- J. Emergency equipment available to the Facility Operator and location of equipment.

(3) Employee Training. A Facility Operator must train all employees annually on the release procedures outlined in the SCP. The Facility Operator must maintain a log of employee training and make the log available to the Development Services Director or Designee upon request. Copies of the SCP must be readily available for employee use in work areas in or near Regulated Substance storage areas.

(4) Updating the SCP. A Facility Operator must review and amended the SCP as necessary every two (2) years and when any of the following occur:

A. There is a change in ownership or management at the Facility;

B. An out-of-service AST system lacking secondary containment comparable to that required in Subsection 1192.05(e) is returned to service; and/or

C. Changes, structural or otherwise, are made at the Facility that will affect the anticipated flow direction of any release from the storage area or unit (ex: regrading of property, paving, building additions).

(5) Residential Spill Control. Any residence with a Regulated Substance storage unit required to have a Spill Control Plan shall receive information from the Development Services Director or Designee on how to respond to a release from the storage unit as those units are registered. This information shall be provided in an easy to follow format. The owner of the Regulated Substance storage unit must keep any information related to spill control readily available in the event of a release.

(Ord. 120-11. Passed 11-28-11.)

1192.06 UNDERGROUND STORAGE TANKS.**(a) Applicability.**

(1) This Section applies to any person currently owning and/or operating or intending to own and/or operate any underground storage tank (UST) with a capacity exceeding fifty-five (55) gallons when located within the one (1) or five (5) year time-of-travel zone (TOT), or with a capacity meeting or exceeding five hundred (500) gallons or more when located within the ten (10) year TOT.

(b) Exemptions.

(1) The following USTs are exempt from regulation under this Section:

A. USTs containing de minimis quantities of a Regulated Substance.

A de minimis quantity is one (1) inch or less. Any claim that a UST contains de minimis quantities when storing more than one (1) inch of Regulated Substance shall be determined by the Development Services Director or Designee on a case-by-case basis. A Facility Operator must submit verification to the Development Services Director or Designee that the UST contains a de minimis quantity of a Regulated Substance when making any de minimis claim.

(c) Registration of UST Systems.

(1) Registration. All UST systems subject to regulation under this Section must be registered in accordance with Subsection 1192.04(d)(1) of this Chapter. Any Facility Operator required to annually register a UST system with the State Fire Marshal under OAC 1301:7-9-04 may provide a copy of that registration to the Development Services Director or Designee to satisfy this registration requirement.

(2) Information. UST registration shall include, but is not limited to, information on the following:

- A. Facility name, address, and phone;
- B. Facility Operator, address, and phone;
- C. Number, size, construction, date of installation, and location of USTs;
- D. Regulated Substances stored in the UST; and
- E. Brief description of the type of monitoring equipment used for tanks.

(3) New UST Registration. Any new UST system subject to regulation under this Section that is installed at a facility beginning operation after the effective date of this Chapter must be registered in accordance with Subsection 1192.04(d)(1) no later than one hundred eighty (180) days after beginning operation.

(4) Registration of Previously Exempt Facilities. Any previously exempt Facility that becomes subject to regulation under this Section due to:

- A. Installation of an UST subject to regulation under this Section;
- B. Return to service of any temporarily abandoned UST or UST containing de minimis quantities of Regulated Substances; and/or
- C. Changes in the delineated Source Water Protection Area as specified in Subsection 1192.02(b) of this Chapter must be registered in accordance with Subsection 1192.04(d)(1) no later than one hundred eighty (180) days after becoming subject to regulation under this Section.

(5) Amending Registrations. A Facility Operator must amend, or at the request of the Facility Operator, the Development Services Director or Designee must amend an existing UST registration no later than sixty (60) days after any:

- A. Replacement of an existing UST system;
- B. Change in ownership or management of the Facility;

C. Return to service of any temporarily abandoned UST or UST containing de minimis quantities of Regulated Substances;

D. Permanent abandonment and/or removal of a UST; and/or

E. Change in the delineated Source Water Protection Area as specified in Subsection 1192.02(b) of this Chapter.

A Facility Operator choosing to have their facility registration amended by the Development Services Director or Designee must contact the Development Services Director or Designee no less than thirty (30) days before a registration is due to ensure completion of the registration within the allowed sixty (60) day time frame.

(6) Registration of Multiple Facilities. Any person owning and/or operating more than one Facility subject to regulation under this Section must register each regulated Facility separately in accordance with the provisions of this Section.

(d) UST Installation Requirements.

(1) BUSTR Sensitive Area USTs. All USTs subject to regulation under the BUSTR Sensitive Area regulations (OAC §1301:7-9-10) must be installed in accordance with those requirements when installed in the Source Water Protection Area.

(2) Underground Storage Release Compensation Board. All petroleum UST systems subject to SWPA provisions must hold a current and valid certificate of coverage from the State of Ohio Petroleum Underground Storage Tank Release Compensation Board.

(3) Heating Fuel USTs; Diesel Fuel USTs. Heating fuel and diesel fuel USTs subject to regulation under this Section must be vaulted in accordance with Subsection 1192.06(d)(4) herein.

(4) Other USTs. UST systems installed for permanent storage, use, or handling of Regulated Substances other than vehicles fuels, vehicle lubricants, and fuel for building and/or process heating must be vaulted in accordance with Subsection 1192.06(d)(4) herein.

(5) Vaulted USTs. Vaults must meet the criteria specified in OAC 1301:7-9- 10(C)(2)(a) and (c). The Facility Operator must inspect the vaulted UST at least once every thirty (30) days for visible signs of leaks, cracks, or other structural defects that may result in the release of the substance into the vault or surrounding soils.

(6) Any UST system which, on the effective date of this Chapter,

A. is being installed;

B. has received approval from the State Fire Marshal or Ohio EPA to be installed; or

C. is being reviewed by the State Fire Marshal or Ohio EPA for a permit to install is considered an existing UST system for the purposes of this Section.

(e) Upgrading/Replacement of UST Systems.

(1) For the purpose of this Section, replacement of an existing UST shall be considered installation of a new system and required to comply with any applicable federal, state, and local regulations for the installation of new USTs in addition to the provisions of this Section, unless specified otherwise.

(f) Temporary Placement Out-of-Service, Temporary Closure, Abandonment, Removal, and Change in Service of UST Systems.

(1) Compliance. Facility Operators must comply with all applicable federal, state, and local regulations for the temporary placement out of service, closure, abandonment, removal, or change in service of any UST system in addition to any requirements set forth in this Section.

(2) Abandonment of UST Systems. No UST system located in the Source Water Protection Area may be abandoned in place unless approved by a certified fire safety inspector or the State Fire Marshal. The Facility Operator must copy the Development Services Director or Designee on any closure assessment and other information related to the closure and abandonment in place of the UST system as the information is submitted to the Bureau of Underground Storage Tank Regulations, the State Fire Marshal, or Ohio EPA.

(g) Tank Tightness Testing.

(1) Exemptions. The following USTs are exempt from the tank tightness testing provisions required by this Section:

A. USTs regulated under and operated in compliance with the BUSTR Sensitive Area Requirements (OAC Chapter §1301:7-9-10);

B. USTs vaulted in accordance with Subsection 1192.06(d)(4); and

C. USTs with a capacity of less than five hundred (500) gallons used exclusively for holding diesel fuel and heating fuel oil grades no. 1 and 2 .

(2) Tightness Testing. Any UST not exempt under Subsection 1192.06(g)(1) must be tested for tightness as follows:

A. Prior to the conveyance of real property by sale or otherwise on which an UST is located, the grantor shall have each UST located thereon tested for tightness in accordance with OAC Chapter 1301:7-9-07(E)(3) and (F)(2), provided no such UST shall be subject to testing more than three (3) times in the same ten (10) year period.

B. Where a conveyance of real property on which an UST is located has not occurred within any consecutive ten (10) year period, commencing from the effective date of this Chapter, the owner shall cause each UST located thereon to be tested for tightness in accordance with OAC Chapter 1301:7-9-07(E)(3) and (F)(2) within such period.

Testing results shall be submitted to the Development Services Director or Designee no later than thirty (30) days after completion of the test. A tightness test is not required if the UST will be removed in conjunction with sale of the property or where a test has been completed for a UST within one (1) year prior to sale or transfer of ownership of a property.

(3) Failure of a Tank Tightness Test. If a UST fails a tank tightness test, the Facility Operator must determine if a release has occurred. If a release is confirmed, the release must be reported and remediated in accordance with Subsection 1192.04(g).

(Ord. 120-11. Passed 11-28-11.)

1192.07 MANAGEMENT OF OTHER POTENTIAL POLLUTION SOURCES.**(a) Land Application of Pesticides and Fertilizers.**

(1) Applicability. This Section applies to the application of restricted use pesticides as identified by the United States Environmental Protection Agency at existing and new commercial, recreational, and agricultural facilities in the one (1) and five (5) year TOT.

(2) Registration of Restricted Use Pesticides. Facility Operators applying restricted use pesticides within the one (1) and five (5) year TOT in any quantity must register the application of those restricted use pesticides with the Development Services Director or Designee within one hundred eighty (180) days of the effective date of this Chapter and by March 1 of every second year thereafter. Any Facility Operator required to maintain records of restricted use pesticide application under any other federal, state, or local program may submit a copy of those records to the Development Services Director or Designee to satisfy this registration requirement. A Facility Operator may request that the registration be completed by the Development Services Director or Designee. A Facility Operator choosing to have their facility registered by the Development Services Director or Designee must contact the Development Services Director or Designee no less than ninety (90) days before a registration is due to ensure completion of the registration by the required due date.

(3) Registration Information. Registration will include, but is not necessarily limited to, general information on the facility and the application of restricted use pesticides at the facility.

(4) Registration of Previously Exempt Facilities. Any previously exempt Facility that becomes subject to regulation under this Section due to:

A. Changes in the types of pesticides applied at a Facility from non- restricted to restricted use pesticides; and/or

B. Changes in the delineated Source Water Protection Area as specified in Subsection 1192.02(b) must be registered in accordance with Subsection 1192.07(a)(2).

(b) Road Salt Storage.

(1) New Facilities. All road salt stored at new facilities in the one (1) year and (5) year TOT must be stored under a covered shelter on an impervious surface and capable of catching, diverting, and controlling storm water run- off. This requirement does not apply to salt prepackaged for consumer use.

(2) Registration. Any Facility in the one (1) year TOT storing road salt outdoors in quantities meeting or exceeding one thousand (1,000) pounds must be registered in accordance with Subsection 1192.04(d)(1).

(c) On-Lot Sewage Systems.

(1) Registration. Any on-lot sewage system in the Source Water Protection Area used for the disposal of process waters other than sanitary wastes must be registered in accordance with Subsection 1192.04(d)(1). Any Facility Operator required to register such disposal to any other federal, state, or local authority may submit a copy of that registration to the Development Services Director or Designee to satisfy the registration requirements of this Subsection. The Development Services Director or Designee reserves the right to ask for additional information when deemed necessary.

(2) Cessation of On-Site Disposal. Any Facility Operator permanently ceasing disposal of process wastes on site through an on-lot sewage system must submit an amended facility registration no later than sixty (60) days of ending disposal in accordance with Subsection 1192.04(d)(7).

(d) Commercial Junk and Salvage Yards.

(1) All commercial junk and salvage yards in the Source Water Protection Area must be registered in accordance with Subsection 1192.04(d)(1) and must comply with the following as

applicable: Subsection 1192.04(f) (Facility Closure); Subsection 1192.04(g) (Release Notification); and Subsection 1192.05(b) (General Container and Regulated Substance Handling Requirements).

(2) Fluid Management. Scrap vehicles or other units brought into a commercial junk yard located within the Source Water Protection Area must have all fluids removed in accordance with current federal, state, and local regulations before on-site crushing and/or storage of the vehicle or unit. All Regulated Substances removed from a vehicle or other unit must be handled and stored in accordance with current federal, state, and local regulations in addition to the provisions of this Chapter as required.

(e) Dry Wells.

(1) Registration of New Dry Wells. The Development Services Director or Designee must be notified of the installation of any new dry well within the Source Water Protection Area no later than sixty (60) days after installation of the new dry well. Notification shall be provided on a standard form supplied by the Development Services Director or Designee at the request of the registrant. The registration shall include information including, but not limited to, the location and design of the new dry well(s). One registration form may be submitted for the installation of multiple dry wells with the same design at a site.

(2) Use of Existing Registration Information. Any municipality or Facility Operator required to register or report a dry well or dry well system to any other federal, state, or local authority may submit a copy of that registration or report to the Development Services Director or Designee to satisfy the registration requirements of this Section. The Development Services Director or Designee reserves the right to request additional information when deemed necessary.

(3) Inspection and Maintenance Schedule. Any municipality, developer, or facility using dry wells for storm water management in the one (1) and five (5) year TOT must development and implement a schedule for the regular inspection and maintenance of those dry wells. All new dry wells shall have limited, controlled access, and be posted with signage indicating: "No dumping, drains to drinking water aquifer" as defined in this chapter.

(f) Landfills.

(1) Registration. All commercial landfills in the Source Water Protection Area must be registered in accordance with Subsection 1192.04(d)(1). Any releases meeting criteria specified in Subsection 1192.04(g)(1), or any release to groundwater detected through a groundwater monitoring network associated with the site, must be reported to Development Services Director or Designee in accordance with Subsection 1192.04(g). The Development Services Director or Designee shall make all reasonable effort to register former unlicensed landfills in addition to commercial landfills or open dumpsites.

(g) Wells or Boreholes.

(1) Applicability. This Section applies to any existing or new well or borehole in a SWPA used for the production of groundwater that does not require plan approval by the Ohio EPA. This includes any well or borehole used for producing water not intended for human consumption.

(2) Installation and Maintenance. Any well or borehole subject to regulation under this Section installed after the effective date of this chapter must be installed in accordance with Chapter 3745-9-05 of the Ohio Administrative Code. All new wells and boreholes must be registered by the well or borehole owner with the Development Services Director or Designee no later than fifteen (15) days prior to installation of the well or borehole. All new wells or boreholes must be installed by a State-recognized well driller. All new wells or boreholes must be installed in accordance with the State of Ohio Technical Guidance for Well Construction and Ground Water Protection.

(3) Abandonment of Wells or Boreholes. All wells or boreholes which are not maintained for production, standby, or observation purposes are to be permanently sealed according to the State of Ohio Technical Guidance Manual for Sealing Abandoned and Unsealed Wells or Boreholes developed by the State Coordinating Committee on Ground Water. The Facility Operator must notify the Development Services Director or Designee no later than fifteen (15) days prior to abandonment of the well or borehole and all paperwork associated with the well or borehole abandonment process must be filed with the Ohio Department of Natural Resources and the City of Fairfield Building and Zoning Division.

(4) Geothermal Wells or Boreholes. Any geothermal well or borehole installed in any SWPA must do so in accordance with the State of Ohio Technical Guidance for Installation of Geothermal Wells.

(h) Fill Operations. All fill operations shall use clean, hard fill materials and shall be approved by the administering authority prior to the commencement of fill activities.

(1) Fill dirt shall not contain fly ash, sewage, sludge, asphalt, shingles, construction debris or any other material prohibited by any local, state or federal regulation.

(2) All fill operations must comply with local, state, and federal law including, but not limited to, ORC Chapter 3714, and OAC Chapter 3745. In accordance with OAC Chapter 3745-400-05, a written notice of "intent to fill" shall be filed with the City of Fairfield as required by this rule and shall also be filed with the administering authority. Such notice is required to be filed seven days prior to the commencement of fill operations.

(3) All fill sites shall have limited, controlled access, and be posted with signage indicating: "Source Water Protection Area. Fines will be imposed for illegal dumping of fill materials. No asphalt, shingles, construction debris, or any other prohibited material." The site must be secured during unauthorized times with emergency contact information posted.

(4) Any violation of this section shall be subject to the penalty provisions of Section 1192.08.

(Ord. 120-11. Passed 11-28-11.)

1192.08 VIOLATION, PENALTY, AND ADMINISTRATIVE REMEDIES.(a) Violations and Penalties.

(1) No person shall knowingly submit false or inaccurate information to the Development Services Director or Designee or City of Fairfield, or violate, disobey, omit, neglect, or refuse to comply with any provision of this Chapter or order issued pursuant to this Chapter. Any person doing so shall be subject to penalty under Section 1135.99 of these Codified Ordinances.

(Ord. 120-11. Passed 11-28-11.)

1192.09 VARIANCE AND APPEALS UNDER THE WELLHEAD PROTECTION PROGRAM.(a) Appeal.

(1) Any person aggrieved by any order issued by the Development Services Director or Designee under the provisions of this Chapter may appeal such decision to the City of Fairfield Board of Zoning Appeals in accordance with established filing procedures.

