

# STORMWATER MANAGEMENT PROGRAM 2022



***Prepared for:***

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## ACRONYMS

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**BMP:** Best Management Practice  
**CIP:** Capital Improvement Plan  
**CWA:** Clean Water Act  
**EPA:** Environmental Protection Agency  
**FOG:** Fats, Oils, and Grease  
**FY:** Fiscal Year  
**GIS:** Geographic Information System  
**GPS:** Global Positioning System  
**HOA:** Homeowners Association  
**HSTS:** Household Sewage Treatment System  
**IDDE:** Illicit Discharge Detection and Elimination  
**MCM:** Minimum Control Measure  
**MEP:** Maximum Extent Practicable  
**MS4:** Municipal Separate Storm Sewer System  
**NPDES:** National Pollutant Discharge Elimination System  
**S&EC:** Sediment and Erosion Control  
**SWMP:** Storm Water Management Program  
**SWP3:** Storm Water Pollution Prevention Plan  
**SWCD:** Mahoning County Soil and Water Conservation District  
**TDS:** Total Dissolved Solids  
**TMDL:** Total Maximum Daily Load

## DEFINITIONS

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**BMP - Best Management Practice:** Activities or structural improvements that help reduce the quantity and improve the quality of stormwater runoff. BMPs include public education and outreach, treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**CWA - Clean Water Act:** Amendments made to the Federal Water Pollution Control Act in 1972 to establish water quality standards and to create the National Pollutant Discharge Elimination System to protect the waters of the U. S. by regulating the discharge of pollutants from point source discharges and municipal separate storm sewer systems.

**Detention Pond:** Pond that stores a volume of water for a given period of time and then discharges the water downstream.

**Discharge:** An outflow of water from a stream, pipe, ground water system or watershed.

**Erosion:** the overall process of the transport of material on the earth's surface including the movement of soil and rock by agents such as water, wind, or gravity.

**Illicit Discharge:** The term refers to any discharge to an MS4 that is not composed entirely of stormwater unless authorized via an NPDES permit or otherwise excluded from regulation. Thus, not all illicit discharges are illegal or prohibited.

**MEP - Maximum Extent Practicable:** a water quality standard that applies to all MS4 operators under NPDES permits. The standard has no exact definition, as it was intended to be flexible to allow operators to tailor their stormwater programs to their particular site.

**MS4 - Municipal Separate Storm Sewer Systems:** Areas with a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) that are not a combined sewer or part of a publicly owned treatment system and are owned or operated and regulated by a municipality or authorized agency. MS4s may be small, medium or large with the medium or large MS4s being principally determined by population size.

**NOI - Notice of Intent:** An application to notify the permitting authority of a facility's intention to be covered by a general permit. This exempts a facility from having to submit an individual or group application.

**NPDES - National Pollutant Discharge Elimination System:** the EPA's regulatory program to control the discharge of pollutants to waters of the United States.

**NPS - Nonpoint Source Pollutants:** pollution coming from many diffuse sources whose origin is often difficult to identify. This pollution occurs as rain or snowmelt travels over the land surface and picks up pollutants such as fertilizer, pesticides, and chemicals from cars. This pollution is difficult to regulate due to its origin from many different sources. These pollutants enter waterways untreated and are a major threat to aquatic organisms and people who fish or use waterways for recreational purposes.

**Nutrients:** The term typically refers to nitrogen and phosphorus or compounds containing free amounts of the two elements. These elements are essential for the growth of plant life, but can create problems in the form of algal blooms, depletion of dissolved oxygen and pH changes in streams and other water bodies when higher concentrations are allowed to enter drainage systems and lakes.

**Outfall:** the point where a sewer or drainage discharges into a receiving waterway.

**Point Source Pollution:** pollution coming from a single, definable source, such as a factory.

**Retention Pond:** Pond that stores a volume of water without allowing it to discharge downstream.

**Runoff:** any drainage that leaves an area as surface flow.

**Sanitary Sewer:** an underground pipe system that carries sanitary waste and other wastewater to a treatment plant.

**Sediment:** material derived from the weathering of rock such as sand and soil. This material can be detrimental to aquatic life and habitats if too much is allowed to wash into rivers and ponds.

**Storm Drain:** any drain which drains directly into the storm sewer system, usually found along roadways or in parking lots.

**Storm Sewer:** an underground pipe system that carries runoff from streets and other surfaces.

**Stormwater:** stormwater or snow melt runoff, and surface runoff and drainage.

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**Stormwater Associated with Industrial Activity:** the discharge from any conveyance which is used for collecting and conveying stormwater, which is directly related to manufacturing, processing, or raw material storage areas at an industrial plant, or associated with clearing, grading, and/or excavation, and is required to have an NPDES permit under 40 CFR 122.26.

**Stormwater Management:** any measure associated with the planning, maintenance, and regulation of facilities which collect, store, or convey stormwater.

**Surface Runoff:** the flow of water across the land surface that occurs when the rainfall rate exceeds the ability of the soil to absorb the water. Also occurs on impervious surfaces, such as parking lots, where water cannot infiltrate at all.

**Surface Water:** any water that remains on the earth's surface, such as ponds, rivers, streams, impoundments, wetlands, oceans, etc.

**SWPPP - Stormwater Pollution Prevention Plan:** A plan developed by a facility or entity that thoroughly evaluates potential pollutant sources at a construction site and selects and implements appropriate best management practice measures designed to prevent or control the discharge of pollutants in stormwater runoff.

**TMDL - Total Maximum Daily Load:** a regulatory limit of the maximum amount of a pollutant type that can be released into a body of water in a twenty-four-hour period without adversely affecting water quality.

**Tributary:** a stream which drains into another larger stream or body of water.

**Waters of the US:** These are surface waters defined as wetlands, lakes (including dry lakes), rivers, streams (including intermittent streams, ephemeral washes and arroyos), mudflats, sandflats, sloughs, wet meadows, playa lakes, natural ponds, and man-made impoundments.

**Watershed:** a geographic area in which water flowing across the surface will drain into a certain stream or river and flow out of the area via that stream or river. All of the land that drains to a particular body of water. Also known as a catchment or drainage basin.

## INTRODUCTION

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This document presents the 5-year plan for the City of Newark Stormwater Management Program (SWMP). Preparation, execution, and maintenance of this plan is required to meet the current requirements of the Ohio Environmental Protection Agency (EPA) Small Municipal Separate Storm Sewer Systems (MS4) permit, OHQ000004, part of the larger National Pollutant Discharge Elimination System (NPDES).

The permit regulates discharges from the City of Newark in an effort to:

1. Reduce the discharge of pollutants to the maximum extent practicable (MEP).
2. Protect water quality.
3. Satisfy the appropriate water quality requirements of the federal Clean Water Act (CWA).

### Regulatory Background

One of the primary concerns with discharges from small MS4s is high concentrations of pollutants as a result of increased impervious area. Impervious areas are man-made hard surfaces that cannot absorb water from rain or snow (e.g. parking lots, city streets, driveways, sidewalks, and rooftops). Pollutants settle on these impervious areas until storm events wash them into the storm sewer system, which ultimately discharge to surface waters. This is known as nonpoint source pollution. Common nonpoint source pollutants from small MS4s include: pesticides, fertilizers, oils, road salt, litter, motor vehicle fluids, and sediment.

Alternatively, point-source pollutants are illicit discharges of sewage or waste material into storm sewers and surface waters from a single, identifiable source (e.g. waste water treatment plants, paper mills, and factories). If left unmitigated, these various forms of pollution can contribute to destruction of aquatic habitat, contamination of drinking water, and impairment to recreational waterways.

The Federal Water Pollution Control Act (also referred to as the Clean Water Act) was enacted in 1972 to regulate point-source discharges of pollutants into surface waters. The CWA was amended in 1987 (known as the Water Quality Act of 1987) to specifically address nonpoint source pollutants by directing states and municipalities to implement pollutant management programs and requiring NPDES permits for stormwater discharges from MS4s.

The Ohio EPA defines an MS4 as a conveyance system or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by a public body and designed or used for collecting or conveying solely stormwater. Small MS4s refer to systems serving populations of less than 100,000 people in urbanized areas and MS4s that have or may have the potential to negatively impact surface water quality as a result of their discharges.

The Ohio EPA first required designated small MS4s to obtain coverage under the NPDES permit on December 27, 2002, in compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq.), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111). The Ohio EPA is required to issue permit renewals every 5 years.

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The current, fourth generation, Ohio EPA NPDS Small MS4 permit (OHQ000004) is located in **Appendix A**.

### City of Newark Storm Water Management Program

In compliance with the Ohio EPA Small MS4 permit, the City of Newark developed their SWMP in March 2003. Since submitting the original SWMP, the City has updated the stormwater program during subsequent Ohio EPA permit cycles. The City developed a stormwater utility in December 2005. This utility established a stormwater rate structure that provides funding for the operation, maintenance, and improvement of the stormwater system within the City limits. A portion of stormwater utility revenues are dedicated to implementing the SWMP. The stormwater utility works closely with the Engineering, Water and Wastewater, and Streets Departments as well as City Administrators - leveraging existing staff and programs to reduce stormwater pollution. A copy of the stormwater utility ordinance (Ordinance No. 05-55) is included in **Appendix B**.

To reduce pollutants to the maximum extent practicable, best management practices (BMPs) were developed to satisfy six minimum control measures (MCMs).

1. Public Education and Outreach on Stormwater Impacts
2. Public Involvement/Participation
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

This SWMP will document the following information for each MCM:

- The BMPs that will or are already implemented for each of the stormwater minimum control measures.
- For each BMP identified, statements indicating the legal authority to implement.
- The measurable goals for each BMP, including, as appropriate, the months and years in which required actions will be performed, and the interim milestones and action frequency.
- The person or persons, including position title or titles, responsible for implementing or coordinating the BMPs for the SWMP.
- A rationale for how and why each BMP and measurable goal for the City's SWMP were selected, including how selected BMPs address applicable TMDL recommendations.



Staff Organization

Figure 1 shows the City of Newark staff organization, including positions responsible for implementing and coordinating the BMPs for the City’s SWMP. The primary point of contact for the SWMP is the City of Newark Stormwater Coordinator.

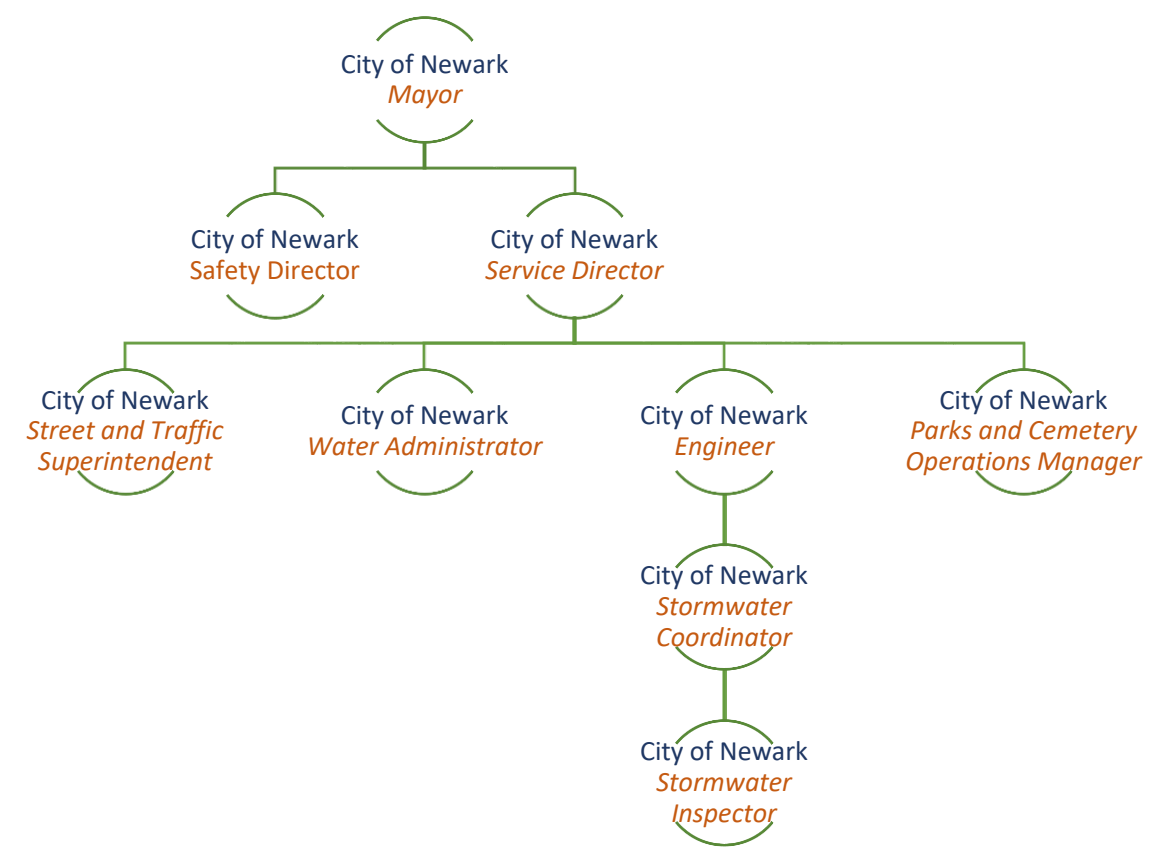


Figure 1: City of Newark Stormwater Program Organization Chart

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**Receiving Waters**

The City of Newark lies within the greater Muskingum River watershed and the Licking River sub-basin (HUC 05040006). See Table 1 for a complete list of HUC names and numbers.

*Table 1: Receiving Waters*

Hydraulic Unit Code (HUC)	HUC Name
05040006 01	Headwaters North Fork Licking River
05040006 02	Lake Fork Licking River-North Fork Licking River
05040006 03	Raccoon Creek
05040006 04	South Fork Licking River
05040006 05	Rocky Fork-Licking River
05040006 06	Big Run Licking River

Where applicable, the Ohio EPA Small MS4 permit requires BMPs be selected to address United States EPA approved TMDL recommendations for identified water quality issues. The City of Newark has not been identified by the Ohio EPA as being located within a USEPA approved TMDL watershed, therefore, no TMDL performance standards are necessary.

## **1.0 MCM 1: PUBLIC EDUCATION AND OUTREACH ON STORMWATER IMPACTS**

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### **1.1. Objective**

Public education and outreach aims to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

### **1.2. Decision Process**

The City of Newark has identified numerous mechanisms to deliver education and outreach materials to the community, including: website postings, brochures, presentations, signage posted in public spaces, public and private educational programs, volunteer engagement, and public workshops. These mechanisms were used to develop public education and outreach BMPs to inform individuals, households, and groups about steps they can take to reduce stormwater pollution and how to become involved in the stormwater program.

Public education and outreach BMPs are designed to target audiences that are likely to have significant impacts on stormwater quality and pollution reduction. Audiences identified for stormwater pollution prevention education and outreach include: City officials, contractors, developers, commercial interests, industrial interests, institutional interests (including educators and youths), and residential interests.

Public education and outreach themes have been developed to address each target audience and their pollution potential. For example, specific educational materials have been developed to address good housekeeping measures for commercial applications and other material was developed for construction site applications. Community events and literature provided at public facilities will target residential groups. Formal educators will relay stormwater messages in the classroom.

Generally, the City represents a relatively homogenous community. According to the 2010 census, the ethnic makeup of the City is 93% white, 3% African American, 1% Hispanic or Latino, and 3% other races. The City is comprised of primarily an English-speaking audience making it unnecessary to develop multilingual stormwater related educational materials.

Public education and outreach themes have been designed to address certain target pollutants, identified by the City. The effects of sediment discharges on receiving waters will be an overarching theme for all target audiences. Themes also address pollutant sources such as yard waste, pet waste, and hazardous chemicals. Yard waste and pet waste impacts will be stressed more in residential areas where such impacts are commonly seen. Pollutants such as oil and grease will be targeted in commercial and industrial areas where their effects may be more prevalent (e.g. at restaurants and/or automotive facilities). Hazardous chemical awareness will be addressed for all target audiences, and the City will encourage the proper disposal and/or recycling of such materials.

Through the established public education and outreach BMPs, the City of Newark anticipates to reach all target audiences and 100% of the City's total population over the permit term. The

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BMPs for Public Education and outreach were selected based on the current and expected City operations. The City of Newark Stormwater Coordinator will be responsible for managing and implementing the stormwater water public education and outreach program and for each specific BMP, unless otherwise noted. Measurable goals and metrics for evaluating success are identified for each BMP.

The City of Newark’s annual report will identify each mechanism used and its stormwater theme, target pollutant(s), its target audience, and an estimate of how many people were reached by each mechanism. The themes and message to be covered over the permit term are listed below, along with their intended target audience:

- Keep Licking River Clean – General public
- Only Rain Down the Drain – Homeowner, landscapers
- Soak it Up – Homeowners
- Construction Site Runoff Control – Contractors, developers
- Good Housekeeping at home – Homeowners, rental/residential community
- Good Housekeeping at work – Commercial, industrial community

### 1.3. Public Education and Outreach BMPs

*BMP 1.1: Stormwater Utility homepage on the City website and Facebook page to provide stormwater-related materials and current/upcoming events.*

<b>Description</b>	The City of Newark will maintain a stormwater link on the City website and a Facebook page to share stormwater management program information. This will include educational materials and current/upcoming events, such as: <ul style="list-style-type: none"> <li>• Current area stormwater events and activities</li> <li>• Relevant City stormwater regulatory and guidance documents</li> <li>• Youth activities</li> <li>• Stormwater demonstration site locations and descriptions</li> <li>• External links to stormwater pollution prevention information (e.g. EPA Surf Your Watershed)</li> <li>• Stormwater utility provisions</li> </ul>
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Log at least 1,000 combined visits per year to the stormwater utility home page and Facebook page. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator.
<b>Rationale</b>	City website is the most efficient platform for distributing stormwater management program information.

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*BMP 1.2: Educational materials for the community regarding the importance of stormwater pollution prevention.*

<b>Description</b>	Stormwater educational materials will be distributed through the City of Newark website. Paper pamphlets, educational displays, and banners will be displayed at fairs, public events, and public facilities. The educational material will follow the Public Education and Outreach themes and messages.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Display stormwater education booth at a minimum of one public event annually. Display the stormwater awareness banner at a minimum of one different public facility each year. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator.
<b>Rationale</b>	Educational materials will raise public awareness about stormwater pollution prevention. City website is the most efficient platform for distributing stormwater management program information. Having paper materials on hand during public events will help guide more people to the website.

*BMP 1.3: Formal stormwater education curriculum for area schools.*

<b>Description</b>	Public and private schools (K-12) are able to receive up to a 50% credit toward their stormwater utility fees (see Newark Credit Application Form provided in Appendix C) for implementing surface water (stormwater, flooding, water quality, and watershed management) related education programs for students at each grade level. Schools will submit surface water curriculums annually, outlining how they intend to reach the 50% credit on their stormwater util
<b>Legal Authority</b>	City of Newark Stormwater Utility has a Memorandum of Understanding (MOU) with the Licking County Soil and Water Conservation District (SWCD), which has the legal authority to implement. A copy of the Licking County SWCD MOU is located in <b>Appendix D</b> .
<b>Measurable Goal</b>	Maintain the number of area schools with a formal stormwater education curriculum. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and Licking County Soil and Water Conservation District
<b>Rationale</b>	Educating school-aged children will raise public awareness about stormwater pollution prevention. The stormwater utility fee credit will incentivize school to implement education programs.

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### *BMP 1.4: Stormwater education/training for non-formal educators.*

<b>Description</b>	Provide water quality education training (adapted from Licking County SWCD surface water curriculum) to non-formal educators/institutions, such as: libraries, day-cares, churches, YMCAs, etc. This provides stormwater education to residents outside of schools.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Maintain the number of non-formal educators who receive water quality education training. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term. The feasibility of providing stormwater utility fee credit to these institutions will be evaluated over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and Licking County Soil and Water Conservation District
<b>Rationale</b>	Educating residents at non-formal educational institutions will raise public awareness about stormwater pollution prevention.

### *BMP 1.5: City-wide storm drain marking program.*

<b>Description</b>	Catch basins and stormwater inlets will be marked with messages similar to “No Dumping, Drains to Waterway”
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Markers to be installed (or replaced if necessary) on 20% of the existing catch basins every year, so full replacement occurs every 5 years – concurrent with catch basin inspection. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and stormwater inspector.
<b>Rationale</b>	Markers will raise public awareness about stormwater pollution prevention.

### *BMP 1.6: Signage to identify major streams and rivers.*

<b>Description</b>	Signs will be installed/maintained to identify major streams or rivers within the City.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Maintain existing signs and replace as necessary. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	Maintenance of signage to occur over the permit term.

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<b>Responsible Party</b>	City of Newark Stormwater Coordinator.
<b>Rationale</b>	Signage will raise public awareness as to the location of City streams and rivers.

### *BMP 1.7: Public workshops, presentations, and hands-on education activities.*

<b>Description</b>	Raise stormwater awareness via presenting at various public events, group meetings, and City venues. Continue to jointly organize water quality monitoring events with Licking County SWCD that target receiving water quality.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Host at least one presentation/workshop/activity each year to a different target audience. Maintain an MOU with Licking County SWCD. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	Maintenance of MOU and organization of workshops/presentations/activities to occur over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and Licking County Soil and Water Conservation District.
<b>Rationale</b>	Workshops, presentations, and activities will raise water quality awareness and increase public's ability to positively impact the health of local streams and rivers.

### *BMP 1.8: Permit compliance tracking system for all activities performed under MCMs*

<b>Description</b>	Public Education and Outreach BMPs will be entered into the City's MS4 stormwater permit compliance database, as they are completed.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Each BMP will be documented in the database. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator.
<b>Rationale</b>	Tracking performance of Public Education and Outreach BMPs will better ensure permit compliance.

## **2.0 MCM 2: PUBLIC INVOLVEMENT/PARTICIPATION**

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### **2.1. Objective**

Public involvement and participation aims to promote activities that encourage public engagement in reducing stormwater pollution per the goals of the stormwater management program.

### **2.2. Decision Process**

The City of Newark's public involvement/participation program collaborates with stakeholder groups and involves them in stormwater pollution prevention activities. Based on an evaluation of the effectiveness of the existing/past involvement/participation activities, this SWMP includes revisions to the list of involvement/participation BMPs. Drafts of the revised SWMP document will be made available to the public for review and comment both on the City's Stormwater Utility website and at the City Water Office. It is anticipated that this will allow for interested stakeholders to participate in refining the program.

The City plans to actively involve the public with the SWMP implementation. Active outreach strategies such as brochures, websites, presentations, signage, public and private educational programs, volunteer events, and public workshops will be used to both educate the public and engage them in implementation activities. BMPs are structured to facilitate stormwater awareness and to provide opportunities for participation in implementation activities for all citizens regardless of ethnic or economic background.