(2) Source Water Protection Appeals Advisory Board Established. The member communities of the Hamilton to New Baltimore Groundwater Consortium and their surrounding jurisdictions have established a Source Water Protection Appeals Advisory Board (SWPAAB) for the technical review of any variance or appeals request submitted under the Source Water Protection Program. The SWPAAB shall consist of representatives from communities in the Hamilton to New Baltimore area as selected by City Council or other designated authority for that community. The SWPAAB shall operate in accordance with the bylaws developed by and for the group.

(3) SWPAAB Review. Before action on any variance or appeal under this Chapter by the City of Fairfield Board of Zoning Appeals, the SWPAAB shall review any variance or appeal request to ensure that the request, if granted, will not present a contamination threat to groundwater. The SWPAAB shall provide a recommendation on the variance or appeal request to the Board of Zoning Appeals. In doing so, they may include with the recommendation any such alternatives or modifications to the request as necessary to minimize the potential for groundwater contamination. The SWPAAB shall have thirty (30) days from receiving a variance or appeals request to make a recommendation to the Board of Zoning Appeals. This thirty (30) days period shall be inclusive within, not in addition to, the allowed time frame for review by the Board of Zoning Appeals. (Ord. 120-11. Passed 11-28-11.)

1192.10 REGULATED SUBSTANCES LIST**(a) Regulated Substance List.**

(1) The substances to be regulated ("Regulated Substances") are those chemicals, mixtures, and other substances, or components thereof, that are known or suspected (as classified by EPA standards) carcinogens, toxic or highly toxic agents, corrosives, or which otherwise have been determined to be a health hazard or require monitoring as a primary or secondary contaminant under the Safe Drinking Water Act of 1986 (Public Law 93- 523), as amended. These substances shall be regulated when the concentration of Regulated Substances stored or otherwise used on site meets or exceeds those quantities specified in Subsection 1192.10(a)(2). Regulated Substances include:

- A. Petroleum or petroleum-based products, including fuels, fuel additives, lubricating oils, motor oils, hydraulic fluids, and other similar petroleum-based products;
- B. Antifreeze, transmission fluids, brake fluids, and coolants;
- C. Solvents (raw or spent), including cleaning solvents, degreasing solvents, stripping compounds, dry cleaning solvents, painting solvents, and/or hydrocarbon or halogenated hydrocarbon solvents;
- D. Inks, printing and photocopying chemicals, and waste rags used for solvent-based cleaning;
- E. Organic pigments;
- F. Liquid storage batteries;
- G. Non-aerosol, non-latex based paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds, paint sludges, and paint filters;
- H. Corrosion and rust prevention solutions;
- I. Industrial and commercial cleaning supplies, including drain cleaners;
- J. Sanitizers, disinfectants, bactericides, and algacides;
- K. Pesticides, herbicides, and fertilizers;
- L. Acids and bases with a pH less than or equal to 2 or greater than or equal to 12.5;
- M. Aqueous metals;
- N. Road salt (only when stored in the 1 and 5 year TOT);
- O. Or any other material containing one percent (1%) or more by weight of a hazardous raw or waste product that is regulated: as an Extremely Hazardous Substance under Section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (OAC Chapter 3750-20); as a Hazardous Substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (OAC Chapter 3750-30); or as a Toxic Chemical regulated under Section 313 of EPCRA (OAC 3745-100).

(2) A substance listed above may be exempted from regulation under this Chapter if the Regulated Substance does not present a threat to groundwater due to the nature of the substance, and the Facility Operator claiming this exemption for a specific Regulated Substance shows the Development Services Director or Designee proper documentation from the chemical manufacturer or other qualified, verifiable source that the Regulated Substance does not present a threat to groundwater.

(3) Chemicals which are regulated by SWDA, TSCA, RCRA, OSHA, CERCLA, SARA, FIFRA or other State and/or Federal Environmental Laws and Regulations, or for which there is scientific evidence such as the contaminant candidate list (CCL) under the USEPA that indicate acute or chronic health effects can result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, teratogens, endocrine disruptors, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, obnoxious substances causing odor and taste problems, and agents which damage the lungs, skin, eyes, or mucous membranes;

(4) Baseline Quantity Thresholds. Substances listed in Subsection 1192.10(a)(1) shall be considered regulated when, at any time of the year, the concentration of Regulated Substances Stored or used at a facility meets or exceeds the lesser of the following quantities:

A. When located within the one (1) and five (5) year TOT, in amounts exceeding fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights;

B. When located within the ten (10) year TOT, in amounts meeting or exceeding one thousand (1,000) gallons aggregate for liquid materials or eight thousand (8,000) pounds aggregate for dry weights when stored aboveground, or five hundred (500) gallons aggregate for liquid materials when stored in an underground storage tank.

(5) Regulated Substances for Consumer Purchase. Storage of Regulated Substances packaged as consumer products in original containers for consumer purchase shall be regulated under this Chapter only when storage meets or exceeds five (500) hundred gallons aggregate for liquid materials or four thousand (4,000) pounds aggregate for dry weights, whichever is less, in the one (1) and five (5) year TOT, or one thousand (1,000) gallons aggregate for liquid materials or eight thousand (8,000) pounds aggregate for dry weights, whichever is less, in the ten (10) year TOT. (Ord. 120- 11. Passed 11-28-11.)

CHAPTER 1309
Permits

- 1309.01 When required.
- 1309.02 Form; deposit.
- 1309.03 Plans.
- 1309.04 Plot plans.
- 1309.05 Time limit on applications.
- 1309.06 Examination of plans.
- 1309.07 Affidavits.
- 1309.08 Action on application.
- 1309.09 Conditions of permit.
- 1309.10 Plans to be kept at site.
- 1309.11 Permits issued on affidavit.
- 1309.12 Foundation permits.
- 1309.13 Shell permit.
- 1309.14 Violation of this Code.
- 1309.15 Maintenance of permit premises.

CROSS REFERENCES

- Fees - see BLDG., Ch. 1311
- Craft license - see BLDG., Ch. 1315
- Board of Building Appeals - see BLDG. Ch. 1317

1309.15 MAINTENANCE OF PERMIT PREMISES.

(a) Every person, firm or corporation to whom a building permit has been issued under this Code shall until the issuance of a final occupancy permit be responsible for and shall cause the permit premises to be maintained at all times in accordance with the following requirements:

(1) All paper, trash, plastic and any other material which is subject to being blown about or off the permit premises shall at all times be placed or secured in such a manner that it does not blow about or off the permit premises.

(2) All uprooted trees and bushes, branches, limbs, trash, construction debris and litter as defined in Section 557.02(b) shall be removed from the permit premises at least once in every two week period and shall not be burned or buried on the permit premises. Such trash, construction debris and litter shall be removed to an appropriate landfill or other approved facility. The building permit holder shall be responsible at all times for controlling such material on-site and ensuring that there are no adverse impacts to water quality.

(3) Sedimentation control devices and measures shall be installed and maintained at all times in accordance with the approved plot plan, if any, and in such a manner that all mud and sediment is contained on the permit premises and not permitted to escape onto adjoining property or public right of way. These sedimentation control measures shall include, but are not limited to, a driveway base or temporary construction entrance for each lot under development. On residential development lots, the driveway base should be established no later than during the foundation construction phase using ODOT Type 304 aggregate base material (or approved equivalent). On commercial/industrial development lots, a temporary construction entrance should be established during the initial site grading operation using 2-inch stone (or approved equivalent).

(4) The building permit holder shall be responsible under the provisions of Section 905.03(b) for the immediate removal and cleaning and/or the cost of such removal and cleaning of all mud and other sediment which comes from the permit premises by any means onto any street, alley or public ground.

(b) As provided in Section 1305.07, the Building Superintendent has the authority to issue a stop work order for failure to maintain any site in accordance with the requirements listed above. (Ord. 7-05. Passed 1-24-05.)

Appendix B

Revised City Ordinances

DEPARTMENTAL
CORRESPONDENCE

TO Mayor Miller and City Councilmembers
FROM Scott Lepsky, Chairman, Planning Commission

City
of
Fairfield



SUBJECT PLANNING COMMISSION RECOMMENDATION

DATE 03/17/14

Please be advised at the Planning Commission meeting held on Wednesday, March 12, 2014, the Planning Commission voted 5 – 0 in favor of recommending approval of the updated Storm Water Quality Management Plan and associated ordinances (Chapters 925, 1117, 1182 and 1196).

Scott Lepsky / TB

Scott Lepsky, Chairman
Fairfield Planning Commission

plf

Attachment

c: Arthur E. Pizzano, City Manager
Alisha Wilson, Clerk of Council
Timothy Bachman, Development Services Director
David Butsch, Public Works Director
Rick Helsinger, Supt., Bldg. Inspection & Zoning
John Clemmons, Law Director
Planning Commission Members (7)

ORDINANCE NO. 25-14

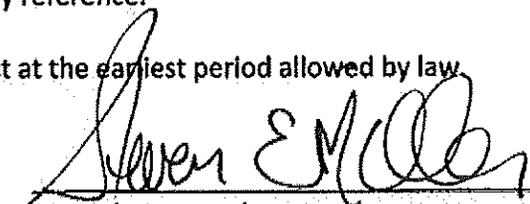
ORDINANCE TO AMEND VARIOUS SECTIONS OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, RELATIVE TO THE STORM WATER QUALITY MANAGEMENT PLAN, DRAINAGE, SEDIMENTATION CONTROL, STORM WATER MANAGEMENT REQUIREMENTS AND SEWER REQUIREMENTS.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Various section of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, relative to the Storm Water Quality Management Plan, Drainage, Sedimentation Control, Storm Water Management Requirements and Sewer requirements are hereby amended to read as shown in the attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed 4/14/14



Mayor's Approval

Posted 4/15/14

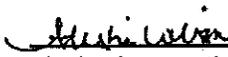
First Reading 2/10/14

Rules Suspended _____

Second Reading 3/24/14

Third Reading 4/14/14

ATTEST:



Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.



Clerk of Council

925.01 DEFINITIONS.

As used in this chapter:

(1) "BEST MANAGEMENT PRACTICES (BMPS)" ARE IDENTIFIED IN THE LATEST EDITION OF THE OHIO EPA GENERAL (NPDES) PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (SEE PART IIIG2E OF THE OHIO EPA'S NPDES PERMIT). THEY CONSIST OF STRUCTURAL AND NON-STRUCTURAL STORMWATER QUALITY MANAGEMENT CONTROL MEASURES.

(1.1) "Biochemical oxygen demand (BOD)" means the quantity of oxygen expressed in milligrams per liter, utilized in five days at twenty degrees Celsius, in the biochemical oxidation of organic matter under standard laboratory procedure, as prescribed in "Standard Methods for the Examination of Water and Wastewater", Thirteenth Edition.

(2) "Building drain" means that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, terminating five feet outside the building wall.

(3) "Sewer lateral, sewer service or house connection" means the extension from the building drain to the sewer main or other place of disposal.

(4) "Chemical oxygen demand (COD)" means the quantity of oxygen expressed in milligrams per liter equivalent to that portion of the organic matter in a sample of wastewater that is susceptible to oxidation by a strong chemical [~~oxidant~~] **OXIDANT**, as prescribed in "Standard Methods for the Examination of Water and Wastewater."

(5) "City" means the City of Fairfield or its authorized agents or representatives.

(6) "City Manager" means the City Manager or his authorized agent or representative.

(7) "Compatible pollutant" means pollutants which the treatment plant was designed to treat which are BOD, suspended solids, phosphorous, ammonia and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works were designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(8) "Connection charge" means that amount paid by the owner of each new service connected to the treatment works to pay for the City's share of facilities required to serve the premises. The charge shall be in proportion to the probable demand placed on the system.

(9) "Director" means the Director of Public Utilities or his authorized agent or representative.

(10) "Easement" means an acquired legal right for the specific use of land owned by others.

(11) "Engineer" means the City Engineer or his authorized agent or representative.

(12) "Garbage" means the solid waste from the preparation, cooking and serving of

foods and from the handling, storage and sale of produce.

(13) "Incompatible pollutant" means any pollutant which is not compatible.

(14) "Industrial cost recovery charge" means that amount assessed each industrial user to repay that portion of all federal grant amounts allocable to the treatment of wastes from the industrial users of the wastewater facilities in proportion to capacity of such facilities committed to their use.

(15) "Industrial user" means any nongovernmental user of the treatment works identified in the "Standard Industrial Classification Manual" 1972, Office of Management and Budget, published by the federal government, as amended and supplemented under the following divisions:

- A. Division A: Agriculture, forestry and fishing.
- B. Division B: Mining.
- C. Division D: Manufacturing.
- D. Division E: Transportation, communications, electric, gas and sanitary services.
- E. Division I: Services.

A user in Divisions A to I may be excluded from this definition if it is determined by the City that such user shall introduce primarily segregated domestic waste or wastes from sanitary conveniences.

(16) "Industrial wastes" means the wastewater from industrial processes, trade or business as distinguished from domestic or sanitary wastes.

(17) "Maintenance cost" means those costs, including labor, materials, supplies, equipment, accessories and appurtenances required to maintain the capacity and performance during the service life of the wastewater treatment plant for which such works were designed and constructed.

(18) "Major contributing industry" means an industrial user of the publicly owned treatment works to which any of the following apply:

- A. Has a flow of 50,000 gallons or more per average work day;
- B. Has a flow greater than five percent (5%) of the flow carried by the wastewater collection system receiving the waste;
- C. Has in its waste, a toxic pollutant in amounts as defined in standards issued under Section 307(a) of PL 92-500; or
- D. Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(19) "May" is permissive.

(20) "Nonindustrial user" means any user of the wastewater facilities not classified as

an industrial user.

(21) "NPDES permit" means National Pollutant Discharge Elimination System permit as issued by the State Environmental Protection Agency under authorization issued by the U.S. EPA, Region V.

(22) "Operating cost" means those costs, including labor, materials, supplies, equipment, accessories and appurtenances required to operate the wastewater treatment plant at the level of performance required by the NPDES permit and the administrative, billing and wastewater collection costs.

(23) "pH" means the logarithm of the reciprocal of hydrogen ion concentration. The hydrogen ion concentration is the weight of hydrogen ions, expressed in grams per liter of solution.

(24) "Phosphorus" means the total phosphorus content of a sample as expressed in milligrams per liter, including all of the orthophosphates and condensed phosphates, both soluble and insoluble, and organic and inorganic species, and referred to in "Standard Methods for the Examination of Water and Wastewater" as total phosphorus.

(25) "Pretreatment" means the treatment of wastewaters before their introduction into the wastewater collection system of treatment works.

(26) "Private sewer" means a sewer constructed, controlled and maintained by someone other than a government agency or public utility.

(27) "Properly shredded garbage" means garbage that has been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(28) "Public sewer" means a common sewer in which all owners of abutting properties have equal rights and which is controlled by a governmental agency or public utility.

(29) "Recovered amounts" means that revenue generated as a result of the Industrial Cost Recovery System.

(30) "Recovery period" means thirty years from the completion of the wastewater treatment plant.

(31) "Replacement cost" means those costs, for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(32) "Retained amounts" means that part of the recovered amounts retained by the City.

(33) "Sanitary sewer" means a sewer that carries liquid and/or water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(34) "Segregated domestic wastes" means wastes which are characterized by a per capita discharge of 100 gallons/day at a loading of 200 mg/l BOD and 250 mg/l SS, commonly termed normal domestic sewage.

- (35) "Sewer" means a pipe or conduit that carries wastewater or drainage water.
- (36) "Shall" is mandatory.
- (37) "Significant user" means any industrial user that contributes greater than ten percent (10%) of the design flow or design pollutant loading of the treatment works.
- (38) "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hours concentration of flows during normal operation or which may adversely affect the collection system and/or performance of the wastewater treatment works.
- (39) "Storm drain or storm sewer" means a drain or sewer for conveying groundwater, subsurface water or unpolluted water from any source.
- (40) "Suspended solids (SS)" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to therein as [nonfilterable] **NON-FILTERABLE** residue.
- (41) "Superintendent" means the Superintendent of Public Utilities assigned to the Wastewater Division or his authorized agent or representative.
- (42) "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (43) "User charge" means that amount paid by each owner of structures connected to the treatment works proportionate to the service provided. This charge shall cover all operation, maintenance and replacement costs for the treatment facilities, operation and maintenance costs for the collection system and administrative expenses incurred during operation of the wastewater office.
- (44) "Wastewater or sewage" means the spent water of a community, and may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water and storm water that may be present.
- (45) "Wastewater collection system" means the entire system of collection sewers, trunk sewers and interceptor sewers and all appurtenances, provided to collect and transport wastewater to the wastewater treatment plant.
- (46) "Wastewater treatment plant" means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.
- (47) "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.
(Ord. 167-95. Passed 11-13-95.)
- (48) "Debt service charge" means the portion of the sewer use charge, excluding high strength surcharges, which serves to retire debt incurred through capital improvements of

the sanitary sewer collection and treatment facilities.