As discussed previously, the City represents a relatively homogenous community. The City is comprised of primarily an English-speaking audience making it unnecessary to develop multilingual stormwater-related outreach programs.

The 2010 census indicated that the median income for a household in the City was \$38,295. The per capita income for the City was \$21,654 and 21% of the population were below the poverty line. Given these statistics, the City has structured their public involvement program such that all residents, regardless of their economic condition, have the opportunity to engage in outreach activities. For example, this SWMP document will be available for comment both on the City's Stormwater Utility website and in hard-copy format at the City Water Office for those who are unable to access a computer. Notice of public involvement activities will be posted on the City's website and on utility bills. Additionally, recycling facilities are provided to citizens at no cost, which allows everyone to participate in stormwater pollution prevention by helping to keep trash and yard waste out of the City's receiving waters.

The City has identified BMPs for public involvement and participation that collectively are likely to involve all target audiences including City officials, contractors, developers, commercial interests, industrial interests, institutional interests (includes educators and youths), and residential interests. For example, commercial and industrial businesses are given an opportunity to implement stormwater pollution prevention measures in return for reduced stormwater utility fees. Homeowners are targeted with local activities such as storm drain marking and recycling facilitating a sense of ownership in working to improve the City's receiving-water quality.



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The City has implemented various public involvement activities to improve receiving-water quality and comply with permit requirements. A stormwater management committee was created, consisting of representative City staff. Table 2 summarizes the committee membership. In addition to the listed City representatives, anyone interested in stormwater activities can attend the Stormwater Committee meetings upon request. Through the involvement of their City Council representatives, citizens were able to provide input on stormwater management activities occurring throughout the City.

*Table 2: Stormwater Committee Members*

Title	Department
Director	Public Service
City Engineer	Engineering
Senior Engineer	Engineering
Stormwater Coordinator	Engineering
Stormwater Inspector	Engineering
City Auditor	Auditor
Law Director	Legal
Water Administrator	Water/Wastewater
Project Engineer	Water/Wastewater
Business Manager	Water/Wastewater
Superintendent	Streets/Traffic
Operations Manager	Cemetery/Parks

Through the established public involvement and participation BMPs, the City of Newark anticipates to involve all potentially affected stakeholder groups. The BMPs were selected based on the current and expected City operations. The City of Newark Stormwater Coordinator will be responsible for the overall management and implementation of the stormwater public involvement and participation program and for each specific BMP, unless otherwise noted. Measurable goals and metrics for evaluating success are identified for each BMP.

The City of Newark's annual report will identify each public involvement/participation activity conducted, including a brief description of the activity, the target pollutant(s), and include an estimate of how many people participated.

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**2.3. Public Involvement/Participation BMPs**

*BMP 2.1: Licking County “River Roundup” Cleanup Program*

<b>Description</b>	The Licking County River Round Up is an annual, county-wide river cleanup event. This community event organizes citizen volunteers who pull tires, shopping carts, and mountains of trash from the Licking River and its tributaries.
<b>Legal Authority</b>	City of Newark Stormwater Utility, in cooperation with the Licking County SWCD, has legal authority to implement.
<b>Measurable Goal</b>	Host one river roundup each year. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and Licking County Soil and Water Conservation District
<b>Rationale</b>	River roundup will raise water quality awareness and increase the public’s ability to positively impact the health of local streams and rivers.

*BMP 2.2: Stormwater committee meetings*

<b>Description</b>	The City will host stormwater committee meetings to discuss stormwater-related issues and allow for public input through City Council representation.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Hold at least one stormwater committee meeting each quarter to discuss stormwater-related issues. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Stormwater committee meetings will raise public awareness and increase the public’s ability to get involved with stormwater quality initiatives.

*BMP 2.3: Stormwater utility bills to advertise public involvement opportunities*

<b>Description</b>	City stormwater utility bills will be used to advertise upcoming and/or ongoing stormwater-related events such as leaf pickup dates, hazardous household waste drop-off days, pet waste cleanup program, fertilizer yard care/cleanup programs, and other community events.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.

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<b>Measurable Goal</b>	Advertise at least two stormwater related events each year through the City stormwater utility bill. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Advertising stormwater events will raise public awareness and increase the public's ability to positively impact the health of local streams and rivers.

*BMP 2.4: Residential leaf pickup program*

<b>Description</b>	The City will provide leaf pickup services to residents and/or direct residents to facilities where they can take leaves and yard waste for proper disposal.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Provide or inform residents of one scheduled leaf and yard waste disposal opportunity. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Residential leaf pickup program will promote the importance of keeping yard waste from reaching City receiving waters.

*BMP 2.5: Annual SWMP report and update to City Council*

<b>Description</b>	The stormwater management committee will provide an update on the SWMP status including activities accomplished during the previous year and activities planned for the coming year. The update will be provided during a regular City Council meeting, and the public will have the opportunity to submit comments and questions.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Provide a minimum of one update annually. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Annual SWMP report and update to City Council will raise public awareness and increase public's ability to get involved with stormwater quality initiatives.

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*BMP 2.6: SWMP document and NOI on the City's Stormwater Utility website and at the Water and Wastewater Department*

<b>Description</b>	A copy of the SWMP document and NOI will be posted electronically on the City's Stormwater Utility website and in hard-copy format at the Water and Wastewater Department for public comment.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Provide documents for public comment each permit term. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Providing documents for public comment will raise public awareness and increase the public's ability to get involved with stormwater quality initiatives.

*BMP 2.7: Permit compliance tracking system for all activities performed under MCMs*

<b>Description</b>	Public involvement/participation BMPs will be entered into the City's MS4 stormwater permit compliance database, as they are completed.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Each BMP will be documented in the database. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Tracking performance of public involvement/participation BMPs will better ensure permit compliance.

## **3.0 MCM 3: ILLICIT DISCHARGE DETECTION AND ELIMINATION**

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### **3.1. Objective**

Illicit discharge detection and elimination aims to develop, implement, and enforce a program to detect and eliminate non-stormwater discharges, including illegal dumping, to the City of Newark's MS4. For illicit discharges to the MS4 via an adjacent, outside the City of Newark's jurisdiction, interconnected MS4, the City is required to immediately inform the neighboring MS4 and inform Ohio EPA in the annual report.

### **3.2. Decision Process**

The City has developed a program to detect and eliminate illicit discharges to the MS4. Significant challenges in implementing this program included financial constraints and necessary communication across jurisdictional boundaries. Through the formation of a stormwater utility and updates to the SWMP, the City has addressed these challenges.

The foundation for the illicit discharge detection and elimination (IDDE) program is a comprehensive storm sewer map indicating the location of all MS4 outfalls and the names and locations of all receiving waters. The storm sewer system map is continuously being updated to include the small MS4 system (owned and/or operated by the City), including catch basins, pipes, ditches, flood control facilities (retention/detention ponds), post-construction water quality BMPs (public and private) which have been installed to satisfy Ohio EPA NPDES Construction Stormwater General permit and/or local post-construction water quality BMP requirements.

The City created the comprehensive storm sewer map from as-built information, aerial photographs, and field GPS data. The storm sewer map is managed using the Lucity asset management software and ArcGIS software. Lucity is also used to schedule and track system maintenance. The storm sewer map is updated by the City of Newark Stormwater Coordinator. Updates generally occur when the City performs system upgrades or completes an inspection and discovers stormwater features not reflected on the map. Currently, the additional features are located using GPS equipment and updated in the map upon returning to the office.

The City has developed an ordinance to effectively prohibit illicit discharges into their MS4. The ordinance was selected as an illicit discharge prevention mechanism for two main reasons: first, it gives the City authority to enter onto private property to inspect for illicit discharges; and second, it gives the City the authority to prohibit illicit discharges. The ordinance outlines appropriate enforcement procedures and actions, requirements for abatement or remediation, fines and the consequences if fines are not paid. This ordinance was approved by City Council and is now listed in the City code as ordinance number 1054.16. A copy of this ordinance is included in **Appendix E**.

The City will develop an IDDE plan based on the Cuyahoga County Board of Health's IDDE Guidance Manual. This manual is referenced by both the USEPA and the Ohio EPA as an example document for developing and implementing an IDDE program. The City of Newark plan will include procedures for:

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- Dry weather field screening for non-stormwater flows
- Locating priority areas which include areas with higher likelihood of illicit connections
- Ambient sampling to locate impacted reaches
- Tracing sources of illicit discharges
- Removing the source of an illicit discharge
- Program evaluation and assessment

In an effort to improve implementation and enforcement of an IDDE program, the City has hired a stormwater inspector to assist with all IDDE program components. The City has installed storm drain markers on all existing storm drain inlet castings to discourage dumping. For any newly-purchased, storm-drain castings, the City requires they be stamped at the factory with a stormwater pollution prevention message. Educational materials have been developed to inform on illicit discharges that can occur as a result of residential, commercial, agricultural, automotive, construction or forestry practices.

The Licking County Health Department (Health Department) manages all information related to HSTs. The City will work with the Health Department to update the storm sewer map annually to reflect HSTs which fall within the City limits.

The City will inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper waste disposal through public education activities as well as through internal training for City employees. Workshops, presentations, training events, and educational brochures, as discussed under the public education and outreach minimum control measure (Section 2.0) and pollution prevention/good housekeeping minimum control measure (Section 7.0), will be used to disseminate this information.

The programs and tools to implement an IDDE program have been established. The BMPs associated with IDDE will maintain and build upon the existing programs. Data - collected each year - will be evaluated. Then priorities and goals shall be revised annually, based on this evaluation. The Health Department manages and tracks all information related to HSTs including those within the City limits. The City works closely with the Health Department to address compliance issues.

The City of Newark Stormwater Coordinator will be responsible for the overall management and implementation of the illicit discharge detection and elimination program and for each specific BMP, unless otherwise noted. Measurable goals and metrics for evaluating success are identified for each BMP. The City of Newark's annual report will identify illicit discharge detection and elimination activity conducted, including:

- Total number of MS4 outfalls
- Number of outfalls which had dry-weather screening
- Number of outfalls where dry-weather flows were identified
- Number of outfalls where illicit discharges were identified via dry-weather screening or other methods
- Number of outfalls where illicit discharges were eliminated
- Number of illicit discharges identified through other methods and the number eliminated

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- A list of all illicit discharges that have been identified but have yet to be eliminated, including details on the location, an estimate of volume (gpd), the source and the type (continuous/intermittent/one-time), the types of pollutants believed to be present, the receiving surface water and an estimated schedule for elimination
- A summary of any storm sewer system mapping updates

### 3.3. Illicit discharge detection and elimination BMPs

*BMP 3.1: City of Newark Stormwater Management Code, Chapter 1054.16, for illicit discharge detection and elimination*

<b>Description</b>	The City will continue to enforce and maintain an ordinance to effectively prohibit illicit discharges into their MS4.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Reduce the number and/or volume of illicit discharges into the MS4. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	The ordinance gives the City authority to enter onto private property to inspect for illicit discharge, and it gives the City the authority to prohibit illicit discharges.

*BMP 3.2: Storm sewer map*

<b>Description</b>	The City will maintain and update the storm sewer map depicting all known MS4 outfalls, surface waters, catch basins, pipes, ditches, public and private stormwater quantity and quality facilities, post-construction BMPs, etc. within the MS4. The map is available to the public.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Update any outdated information and add any new infrastructure installed annually. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	The storm sewer map provides an inventory of all the City's stormwater infrastructure and aids in the detection and elimination of illicit discharges.