(49) "Sewer service charge" means the portion of the sewer use charge which serves to pay expenditures incurred in the operation and maintenance of the City's sewer collection and treatment facilities.

(Ord. 12-97. Passed 1-27-97.)

925.02 RESPONSIBILITIES AND ENFORCEMENT.

(a) Division of Wastewater Established. There is hereby established a Division of Wastewater, under the direction of the Public Utilities Director, which shall be responsible for the operation and maintenance of the wastewater treatment plant and wastewater collection system according to the requirements of the NPDES permit and other Federal and State laws.

(b) Financial Management. The City Manager shall establish a division for the billing, recording and collecting of moneys associated with the provision of services by the Wastewater Division.

(c) Bylaws and Regulations. The City Manager may make such bylaws and regulations as are necessary for the safe, economical and efficient management and protection of the wastewater system and wastewater pumping, treatment and disposal works, and for the construction and use of wastewater services and their connection to the wastewater system. Such bylaws and regulations shall have the same validity as ordinances, when not repugnant thereto.

(d) Responsibility of Public Utilities Director for Sewers. The Public Utilities Director shall be responsible for approving the design and final acceptance of all sanitary sewers constructed in the City.

(Ord. 167-95. Passed 11-13-95.)

925.03 GENERAL SEWER CONSTRUCTION REQUIREMENTS.

(a) Responsibility for Construction. The Public Utilities Director shall supervise all the construction pertaining to the wastewater treatment facilities and all tests run on the collection system. He shall be responsible for offering and making recommendations for acceptance by the City Manager and/or Council.

(Ord. 34-97. Passed 3-31-97.)

(b) Sewer Construction. All sewer construction shall adhere to specifications and drawings in accordance with the Design, Construction and Materials Specification Handbook.

(Ord. 128-07. Passed 10-9-07.)

(c) Payment for Inspection of City-Initiated Work. Inspection for all sewer work initiated by the City shall be paid for from the Sewer Fund.

(Ord. 34-97. Passed 3-31-97.)

(d) Minimum Test Requirements. Maximum allowable infiltration shall be 100 gallons per mile per inch of diameter per twenty-four hour day. The Public Utilities Director or his/her authorized representative shall be present for all testing. The City shall not accept the responsibility of maintaining any new sewer unless the entire sewer has passed the infiltration test. The Public Utilities Director may require an exfiltration test or air test and closed circuit television inspection of all new sewers before acceptance.

(e) As-Built Drawings. Within thirty days after completion of the construction work on any part of the wastewater system, the contractor shall provide a complete set of certified, reproducible as-built drawings to the Public Utilities Director for all sewers constructed, including those constructed in subdivisions.

(Ord. 128-07. Passed 10-9-07.)

(f) Rules for Submittal of Subdivision Plans and Sewer Main Extensions.

(1) Improvements plans of all proposed subdivisions which include sanitary sewers shall be submitted to the Public Utilities Director for approval prior to being submitted to the Planning Commission for final approval. The subdivider shall confer with the Public Utilities Director on allowances for extra capacity in the subdivision sewer that are required for expansion of the sewer system beyond the limits of the subdivision before plans are submitted to the Public Utilities Director. No final plats shall be approved by the Planning Commission until the Public Utilities Director has approved the detail plans and specifications for the sewer. All plans and specifications submitted for approval shall be fully detailed so as to assure conforming and reliable construction, and shall be stamped by a registered professional engineer. The drawings are to conform to City standards. If revisions in either plans, specifications or design are found necessary, the submittal shall be returned to the subdivider for revisions and resubmittal.

(g) Inspections.

(1) All sewer and appurtenant structures shall be inspected during construction [and] installation **AND REPAIR** by the Public Works Director or inspectors assigned by him and responsible to him.

(2) The Public Works Director shall appoint or designate an inspector for periodical or continuous inspection as the type of work may require or as he deems necessary.

(h) Inspection Fees.

(1) Classification. Inspection fees shall be classified as follows:

- A. Review of preliminary plans.
- B. Continuous and intermittent construction inspection.
- C. Supervisory and final construction inspection.

(2) Review of preliminary plans. The fee for review of preliminary plans accompanying the tentative plat shall be included in the fee charged by the Planning Commission for submission of the final plat.

(3) Continuous and intermittent inspection.

A. General. When the extent of work in any project so justifies, the Public Works Director may provide for a full-time inspector for that project from his own forces. Where a project does not require full-time inspection, the Public Works Director may provide for intermittent inspection and may use the inspector for more than one such project.

B. Continuous. The Public Works Director shall send a monthly bill to the contractor for the time spent for inspection. The charge shall be at the hourly rate paid the inspectors by the City plus thirty percent (30%), with a minimum billing of one-half hour. If inspection is required at a time when the inspector is designated to receive overtime pay, the charge shall be at the overtime rate paid the inspector, plus thirty percent (30%) with a minimum billing of one-half hour.

C. Intermittent. Intermittent inspection may be provided when where the Public Works Director may consider this arrangement satisfactory. Charges for intermittent inspection shall be the same as those for continuous inspection based on actual hours of service, including time allowance for travel.

(4) Supervisory and final inspection.

A. Supervisory.

1. The Public Utilities Director may direct that soil tests and laboratory tests of material be made, and the subdivider shall be required to pay directly for any and all costs and charges incurred in having the tests made.

B. Final. Final inspection by the Public Utilities Director shall be made after the subdivider has submitted final as-built plans.

(i) Revisions. During construction, no departure from approved plans and specifications shall be made unless a request for a change is submitted to the Public Utilities Director in writing and approval in writing is obtained.
(Ord. 34-97. Passed 3-31-97.)

(j) As-Built Drawings. Editor's Note: This section intentionally left blank.

(k) Easements. The developer shall give the City any easements for future sewers recommended by the Public Utilities Director. Any such easements shall be recorded on the plan, and filed for approval with the Planning Commission. In the event it becomes necessary to construct sewers outside the limits of any platted easement, easements to include the sewer shall be given to the City by separate instrument. All sewers shall be constructed in public easements or rights of way.
(Ord. 128-07. Passed 10-9-07.)

(l) Sewer Charges. Charges for connection and use of sanitary sewers in subdivisions shall be made at the rate provided for by the City-wide system. All final plats of subdivisions showing sanitary sewers shall have the following note placed thereon in a conspicuous location.

"All sanitary sewers shown on this plat shall be subject to the same service charges and same rates as required for the City-wide system."

(m) Allowances for Larger Pipe Requirements. If the Director requires that the subdivision sewer or sewers must be larger than the size required to handle the sewage flow from the subdivision, due to expansion of the sewer system beyond the subdivision, in the future, the City shall pay the subdivider the difference in cost for the larger piping materials. Additional installation cost for the larger piping is the responsibility of the subdivider.

(n) Responsibility for Maintenance of Subdivision System. The City shall accept ownership and assume responsibility for the operation and maintenance of the constructed subdivision system upon completion, provided that acceptance of the system has been recommended by the Director after proper inspection and tests. The subdivider shall pay for the entire cost of the sewer unless otherwise provided for in this chapter, including the final inspection of the sewer system prior to acceptance by the City.

(o) Performance Bond. The contractor shall furnish to the City a performance bond of one hundred percent (100%) of the cost of the improvements to insure compliance with approved plans and specifications, and the proper functioning of the sewer and appurtenances. Sewer mains in subdivisions shall be included in the subdivision bonding process.

(p) Maintenance Bond.

(1) The contractor shall furnish to the City a maintenance bond of ten percent (10%) of the cost of the improvements for one year after the performance bond is released to insure proper functioning of the sewer and appurtenances.

(2) If maintenance is required as a result of improper construction and the contractor does not perform the maintenance within ten days or sooner in the event of an emergency of written notification, the City may perform the maintenance and subtract the cost of the maintenance from the bond.

(Ord. 34-97. Passed 3-31-97.)

925.04 USE OF PUBLIC SEWERS.

(a) Use Required.

(1) Except as otherwise provided, no person shall construct within the City any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(2) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City, abutting on any street, alley or right of way in which there is now located a public sanitary sewer of the City, is hereby required at the owner(s)' expense to install toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(b) Private Wastewater Disposal. No person shall construct and use any private wastewater system unless approval therefor has been received from the Director, County Board of Health and any other required agencies.

(c) Requirements for Private Wastewater Collection System. All privately constructed wastewater collection systems shall comply with City specifications governing the construction of sanitary sewers and two copies of certified, reproducible, as-built drawings shall be supplied to the Public Utilities Director before connection to the public system is made.

(Ord. 167-95. Passed 11-13-95.)

925.05 CONNECTION TO PUBLIC SEWERS.

(a) Procedure to Connect. No house sewer shall be constructed to connect with a public sewer nor shall any connection be made to a public sewer within the City, except in accordance with the following procedure. The owner, agent or lessee of the property for which the connection is desired shall make written application for the connection to the Public Utilities Director, which application shall state the location and nature of the property, the number of the lot, the length of the house sewer desired from the building foundation to the property or curb line and the fixtures to be connected thereto. After the application is made and a permit fee paid, a permit will be issued. The owner, agent or lessee shall have the house sewer installed and the connection to the public sewer established in the manner hereinafter provided. Connections are unlawful until the permit has been issued. In order to permit ventilation of the public sewer and sewer service, no trap shall be placed in the sewer service. After the sewer is laid and before it is covered or used, it shall be inspected by the Public Works Director and approved by the Public Utilities Director.

(b) Authorization to Install House Sewers; Connections and Toilet Facilities. The Public Utilities Director is authorized to install or have installed sewers, laterals and connections where satisfactory installation has not been made by the owner or agent. For the purpose of carrying out the provisions of this subsection, the Public Utilities Director is authorized and directed to secure the necessary equipment and hire the necessary labor. He shall maintain a record of the cost of the equipment and labor and shall ascertain as accurately as possible the actual cost of the installation of the house sewer and connection which cost, the addition to the cost of inspection and recording, shall be the cost charged to the owner, agent or lessee of the property for which the construction is done.

(c) License Required for Construction.

(1) Sewer tapper's license. A sewer service **LATERAL AND/OR** connection may only be made, built or repaired by a person, firm or corporation having a sewer tapper's license issued by the Public Utilities Director. Application for such licenses must be made to the Public Utilities Director and a license fee of thirty dollars (\$30.00) shall accompany the application. The license shall be valid for one year, and must be renewed and an additional license fee paid each year. The license applicant shall be required to prove to the satisfaction of the Public Utilities Director that he/she possesses the qualifications necessary for a competent sewer builder. The applicant may be required to pass a test as to competency under the bylaws and regulations adopted by the Public Utilities Director.

(2) Bond. Before being granted a license to make sewer connections, the applicant shall file with the City a bond in the amount of five thousand dollars (\$5,000) which shall be a blanket bond covering all installations of the sewer builder for one year after the actual installation. The bond shall be conditioned so as to insure proper workmanship and materials in the installation of any sewer for any property owner and to save the City harmless from claims arising as a result of damage to any person or property by reason of such sewer installations. The bond shall be approved by the Law Director as to form and surety. The license

shall be signed by the Public Utilities Director and shall expire one year after its issuance. A license may be revoked by the City Manager or Public Utilities Director if the licensee violates any of the laws, ordinances, bylaws and regulations governing connection to City sewers.

(Ord. 19-02. Passed 1-28-02.)

(d) Permit Fees; Inspection Fees. Before commencement of construction of any building sewer whether it is located on private or public property, the owners, agent or lessee shall obtain a written permit signed by the Public Utilities Director. There shall be three classes of sewer permits to establishment producing industrial wastes: residential, commercial service and multiple-family residences and service. In any case, the owner, agent or lessee shall make application on a special form furnished by the City. The permit application shall be accompanied and supplemented by any plans, specifications or other information considered necessary and pertinent in the judgment of the Public Utilities Director. A sewer permit fee of two hundred dollars (\$200.00) per tap shall be paid to the Utility Collection Office at the time the application is filed. The Public Utilities Director shall have the authority to require increased permit and inspection fees in unusual cases, or in cases where repeated inspections are required.

(e) Building Permit Required and Sewer Expansion Fee.

- (1) No sewer service shall be constructed to connect with a public sewer nor shall any connection be made to a public sewer within the City until the building permit from the Building Inspection Division has been obtained by the person, firm or corporation employed to perform the work. An application for a permit shall be signed by the owner, agent or lessee of the property for which the connection is to be made and by the person, firm or corporation employed to perform the work, and shall describe the property and state the number of fixtures to be connected.
- (2) No building permit shall be issued until a sewer expansion fee is paid. The sewer expansion fee is to be charged according to the following schedule:

Sewer Expansion Fee

<u>Water Meter Size</u>	<u>Equivalent Residential Unit (ERU)</u>	<u>Treatment Plant</u>	<u>Collection System</u>	<u>Total Sewer Exp. Fee</u>
5/8"	1.0	\$450	\$1,240	\$1,690
1"	1.4	630	1,736	2,366
1-1/2"	1.8	810	2,232	3,042
2"	2.9	1,305	3,596	4,901
3"	11.0	4,950	13,640	18,590
4"	14.0	6,300	17,360	23,660
5"	21.0	9,450	26,040	35,490

6" 29.0 13,050 35,960 49,010

(Ord. 22-94. Passed 3-1-94.)

(f) Responsibilities to be Borne by Property Owner.

- (1) All costs and expense incident to the installation and connection of the sewer service shall be borne by the owner. The property owner shall indemnify the City from any claims arising as a result of any loss or damage that may directly or indirectly be occasioned by installation of the sewer service.
- (2) The owner is responsible for the cleaning of the sewer service from his house or building to the public sewer main. The owner is responsible for the maintenance of the sewer service from his house or building to the limit of the public right of way.

(g) Responsibilities to be Borne by City.

- (1) The Public Utilities Director has the option of installing the sewer service from the sewer main connection to the limit of the public right of way and billing the property owner for such installation or requiring the owner to install the sewer service from the sewer main connection to the limit of the public right of way, at the owner's expense.
- (2) The City is responsible for maintenance on the sewer service from the limit of the public right of way to the sewer main.

(h) Separate Sewers Required; Exception. A separate and independent sewer service shall be provided for every building, except where one building stands on the opposite side of the sewer service from another building on an interior lot and no private sewer is available or can be built to the far building through an adjoining alley, court, yard or driveway. In such case, the sewer service from the structure nearest to the sewer main may be extended to accommodate the far building and the whole considered as one sewer service except for billing purposes.

(i) Approval of Existing Sewer Services. As public sewers become available and connections are made to them, existing sewer services shall generally not be approved for future use. The Public Utilities Director shall, however, have the authority to approve the use of an existing sewer service for new sewer service if, in his opinion, the existing sewer service is of acceptable construction quality and good condition. An additional permit and inspection fee shall be charged for persons seeking approval of the use of all or part of an existing sewer service, regardless of the subsequent approval or rejection of them. The fee schedule shall be the same as for a new sewer service. The property owner shall, in addition, pay for or perform any testing or exposure of the existing line for inspection deemed necessary by the Public Utilities Director.

(j) Minimum Specifications for Sewer Service Connection.

- (1) Sewer service connection shall be made by a material approved by the Director. Joints shall be tight and waterproof to the satisfaction of the Public Utilities Director.

(Ord. 167-95. Passed 11-13-95.)

- (2) The size and slope of the sewer service shall be subject to the approval of the Public Utilities Director, but in no event shall the diameter be less than eight inches for a public sewer main, and not less than six inches for private lateral for a gravity sewer system. Low pressure force main systems shall be sized according to hydraulic design criteria. The uniform slope of a gravity wastewater pipe shall be not less than one-quarter inch per linear foot.
- (3) No sewer service shall be laid parallel to or within five feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The sewer service shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Cleanouts shall be built at all changes of direction of forty-five degrees or more and at every seventy-five feet or fraction thereof along all straight lines.

(Ord. 128-07. Passed 10-9-07.)

- (4) In all buildings in which any building drain is too low to permit gravity flow to the sewer main, sanitary sewage carried by such drain shall be lifted by artificial means as approved by the Public Utilities Director and discharged to the sewer service.
- (5) Connection of cellar floor drains to the sewer service shall be permitted only when they connect to a trap with a permanent waterseal between them and the sewer service connection. All vents shall be constructed so as to prevent foreign objects from being introduced into the sanitary sewers. Tees shall not be permitted in any part of the sewer service connection.
- (6) The connection of the sewer lateral into the sewer main shall be made at the Y branch provided for the lot on which the building is located. The greatest of care shall be exercised to produce a water-tight job and to assure that alignment of the sewer main is not disturbed. This work may be done only by a properly licensed contractor or by the City at the Public Utility Director's option, and the cost of it shall be borne by the property owner.

(k) Notification Required. The applicant for the building sewer permit shall notify the Public Works Director at least twenty-four hours prior to when the sewer lateral is ready for inspection and connection to the sewer main. The connection shall be made under the supervision of the Public Works Director or his designated representative.

(l) Hazard Protection. All excavations for sewer service installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Public Works Director.

(Ord. 167-95. Passed 11-13-95.)

925.06 RESTRICTIONS ON SANITARY SEWER DISCHARGES.

(a) Prohibited Discharges.

- (1) No person shall discharge or cause to be discharged any storm water, surface water, ground, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer of the City; or permit or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:
 - A. Not be susceptible to treatment or interfere with the process or efficiency of the treatment system.
 - B. Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.
 - C. Violate pretreatment standards.
 - D. Cause the treatment plant to violate its NPDES permit or applicable receiving water standards.
- (2) No person shall discharge or cause to be discharged without prior written approval of the Director of Public Utilities any hazardous waste into the sanitary sewer of the City. A hazardous waste shall be defined by OAC 3745-51-21 to 3745-51-24 inclusive or is a waste listed in OAC 3745-51-31, 3745-51-32, 3745-51-33(E), 3745-51-33(F).

(Ord. 129-85. Passed 11-11-85.)

(b) Materials Discharged to Public Sewer Limited.

- (1) The following described substances, materials, waters or waste shall be limited in discharges to the Municipal system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; have an adverse effect on the receiving stream; significantly affect the wastewater sludge in such a manner that might jeopardize or reduce sludge disposal methods; cause violations of the NPDES regulations; otherwise endanger lives, limb, public property; or constitute a nuisance. The Public Utilities Director may set limitations more severe than the limitations established in this section if in his opinion, more severe limitations are necessary to meet the objectives of this chapter. In forming his opinion as to the acceptability, the Public Utilities Director will give consideration to such factors as: the quantity of subject waste in relation to flows and velocities in the sewers; materials of construction of the sewers, the wastewater treatment process employed; capacity of the wastewater treatment plant; degree of treatability of the waste in the wastewater treatment plant; and other pertinent factors. The limitations or restrictions on material or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Public Utilities Director are as follows:
 - A. Wastewater having a temperature higher than 150 degrees Fahrenheit (65°C) at point of entrance to main sewer. In no case, is heat to be contributed in such quantities that the temperature at the POTW exceeds 104 degrees Fahrenheit (40°C).

- B. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat, grease, or which may contain more than 100 mg/l in any single grab sample of fat, oil or grease (fluorocarbon-113 extraction method).
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc, nickel, cadmium, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Public Utilities Director.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Utilities Director in compliance with applicable State or federal regulations.
- H. Quantities of flow, concentrations or both which constitute a "slug".
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or which are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structural and treatment processes. The Public Utilities Director shall require all discharges to conform to all NPDES permit requirements and any other specified in State or federal regulations.
- K. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the U.S. EPA pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or that will pass through the system.
- L. Any solid or viscous wastes which will or may cause obstructions to the flow in a sewer or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not

limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil or similar substances.

- M. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by the interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, [toulène] **TOLUENE**, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 - N. Any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of 5.5 to 9.0 standard units. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.
 - O. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
- (2) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section, and which in the judgment of the Public Utilities Director may interfere with, pass through, or otherwise be incompatible with the wastewater facilities, processes, equipment or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the Public Utilities Director may:
- A. Prohibit discharge of the wastes to the public sewer.
 - B. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - C. Require control over the quantities and rates of discharge.
 - D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

Should the Public Utilities Director require the pretreatment or equalization of any waste flows, the design and installation of the plants and equipment therefor shall be subject to the review and approval of the Public Utilities Director. When considering the above alternatives, the

Public Utilities Director shall give consideration to the economic impact of each alternative on the discharger.

- (3) The Public Utilities Director may require a user of the public sewer system to provide information needed to determine compliance with this chapter. These requirements may include, but are not limited to:
- A. Wastewaters discharge peak rate and volume over a specified time period.
 - B. Chemical analyses of wastewaters.
 - C. Information on raw materials, processes and products affecting wastewater volume and quality.
 - D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
 - E. A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
 - F. Details of wastewater pretreatment facilities.
 - G. Details of system to prevent and control the losses of materials through spills to the sewer system.

(c) Industrial Pretreatment Required. All major contributing industrial users of the treatment facilities shall pretreat any pollutant which may interfere with, pass through or otherwise be incompatible with the treatment works. All owner(s) of any source to which pretreatment standards are applicable shall be in compliance with such standards within the shortest reasonable time, but not later than two years from the date of promulgation of such standards for the applicable industrial category. Notwithstanding this permitted schedule, any waste discharge that prevents proper treatment of waste at the Municipal wastewater treatment facility shall be prohibited immediately. All owner(s) of any source to which pretreatment standards are applicable shall submit to the Public Utilities Director semiannual notices regarding specific actions taken to comply with such standards. Such notices shall be submitted on the first day of the months of April and October.

If any major contributing industrial user proposes to pretreat its wastes, the design and installation of the plants and equipment therefor shall be subject to the review and approval of the Public Utilities Director.

(d) Measurement Test and Analyses. All measurements, tests and analyses of the characteristics of water and waste shall be determined in accordance with "Standard Methods for Examination of Water and Wastewater", or other approved standards. Samples shall be taken at a control manhole, if available. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer system to the point at which the sewer service is connected.

(e) Wastewaters Having High Biochemical Oxygen Demand. The admission into the public sewers or any waters or wastes having a five day biochemical oxygen demand in excess of normal wastewater shall be subject to the review and approval of the Public Utilities Director. When necessary, in the opinion of the Public Utilities Director, means for such pretreatment as

may be needed to control the quantities and rates of discharges or reduce objectionable characteristics or constituents shall be constructed according to plans approved by the Public Utilities Director.

(f) Maintenance of Pre-Treatment Facilities. When pretreatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(g) Control Manhole. When required by the Public Utilities Director, the owner of any property served by a sewer service carrying wastes shall install a suitable control manhole in the sewer service to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Public Utilities Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 167-95. Passed 11-13-95.)

(h) Grease, Sand, and Oil Interceptor. All users who discharge sanitary wastes of a nature which include grease, oils, or heavy non-putrescible materials to the City's sanitary sewer system shall be required to install interceptor(s) to remove such materials from the waste stream. The interceptor shall remain the property and responsibility of the property owner and shall be maintained in a manner which causes it to perform satisfactorily. (Ord. 12-97. Passed 1-27-97.)

925.07 SPECIAL STORM SEWER RULES.

(a) Permit; Fee. No connection shall be made to a public storm sewer within the City until the written permission of the Public Works Director or his designee has been obtained by the person, firm or corporation proposing to or employed to perform the work. An application for a permit shall be signed by the owner or agent of the property for which the connection is desired and by the person, firm or corporation employed to perform the work; shall describe the property and state the purpose for which the connection is desired; and shall be accompanied by a fee in accordance with the following schedule:

(1)	Existing residential structure sump pump drain pipe	\$10.00
(2)	Existing residential structure roof downspout	\$10.00
(3)	Existing residential structure yard drain pipe (6-inch diameter or less)	\$10.00
(4)	Existing residential structure storm sewer pipe (up to 12-inch diameter)	\$25.00
(5)	All other connections	\$125.00

No permit shall be issued until the appropriate application is made and the applicable fee is paid.

(b) Discharges Into Storm Sewers Regulated. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Public Works Director to a storm sewer

or natural outlet after obtaining the appropriate permits from the State, Environmental Protection Agency or any other required agencies.

(c) Prohibition of Illegal Discharges. No person, firm, or corporation shall discharge or cause to be discharged into a public storm sewer or watercourse any substance other than storm water, except as follows:

(1) Water line flushing or other potable water discharges, irrigation or lawn watering, diverted stream flows, rising ground water, uncontaminated ground water infiltration, uncontaminated pumped ground water, foundation or footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential vehicle washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, water from [fire-fighting] **FIREFIGHTING** activities, and any other water source not containing pollutants **THAT ARE OTHERWISE IDENTIFIED BY THE OHIO EPA AS A PROHIBITED NON-STORMWATER DISCHARGE SOURCE.**

(2) Discharges specified in writing by the Public Works Director or his designee as being necessary to protect public health and safety.

(3) Any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

(d) Prohibition of Certain Connections. The construction, use, maintenance or continued existence of any drain or conveyance, whether on the surface or subsurface, which allows a prohibited substance to enter a public storm sewer or watercourse is prohibited. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. When a prohibited connection is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the storm sewer system or watercourse. No person, firm or corporation shall fail to eliminate such connection(s) to the storm sewer or watercourse within thirty days after being ordered to do so as provided herein.

(e) Inspection of Storm Sewers. After a connection to a public storm sewer is built, and before it is covered, it shall be inspected and approved by the Public Works Director or his designee.

(f) Prohibition of Curb Line Discharges. No roof downspout, sump drain, or other surface or groundwater drainage line may be constructed to discharge directly into the curb line of any public street. This prohibition expressly includes, without limitation, any curb line discharge established in the past, regardless of whether its construction was permissible under law or practices applicable or prevailing at the time. When such a curb line discharge is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the curb line. No person, firm, or corporation shall fail to eliminate such curb line discharge(s) within 30 days after being ordered to do so as provided herein.

(g) Erosion and Sediment Control. To minimize the entry of sediment and other pollutants

into the City's storm sewer system that is caused by construction site runoff, erosion and sediment control measures must be provided on all new development and redevelopment projects. These measures are to be shown in a sedimentation plan that has been prepared in accordance with the applicable requirements of the subdivision rules and regulations.

CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF TOTAL LAND, OR THAT WILL DISTURB LESS THAN ONE ACRE OF LAND BUT ARE A PART OF A LARGER COMMON PLAN OF DEVELOPMENT, REDEVELOPMENT OR SALE THAT WILL ULTIMATELY DISTURB ONE OR MORE ACRES OF LAND, SHALL SEEK COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT FOR STORM WATER DISCHARGES (OHIO EPA PERMIT NO. OHC000004, OR LATEST EDITION). AS SUCH, ANY PERSON SEEKING APPROVAL OF A PLAN FOR EROSION AND SEDIMENT CONTROL MEASURES, SHALL SUBMIT TO THE CITY PUBLIC WORKS DIRECTOR PRIOR TO START OF CONSTRUCTION, A COPY OF THE "NOTICE OF INTENT" (NOI) THAT SEEKS COVERAGE UNDER THE STATE OF OHIO CONSTRUCTION PERMIT THAT HAS BEEN OR WILL BE FILED WITH THAT STATE AGENCY. AFTER THE SWP3 IS APPROVED AND DURING CONSTRUCTION, IT SHALL BE KEPT ON THE CONSTRUCTION SITE, ALONG WITH A COPY OF THE NOI AND LETTER GRANTING PERMIT COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT.

(H) STORMWATER MANAGEMENT CONTROLS.

(1) TO MINIMIZE THE IMPACT OF LAND DEVELOPMENT AND REDEVELOPMENT ACTIVITIES ON STORM RUNOFF AND DRAINAGE, STORMWATER MANAGEMENT CONTROLS SHALL BE REQUIRED ON NEW DEVELOPMENT AND REDEVELOPMENT SITES, PURSUANT TO REQUIREMENTS CONTAINED IN CHAPTERS 1117 AND 1182, AND PER THE DESIGN REQUIREMENTS CONTAINED IN THE CITY DESIGN, CONSTRUCTION AND MATERIALS SPECIFICATION HANDBOOK.

(2) CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF TOTAL LAND, OR THAT WILL DISTURB LESS THAN ONE ACRE OF LAND BUT ARE A PART OF A LARGER COMMON PLAN OF DEVELOPMENT, REDEVELOPMENT OR SALE THAT WILL ULTIMATELY DISTURB ONE OR MORE ACRES OF LAND, SHALL SEEK COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT FOR STORM WATER DISCHARGES (OHIO EPA PERMIT NO. OHC000004, OR LATEST EDITION). AS PART OF THAT COMPLIANCE, POST-CONSTRUCTION BEST MANAGEMENT PRACTICES SHALL BE MADE PART OF THE STORMWATER MANAGEMENT CONTROLS ON LAND DEVELOPMENT SITES, PURSUANT TO THE REQUIREMENTS OF THE OHIO EPA PERMIT AND PER THE REQUIREMENTS IN CHAPTERS 1117 AND 1182.

(I) ROUTINE AND REMEDIAL MAINTENANCE.

(1) OWNERS AND OCCUPANTS OF PROPERTIES WITH STORMWATER MANAGEMENT FACILITIES ARE RESPONSIBLE FOR OPERATION AND MAINTENANCE AS SPECIFIED IN SECTION 925.07(M). THE PUBLIC WORKS DIRECTOR SHALL PROVIDE FOR INSPECTION AND ROUTINE

MAINTENANCE OF FACILITIES THAT HAVE BEEN ACCEPTED FOR MAINTENANCE BY THE CITY. CITY MAINTENANCE MAY INCLUDE STORM WATER CONVEYANCE-RELATED STRUCTURE CLEANING AND REPAIR.

(2[3]) Commercial, industrial, multi-family residential property. The property owner(s) shall fully maintain detention/retention basins located on private commercial, industrial, or multi-family residential property, whether such basins are located within a public easement or not. This maintenance responsibility shall include both routine maintenance such as mowing, cleaning, debris removal, and erosion repair and non routine maintenance such as the repair or replacement of damaged or missing structural components.

(3[4]) Single family residential property. The property owner(s) and/or homeowner's association shall be responsible for routine maintenance such as mowing, cleaning, debris removal, and erosion repair for detention/retention basins located on private single family residential property, whether such basins are located within a public easement or not. The City shall be responsible for non-routine maintenance such as the repair or replacement of damaged or missing structural components of such basins.

~~[(3) —Notification:—When the maintenance of a detention/retention basin is found to be in violation of this subsection, the Public Works Director will provide written notice to the appropriate property owner(s) and/or homeowner's association ordering that the necessary maintenance be performed within a reasonable period of time. No person, firm or corporation shall fail to perform the required maintenance within the required period after being ordered to do so as provided herein.]~~

(Ord. 127-03. Passed 8-11-03.)

(J) Storm Water Quality Management Plan. As a requirement of the City's NPDES Phase II Storm Water Permit, Council hereby adopts the "Storm Water Quality Management Plan" dated [January-2005] FEBRUARY 2014, prepared by City staff as the City's official planning document for addressing storm water quality and pollution prevention. All subsequent amendments to the "Storm Water Quality Management Plan" shall also be adopted by legislative action of Council. A copy of this plan is on file in the office of the Clerk of Council.

(Ord. 20-05. Passed 2-14-05.)

(K) STORMWATER FACILITY MAINTENANCE CORRECTION PROCEDURES.

(1) ORDER TO CORRECT IMPROPER DRAINAGE. WHENEVER THE CITY SHALL FIND THAT (I) A TRACT OF LAND NOT MAINTAINED BY THE CITY IS INADEQUATELY DRAINED, OR (II) THERE IS EXCESSIVE EROSION OR SEDIMENTATION UPON SUCH LAND, OR (III) THERE IS AN OBSTRUCTION TO A CULVERT OR WATER COURSE UPON SUCH LAND THAT INTERFERES WITH WATER NATURALLY FLOWING THEREIN, OR (IV) THAT SUCH CULVERT, STORM SEWER OR WATERCOURSE UPON SUCH LAND IS OF INSUFFICIENT CAPACITY TO REASONABLY ACCOMMODATE THE FLOW OF WATER, AS REQUIRED BY THE CITY, THE PUBLIC WORKS DIRECTOR OR DESIGNEE SHALL ORDER THE OWNER OR PERSON HAVING

POSSESSION, CHARGE, OR MANAGEMENT OF SUCH LAND TO REMOVE THE OBSTRUCTION, PROVIDE ADEQUATE DRAINAGE, FILL OR DRAIN SUCH LAND, ENLARGE THE CULVERTS, DRAINS, OR WATERCOURSES, MITIGATE EXCESSIVE EROSION OR SEDIMENTATION, AND/OR ACCOMPLISH ANY OTHER ACT DETERMINED BY THE PUBLIC WORKS DIRECTOR NECESSARY TO FURTHER THE PURPOSES OF THIS CHAPTER. SUCH ORDER SHALL BE SERVED ON SUCH PERSONS OR ENTITY IN THE SAME MANNER AS PROVIDED BY THE OHIO RULES OF CIVIL PROCEDURE FOR SERVICE OF SUMMONS AND THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE MAY POST THE ORDER AT THE PROPERTY. THE ADDRESS UTILIZED FOR ANY SERVICE SHALL BE THE PROPERTY ADDRESS ITSELF AND THE TAX BILLING ADDRESS FOR SUCH PREMISES AS MAINTAINED ON THE RECORDS OF THE BUTLER COUNTY AUDITOR.