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### *BMP 3.3: Coordinate with Licking County Health Department*

<b>Description</b>	The City will continue working with Licking County Health department to maintain the location of HSTSs within the MS4.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Incorporation of HSTS locations, as provided by the Licking County Health Department, on the MS4 map. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	The City will maintain contact with the Health Department on a quarterly basis to obtain available HSTS locations within the City limits for incorporation into the storm sewer map over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and Licking County Health Department
<b>Rationale</b>	Coordination with Licking County Health Department and mapping HSTS locations will aid in the detection and elimination of illicit discharges.

### *BMP 3.4: Illicit Discharge Detection and Elimination Plan*

<b>Description</b>	The City will develop and approve an Illicit Discharge Detection and Elimination Plan to detect and eliminate non-stormwater discharges, including illegal dumping, to the MS4.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Develop an IDDE plan based on the Cuyahoga County Board of Health's IDDE Guidance Manual. Implementation and enforcement to follow. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	Development, implementation, and enforcement of IDDE plan to occur over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	An Illicit Discharge Detection and Elimination Plan will aid in detection and elimination of non-stormwater discharges to the MS4.

### *BMP 3.5: Dry-weather screening of outfalls*

<b>Description</b>	The City will continue dry-weather screening of all known stormwater outfalls identified within the MS4 in order to detect illicit discharges.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.



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<b>Measurable Goal</b>	Screen at least 20% of identified outfalls each year, so all outfalls are screened over the 5-year permit terms. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and stormwater inspector.
<b>Rationale</b>	Dry weather screening will aid in detection and elimination of non-stormwater discharges to the MS4.

*BMP 3.6: Illegal discharge training program*

<b>Description</b>	The City will provide training programs to inform public employees (City inspectors, service center personnel, police, fire, emergency services, etc.) of the hazards associated with illegal discharges and improper handling, storage, and disposal of solid waste and other pollutants. Training program is developed by Licking County SWCD.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Conduct minimum of one training annually. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and Licking County SWCD.
<b>Rationale</b>	Illegal discharge training will increase public education and awareness of stormwater quality issues.

*BMP 3.7: Notify Ohio EPA of illicit discharges*

<b>Description</b>	<p>The City will notify the Ohio EPA if any of the following Illicit discharges are detected within the City's MS4:</p> <ul style="list-style-type: none"> <li>• Illicit sanitary cross connections from industrial, commercial, or multifamily sources</li> <li>• Leaking or broken sanitary sewer lines that are actively contributing sewage to the MS4</li> </ul> <p>Notification shall include the location, general description, date, and approximate time the illicit discharge was discovered. Such notification shall be made to the appropriate Ohio EPA district office (Central District Office: cdo24hournpdes@epa.ohio.gov) within 24 hours of discovering the source.</p>
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.

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<b>Measurable Goal</b>	Record the number of discharges reported to the Ohio EPA. This goal was selected based on permit performance standards.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Notification to the Ohio EPA will aid in the expedited elimination of non-stormwater discharges to the MS4.

*BMP 3.8: Permit compliance tracking system for all activities performed under MCMs*

<b>Description</b>	Illicit discharge detection and elimination BMPs will be entered into the City's MS4 stormwater permit compliance database, as they are completed.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Each BMP will be documented in the database. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Tracking performance of Illicit discharge detection and elimination BMPs will better ensure permit compliance.

## **4.0 MCM 4: CONSTRUCTION SITE STORM WATER RUNOFF CONTROL**

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### **4.1. Objective**

Construction site stormwater runoff control aims to develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in stormwater discharges from construction activity disturbing less than one acre shall be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If Ohio EPA waives requirements for stormwater discharges associated with small construction from a specific site(s), the City is not required to enforce the program to reduce pollutant discharges from such site(s).

### **4.2. Decision Process**

The City of Newark has developed a construction site runoff control program. The primary mechanism that the City uses to require runoff control at construction sites is ordinance number 1054.16 (City of Newark Stormwater Management Code). A copy of this ordinance is included in **Appendix E**. The Stormwater Management Code states that all persons engaged in construction activities that are required by federal or state law to submit a notice of intent or permit application to the USEPA and/or Ohio EPA to comply with an NPDES stormwater permit shall provide the City with copies of the NOI as well as the NPDES stormwater permit issued by Ohio EPA. Under the Ohio EPA NPDES permit, the ordinance requires erosion and sediment controls, non-sediment pollution controls, as well as, sanctions to ensure compliance, to the extent allowable under State or local law.

In addition to the requirements listed above, the ordinance also requires that applicants seek City approval for construction activities that will disturb one acre or more of land area or smaller land areas, if they are part of a larger common plan of development or sale. Proposed site plans are required to incorporate an erosion and sediment control plan and must be approved by the City before land disturbance occurs. Erosion and sediment control measures are required to be site-specific and to address federal, state, county and local regulations. Finally, the ordinance also discusses proper waste disposal requirements (e.g. proper disposal of discarded building materials, concrete truck washout, chemicals, litter, sanitary wastes, etc.), monitoring of discharges, and inspection/enforcement process.

The City has formalized procedures for stormwater pollution prevention plan review, which incorporate consideration of potential water quality impacts, identifying violations, documenting these violations, and implementing enforcement actions such as stop work orders, fines, bonding requirements, and/or permit denials for noncompliance.

The City has implemented the use of MS4 software by CBI Systems as part of their construction site stormwater control program. This software will allow the City to consistently document site plan reviews, construction site inspections, and associated enforcement actions. The City reviews all erosion and sediment control plans and inspects all active construction sites.

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The City's Stormwater Utility website will be continually updated to provide contractors with educational material and resources which summarize examples of effective erosion and sediment control measures along with guidelines for proper installation and maintenance. The City has posted this information on the Stormwater Utility website. An example of one such existing program is the International Erosion Control Association's (IECA) Certified Professional in Erosion and Sediment Control (CPESC) certification.

The City reviews all new site development and subdivision plans, including associated erosion and sediment control plans. The City is working to refine the review process to facilitate communication across City departments. The City's Stormwater Utility website provides a phone number for submitting construction site related complaints.

The City of Newark Stormwater Coordinator will be responsible for the overall management and implementation of the construction site stormwater runoff control program and for each specific BMP, unless otherwise noted. Measurable goals and metrics for evaluating success are identified for each BMP. The City of Newark's annual report will identify construction site stormwater runoff control activity conducted, including:

- Number and list of applicable sites in the City's jurisdiction for the reporting year
- Number of pre-construction SWP3s reviewed and number approved
- Number and average frequency of site inspections
- Number of violation letters/reports/notices issued
- Number of enforcement actions taken
- Number of complaints (external and internal) received, and number addressed

### 4.3. Construction site stormwater runoff control BMPs

*BMP 4.1: City of Newark Stormwater Management Code, Chapter 1054.16, for erosions and sediment control*

<b>Description</b>	The City will continue to enforce and maintain an ordinance to require erosion and sediment controls at construction sites.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Continue enforcement of ordinance to require erosion and sediment controls at construction sites. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	The ordinance establishes erosion and sediment control requirements equivalent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities.

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### *BMP 4.2: Contractor education for sediment and erosion control*

<b>Description</b>	The City will continue to provide contractors information/educational information on sediment and erosion control requirements.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Continue contractor education efforts and provide permitting steps available for contractors on the City's Stormwater Utility website. Develop a pocket guide for erosion and sediment control requirements, including a database of City contacts for contractors. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Educating contractors on erosion and sediment control requirements will reduce pollution from construction site runoff and improve permit compliance.

### *BMP 4.3: Receipt and consideration of information submitted by the public*

<b>Description</b>	The City will maintain a telephone number on the City's Stormwater Utility website for the submission of construction site related citizen complaints and feedback.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	The City will track construction-site-related citizen complaints/feedback using the MS4 software by CBI Systems. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Citizen feedback will improve erosion and sediment control compliance on construction sites, reduce pollution from construction site runoff, and improve permit compliance.

### *BMP 4.4: Erosion and sediment control plan review*

<b>Description</b>	<p>The City will review all erosion and sediment control plans from construction activities that:</p> <ul style="list-style-type: none"> <li>• Result in a land disturbance of greater than or equal to one acre.</li> <li>• Result in a land disturbance less than one acre, but are part of a larger common plan of development or sale that will disturb one acre or more.</li> </ul>
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	Review/approval of erosion control plans will be conducted prior to construction, using Ohio EPA SWP3 checklist. Communication documents regarding review and plan revisions and any notification to obtain NPDES permit coverage shall be maintained.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	The City will track the number and status of erosion and sediment control plan reviews using the MS4 software by CBI Systems. Communication documents regarding review and plan revisions and any notification to obtain NPDES permit coverage shall be maintained. The City will seek additional certifications and training for erosion and sediment control inspectors and plan reviewers. This goal was selected based on Ohio EPA permit requirements and the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and engineering department
<b>Rationale</b>	Review/approval of erosion and sediment control plans will improve erosion and sediment control compliance on construction sites, reduce pollution from construction site runoff, and improve permit compliance.

*BMP 4.5: Construction site inspection*

<b>Description</b>	The City will perform an initial inspection of all applicable construction sites to ensure erosion and sediment control measures comply with the approved plan and Ohio EPA requirements. There will be follow-up monthly inspections (at least every 31 calendar days). Inspections will be performed using Ohio EPA SWP3 inspection checklist.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	The City will track the number and status of active construction projects along with associated inspections using MS4 Software by CBI Systems. The City will seek additional certifications and training for erosion and sediment control inspectors and plan reviewers. This goal was selected based on Ohio EPA permit requirements and the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and stormwater inspector.
<b>Rationale</b>	Inspection of construction sites for erosion and sediment control measures will improve erosion and sediment control compliance on construction sites, reduce pollution from construction site runoff, and improve permit compliance.

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*BMP 4.6: Permit compliance tracking system for all activities performed under MCMs*

<b>Description</b>	Construction site runoff control BMPs will be entered into the City's MS4 stormwater permit compliance database, as they are completed.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Each BMP will be documented in the database. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Tracking performance of construction site runoff control BMPs will better ensure permit compliance.

## **5.0 MCM 5: POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT**

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### **5.1. Objective**

Post-construction stormwater management aims to develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that discharge into the small MS4 and:

- Disturb greater than or equal to one acre
- Disturb less than one acre that are part of a larger common plan of development or sale.

The program shall ensure that controls are in place that would prevent or minimize water quality impacts.

### **5.2. Decision Process**

The primary mechanism the City uses to guide post-construction stormwater controls is the City's Stormwater Management Design Manual. A copy of the manual is available on the City's Stormwater Utility website as well as in hard-copy format at the City's Water Office. The manual outlines stormwater management design requirements for new construction projects. The manual also provides a uniform design procedure and worksheets for summarizing and submitting site stormwater calculations in a manner acceptable to the City.

Compliance with the City's Stormwater Management Design Manual is required by the City's subdivision ordinance, included in **Appendix F**. The requirements in the manual are further supported by the Stormwater Management Code, ordinance number 1054.16. A copy of this ordinance is included in **Appendix E**. The Stormwater Management Code states that property owners or operators shall ensure long-term operation and maintenance of post-construction stormwater runoff control mechanisms, such as retention basins, dry wells, and other measures described in 40 C.F.R. § 122.34(B)(5)(III).

The City maintained storm sewer map provides an inventory of all the City's stormwater infrastructure and will be used by the City to monitor development and redevelopment. This will allow the City to tailor the stormwater program specifically to the local community, minimize potential water quality impacts, and attempt to maintain predevelopment runoff conditions.

Several other non-structural stormwater BMPs have been incorporated into the City's post-construction stormwater management strategy. As part of the development of the stormwater utility, a stormwater utility fee was implemented for all nonresidential properties and will also serve as a baseline for tracking future reductions in impervious area. Because the utility rate structure is tied directly to impervious area, developers have an incentive to reduce impervious areas in their proposed projects in order to reduce costs to the end user. Such low impact design concepts provide the opportunity for nonresidential property owners to recover as much as 50% of their stormwater utility fee through the program.

The City currently includes assessment of the long-term operation and maintenance (O&M) of stormwater BMPs as part of the site plan review process for proposed construction projects.



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Prior to approval by the stormwater coordinator, all site plans are required to designate the property owner/operator as responsible for the long-term O&M of stormwater BMPs.

The post-construction stormwater management in new development and redevelopment program was developed to be consistent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities. BMPs were selected from the City's activities and processes, in order to meet the needs of Ohio EPA Small MS4 permit. The City of Newark Stormwater Coordinator will be responsible for the overall management and implementation of the post-construction stormwater management program and for each specific BMP, unless otherwise noted. Measurable goals and metrics for evaluating success are identified for each BMP. The City of Newark's annual report will identify post-construction stormwater management activity conducted, including:

- Number of applicable sites in the City's jurisdiction requiring post-construction controls for the reporting year
- Number of pre-construction SWP3 reviews and approvals for post-construction runoff controls
- Number of inspections verifying that post-construction runoff controls were built per requirements
- Number of enforcement actions taken for failure to adequately install post-construction runoff controls and the number of enforcement actions taken for failure to maintain
- Number of long-term O&M plans developed and agreements in place for post-construction runoff controls
- Number of long-term O&M inspections performed on post-construction controls (number performed by MS4 and number performed privately)

### 5.3. Post-construction stormwater management BMPs

*BMP 5.1: City of Newark Stormwater Management Code, Chapter 1054.16 and Stormwater Utility Ordinance 05-55*

<b>Description</b>	Ordinance number 1054.16 (Stormwater Management Code), ordinance number 05-55 (Stormwater Utility) require compliance with the Stormwater Management Design Manual, including post-construction stormwater management for new development and redevelopment projects.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Enforce and maintain local ordinances. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	The ordinances require post-construction stormwater management equivalent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities.

## City of Newark STORMWATER MANAGEMENT PROGRAM

### *BMP 5.2: Post-construction stormwater management plan review*

<b>Description</b>	The City will review post-construction stormwater management plans for all new development and redevelopment projects. Reviews will include the assessment of the long-term operation and maintenance (O&M) of stormwater BMPs. Each review will be documented to track the status of all active projects.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	The City will track the number and status of active construction projects along with associated plan reviews using the MS4 software. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and engineering department
<b>Rationale</b>	Review/approval of post-construction stormwater management plans will improve compliance with the requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities.

### *BMP 5.3: Post-construction stormwater management BMP inspection*

<b>Description</b>	The City will inspect post-construction stormwater management BMPs to ensure that controls are installed per requirements, utilizing the stormwater BMP inspection checklist. Each inspection will be documented to track the status of all active projects.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	The City will track the number and status of active construction projects along with associated site inspections using the MS4 software. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and stormwater inspector
<b>Rationale</b>	Site inspection to ensure controls are installed per requirements will improve compliance with the requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities.

**City of Newark**  
**STORMWATER MANAGEMENT PROGRAM**

*BMP 5.4: Long Term O&M of Post-construction stormwater management BMPs*

<b>Description</b>	The City will ensure adequate long-term O&M of all stormwater BMPs by requiring appropriate designation of the responsible party and required maintenance intervals on all site plan submittals. The City will ensure that private and public post-construction runoff controls are being maintained per existing long-term O&M plans, agreements, and local ordinances. The City will track O&M agreements for stormwater BMPs associated with new development or redevelopment projects using the MS4 software.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	The City will perform at a minimum, one on-site inspection of each post-construction runoff control BMP during this permit term. This goal was selected based on Ohio EPA permit requirements and the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator, stormwater inspector, and engineering department
<b>Rationale</b>	Proper long term operation and maintenance of post-construction stormwater BMPs will improve compliance with the requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities.

*BMP 5.5: Storm sewer map*

<b>Description</b>	The City will maintain and update the storm sewer map depicting all known MS4 outfalls, surface waters, catch basins, pipes, ditches, public and private stormwater quantity and quality facilities, post-construction BMPs, etc. within the MS4. The map is available to the public.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Update any outdated information and add any new infrastructure installed annually. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	The City maintained storm sewer map provides an inventory of all the City's stormwater infrastructure and will be used by the City to monitor development and redevelopment. This will allow the City to tailor the stormwater program specifically to the local community, minimize potential water quality impacts, and attempt to maintain predevelopment runoff conditions.

**City of Newark**  
**STORMWATER MANAGEMENT PROGRAM**

*BMP 5.6: Permit compliance tracking system for all activities performed under MCMs*

<b>Description</b>	Post-construction stormwater management BMPs will be entered into the City's MS4 stormwater permit compliance database, as they are completed.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Each BMP will be documented in the database. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Tracking performance of post-construction stormwater management BMPs will better ensure permit compliance.

## **6.0 MCM 6: POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS**

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### **6.1. Objective**

Pollution prevention and good housekeeping aims implement operation and maintenance procedures, employee training, and management procedures to prevent or reduce pollutant runoff from municipal operations and facilities.

### **6.2. Decision Process**

The City has developed a pollution prevention/good housekeeping program for municipal operations that currently focuses on street sweeping, proper road salt storage, as well as cleaning and maintaining the storm sewer system. The SWMP includes activities to incorporate stormwater pollution prevention elements into the protocols of applicable municipal operations not covered by an individual NPDES permit or Ohio EPA's Industrial Stormwater General Permit. Currently, the City's wastewater treatment plant is permitted under the NPDES program (NPDES Permit No. 4PE00001\*ND). The City does not currently perform any operations which require coverage under the Industrial Stormwater General Permit. Establishment of formal stormwater pollution prevention protocols will require the involvement of the Streets, Cemetery and Parks, Water and Wastewater, Police and Fire Departments.

The City currently has procedures in place to control and reduce the release of floatables and other pollutants from the MS4 through regular system maintenance. The City owns a vactor truck which is used by the Streets Department for cleaning storm sewer pipes and removing debris from storm sewer manholes and catch basins. Any waste (e.g. dredge spoil, accumulated sediments, floatables and other debris) removed from the MS4 is properly disposed of at the City's wastewater treatment plant. Maintenance activities are documented using the City's Lucity software. This documentation provides the City with an accurate record of where maintenance has historically occurred and a summary of the labor and equipment hours required for system maintenance. With this information, the City is able to efficiently schedule subsequent inspection and maintenance activities to cover areas not previously addressed.

The City is working to evaluate existing controls for reducing and eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet and maintenance shops with outdoor storage areas, salt storage locations, and snow disposal areas operated by the City. For example, the City is working to improve their street sweeping capabilities. GPS systems have been installed to record sweeping routes. This information is analyzed to ensure regular sweeping of all City streets and to identify opportunities to optimize sweeping routes. The City also operates a covered salt storage facility. These practices will also be applicable to reducing or eliminating discharges of pollutants resulting from roadway and municipal parking lot winterization activities.

Several waterbodies within the City have been modified by United States Army Corps of Engineers (USACE) to provide control flood improvement. The City is required to maintain the project areas per maintenance agreements established between the City and the USACE. The

## City of Newark STORMWATER MANAGEMENT PROGRAM

City plans to evaluate these maintenance activities and identify opportunities to incorporate stormwater pollution prevention elements into the flood control projects. The City is considering establishing a protocol to evaluate the potential benefit of retrofitting existing local flood control BMPs on local waterways.

The City recognizes the importance of incorporating stormwater pollution prevention training for applicable staff. In order to reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, stormwater system maintenance, etc., the City intends to adapt existing stormwater pollution prevention education materials, from Ohio EPA, for distribution to appropriate City staff. Educational material from Ohio EPA will also be used to create educational material for outreach programs developed for the public education and outreach and illicit discharge minimum control measures.

Rather than holding formal training sessions, the City will provide stormwater pollution prevention education materials to staff for review. Once reviewed, staff members will sign a certification stating that they have read and understood the materials. Stormwater pollution prevention training will be incorporated into the information review portion of the new staff hire program. Annual reviews and certifications will be scheduled for existing staff.

Pesticide and herbicide use in the City is limited. However, within parks, open space, and areas inaccessible by mowers, their use is required. When these chemicals are necessary, their use is limited to the amount recommended by the manufacturer. All staff involved with pesticide or herbicide application is required to undergo proper training and become a licensed applicator. Licensed applicators work within the Streets, Cemetery and Parks, and Water and Wastewater Departments.

The BMPs for Pollution Prevention/Good Housekeeping of Municipal Operations were selected based on the current and expected City practices. The City of Newark Stormwater Coordinator will be responsible for the overall management and implementation of Pollution Prevention/Good Housekeeping of Municipal Operations program and for each specific BMP, unless otherwise noted. Measurable goals and metrics for evaluating success are identified for each BMP. The City of Newark's annual report will identify Pollution Prevention/Good Housekeeping of Municipal Operations activity conducted, including:

- Summary of employee training program(s) implemented, listing topics, target pollutants and the number of employees that attended each training
- List of municipal facilities subject to the City's program with number of facilities inspected and the frequency of such inspections
- Document the amounts of wastes properly disposed from the City's small MS4 and municipal operations, including the disposal location
- Document whether the City's road salt storage is covered, tons of salt used, gallons of brine used (and concentration), lane miles treated and measures taken to minimize usage
- Document the gallons used of pesticides and herbicides and measures taken to minimize usage
- Document the pounds used of fertilizer and measures taken to minimize usage

## City of Newark STORMWATER MANAGEMENT PROGRAM

- Document the amount of street sweeping and catch basin cleaning material collected and properly disposed, including disposal location
- Summarize any new or existing flood management projects that were assessed for possible impacts on water quality

### 6.3. Pollution prevention and good housekeeping BMPs

#### *BMP 6.1: City Operational and Maintenance (O&M) program*

<b>Description</b>	The City will finalize and approve the draft IDDE plan to use as the basis for the City's Operations and Maintenance program. The plan will be updated annually to incorporate appropriate O&M procedural changes or new procedures that limit or reduce polluted stormwater runoff from City facilities and roadways. The City will also continue to update and implement BMPs identified in the City's SWP3 at the service center. These two documents provide the framework and form the basis of the City's operational and maintenance program.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	The IDDE and O&M plan will be drafted and implemented during the permit term. The City will track activities related to O&M program elements using the MS4 software. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP will be implemented over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	O&M procedures will limit or reduce polluted stormwater runoff from City facilities and roadways, in accordance with permit requirements.

#### *BMP 6.2: Stormwater pollution prevention training for City staff*

<b>Description</b>	The City will provide stormwater pollution prevention education materials to applicable staff. Once reviewed, staff members will sign a certificate stating that they have read and understood the materials.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Annual reviews and certifications will be scheduled for existing staff. This goal was selected based on Ohio EPA permit requirements and the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Employee education and training will increase awareness and reduce polluted stormwater runoff from City facilities and roadways, in accordance with permit requirements.