(2) THE OWNER MUST COMPLY WITH THE ORDER(S) WITHIN A REASONABLE TIME NOT TO EXCEED 30 DAYS, UNLESS AN EXTENSION IS GRANTED BY THE PUBLIC WORKS DIRECTOR FOR GOOD CAUSE SHOWN. FAILURE TO COMPLY WITH SUCH ORDER SHALL CONSTITUTE AN UNLAWFUL ACT. EACH ADDITIONAL DAY THEREAFTER DURING WHICH THE OWNER FAILS TO CARRY OUT THE ORDER OF THE CITY SHALL CONSTITUTE A SEPARATE OFFENSE.

A. IN ANY CASE WHERE A CONDITION DESCRIBED ABOVE EXISTS FOR MORE THAN THE TIME PERMITTED IN THE ORDER AFTER SERVICE OF THE ORDER, THE CITY MAY EFFECT THE NECESSARY REPAIRS PER SECTION 925.07(L) OR THE CITY MAY FILE CRIMINAL CHARGES, OR BOTH.

B. THE PUBLIC WORKS DIRECTOR OR DESIGNEE(S) MAY ENTER UPON ANY REAL PROPERTY IN THE CITY DURING REASONABLE TIMES AND NORMAL BUSINESS HOURS FOR THE PURPOSE OF INSPECTION, REPAIR OR MAINTENANCE REQUIRED BY THIS CHAPTER.

(3) FAILURE OF THE CITY TO OBSERVE OR RECOGNIZE HAZARDOUS OR UNSIGHTLY CONDITIONS OR TO RECOMMEND DENIAL OF A PERMIT/ZONING CHANGE SHALL NOT RELIEVE THE OWNER OR PERSON HAVING POSSESSION, CHARGE, OR MANAGEMENT OF SUCH LAND FROM THE RESPONSIBILITY FOR THE CONDITION OR DAMAGE RESULTING THEREFROM, AND SHALL NOT RESULT IN THE CITY, ITS OFFICERS OR AGENTS BEING RESPONSIBLE FOR ANY CONDITION OR DAMAGE RESULTING THEREFROM.

(4) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED AS AUTHORIZING ANY PERSON TO MAINTAIN A PRIVATE OR PUBLIC NUISANCE ON HIS PROPERTY, AND COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER SHALL NOT BE A DEFENSE IN ANY ACTION TO ABATE SUCH NUISANCE.

(5) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PREVENT IMMEDIATE ACTION BY THE CITY IN EMERGENCY SITUATIONS. IN CASE OF AN EMERGENCY, THE CITY MAY DIRECT THAT ACTION BE TAKEN IMMEDIATELY TO CORRECT THE CONDITION OR ABATE THE ACTIVITY

TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE. THE CITY MAY PERFORM THE REQUIRED WORK AND ASSESS THE ABATEMENT COSTS AGAINST THE PROPERTY.

(L) CORRECTION COSTS.

(1) IF THE OWNER OR OCCUPANT HAVING THE CARE OR CONTROL OF THE LANDS MENTIONED IN SECTION 925.07(I) FAILS TO COMPLY WITH THE ORDER PROVIDED IN FOR SECTION 925.07(I), THE CITY SHALL CAUSE SUCH ABATEMENT PROCEDURES TO BE IMPLEMENTED. THE COST FOR SUCH ABATEMENT PROCEDURES SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE CITY, PROVIDED, HOWEVER, THAT AN ADMINISTRATIVE FEE SHALL ALSO BE CHARGED IN THE AMOUNT OF ONE HUNDRED DOLLARS. THE COST OF THE ADMINISTRATIVE FEE TOGETHER WITH THE COST OF THE ABATEMENT PROCEDURE TOGETHER WITH ANY LEGAL FEES INCURRED BY THE CITY SHALL BE ASSESSED AGAINST THE OWNER AND, IF UNPAID, AGAINST THE LOT OR LAND TOGETHER WITH INTEREST THEREON AT THE THEN JUDGMENT RATE IN EFFECT IN THE STATE OF OHIO.

~~[Violation and Enforcement Costs.—In addition to other penalties listed in this chapter, any person, firm or corporation who violates any provision of this chapter shall be liable to the City for any expense, loss or damage resulting from the cleaning, repair or replacement work caused by the violation. Any person, firm or corporation who violates any provision of this chapter shall also be liable for any fine or penalty incurred by the City caused by their violation. Any person, firm or corporation who must be monitored by the City for enforcement and/or compliance shall be liable for the associated costs.]~~

(M) STORMWATER MANAGEMENT FACILITY POST CONSTRUCTION OPERATION AND MAINTENANCE PLAN.

(A) OPERATION AND MAINTENANCE PLAN.

(1) THE DEVELOPER/PROPERTY OWNER SHALL PREPARE AN OPERATION AND MAINTENANCE PLAN FOR ANY STORMWATER MANAGEMENT FACILITY APPROVED BY THE CITY AFTER MAY 31, 2014 MEETING THE MINIMUM REQUIREMENTS OF THE LATEST VERSION OF THE OHIO EPA NPDES CONSTRUCTION STORMWATER PERMIT FOR REDEVELOPMENT AND NEW DEVELOPMENT PROJECTS WHEREIN CONSTRUCTION ACTIVITIES WILL RESULT IN THE DISTURBANCE OF ONE OR MORE ACRES.

(2) THE OPERATION AND MAINTENANCE PLAN SHALL BE SUBMITTED BY THE DEVELOPER/PROPERTY OWNER TO THE CITY OF FAIRFIELD FOR REVIEW AND APPROVAL PRIOR TO THE CITY ISSUING THE BUILDING PERMIT.

(3) THE OPERATION AND MAINTENANCE PLAN MUST BE A STAND-ALONE DOCUMENT CONTAINING THE FOLLOWING:

- A. DESIGNATE THE ENTITY ASSOCIATED WITH PROVIDING THE BEST MANAGEMENT PRACTICES (BMPS) INSPECTION AND MAINTENANCE.
- B. INDICATE ROUTINE AND NON-ROUTINE MAINTENANCE TASKS TO BE UNDERTAKEN.
- C. INDICATE A SCHEDULE FOR INSPECTION AND MAINTENANCE TASKS.
- D. PROVIDE PROOF OF ANY NECESSARY LEGALLY BINDING MAINTENANCE EASEMENTS AND AGREEMENTS THAT ARE NECESSARY TO PROPERLY INSPECT AND MAINTAIN THE BMP(S).
- E. PROVIDE A MAP SHOWING THE LOCATION OF THE BMP(S) THAT ARE INDICATED ON THE CITY OF FAIRFIELD APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND NECESSARY ACCESS AND MAINTENANCE EASEMENTS.
- F. PROVIDE DETAILED BMP DRAWINGS AND INSPECTION AND MAINTENANCE PROCEDURES.
- G. ENSURE THAT THE COLLECTED POLLUTANTS RESULTING FROM BMP MAINTENANCE ACTIVITIES ARE DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL GUIDELINES.

(B) DECLARATION OF COVENANTS AND RESTRICTIONS. A DECLARATION OF COVENANTS AND RESTRICTIONS SHALL BE MADE BETWEEN THE OWNER AND THE CITY OF FAIRFIELD ENSURING THAT THE BMP(S) SHALL BE PROPERLY INSPECTED AND MAINTAINED AND SHALL BE INCLUDED WITHIN THE OPERATION AND MAINTENANCE PLAN.

(C) INSPECTION.

- (1) PERSONNEL IDENTIFIED WITHIN THE OPERATION AND MAINTENANCE PLAN SHALL INSPECT THE BMP(S) TO ENSURE PROPER FUNCTIONALITY AND DETERMINE IF MAINTENANCE IS NECESSARY.**
- (2) AT A MINIMUM, INSPECTIONS ARE TO BE CONDUCTED ON AN ANNUAL BASIS, OR AS SPECIFIED IN THE OPERATION AND MAINTENANCE PLAN.**
- (3) WRITTEN INSPECTION REPORTS SUMMARIZING THE BMP(S) INSPECTION OBSERVATIONS AND MAINTENANCE REQUIREMENTS ARE TO BE SUBMITTED TO THE CITY OF FAIRFIELD UPON REQUEST BY THE CITY.**

(D) MAINTENANCE.

- (1) ALL BMPS ARE TO BE MAINTAINED ACCORDING TO THE MEASURES OUTLINED WITHIN THE OPERATION AND MAINTENANCE PLAN.**

- (2) ENSURE THAT THE COLLECTED POLLUTANTS RESULTING FROM BMP MAINTENANCE ACTIVITIES ARE DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL GUIDELINES.
- (3) THE OWNER SHALL MAKE NECESSARY REPAIRS WITHIN FOURTEEN DAYS OF THEIR DISCOVERY AS IDENTIFIED WITHIN THE INSPECTION REPORTS OR THROUGH A REQUEST FROM THE CITY OF FAIRFIELD RESULTING FROM CITY CONDUCTED INSPECTIONS.
- (4) MAINTENANCE ACTIVITIES PERFORMED ARE TO BE DOCUMENTED ON A WRITTEN REPORT AND SUBMITTED TO THE CITY OF FAIRFIELD UPON REQUEST.
- (5) BMP(S) SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS AND PROCEDURES SPECIFIED IN SUBSECTIONS 925.07(I), (K) AND (L).

([k]N) Compliance with Other Regulations. Compliance with the provisions of this chapter or other sections of City Code does not relieve the site owner from obtaining all other necessary permits and/or approvals from federal, state and/or county agencies. If requirements vary, the most stringent requirement shall apply.

(Ord. 127-03. Passed 8-11-03.)

925.08 USER CHARGE ESTABLISHED.

(a) Charges Established; Classes; Computation.

- (1) During the effective period of this chapter, there is levied and assessed a charge or rental known as a "user charge" upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewer system of the City or otherwise discharging wastewater, industrial wastes, water or other liquids either directly or indirectly into the City wastewater treatment system.
- (2) The users of the system shall be divided into classes. Classes shall be groups of users for which the wastewater characteristics are approximately equal and services provided are essentially the same. Initially there shall be established three classes of users, as follows: Industrial, nonindustrial and commercial. Charges for these classes shall be as shown, except as otherwise provided herein. The Public Utilities Director may recommend additional classes as determined to be necessary.
- (3) Charges for wastewater treatment service shall be paid by each user connected to the system and shall be computed in accordance with probable demand a user places on the system and the quantity of water discharged to the system, as measured: by the City water meter installed thereon and/or by a sewage meter installed on the discharge pipe therefrom and/or as estimated by the City, and in accordance with the charge schedule hereinafter set forth.
- (4) When a considerable amount of water delivered to any premises is not returned to the City's wastewater collection system, the customer, with the permission and approval of the Public Utilities Director, may install a separate

water meter to determine the amount of such water not returned to the wastewater disposal system. The customer shall not be billed sewer use charges for such water not returned to the sewage disposal system. The cost of the water meter and its installation shall be the responsibility of the customer. The manner of installation of the water meter must be specifically approved in writing by the Public Utilities Director. Upon a determination by either the Public Utilities Director or the customer that the use of direct metering sanitary sewage flow is necessary or is a more equitable method of determining sewage disposal charges, the Public Utilities Director may approve the installation and use of wastewater meters.

(Ord. 191-99. Passed 10-12-99.)

(5) Irrigation credit. A special sewer rate structure for residential domestic service accounts will be used during the summer months (May, June, July, August and September) in determining sewer charges to account for water used for outside or other irrigation purposes and not returned to the City Sanitary Sewer System. The special rate will eliminate sewer charges for all domestic residential service water in excess of one hundred and fifty percent (150%) of the average monthly water amount used during the previous winter season (November, December, January and February) for that account. In the event that a complete winter season average cannot be established, an amount of 7,500 gallons per month will be used in establishing a base winter season monthly average. (Ord. 111-10. Passed 12-6-10.)

(6) In-City residential wastewater customers of the City of Fairfield who are provided water service by an entity other than the City of Fairfield shall also be allowed a credit against their monthly wastewater charges so that their total monthly water and wastewater charges are the same as those paid by in-City residential customers who use both City of Fairfield water and wastewater service, provided that such credit shall not exceed the actual amount of the customer's wastewater charges in any month. The Finance Director is authorized and directed to calculate and apply the credit as described herein.

(Ord. 179-00. Passed 11-13-00.)

(b) User Charge Rate Structure.

(1) The sewer rates for all users of sewer service provided by the City within the corporate limits of the City shall be as shown in the Attached Tables A through E, inclusive, which are incorporated herein by reference and which shall be effective upon the dates stated therein. The existing sewer rates shall remain in effect until February 1, 2012.

(Ord. 125-11. Passed 12-12-11.)

(2) The sewer rates for sewage treatment service provided by Butler County, Ohio to users of sanitary sewer service within the corporate limits of the City, shall be based upon the Butler County Regional Wastewater System rates for transmission and treatment of wastewater, as those rates may be amended from

time to time, plus an additional amount of twenty percent (20%) of the Butler County Regional Wastewater System rates. Such charges for sewer service shall be remitted to the City. The minimum quantities for sewer service based upon water meter size which are applicable to users of sewer service provided by the City shall also apply to users of Butler County sewage treatment service within the corporate limits of the City and such minimum quantities shall also be charged at the Butler County Regional Wastewater System rate, plus an additional twenty percent (20%).

(3) Capacity fees for new public sewer connections shall be paid to the City by the users of sewage treatment service provided by Butler County, Ohio within the corporate limits of the City. Such capacity fees shall be in accordance with the Butler County Regional "Schedule of Equivalent Residential Units", and in such amounts as are presently established and periodically amended by Butler County, Ohio subsequent to the passage of this section. Such fees shall be paid by the user prior to the issuance of a permit to connect to the public sewer.

(c) Rates Outside Corporate Limits. The rates for users of sewer services provided by the City outside the corporate limits of the City shall be the same as those for users of sewer service inside the corporate limits of the City, plus an additional charge of fifty percent (50%) of the total of each monthly sewer bill, unless provided otherwise by specific agreement of the City. Such additional charge shall be used for debt service and capital expenditures of the sewer system.

(d) Determination of Discharge.

(1) In the event a lot, parcel of land, building or premises discharges to a City sanitary sewer, either directly or indirectly, and is not a user of water supplied by the City, the amount of discharge to the sanitary sewer shall be determined by the Public Utilities Director in such manner as he may find practicable in light of the conditions and attendant circumstances.

(2) Charges for such service shall be at the rates provided in subsection (b) hereof with a minimum charge as set forth therein. If a lot, parcel of land, building or premises not served with water by the City has a water meter, the minimum sewer charge shall be based upon the size of the water meter.

(Ord. 112-83. Passed 8-8-83; Ord. 133-88. Passed 6-26-88; Ord. 72-94. Passed 5-23-94; Ord. 52-95. Passed 5-8-95.)

(e) Unreported Discharge. If premises are found to be discharging wastewater to the City sanitary sewer system without payment of a sewer service charge, the Public Utilities Director shall measure or estimate the quantity of such wastes, by such methods as he may find practicable for the purpose of establishing a proper charge and such premises shall be charged for the total term of the prior usage on the basis of the quantity so determined, and in accordance with previous charges.

(f) High Strength Surcharges. In addition to the minimum charge and the volume charge, any user discharging wastewater containing BOD in excess of 200 mg/l or COD in excess of 500 mg/l or suspended solids in excess of 250 mg/l or ammonia nitrogen in excess of 11.4 mg/l shall pay the following additional charges:

BOD* 0.136 per pound of excess over 200 mg/l

COD* 0.039 per pound of excess over 500 mg/l

SS 0.136 per pound of excess over 250 mg/l

NH4 0.606 per pound of excess over 11.4 mg/l

* Either BOD or COD shall be used, not both. Option to be selected by the Public Utilities Director.

(g) Sampling and Metering.

(1) For purposes of high strength surcharges, and ascertaining pretreatment compliance the Public Utilities Director shall have the option of sampling and testing a wastewater and billing the user for the sampling or requiring the user to perform a regular sampling and testing program, approved by the Public Utilities Director, at the user's expense. The user shall make all data available to the Public Utilities Director upon request and the Public Utilities Director shall be allowed to sample the wastewater, as necessary, to verify the user's data.

(2) In addition to the other charges, each user shall be charged fifty dollars (\$50.00) for each sampling and metering performed by the Public Utilities Director. A fee shall be charged for each sampling permit in which samples are collected and analyzed. Sampling period shall not exceed a twenty-four hour day.

(h) Sewer Service Charge for Private System. There shall be a sewer charge for all lots situated in the area to be served by a private sewer system and the service charge shall remain in force and effect so long as the system is being used for the purpose or purposes and under conditions for which it was constructed. The amount of the service charge shall be determined by the Public Utilities Director.

(Ord. 112-83. Passed 8-8-83.)

(i) Industrial Contracts. The Director may contract with industrial or sanitary users to receive acceptable wastes not part of the normal waste stream, or cover other situation(s) not covered by this chapter, provided such contracts are governed by user charges and other regulations set forth in this chapter.

(Ord. 12-97. Passed 1-27-97.)

(j) Revisions. On or before September 1, of each year the Director shall review the laws, ordinances, bylaws, regulations, charges and fees set forth. If changes, revisions or modifications are necessary, he shall submit the changes to the City Manager for necessary action. The charge system shall be in accordance with EPA regulations which now require:

(1) The charges shall result in the distribution of operation, maintenance and replacement costs of the treatment works within the jurisdiction of the City to each user class in proportion to such user's contribution of the total wastewater loading of the treatment works. Factors such as strength, value and delivery flow rate characteristics shall be included to ensure a proportional distribution of the costs.

(2) The charges shall be reviewed annually and revised periodically as required.

(3) The charges shall derive revenue sufficient to meet all costs of operation, maintenance and replacement of the system.

(4) Users shall be notified annually of revised sewer user rate structures by notification mailed with a regular sewer bill.

(Ord. 167-95. Passed 11-13-95.)

925.09 INDUSTRIAL COST RECOVERY SYSTEM. (REPEALED)

(EDITOR'S NOTE: Former Section 925.09 was deleted in its entirety by Ordinance 20-87. Passed 3-23-87.)

925.10 PAYMENT OF CHARGES AND FEES.

(a) All charges for connection and permits shall be payable upon application.

(b) Charges shall be billed monthly or quarterly, and payment shall be made in accordance with regulations established by the City Manager. At the option of the Finance Director, such charges shall be payable at the same time as water bills.

(c) Payments shall be made at the Utility Collection Office or office designated by the City Manager.

(d) If the bill for services remains unpaid, the water connection to the property shall be shut off at such premises as soon as practicable and in accordance with the bylaws and regulations established by the City Manager for water service.

(e) A penalty of ten percent (10%) shall be added to each charge if it is not paid promptly at the time established by the Finance Director.

(f) Bills ninety days or more in arrears shall be turned over to the Law Director or other authorized personnel for collection.

(g) Each charge or rental levied by or pursuant to these rules is hereby made a lien upon the corresponding lot, land or premises served by a connection to the wastewater system of the City; and if same is not paid within thirty days after the due date, it shall be certified to the County Auditor, who shall place the same on the tax duplicates of the County, with interest and penalties allowed by law, and it shall be collected as other taxes on the property are collected. (Ord. 167-95. Passed 11-13-95.)

(h) Customers disputing a utility bill may appeal to the office manager of the utilities billing office within ten days of the billing date. The office manager will document the billing objection, review the account, and determine the nature of the dispute. If the dispute is a result of operations of the billing office, the office manager shall authorize resolution of the dispute. If the dispute is technically based, the dispute shall be remanded to the Public Utilities Director. If the Public Utilities Director determines that an adjustment is warranted, a determination shall be issued in writing. A customer may appeal a determination of the utilities billing office or Public Utilities Director to the Director of Finance. The Finance Director shall review the claim and make final determination. Once a determination has been made, the account shall no longer be considered in dispute.

(i) The Public Utilities Department will perform an audit annually with the findings to be published and made available for public inspection. Current user rates, and any pending rate increases, will be published annually as part of the normal monthly bill. The notice will itemize those portions required for debt service charge and for sewer service charge.

(Ord. 12-97. Passed 1-27-97.)

925.11 INSPECTIONS.

The Public Utilities Director and other authorized employees of the City bearing proper credentials and identification shall be permitted to enter into or upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

(Ord. 167-95. Passed 11-13-95.)

925.99 PENALTY.

(A) No person shall construct, reconstruct, repair, enlarge, change, modify, maintain, use or discharge into any wastewater service or any part of the wastewater system or storm drainage system of the City in violation of the provisions of this chapter, or any amendment or supplement thereto adopted by Council or a bylaw or regulation adopted by the City Manager pursuant to this chapter. Any person, firm or corporation violating any of the provisions of this chapter, or any amendment or supplement thereto, or any bylaw or regulation adopted by the City Manager, shall be deemed guilty of a third degree misdemeanor. Each and every day during which such violation continues shall constitute a separate offense.

(B) THE IMPOSITION OF ANY FINE OR PENALTY PURSUANT TO THIS CHAPTER SHALL NOT PRECLUDE THE LAW DIRECTOR FROM INSTITUTING ANY APPROPRIATE LEGAL PROCEEDING IN A COURT OF PROPER JURISDICTION TO CORRECT OR ABATE A VIOLATION, REQUIRE COMPLIANCE WITH THIS CHAPTER OR OTHER APPLICABLE CHAPTERS, ORDINANCES, REGULATIONS OR RULES OF THE CITY OR STATE OF OHIO AS DETERMINED TO BE APPROPRIATE BY SUCH LAW DIRECTOR.

(Ord. 112-83. Passed 8-8-83.)

1117.01 DEFINITIONS.

Certain words and phrases as used in this chapter are defined as hereafter set forth.

(a) "Cut" means an excavation, the difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, cut means the materials removed in excavation.

(b) "Erosion" means the wearing away of the land surface by the action of wind, water or gravity.

(c) "Excavation" means any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed

and shall include the conditions resulting therefrom.

(d) "Fill" means any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the condition resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. Fill also means the material used to make a fill.

(e) "Grading" means any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition.

(f) "Mulching" means the application of suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

(g) "Natural vegetation" means the ground cover in its original state before any grading, excavation or filling.

(h) "Permanent vegetation" means producing long term vegetative cover; i.e., bluegrass, tall fescue, crown vetch, etc.

(i) "Sediment" means the solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its original site or origin by air, water, or gravity as a product of erosion.

(j) "Sediment basin" means a barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel or silt or other materials.

(k) "Slope" means the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical distance.

(l) "Swale" means a low-lying stretch of land which gathers or carries surface water run-off.

(m) "Temporary vegetation" means short term vegetative cover used to stabilize the soil surface until final grading and installation of permanent vegetation; i.e., oats, rye, or wheat.

(n) "Topsoil" means surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer.

(o) "Watercourse" means a permanent stream, intermittent stream, river, brook, channel, creek, or ditch for water whether natural or manmade.

(Ord. 141-83. Passed 9-26-83.)

1117.02 GENERAL REQUIREMENTS.

(a) Each subdivision shall be provided with a properly designed and constructed storm drainage system which includes sediment control.

(b) The drainage system and sediment control provisions shall be adequate to serve the area being platted and to protect both adjacent and downstream properties and shall meet the approval of the City Engineer and Public Works Director.

(c) The means by which this is attained shall include but not be limited to the following:

- (1) Topographic map;
- (2) Drainage and grading plan;
- (3) Drainage report;
- (4) Sediment control plan;
- (5) Pre-construction meeting;
- (6) Certified "as built" drawings; and
- (7) Construction of drainage facilities prior to lot grading or occupancy.
(Ord. 167-95. Passed 11-13-95.)

1117.03 FLOODING RESTRICTIONS.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewers, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least five lots or one acre, whichever is less. Refer to the Floodway and Flood Boundary Map and the Federal Insurance Rate Map for the City. (Ord. 141-83. Passed 9-26-83.)

1117.04 DRAINAGE PLAN.

(a) The subdivision improvement drawings shall include a drainage plan that provides for complete, adequate, and satisfactory drainage for the entire area being platted for all projected land uses.

The drainage plan shall include the following:

- (1) Topographic map of the area prior to construction with two foot contours and a minimum scale of one inch equals fifty feet.
- (2) Grading plan superimposed on the topographic map which shows in two foot contours the grading of all streets, lots, swales and any other proposed improvements.
- (3) Location, size, grade and capacity of existing and proposed storm sewer pipes, inlets, culverts, watercourses, bridges, creeks, ditches and swales.
- (4) Locations and dimensions of existing and proposed streets, lot lines and utilities.

- (5) Engineering estimate of the quantity of storm water entering the subdivision.
 - (6) Estimate of the quantity of flow at each pick-up point (inlet, channel or culvert).
 - (7) Locate and describe any apparent pollution of watercourses and ditches.
 - (8) Arrows depicting proposed flow along each lot line, curb line, storm sewer pipe and open watercourse.
 - (9) Proposed elevations to nearest foot of each lot corner, change in lot line grade, pipe inlet or outlet, and other points critical to the drainage of the area. The minimum proposed elevation of each house first floor, to the nearest tenth of a foot based on one-half inch per foot of fall from the house to the curb line at midpoint. The City Engineer or Public Works Director may waive this requirement in writing.
 - (10) The area encompassed within the drainage plan shall be compatible with any [areawide] AREA WIDE drainage plan or drainage plans for adjacent areas. There must exist or be provided an adequate outlet for storm water, such that buildings in the development will not be flooded by a fifty year storm.
 - (11) A statement by the engineer or surveyor certifying that the plans submitted provide adequate and complete storm drainage service for all parts of the entire area being platted and comments on the effects that the proposed development will have on drainage of adjacent areas.
 - (12) The plot plan for each building permit shall include the same grading, draining, and elevation information as the drainage plan.
 - (13) Drainage plans shall also include a drainage report containing calculations, evaluations and explanations of the drainage.
- (Ord. 167-95. Passed 11-13-95.)

1117.05 DESIGN OF STORM SEWERS.

- (a) The design and construction of all sanitary sewers and water facilities shall be done in compliance with the "Design, Construction and Material Specification Handbook."
- (b) All storm sewers, open ditches and driveway culverts shall have a minimum size adequate for a ten year storm frequency.
 - (1) All road culverts on primary and secondary thoroughfares and collector streets shall be adequate for a twenty-five year storm frequency and be designed in accordance with the latest State Department of Transportation requirements.
 - (2) In all cases where there are flood hazards, the developer's engineer shall insure that all drainage courses, ditches, sewers and other such facilities are adequate for a fifty year storm frequency and in addition will prevent flooding of residential, commercial and public buildings or that would endanger health, life or property.
- (c) The minimum grade for all ditches shall be one percent (1%) except for streams, large

channels with a paved bottom, and slopes paved to a height approved by the City Engineer.

(1) All proposed channels shall be properly lined to prevent erosion unless waived by the Public Works Director. All ditches having a velocity of five feet per second or less shall be sodded, except that ditches not along the roadway may be seeded if the velocity is under two feet per second. All ditches with a velocity of over five feet per second shall be lined.

(2) Where possible, natural streams, including growth along the banks, shall not be disturbed. Roughness coefficients and increased peak flows and velocities shall be evaluated to determine stability.

(3) When part of a storm drainage system is outside of the road right of way, the developer shall provide an easement for storm drainage and maintenance. All easements for water courses or ditches shall be wide enough to contain such ditches, including side slopes, plus ample clearance for maintenance operations. Easements shall be shown and shall be provided for all existing or proposed channels. Easements shall provide ingress and egress for maintenance equipment from a public right of way. (Ord. 167-95. Passed 11-13-95.)

1117.06 SEDIMENTATION PLAN.

(a) Intent.

(1) No change shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees, or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and approved by the City Engineer or Public Works Director or there has been a determination by the Planning Commission that such plans are not required.

(2) **FOR SITES REGULATED UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT FOR STORM WATER DISCHARGES (OHIO EPA PERMIT NO. OHC000004, OR LATEST EDITION), THE PERSON SEEKING COVERAGE UNDER THAT OHIO EPA CONSTRUCTION PERMIT, SHALL PROVIDE A COPY OF THE "NOTICE OF INTENT" (NOI) TO DO SO AND A COPY OF THE OHIO EPA'S RELATED "LETTER OF COVERAGE AUTHORIZATION", PRIOR TO START OF CONSTRUCTION.**

([2]3) No subdivision shall be approved unless:

A. There has been a plan approved by the City Engineer or Public Works Director that provides for minimizing erosion and sediment as consistent with the intent of this chapter, and performance bond or other

acceptable securities are deposited with the City in the form of escrow guarantee which will insure installation and completion of the required improvements; or

B. There has been a determination by the Planning Commission AND THE OHIO EPA that such plans are not required.

(b) Performance Principles and Standards.

(1) The following principles are effective in minimizing erosion and sedimentation and shall be MET [included] where applicable FOR A DEVELOPING SITE AND INCLUDED in the control plan.

A. **DEVELOPMENT OR REDEVELOPMENT SITES THAT ARE COVERED UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT SHALL DEVELOP A STAND-ALONE STORM WATER POLLUTION PREVENTION PLAN (SWP3) PER THE REQUIREMENTS OF THE OHIO EPA PERMIT OHC000004 (OR LATEST EDITION). THIS SWP3 SHALL BE PROVIDED TO THE CITY ENGINEER FOR REVIEW WHEN THE PLAN FOR MINIMIZING EROSION AND SEDIMENTATION IS SUBMITTED FOR THE DEVELOPMENT PROPOSAL. AFTER THE SWP3 IS APPROVED AND DURING CONSTRUCTION, IT SHALL BE KEPT ON THE CONSTRUCTION SITE, ALONG WITH A COPY OF THE NOI AND LETTER GRANTING PERMIT COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT.**

B.[A] Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected and supplemented.

C.[B] Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential.

D.[C] The smallest practical area of land shall be exposed at any one time, the topsoil shall be preserved and returned to the surface areas to be revegetated.

E.[D] Disturbed soils shall be stabilized as quickly as practicable with temporary vegetation and/or mulching to protect exposed critical areas during development.

F.[E] The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

G.[F] Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, surface water run-off shall be structurally retarded.

H.[G] Sediment in the run-off water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.

(2) The following standards shall be followed in all water management and sediment control plans:

A. All lots shall be graded to provide proper drainage away from buildings and to dispose of it without ponding. All land within a development shall be graded to drain and dispose of surface water without ponding, except where waived by the Planning Commission.

B. All drainage provisions shall be of such design to adequately handle the surface run-off and to carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded, planted or paved as required and shall be of such slope, shape and size as to conform with the requirements of the City.

(Ord. 167-95. Passed 11-13-95.)

C. The installation of the specified water management and sediment control measures shall be accomplished in accordance with the most recent standards and specifications available from the Ohio Department of Natural Resources **DOCUMENT ENTITLED, "RAINWATER AND LAND DEVELOPMENT MANUAL"**. A copy of such standards and specifications will be kept on file in the offices of the Public Works Director and Development Services Director.

(Ord. 127-03. Passed 8-11-03.)

(3) The approved plan for water management and sedimentation control required of the landowner or his agent shall include, but not be restricted to, the following requirements:

A. A DESCRIPTION OF THE NATURE AND TYPE OF THE CONSTRUCTION ACTIVITY.

B. INDICATE THE TOTAL AREA OF THE SITE AND THE AREA OF THE SITE THAT IS EXPECTED TO BE DISTURBED (I.E., GRUBBING, CLEARING, EXCAVATION, FILLING OR GRADING, INCLUDING OFF-SITE BORROW AREAS).

C. AN ESTIMATE OF THE IMPERVIOUS AREA AND PERCENT IMPERVIOUSNESS CREATED BY THE CONSTRUCTION ACTIVITY.

D. A CALCULATION OF THE RUNOFF COEFFICIENTS FOR BOTH THE PRE-CONSTRUCTION AND POST-CONSTRUCTION SITE CONDITIONS.

E. EXISTING DATA DESCRIBING THE SOIL AND, IF

AVAILABLE, THE QUALITY OF ANY DISCHARGE FROM THE SITE.

F. THE NAME AND/OR LOCATION OF THE IMMEDIATE RECEIVING STREAM OR SURFACE WATER(S) AND THE FIRST SUBSEQUENT NAMED RECEIVING WATER(S) AND THE AREAL EXTENT AND DESCRIPTION OF WETLANDS OR OTHER SPECIAL AQUATIC SITES AT OR NEAR THE SITE WHICH WILL BE DISTURBED OR WHICH WILL RECEIVE DISCHARGES FROM DISTURBED AREAS OF THE PROJECT. FOR DISCHARGES TO THE MS4, THE POINT OF DISCHARGE TO THE MS4 AND THE LOCATION WHERE THE MS4 ULTIMATELY DISCHARGES TO A STREAM OR SURFACE WATER OF THE STATE SHALL BE INDICATED.

G. A DESCRIPTION OF PRIOR LAND USES AT THE SITE.

H. A SITE MAP IDENTIFYING THE FOLLOWING:

- (1.) LIMITS OF EARTH-DISTURBING ACTIVITY OF THE SITE INCLUDING ASSOCIATED OFF-SITE BORROW OR SPOIL AREAS THAT ARE NOT ADDRESSED BY A SEPARATE NOI AND ASSOCIATED SWP3.
- (2.) Elevations and/or contours, dimensions, location and extent of all work proposed to be done, and the existing elevations and/or contours of the land all in two foot increments. A DELINEATION OF DRAINAGE WATERSHEDS EXPECTED DURING AND AFTER MAJOR GRADING ACTIVITIES AS WELL AS THE SIZE OF EACH DRAINAGE WATERSHED, IN ACRES.
- (3.) SOILS TYPES FOR ALL AREAS OF THE SITE, INCLUDING LOCATIONS OF UNSTABLE OR HIGHLY ERODIBLE SOILS.
- (4.) Location of any buildings, structures, utilities, sewers, water and storm drains on the site where the work is to be performed.
- (5.) Location of any building or structure on land of adjacent property owners within 100 feet of the site.
- (6.) THE LOCATION OF ALL EROSION AND SEDIMENT CONTROL PRACTICES THAT ARE DESIGNED IN ACCORDANCE WITH THE OHIO EPA GENERAL CONSTRUCTION PERMIT REQUIREMENTS AND ODMR RAINWATER AND LAND DEVELOPMENT MANUAL

STANDARDS, INCLUDING THE LOCATION OF AREAS LIKELY TO REQUIRE TEMPORARY STABILIZATION DURING THE COURSE OF SITE DEVELOPMENT.