## City of Newark STORMWATER MANAGEMENT PROGRAM

### *BMP 6.3: Municipal street sweeping and storm sewer cleaning*

<b>Description</b>	The City will sweep municipal streets in order to reduce polluted stormwater runoff. City vactor truck will be used for cleaning storm sewer pipes and removing debris from storm sewer manholes and catch basins. Any waste (e.g. dredge spoil, accumulated sediments, floatables, and other debris) removed from the MS4 is properly disposed of at the City's wastewater treatment plant.
<b>Legal Authority</b>	City of Newark Stormwater Utility, in cooperation with the Streets Department, has legal authority to implement.
<b>Measurable Goal</b>	A log will be maintained to record maintenance information such as: date, duration, location, etc. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	City of Newark Stormwater Coordinator and Streets Department
<b>Responsible Party</b>	BMP is already implemented and will continue over the permit term.
<b>Rationale</b>	Street sweeping and sewer cleaning will remove pollutants and reduce polluted stormwater runoff, in accordance with permit requirements.

### *BMP 6.4: Evaluate projects for water quality*

<b>Description</b>	The City will continue to look for ways to maximize water quality benefits associated with public works projects (including USACE flood control projects and local waterway projects) through design reviews assessing impervious project areas, municipal operations, and economic assessments.
<b>Legal Authority</b>	City of Newark Stormwater Utility, in cooperation with the engineering department has legal authority to implement.
<b>Measurable Goal</b>	Projects will be tracked using the City's MS4 software. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator and engineering department
<b>Rationale</b>	These projects have the potential for improving water quality, in accordance with permit requirements.



**City of Newark**  
**STORMWATER MANAGEMENT PROGRAM**

*BMP 6.5: Covered municipal salt piles and brine tanks*

<b>Description</b>	The City will ensure that all salt piles are covered with no stormwater run-on and subsequent run-off of salt. All tanks of brine or other liquid road treatments shall have secondary containment or alternatively bollard or barrier protection.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Quantity of salt used will be recorded annually. Secondary containment will be implemented for brine tanks within the first 2 years of the permit term. This goal was selected based on Ohio EPA permit requirements.
<b>Schedule</b>	Municipal salt piles are already covered and will continue over the permit term. Secondary containment will be implemented for brine tanks within the first 2 years of the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Proper salt storage will reduce discharges of pollutants resulting from roadway and municipal parking lot winterization activities, in accordance with permit requirements.

*BMP 6.6: Soil Stabilization*

<b>Description</b>	<p>The City will ensure that areas of soil disturbance associated with ditch/MS4 maintenance caused by the City be stabilized, at minimum, in accordance with the time frames specified below:</p> <ul style="list-style-type: none"> <li>• Not within 50 feet of a surface water of the State - Within 7 days of reaching final grade or within the first 7 days if a disturbed area will remain inactive for over 14 days.</li> <li>• Within 50 feet of a surface water of the State - Within 2 days of reaching final grade or within the first 2 days if a disturbed area will remain inactive for over 14 days.</li> </ul>
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Implement the program within the first 2 years of the permit term. This goal was selected based on Ohio EPA permit requirements.
<b>Schedule</b>	BMP will be implemented within the first 2 years of the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Timely soil stabilization will reduce polluted stormwater runoff and improve water quality, in accordance with permit requirements.

**City of Newark**  
**STORMWATER MANAGEMENT PROGRAM**

*BMP 6.7: Permit compliance tracking system for all activities performed under MCMs*

<b>Description</b>	Pollution prevention and good housekeeping BMPs will be entered into the City's MS4 stormwater permit compliance database, as they are completed.
<b>Legal Authority</b>	City of Newark Stormwater Utility has the legal authority to implement.
<b>Measurable Goal</b>	Each BMP will be documented in the database. This goal was selected based on the previous permit term goal.
<b>Schedule</b>	BMP is already implemented and will continue over the permit term.
<b>Responsible Party</b>	City of Newark Stormwater Coordinator
<b>Rationale</b>	Tracking performance of pollution prevention and good housekeeping BMPs will better ensure permit compliance.

**Appendix A: Ohio EPA NPDS Small MS4 permit (OHQ000004)**

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**Appendix A: Ohio EPA NPDS Small MS4 permit (OHQ000004)**

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**Appendix B: Stormwater Utility Ordinance (Ordinance No. 05-55)**

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Appendix C: Newark Credit Application Form

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Appendix D: Licking County SWCD MOU

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**Appendix E: City of Newark Stormwater Management Code (Ordinance  
Number 1054.16)**

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**Appendix F: City of Newark Subdivision Ordinance**

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I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

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By:  Date: \_\_\_\_\_

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3/31/2021

NPDES Permit No.: OHQ000004

Issuance Date: April 1, 2021  
Effective Date: April 1, 2021  
Expiration Date: March 31, 2026

## OHIO ENVIRONMENTAL PROTECTION AGENCY

### AUTHORIZATION FOR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS TO DISCHARGE STORM WATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq. hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), dischargers of storm water from Small Municipal Separate Storm Sewer Systems, as defined in Part VI of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA," to discharge from the outfalls and to the receiving surface waters of the state identified in their Notices of Intent (NOI) Application form on file with Ohio EPA in accordance with the conditions specified in this permit. This permit includes all required permit terms and conditions in the general permit and has been issued under the Comprehensive General Permit approach in accordance with Ohio Administrative Code (OAC) 3745-38-02(B)(4)(a).

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and intergovernmental comments received concerning the proposal.

Granting of permit coverage is conditioned upon payment of applicable fees, submittal of a complete NOI Application in accordance with Part I.D of this permit and written approval of coverage from the director of Ohio EPA in accordance with OAC 3745-38-02(E).



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Laurie A. Stevenson  
Director

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## PART I. COVERAGE UNDER THIS PERMIT

### A. Permit Area

This permit covers urbanized areas within the state of Ohio, as determined by the 2000 through the latest Decennial Census by the Bureau of Census, and areas outside of urbanized areas that the director of Ohio EPA designates.

### B. Eligibility

1. All small municipal separate storm sewer systems (MS4s) unless the director of Ohio EPA has given written notification to a small MS4 that coverage under this general permit is inappropriate.
2. This permit authorizes discharges of storm water from small MS4s, as defined in Part VI of this permit. You are authorized to discharge under the terms and conditions of this general permit if you:
  - a. Operate a small MS4 within the permit area described in Part I.A of this permit,
  - b. Are not a "large" or "medium" MS4 as defined in Part VI of this permit, and
  - c. Submit a Notice of Intent (NOI) and applicable fees in accordance with Part II of this permit, and
  - d. Are located fully or partially within an urbanized area as determined by the 2000 through the latest Decennial Census by the Bureau of Census, or
  - e. Are designated for permit authorization by Ohio EPA.
3. The following are types of authorized discharges:
  - a. *Storm water discharges.* This permit authorizes storm water discharges to surface waters of the State from the small MS4s identified in Part I.B.2, except as excluded in Part I.C.
  - b. *Non-storm water discharges.* You are authorized to discharge the following non-storm water sources provided that you or Ohio EPA has not determined, and notified you in writing, these sources are substantial contributors of pollutants (violate OAC Chapter 3745-1 (Ohio's Water Quality Standards)) to your MS4: waterline flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.); uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated/debrominated/desalinated swimming pool discharges; street wash water with dry cleanup methods and no detergents to minimize pollutants; and discharges or flows from fire-fighting activities (not planned exercises).
4. This permit authorizes storm water discharges provided the small MS4 implements the applicable best management practices (BMPs) that have been established herein in order to meet the pollution control targets of the Total Maximum Daily Load (TMDL) and/or the 2012 Great Lakes Water Quality Agreement Annex 4 (Nutrients). The additional performance standards identified within each minimum control measure are expected to meet the pollution targets of the Annex 4 goals and TMDLs.

**C. Limitations on Coverage**

This permit does not authorize:

1. Discharges of storm water that are mixed with sources of non-storm water unless such non-storm water discharges are:
  - a. In compliance with a separate National Pollutant Discharge Elimination System (NPDES) permit, or
  - b. Determined by Ohio EPA not to be a substantial contributor of pollutants to surface waters of the state.
2. Storm water discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi) that are not in compliance with a separate in force NPDES permit.
3. Storm water discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15) that are not in compliance with a separate in force NPDES permit.
4. Storm water discharges currently covered under another in force NPDES permit.
5. Discharges that would cause or contribute to in-stream exceedances of water quality standards. Ohio EPA may require additional actions or an application for an individual NPDES permit or alternative NPDES general permit if an MS4 is determined to cause an in-stream exceedance of water quality standards.
6. Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been approved by U.S. EPA (this information can be obtained from Ohio EPA) unless your discharge is consistent with that TMDL. This eligibility condition applies at the time you submit an NOI for coverage. For discharges that cannot comply with TMDL requirements under this permit, you will be instructed by Ohio EPA to apply for an individual NPDES permit or alternative NPDES general permit.
7. Discharges that do not comply with Ohio EPA's anti-degradation policy for water quality standards.

**D. Obtaining Authorization**

1. To be authorized to discharge storm water from your small MS4, you shall submit a completed NOI, application fee (per ORC 3745.11(S)(1)(c)(i)) and your Storm Water Management Program (SWMP) in accordance with the deadlines presented in Part II.A of this permit. Coverage under this permit requires an annual discharge fee in accordance with ORC 3745.11(L(4)).
2. You may partner with other small MS4s to develop and implement your SWMP. You may become Co-Permittees with one or more small MS4s by jointly submitting an NOI and including a Co-Permittee NOI for every additional small MS4. Your SWMP shall clearly describe which permittees are responsible for implementing each of the control measures.
  - a. Where a small MS4 is added as a Co-Permittee after the submittal of an NOI under Part II of this permit, a Co-Permittee NOI shall be submitted in accordance with Part II.B.
  - b. Where a small MS4 separates from a permitted small MS4 group after submittal of a Co-Permittee NOI application under Part II of this permit, the separating small MS4 shall submit a new NOI in accordance with Part II.
3. Your NOI/Co-Permittee NOI, to be completed on a form furnished by Ohio EPA, shall be signed and dated in accordance with Part V.G of this permit.

4. Until notified in writing by Ohio EPA, dischargers who submit an NOI/Co-Permittee NOI in accordance with the requirements of this permit are not covered by this permit. The Agency may deny coverage under this permit and require submittal of an application for an individual NPDES permit or alternative general permit based on a review of the NOI or other information (see Part V.Q).

## **PART II. NOTICE OF INTENT REQUIREMENTS**

### **A. Deadlines for Notification**

1. If you were automatically designated by the 2000 Census under 40 CFR §122.32(a)(1) to obtain coverage, then you were required to submit an NOI/Co-Permittee NOI and your SWMP or apply for an individual permit by March 10, 2003. If you were automatically designated by the 2010 Census under 40 CFR §122.32(a)(1) to obtain coverage under this permit, then you were required to submit an NOI/Co-Permittee NOI and your SWMP to Ohio EPA within 180 days of notice. If you are automatically designated by the 2020 Census under 40 CFR §122.32(a)(1) to obtain coverage under this permit, then you are required to submit an NOI/Co-Permittee NOI and your SWMP to Ohio EPA within 180 days of notice from Ohio EPA.
2. *Additional designations.* If you are designated by Ohio EPA, then you are required to submit an NOI and your SWMP to Ohio EPA within 180 days of notice from Ohio EPA.
3. *Submitting a late NOI.* You are not prohibited from submitting an NOI after the dates provided in Part II.A of this permit. If a late NOI is submitted, your authorization is only for discharges that occur after permit coverage is granted. Ohio EPA reserves the right to take appropriate enforcement actions against MS4s that have not submitted a timely NOI.
4. *Renewal.* Existing permittees having coverage under the previous version of this permit (OHQ000003) shall have continuing coverage under OHQ000004 with the submittal of a timely renewal application. Within 90 days from the effective date of this permit, existing permittees shall submit a NOI in accordance with this permit and application fee.
5. *Separating from a group.* An existing permittee separating from a group application shall submit an NOI and your SWMP to Ohio EPA within 90 days prior to change. You shall adhere to the conditions of the permit and the group SWMP until receiving your separate authorization.