- (7.) SEDIMENT AND STORM WATER MANAGEMENT BASINS NOTING THEIR SEDIMENT SETTLING VOLUME AND CONTRIBUTING DRAINAGE AREA.
- (8.) FOR SUBDIVIDED DEVELOPMENTS WHERE THE SWP3 DOES NOT CALL FOR A CENTRALIZED SEDIMENT CONTROL CAPABLE OF CONTROLLING MULTIPLE INDIVIDUAL LOTS, A DETAIL DRAWING OF A TYPICAL INDIVIDUAL LOT SHOWING STANDARD INDIVIDUAL LOT EROSION AND SEDIMENT CONTROL PRACTICES.
- (9.) THE LOCATION OF DESIGNATED CONSTRUCTION ENTRANCES WHERE THE VEHICLES WILL ACCESS THE CONSTRUCTION SITE.
- (10.) THE LOCATION OF ANY IN-STREAM ACTIVITIES INCLUDING STREAM CROSSINGS.
- (11.) AREAS DESIGNATED FOR THE STORAGE OR DISPOSAL OF SOLID, SANITARY AND TOXIC WASTES, INCLUDING DUMPSTER AREAS, AREAS DESIGNATED FOR CEMENT TRUCK WASHOUT, AND VEHICLE FUELING;
- (12.) Detailed plans of all drainage provisions, retaining walls, cribbing, vegetative practices, erosion and sediment control measures, location of proposed fences around sediment basins, steep excavations, or ponding areas, and other protective devices to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site, and estimated cubic foot per second run-off of the area served by any drain, computed in accordance with current City storm drainage criteria.

I. STRUCTURAL PRACTICES SHALL BE USED TO CONTROL EROSION AND TRAP SEDIMENT FROM A SITE REMAINING DISTURBED FOR MORE THAN 14 DAYS. SEDIMENT CONTROL STRUCTURES SHALL BE FUNCTIONAL THROUGHOUT THE COURSE OF EARTH DISTURBING ACTIVITY. SEDIMENT BASINS AND PERIMETER SEDIMENT

BARRIERS SHALL BE IMPLEMENTED PRIOR TO GRADING AND WITHIN SEVEN DAYS FROM THE START OF GRUBBING.

J. TEMPORARY AND PERMANENT SOIL STABILIZATION CONTROLS IN ACCORDANCE WITH THE OHIO EPA GENERAL CONSTRUCTION PERMIT REQUIREMENTS AND ODNR RAINWATER AND LAND DEVELOPMENT MANUAL STANDARDS.

K. DETAIL DRAWINGS FOR ALL STRUCTURAL PRACTICES THAT INCLUDE INSTALLATION, INSPECTION, AND MAINTENANCE PROCEDURES.

L. A certification of the quantity of excavation and fill involved.

M. A timing schedule and sequence indicating the anticipated starting and completion dates of the development; stripping and/or clearing, rough grading and construction, final grading and vegetative establishment, and maintenance and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

N. The estimated cost of the grading and/or filling and the cost of the required erosion controls.

(c) Approval Procedures.

(1) Three backline copies of complete plans shall be filed with the office of the City Engineer.

(2) In order to insure that emergency measures could be taken by the City if the water management and sediment control measures were not implemented according to the agreed upon plan and schedule, a performance bond in the amount of the cost of the water management and sediment control measures shall be required to be filed with the City. Such performance bond shall authorize immediate payment to the City upon certification of the Planning Commission that necessary emergency work must be done immediately to ensure proper water management and sediment control as a result of the landowner's failure to complete or adhere to the approved water management and sediment control plan.

(3) The Planning Commission and the City Engineer shall make a continuing review and evaluation of the methods used and overall effectiveness of the storm water management and sediment control program.

(Ord. 167-95, Passed 11-13-95.)

(d) Enforcement.

(1) The Public Works Director or his designee shall enforce

compliance with the approved sediment control plans for projects that involve the construction of public infrastructure, including residential and commercial subdivisions.

(2) The Development Services Director or his designee shall enforce compliance with the approved sediment control plans for individual lot development projects.

(3) The Public Works Director and Development Services Director have the authority to issue stop work orders to any person, firm or corporation performing work where sediment and erosion control measures are not provided in accordance with the approved site development plans.

(Ord. 127-03. Passed 8-11-03.)

~~{A. — Location of any buildings, structures, utilities, sewers, water and storm drains on the site where the work is to be performed.~~

~~B. — Location of any building or structure on land of adjacent property owners within 100 feet of the site.~~

~~C. — Elevations and/or contours, dimensions, location and extent of all work proposed to be done, and the existing elevations and/or contours of the land all in two foot increments.~~

~~D. — A certificate of the quantity of excavation and fill involved.~~

~~E. — Detailed plans of all drainage provisions, retaining walls, cribbing, vegetative practices, erosion and sediment control measures, location of proposed fences around sediment basins, steep excavations, or ponding areas, and other protective devices to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site, and estimated cubic foot per second runoff of the area served by any drain, computed in accordance with current City storm drainage criteria.~~

~~F. — A timing schedule and sequence indicating the anticipated starting and completion dates of the development; stripping and/or clearing; rough grading and construction; final grading and vegetative establishment; and maintenance and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.~~

~~G. — The estimated cost of the grading and/or filling and the cost of the required erosion controls.]~~

1117.07 DETENTION/RETENTION OF STORM WATER.

Detention/retention of storm water shall be required for each subdivision unless specifically exempted by the Planning Commission.

The objective of a detention/retention facility is to regulate the run-off from a rainfall and to control discharges to downstream areas in order to reduce the impact on downstream drainage systems.

(a) Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this section shall be as follows:

(1) "Storm water detention/retention facility" means any structure or facility used to detain storm water run-off, and gradually release the stored run-off at an acceptable rate.

(2) "Detention basin" means dry surface areas created by constructing an excavated or embankment basin.

(3) "Retention basin" means permanent ponds where additional storage capacity is provided above the normal water level.

(4) "Storm water run-off" means that portion of rainfall that is not lost to infiltration, surface storage or evaporation.

(b) Exemptions to Detention/Retention Requirements. The developer may apply to the Planning Commission for exemption from construction of detention/retention facilities. Each request will be reviewed on its own merit and as it affects the entire drainage area in which it lies and into which it flows.

(c) Design.

(1) Quantity of run-off. The peak rate of run-off during the 100 year post development storm cannot exceed the peak rate of run-off during the two year pre-development storm. For those areas where a study of the downstream area indicates the extended time of high discharge and/or velocity due to restricted release rate and storage may cause flooding and/or excessive erosion, the City Engineer may require additional controls.

(d) Submission Requirements. Plans and supporting data to verify storage volumes, release rates, etc., shall be submitted to the City Engineer. The submission shall include, but is not limited to, the following:

(1) A plan prepared by a registered professional engineer which may be the improvement plan, drainage and grading plan or similar plan at a scale of one inch to 100 feet or larger, shall be submitted and contain at least the following information:

- A. All existing and proposed drainage facilities.
- B. Existing and proposed contours.
- C. Existing structures.

- D. The detention/retention facility with outlet structures.
- E. Cross section through detention/retention facility.
- F. Pertinent elevations, e.g., water surface, flowline of flow control devices, etc.
- G. Emergency spillway designed to pass a 100 year storm and with a minimum depth of one foot.
- H. Any other information required by the City Engineer to clarify intent or design features.

(2) All calculations, outlines and designation of drainage areas, and other supporting data in sufficient detail and form to facilitate an expedient and accurate review.

(e) Fees. Review work performed by professional consultants and other costs incurred by the City may be charged to the applicant at their billed cost plus ten percent (10%). The fee must be paid in full prior to approval of the plans by the Planning Director. (Ord. 167-95. Passed 11-13-95.)

1117.08 USE OF DRYWELLS.

If drywells are to be used for storm water drainage control or storm water detention/retention in any new subdivision or dedication of public improvements, the developer shall be required to execute an agreement with the City of Fairfield satisfactory to the Law Director prior to recording of the plat or dedication which provides a warranty by the developer of the proper and efficient operation of all storm water drainage and retention/detention facilities of the subdivision in accordance with the requirements of this chapter for a period of five years after the recording of the plat or dedication. The agreement shall require the developer to take any and all corrective action, including, but not limited to, the installation of new or additional facilities in order for the subdivision or improvements to meet the requirements of this chapter. The developer's performance of the agreement shall be secured by an appropriate performance bond or other security approved by the Law Director.

(Ord. 214-98. Passed 12-7-98.)

1182.01 GENERAL.

(A) DEFINITIONS.

[[a]1] [~~Detention/retention-of-s~~] "Stormwater MANAGEMENT" refers to THE COLLECTION, SAFE CONVEYANCE AND storage of excess STORM runoff on A [the site-of] development [and] OR REDEVELOPMENT SITE THAT INVOLVES USE OF A SINGLE OR MULTIPLE STORMWATER MANAGEMENT FACILITY(IES) TO CAPTURE, TEMPORARILY STORE AND TREAT RUNOFF WITH gradual release of the stored runoff at an acceptable FLOW rate INTO THE DOWNSTREAM CONVEYANCE SYSTEM. STORMWATER MANAGEMENT FACILITIES INCLUDE, BUT ARE NOT LIMITED TO, DETENTION BASINS AND RETENTION BASINS.

[(b)2] "Detention basins" are NORMALLY dry surface areas created by constructing an excavated or embankment basin WHICH DETAINS STORMWATER DURING RAIN EVENTS.

[(e)3] "Retention basins" are permanent ponds where additional storage capacity DURING RAIN EVENTS is provided above the normal water level.

~~[(d)] The objective of a detention/retention facility is to regulate the runoff from a rainfall and to control discharge to downstream areas in order to reduce the impact on downstream drainage systems.~~

(B) STORMWATER MANGEMENT GENERAL REQUIREMENTS

(1) QUANTITATIVE CONTROL. [(e)]Detention/retention of stormwater will be required for each subdivision or land development AND REDEVELOPMENT unless specifically exempted.

(2) QUALITATIVE CONTROL, STORMWATER QUALITY CONTROL SHALL BE IMPLEMENTED INTO SITES WITHIN DEVELOPING AND REDEVELOPING AREAS IN ACCORDANCE WITH GENERAL AND SPECIFIC REQUIREMENTS OUTLINED IN THE LATEST EDITION OF THE OHIO EPA GENERAL (NPDES) PERMIT FOR STORMWATER DICHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (SEE PART III G2E OF THE OHIO EPA'S NPDES PERMIT (PERMIT NO. OHC000004, OR LATEST EDITION).

1182.02 EXEMPTIONS TO STORMWATER MANAGEMENT QUANTITATIVE CONTROL REQUIREMENTS.

(a) The developer may apply to the City Engineer for exemption from REQUIREMENT FOR construction of STORMWATER MANAGEMENT QUANTITATIVE CONTROL [detention/retention] facilities.

(b) Each request will be reviewed on its own merit and as it affects the entire drainage area in which it lies and into which it flows.

(c) If an exemption FOR STORMWATER MANAGEMENT QUANTITATIVE CONTROL is granted by the City Engineer, the developer shall be required to pay a fee in lieu of the construction of the STORMWATER MANAGEMENT [detention/retention] facilities. The fee shall be 75 cents per cubic foot of detention/retention volume that would have been required if an exemption had not been granted. This fee must be paid to the City prior to recording of the plat of a subdivision or issuance of the building permit if no subdivision plat is involved.

(d) The developer may appeal the denial of an exemption to the Board of Zoning Appeals. (Ord. 30-00, Passed 3-13-00.)

1182.03 DESIGN.

(a) Runoff and Volume Calculation Methods. The methods outlined in the City Subdivision Rules and Regulations **AND CITY OF FAIRFIELD CONSTRUCTION AND MATERIALS SPECIFICATION HANDBOOK (LATEST EDITION)** shall be used to determine the runoff and storage volumes.

(b) Quantity of Runoff.

(1) The peak rate of runoff during the 100 year post development storm cannot exceed the peak rate of runoff during the two year pre-development storm.

(2) For those areas where a study of the downstream area indicates the extended time of high discharge and/or velocity due to restricted release rate and storage may cause flooding and/or excessive erosion, the City Engineer may require additional controls.

(c) QUALITY OF RUNOFF

(1) **THE DESIGN OF STORMWATER QUALITY CONTROLS, ALSO KNOWN AS POST-CONSTRUCTION BEST MANAGEMENT PRACTICES, SHALL COMPLY WITH STANDARDS AND REQUIREMENTS AS CONTAINED IN THE LATEST EDITION OF THE OHIO EPA GENERAL (NPDES) PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (SEE PART III G2E OF THE OHIO EPA'S NPDES PERMIT).**

(D) Basin Construction.

(1) The side slopes of a detention/retention basin shall not exceed four to one and shall be seeded or sodded.

(2) The bottom of the basin shall be seeded or sodded and sloped to the outlet flow control device. A method of carrying low flow through the basin shall be provided and include appropriate erosion control.

(3) The maximum water depth for detention basins shall be six feet.

(4) The top of the embankment shall have a minimum width of eight feet.

(5) Outlet flow control devices may be either single-stage or multi-stage.

(6) Other requirements may be imposed for specific cases.

(Ord. 94-84. Passed 7-9-84.)

1182.04 SUBMISSION REQUIREMENTS.

Plans and supporting data to verify storage volumes, release rates, etc., shall be submitted. The submission shall include, but is not limited to, the following:

(a) A plan, which may be the Improvement Plan, Drainage and Grading Plan, or similar plan at a scale of 1" = 100' or larger, shall be submitted and contain at least the

following information:

- (1) The outline and designation of the drainage area(s).
 - (2) All existing and proposed drainage facilities.
 - (3) Existing and proposed contours.
 - (4) Existing structures.
 - (5) The detention/retention basin with outlet structures.
 - (6) Pertinent elevations (e.g. water surface, flowline of flow control devices, etc.)
 - (7) A recommendation from a soils engineer for the foundation and design of the embankment to be used for the retention/detention basin.
 - (8) Any other information required by the City to clarify intent or design features.
- (b) All calculations and other supporting data in sufficient detail and form to facilitate an expedient and accurate review.

(Ord. 94-84. Passed 7-9-84.)

1182.05 FEE.

Work performed by professional consultants and other costs incurred by the City will be charged to the applicant at their billed cost plus ten percent (10%). The fee must be paid in full prior to approval of the plans by the City Engineer.

(Ord. 94-84. Passed 7-9-84.)

1196.06 PLANS AND SPECIFICATIONS.

(a) The City Engineer shall issue a permit for excavating or filling only on the basis of plans and specifications submitted to and approved by him. A separate permit shall be required for each site. Unless waived or modified pursuant to the provisions of Section 1196.07 hereof, the plans and specifications submitted with the permit application shall:

- (1) Include the owner's name and address;
- (2) Include a plot plan, drawn to scale, showing the location of the proposed work;
- (3) Include a contour map of the affected area showing the existing and proposed contours at two-foot intervals;
- (4) Show the proposed amount of excavation or fill in cubic yards;
- (5) Show the location of any existing and proposed streets;
- (6) Show the location of any existing and proposed buildings or structures on the subject property and within forty-five feet of subject property;
- (7) Show the location of any existing watercourses, drainage, and utilities serving the property;
- (8) Show existing and proposed drainage structures, walls, cribbing and surface protection, and any necessary temporary earth restraining installations;
- (9) Show a plan for temporary and permanent drainage of the property, including any new or altered utilities;
- (10) Describe the proposed method for the protection of the soils from erosion and sedimentation;
- (11) Show additional information as may reasonably be required by the City Engineer;
- (12) Show flood zone.