### **B. How to Submit**

You shall submit a complete and accurate NOI/Co-Permittee NOI application using Ohio EPA's electronic application form which is available through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov/>.

## **PART III. STORM WATER MANAGEMENT PROGRAMS (SWMP)**

### **A. Requirements**

1. You shall develop, implement, and enforce an SWMP designed to reduce the discharge of pollutants from your small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of Ohio Revised Code (ORC) 6111 and the Clean Water Act. The SWMP should include management practices; control techniques and system, design, and engineering methods; and shall be modified to include provisions as Ohio EPA determines appropriate after its review of the program for the control of such pollutants. Your SWMP shall include the following information for each of the six minimum control measures described in Part III.B of this permit:
  - a. The BMPs that you or another entity will or already implements for each of the storm water minimum control measures. Where applicable, BMPs shall be selected to address U.S. EPA

approved TMDL recommendations for identified water quality problems associated with MS4 discharges within your small MS4's watershed(s).

- b. For each BMP identified, statements indicating whether you believe you have the legal authority to implement said BMP or how you intend to partner with an entity that does.
  - c. The measurable goals for each of the BMPs, including, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action. At a minimum, measurable goals shall be implemented to satisfy this permit's performance standards; and
  - d. The person or persons, including position title or titles, responsible for implementing or coordinating the BMPs for your SWMP. The SWMP shall include a Table of Organization, including a primary point of contact, which identifies how implementation across multiple positions, agencies and departments will occur.
  - e. In addition to the requirements listed above, you shall provide a rationale for how and why you selected each of the BMPs and measurable goals for your SWMP, including how selected BMPs address applicable TMDL recommendations.
2. If you are obtaining your initial small MS4 general permit coverage under this permit, you shall develop and implement your program within five years of being granted coverage under this permit. If you are renewing coverage under this permit, you shall update your SWMP to be consistent with requirements of this permit within one (1) year of the effective date of this general permit and submit as an attachment with your 2021 Annual Report that will be due on April 1, 2022.

## **B. Minimum Control Measures**

The six minimum control measures that shall be included in your SWMP are:

### **1. Public Education and Outreach on Storm Water Impacts**

- a. You shall 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. In the case of non-traditional small MS4s (e.g., OTIC, ODOT, universities, hospitals, prisons, military bases, and other government complexes), you are only required to provide educational materials and outreach to your employees, on-site contractors, and individuals using your facilities.
- b. *Decision process.* You shall document your decision process for the development of a storm water public education and outreach program. Your rationale statement shall address both your overall public education program and the individual BMPs, measurable goals and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
  - i. How you plan to inform individuals and households about the steps they can take to reduce storm water pollution.
  - ii. How you plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and beach restoration activities).
  - iii. Who are the target audiences for your education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.

- iv. What are the target pollutant sources your public education program is designed to address.
  - v. What is your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people do you expect to reach by your outreach strategy over the permit term.
  - vi. Who (person or department) is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.
  - vii. How will you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- c. *Performance Standards.* Your storm water public education and outreach program, at a minimum, shall include:
- i. More than one outreach mechanism.
  - ii. A minimum of five storm water themes or messages over the permit term.
  - iii. Your storm water public education and outreach program shall reach at least 50 percent of your population over the permit term.
  - iv. TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL, your storm water public education and outreach program shall, at a minimum, target each TMDL pollutant identified for your small MS4 at least once to satisfy your minimum of five storm water themes or messages over the permit term. Single themes or messages may target multiple pollutants.
  - v. Your annual report shall identify each mechanism used and its storm water theme, target pollutant(s), its target audience and an estimate of how many people within your jurisdiction were reached by each mechanism.

## 2. Public Involvement/Participation

- a. You shall comply with State and local public notice requirements and satisfy this minimum control measure's minimum performance standards when implementing a public involvement/participation program. In the case of non-traditional small MS4s (e.g., OTIC, ODOT, universities, hospitals, prisons, military bases, and other government complexes), you are required to involve employees, on-site contractors, and individuals using your facilities.
- b. *Decision process.* You shall document your decision process for the development of a storm water public involvement/participation program. Your rationale statement shall address both your overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
  - i. Have you involved the public in the development and submittal of your NOI and SWMP description.
  - ii. What is your plan to actively involve the public in the development and implementation of your program.



- iii. Who are the target audiences for your public involvement program, including a description of the types of ethnic and economic groups engaged. You are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners' associations, and educational organizations, among others.
  - iv. What are the types of public involvement activities included in your program. Where appropriate, consider the following types of public involvement activities: citizen representatives on a storm water management panel, public hearings, working with citizen volunteers willing to educate others about the program, volunteer monitoring or stream/beach clean-up activities.
  - v. Who (person or department) is responsible for the overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.
  - vi. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- c. *Performance Standards.* Your storm water public involvement/participation program, at a minimum, shall include:
- i. Five public involvement activities over the permit term.
  - ii. TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a USEPA approved TMDL, your storm water public involvement/participation program shall, at a minimum, target each TMDL pollutant identified for your small MS4 at least once to satisfy your minimum of five public involvement activities over the permit term. Single public involvement activities may target multiple pollutants.
  - iii. Your annual report shall identify each public involvement/participation activity conducted, including a brief description of the activity, the target pollutant(s) and include an estimate of how many people from your jurisdiction participated.

### **3. Illicit Discharge Detection and Elimination**

- a. You shall develop, implement and enforce a program to detect and eliminate illicit discharges, as defined in Part VI of this permit, into your small MS4. For illicit discharges to your small MS4 via an adjacent, outside of your jurisdiction, interconnected MS4, you are only required to immediately inform the neighboring MS4 and inform Ohio EPA in your annual report;
- b. You shall develop, if not already completed, a comprehensive storm sewer system map, showing the location of all outfalls and the names and location of all surface waters of the state that receive discharges from those outfalls. Your comprehensive storm sewer system map shall also include your small MS4 system (owned and/or operated by you), including catch basins, pipes, ditches, flood control facilities (retention/detention ponds), post-construction water quality BMPs (public and private) which have been installed to satisfy Ohio EPA's NPDES Construction Storm Water general permit and/or your local post-construction water quality BMP requirements. Post-construction BMPs shall be identified by type of practice (e.g., wet extended detection basin, bioretention, etc.). Previously existing post-construction BMPs shall be identified by type of practice within five (5) years of the effective date of this permit;
- c. Within five years of when your initial small MS4 general permit coverage was granted, you shall submit the following to Ohio EPA:

- i. A list of all on-site sewage disposal systems located within your jurisdiction and are connected or discharging to your small MS4 (a.k.a., home sewage treatment systems (HSTSs)) including the addresses; and
  - ii. A storm sewer map showing the location of all HSTSs located within your jurisdiction and are connected or discharging to your small MS4. This map shall include details on the type and size of conduits/ditches in your small MS4 that receive discharges from HSTSs, as well as the water bodies receiving the discharges from your small MS4.
- d. You shall to the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, illicit discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- e. You shall develop and implement a program to detect and eliminate non-storm water discharges, including illegal dumping, to your system. At a minimum, for household sewage treatment systems (HSTSs), your program shall address or include provisions for:
  - i. Working with the appropriate Board(s) of County Commissioners, other public officials, local waste water authorities, any other appropriate entity and local board(s) of health to proactively identify residences with existing individual discharging HSTSs that can be legally, feasibly and economically connected to central sewers. At a minimum, the program shall evaluate applying provisions identified by ORC 6117.51 and other applicable State and local laws and/or regulations. At a minimum, this activity should require connection to central sewers for any discharging HSTS that is not operating as designed and intended if feasible, but it does not preclude connection to central sewers of any HSTS if local planning and coordination recommends such;
  - ii. Working with local board(s) of health to develop a proactive operation and maintenance program or implement/enhance an existing operation and maintenance program which determines if existing discharging HSTSs are operating as designed and intended and, for those not meeting these criteria, requires elimination, upgrade or replacement of the systems as appropriate;
  - iii. Actively investigating the source(s) of contamination in outfalls identified during dry weather screening process. When the contamination source has been identified as discharging HSTS that is not operating as designed and intended, work with the local board(s) of health to determine proper course of action in resolving the non-functioning HSTS with connection to central sewers being preferred alternative, followed by replacing system with a soil absorption system that does not discharge and only allowing a replacement discharging HSTS when no other option is available. For replacement discharging HSTSs that cannot be eliminated through connection to central sewers or installation of soil absorption systems, the property owner must be notified of the requirement to pursue coverage under an appropriate Ohio EPA general NPDES permit; and
  - iv. Working with local waste water authorities, planning agencies or other appropriate agencies involved to evaluate the planned or possible future installation of sewers for areas which contain high densities of discharging HSTSs.
- f. You shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
- g. You shall address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you or Ohio EPA has identified them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)), uncontaminated pumped ground water, discharges from potable water

sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated/debrominated/desalinated swimming pool discharges, street wash water, and discharges or flows from non-planned fire-fighting activities (by definition, not an illicit discharge); and

- h. You may also develop a list of other similar occasional incidental non-storm water discharges (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the small MS4, because of either the nature of the discharges or conditions you have established for allowing these discharges to your small MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your small MS4.
- i. Decision process. You shall document your decision process for the development of a storm water illicit discharge detection and elimination program. Your rationale statement shall address both your overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for your program. The rational statement shall include the following information, at a minimum:
  - i. How you will develop a comprehensive storm sewer map. Describe the sources of information you will use for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, describe how your map will be regularly updated.
  - ii. The mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the small MS4 and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.
  - iii. Your program to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your program shall include dry weather field screening for non-storm water flows. Ohio EPA recommends using field tests of selected chemical parameters as indicators of discharge sources. You shall describe the mechanisms and strategies you will implement to ensure outfalls which have previously been dry-weather screened will not have future illicit connections. Your program shall also address on-site sewage disposal systems (including failing on-lot HSTs and off-lot discharging HSTs) that flow into your storm drainage system. Your description shall address the following, at a minimum:
    - 1. Procedures for locating priority areas which include areas with higher likelihood of illicit discharges (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches;
    - 2. Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source;
    - 3. Procedures for removing the source of the illicit discharge; and
    - 4. Procedures for program evaluation and assessment.

- iv. Your program to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented to the extent allowable under State law.
  - v. How you plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.
  - vi. Who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.
  - vii. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- j. *Performance Standards.* Your storm water illicit discharge detection and elimination program, at a minimum, shall include:
- i. If you are renewing coverage under OHQ000004, your storm water illicit discharge detection and elimination program shall have already included an initial dry-weather screening of all your storm water outfalls. If you are obtaining initial coverage under OHQ000004, your storm water illicit discharge detection and elimination program shall include an initial dry-weather screening of all your storm water outfalls within five years of obtaining initial coverage. For reference, see the definition of "Outfall from an MS4" in Part VI of this permit.
  - ii. Your program shall establish priorities and specific goals for long-term system-wide surveillance of your small MS4, as well as for specific investigations of outfalls and their tributary area where previous surveillance demonstrates a high likelihood of illicit discharges.
  - iii. Data collected each year shall be evaluated and priorities and goals shall be revised annually based on this evaluation.
  - iv. Your comprehensive storm sewer system map shall be updated annually.
  - v. You shall notify Ohio EPA if any of the following Illicit discharges are detected discharging to your small MS4:
    - Illicit sanitary cross connections from industrial, commercial or multi-family sources; and
    - Leaking or broken sanitary sewer lines that are actively contributing sewage to your small MS4.