(b) Unless waived pursuant to the provisions of Section 1196.08 hereof, the plans and specifications shall be prepared by a registered professional engineer, surveyor, or when operating within the practice of surveying, or an architect where the work contemplated by the plans and specifications is incidental to the practice of architecture and shall, in addition to the requirements of subsection (a) hereof:

- (1) Include a report showing the results of surface and subsurface exploration, conditions of the land, and procedures for performing the operation;
- (2) Show plans of all drainage provisions which shall be of such design to adequately handle the surface run-off, together with a map showing the drainage area of all land tributary to the site, and estimated cubic foot per second run-off of the area served by any drain computed in accordance with current acceptable standards;
- (3) Include a description of the borrow material, and the method to be used for and the degree of its proposed compaction;

- (4) Show proposed preparation of existing ground surface to receive fill;
- (5) Show proposed terraces and ditches where necessary to control surface drainage and debris;
- (6) Show proposed subsurface drainage if necessary for stability;
- (7) Show plans for all retaining walls, cribbing, vegetative provisions, erosion and sediment control measures, together with location of temporary and/or permanent fencing and other protective devices to be constructed in connection with, or as a part of the proposed work;
- (8) Showing a time schedule and sequence indicating the anticipated starting and completion dates of the development sequence--stripping and/or clearing, rough grading and construction, final grading and vegetative establishment and maintenance and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

(c) ANY PLANS SUBMITTED FOR OR WORK PERFORMED UNDER PERMITS ISSUED UNDER SECTION 1196.03 MUST ALSO CONFORM WITH THE REQUIREMENTS OF SECTIONS 925.07, 1117.06 AND CHAPTER 1182 OF THESE CODIFIED ORDINANCES.

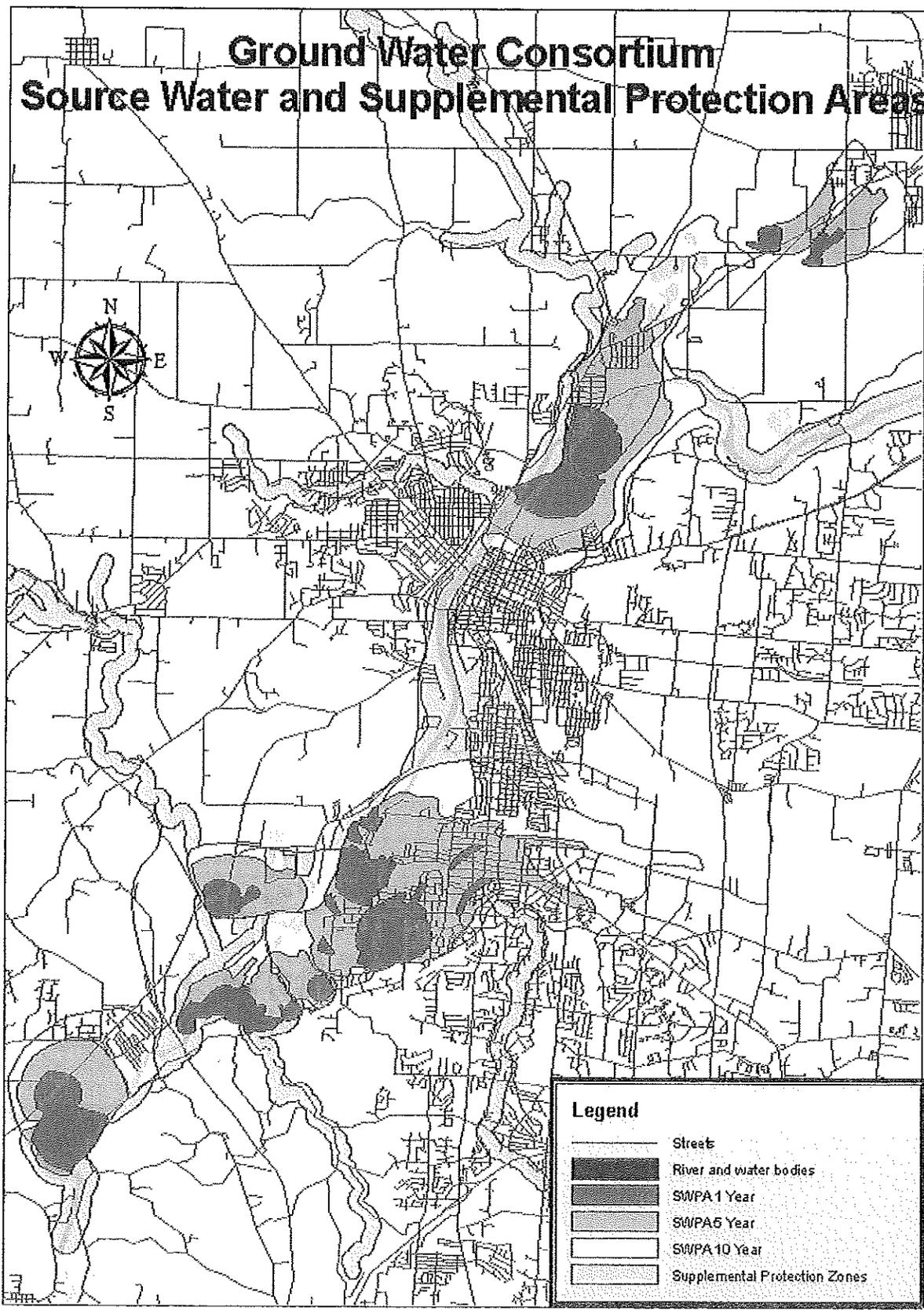
(d) If the City Engineer shall be satisfied that the proposed excavation and/or fill will not cause any of the hazards described in Section 1196.08 (a)(1) through (5) hereof then in such event he shall issue a permit authorizing the excavation and/or fill.

(Ord. 94.84. Passed 7-9-84.)

Appendix C

Figures

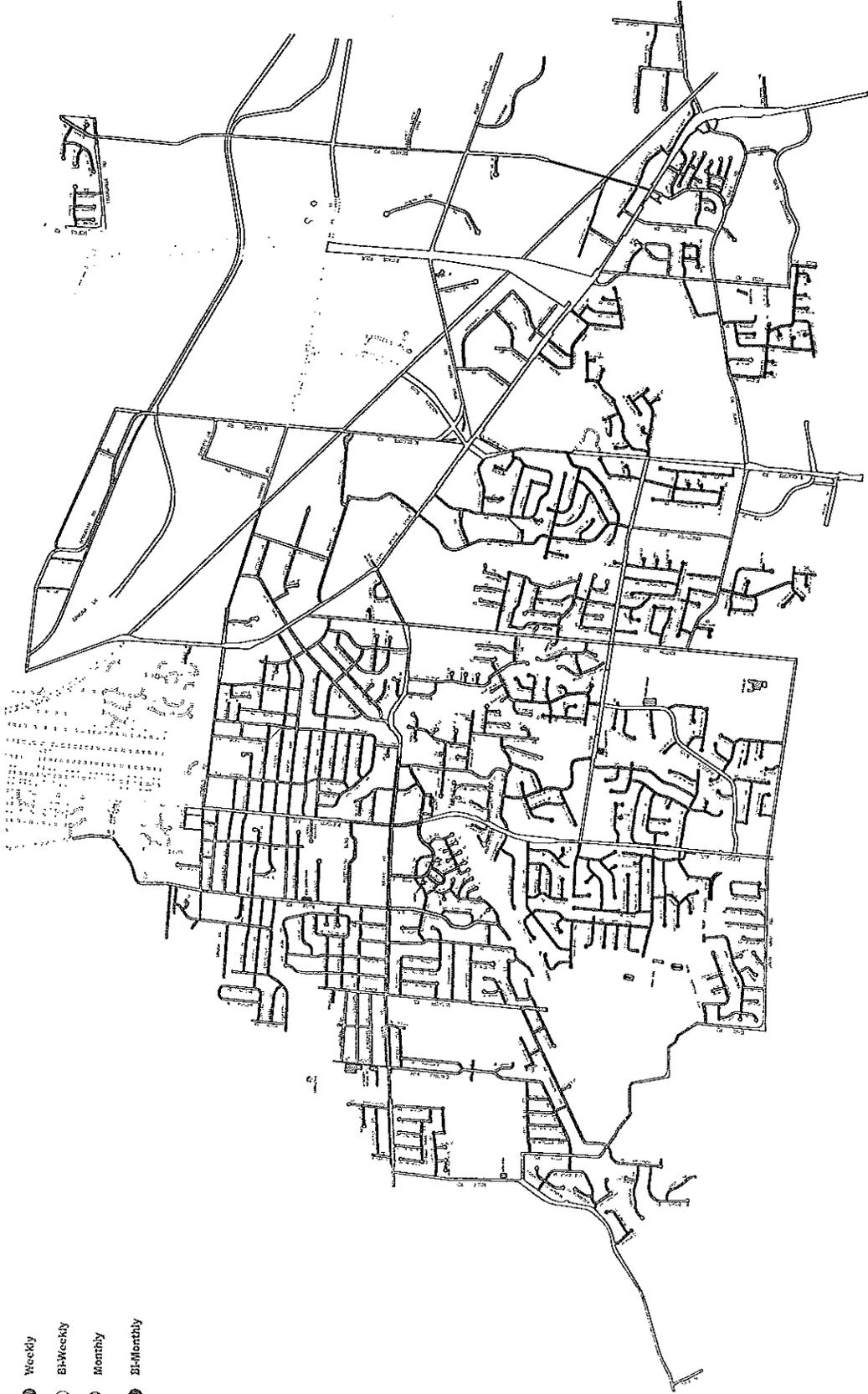
Ground Water Consortium Source Water and Supplemental Protection Areas



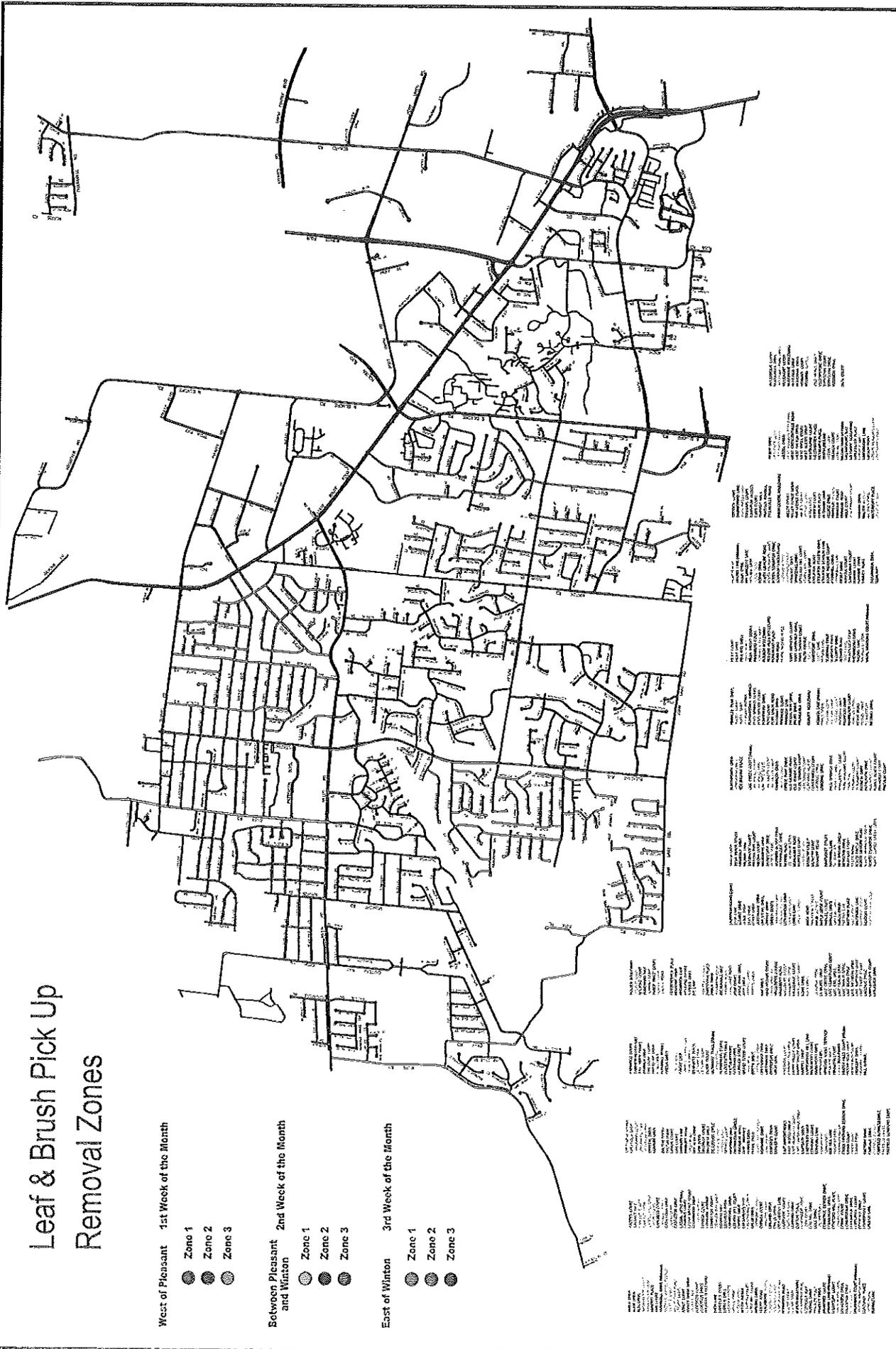
City of Fairfield, Ohio Street Sweeping Map

Street Sweeping

- Weekly
- Bi-Weekly
- Monthly
- Bi-Monthly



Leaf & Brush Pick Up Removal Zones



West of Pleasant 1st Week of the Month

- Zone 1
- Zone 2
- Zone 3

Between Pleasant and Winton 2nd Week of the Month

- Zone 1
- Zone 2
- Zone 3

East of Winton 3rd Week of the Month

- Zone 1
- Zone 2
- Zone 3

Map of removal zones with street names and zone assignments. The map is oriented vertically, with the top of the page being the right side of the city. The legend at the bottom left defines three zones for leaf and brush pick-up: Zone 1 (solid circle), Zone 2 (circle with a dot), and Zone 3 (circle with a horizontal line). The legend is organized by geographic area: West of Pleasant and Winton, Between Pleasant and Winton, and East of Winton. Each area has a corresponding list of streets and their assigned zones. A north arrow is located in the top right corner of the map.

Appendix D

Table of Organization

Table of Organization

City of Fairfield

Ben Mann, PE
 Stormwater Program Administrator
 City Engineer
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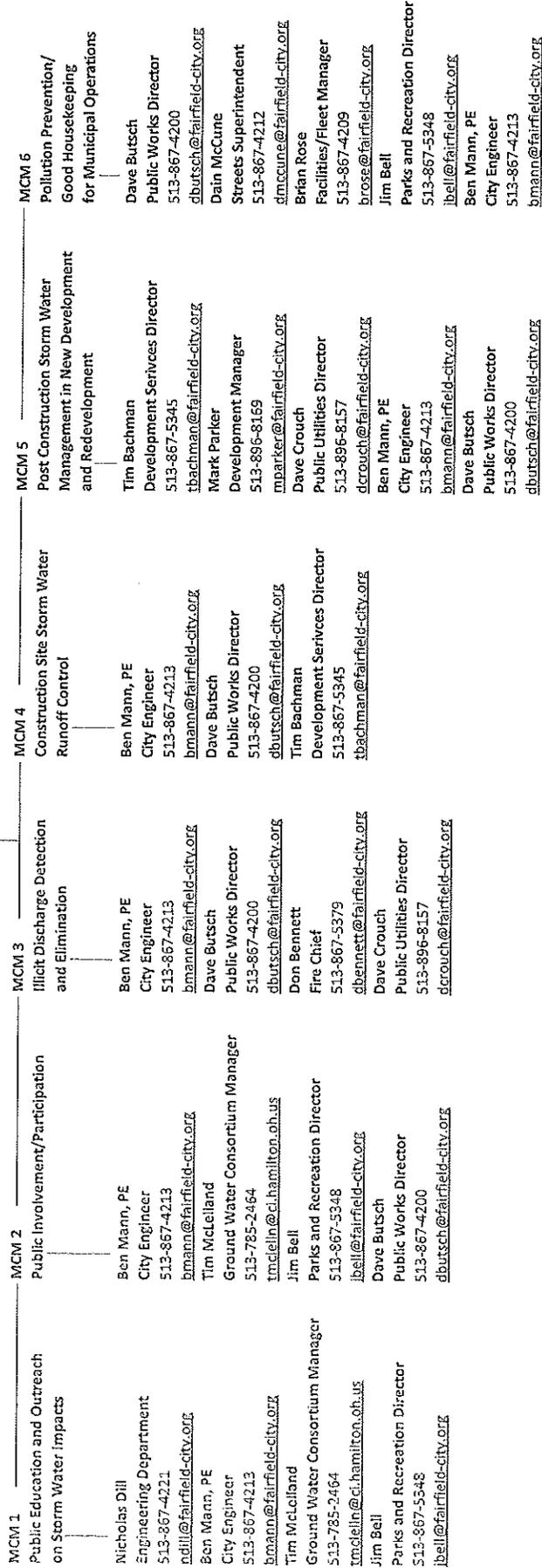


Figure 1