Notification shall include the location, general description, date, and approximate time the illicit discharge was discovered. Such notification shall be made to the appropriate Ohio EPA district office within twenty-four (24) hours of discovery of the source:

Southeast District Office:	sedo24hournpdes@epa.ohio.gov
Southwest District Office:	swdo24hournpdes@epa.ohio.gov
Northwest District Office:	nwdo24hournpdes@epa.ohio.gov
Northeast District Office:	nedo24hournpdes@epa.ohio.gov
Central District Office:	cdo24hournpdes@epa.ohio.gov

- vi. TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:

- Nutrients (Includes Phosphorus, Nitrogen and Ammonia);
- E. coli
- Bacteria; or
- Dissolved Oxygen and Organic Enrichment

Your illicit discharge detection and elimination program shall include the following performance standard:

1. Include an annual employee training which includes illicit discharge detection and elimination topic(s).

- vii. Your annual report shall document the following:

- a. Total number of MS4 outfalls;
- b. Number of outfalls which had dry-weather screening;
- c. Number of outfalls where dry-weather flows were identified;
- d. Number of outfalls where illicit discharges were identified via dry-weather screening or other methods;
- e. Number of outfalls where illicit discharges were eliminated;
- f. Number of illicit discharges identified through other methods and the number eliminated;
- g. A list of all illicit discharges that have been identified but have yet to be eliminated, including details on the location, an estimate of volume (gpd), the source and the type (continuous/intermittent/one-time), the types of pollutants believed to be present, the receiving surface water and an estimated schedule for elimination;
- h. A summary of any storm sewer system mapping updates; and
- i. If applicable, summary of activities taken to satisfy your illicit discharge detection and elimination program TMDL performance standard.

#### **4. Construction Site Storm Water Runoff Control**

- a. You shall develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in storm water discharges from construction activity disturbing less than one acre shall be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If Ohio EPA waives requirements for storm water discharges associated with small construction from a specific site(s), you are not required to enforce your program to reduce pollutant discharges from such site(s). Your program shall include the development and implementation of, at a minimum:
  - i. An ordinance or other regulatory mechanism to require erosion and sediment controls, and non-sediment pollutant controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;

- ii. Requirements for construction site operators to implement appropriate erosion and sediment controls;
  - iii. Requirements for construction site operators to control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause potential water quality impacts;
  - iv. Procedures for storm water pollution prevention plan review which incorporate consideration of potential water quality impacts;
  - v. Procedures for receipt and consideration of information submitted by the public; and
  - vi. Procedures for site inspection and enforcement of control measures.
- b. *Decision process.* You shall document your decision process for the development of a construction site storm water control program. Your rationale statement shall address both your overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
- i. The mechanism (ordinance or other regulatory mechanism) you will use to require erosion and sediment controls, and non-sediment pollutant controls, at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your SWMP;
  - ii. Your requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes, but is not limited to, discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste;
  - iii. Your procedures for pre-construction storm water pollution prevention plan (SWP3) review which incorporate consideration of potential water quality impacts;
  - iv. Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program;
  - v. Your procedures for site inspection and enforcement of control measures, including how you will prioritize sites for inspection;
  - vi. Your program to ensure compliance with your erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms you will use to ensure compliance. Include a written enforcement escalation plan describing your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties (such as a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance;
  - vii. Who is responsible for overall management and implementation of your construction site storm water runoff control program and, if different, who is responsible for each of the BMPs identified for this program; and
  - viii. Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- c. *Performance Standards.* Your construction site storm water control program, at a minimum, shall include:

- i. Your ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities (OHC000005) applicable to your permit area. If you had coverage under the previous version of this permit (OHQ000003), you shall revise your ordinance or other regulatory mechanism, if needed, within one (1) year of the effective date of this permit.
- ii. A pre-construction (SWP3) review and approval of all projects from construction activities that result in a land disturbance of greater than or equal to one acre and from construction activities which are part of a larger common plan of development or sale that will disturb one acre or more. An objective tool such as software or checklist shall be used to document each SWP3 review. Documentation of any communications regarding review and plan revisions and any notification to obtain NPDES permit coverage shall be maintained.
- iii. To ensure compliance, all applicable sites shall have an initial inspection. Follow-up inspections shall be on a monthly basis (at least every 31 calendar days). An objective tool such as software or checklist shall be used to document each site inspection to ensure all conditions of OHC000005 are addressed. These inspections are to be conducted by the MS4 or their contracted representative. They are in addition to the self-inspections required of construction site operators under OHC000005.
- iv. TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:
  - Total Suspended Solids (Includes Sediment and Siltation); or
  - Nutrients (Includes Phosphorus, Nitrogen and Ammonia)

Your construction site storm water program shall include the following performance standard:

- a. At a minimum, applicable construction sites which have the following compliance issues shall be inspected once every 14 calendar days instead of on a monthly basis:
  1. Construction activities have started at the site with no SWP3 reviewed and approved by the MS4;
  2. Failure to install sediment basin(s) when the SWP3 and/or site drainage clearly indicate as a first step (within 7 days prior to grading and within 7 days of grubbing);
  3. Construction activities taking place with no sediment/erosion controls; or
  4. Dewatering activities resulting in turbid discharges.

Your inspections can be returned to a monthly basis for the construction site once compliance with the above compliance issues have been addressed and verified.

- v. Your annual report shall document the following:
  - a. Number and list of applicable sites in your jurisdiction for the reporting year;
  - b. Number of pre-construction SWP3s reviewed and number approved;
  - c. Number and average frequency of site inspections;

- d. Number of violation letters/reports/notices issued;
- e. Number of enforcement actions taken; and
- f. Number of complaints (external and internal) received, and number addressed.

**5. Post-Construction Storm Water Management in New Development and Redevelopment**

- a. You shall 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, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program shall ensure that controls are in place that will prevent or minimize potential water quality impacts;
- b. You shall develop and implement strategies which include a combination of structural and/or non-structural post-construction runoff controls appropriate for your community;
- c. You shall use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and
- d. You shall ensure adequate long-term operation and maintenance of post-construction runoff controls, including provisions for when property changes ownership.
- e. *Decision process.* You shall document your decision process for the development of a post-construction storm water management program. Your rationale statement shall address your overall post-construction storm water management program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
  - i. Your program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.
  - ii. How your program will be specifically tailored for your local community, minimize potential water quality impacts, and attempt to maintain pre-development runoff conditions.
  - iii. Any non-structural post-construction runoff controls in your program, including, as appropriate: green infrastructure storm water management techniques, policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; education programs for developers and the public about project designs that minimize potential water quality impacts; and other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.
  - iv. Any structural post-construction runoff controls in your program, including, as appropriate: green infrastructure storm water management techniques, storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches.



- v. The mechanisms (ordinance or other regulatory mechanisms) you will use to address post-construction runoff from new developments and redevelopments and why you chose the mechanism(s). If you need to develop a mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.
  - vi. How you will ensure the long-term operation and maintenance (O&M) of any implemented or installed post-construction runoff controls. Options to help ensure that future O&M responsibilities are clearly identified and enforceable include an agreement between you and another entity such as the post-development landowners or regional authorities.
  - vii. Who is responsible for overall management and implementation of your post-construction storm water management program and, if different, who is responsible for each of the BMPs identified for this program.
  - viii. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- f. *Performance Standards.* Your post-construction storm water management program, at a minimum, shall include:
- i. Your ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the technical requirements set forth in OHC000005 applicable to your permit area. It shall require notification and approval of modifications to post-construction storm water runoff controls that occur after your initial SWP3 approvals. If you had coverage under the previous version of this permit (OHQ000003), you shall revise your ordinance or other regulatory mechanism, if needed, within one (1) year of the effective date of this permit.
  - ii. A pre-construction SWP3 review and approval of all projects from construction activities that result in a land disturbance of greater than or equal to one acre, and from construction activities which are part of a larger common plan of development or sale that will disturb one acre or more, to ensure that required post-construction controls are designed per requirements. An objective tool such as software or checklist shall be used to document each SWP3 review. Documentation of any communications regarding review and plan revisions shall be maintained.
  - iii. These applicable sites shall be inspected to ensure that controls are installed per requirements. An objective tool such as software or checklist shall be used to document each site inspection to ensure all conditions of OHC000005 are addressed.
  - iv. Your program shall also ensure that long-term O&M plans are developed and agreements in place for all applicable sites, including after changes of ownership. Your operation and maintenance program shall ensure that private and public post-construction runoff controls are being maintained per existing long-term O&M plans, agreements and local ordinances or other regulatory mechanisms. You shall maintain a copy of the long-term O&M plans and agreements provided during construction and document long-term O&M inspections. Your program shall include, at a minimum, one on-site inspection by you or a third party of each post-construction runoff control during this permit term.
  - v. TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:
    - Total Suspended Solids (Includes Sediment and Siltation); or

- Nutrients (Includes Phosphorus, Nitrogen and Ammonia)

Your post-construction storm water management program shall provide:

- a. In addition to Parts III.B.1.c and III.B.2.c, an educational opportunity to contractors, SWP3 designers, and/or employees on OHC000005 Table 4b practices and/or other green infrastructure practices during the permit term.

In addition, your program shall include, at a minimum, one of the following performance standards during the permit term:

- b. Retrofit one (1) existing storm water practice that solely provides a peak-discharge function to meet the performance standard for an extended detention post-construction practice in accordance with OHC000005 Table 4a or 4b; or
- c. Perform restoration of at least three hundred linear feet of channelized stream where natural channel stability and floodplain restoration will reduce stream erosion; or
- d. Update your ordinance or other regulatory mechanism to require OHC000005 Table 4b practices and/or other green infrastructure practices where feasible; or
- e. Install one (1) or more OHC000005 Table 4b practices to treat a minimum of 1 acre of existing impervious area developed prior to 2003.

These TMDL performance standards may be implemented outside your jurisdictional boundary but shall be implemented within the identified TMDL Project watershed in Appendix A.

- vi. Your annual report shall document the following:
  - a. Number of applicable sites in your jurisdiction requiring post-construction controls for the reporting year;
  - b. Number of pre-construction SWP3 reviews and approvals for post-construction runoff controls;
  - c. Number of inspections verifying that post-construction runoff controls were built per requirements;
  - d. Number of enforcement actions taken for failure to adequately install post-construction runoff controls and the number of enforcement actions taken for failure to maintain;
  - e. Number of long-term O&M plans developed and agreements in place for post-construction runoff controls;
  - f. Number of long-term O&M inspections performed on post-construction controls (number performed by MS4 and number performed privately); and
  - g. If applicable, summary of activities taken to satisfy your post-construction storm water management program TMDL performance standard.

## **6. Pollution Prevention/Good Housekeeping for Municipal Operations**

- a. You shall develop and implement an O&M program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations;

- b. Using training materials that are available from Ohio EPA or other organizations, your program shall include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance; and
- c. You shall include a list of industrial facilities you own or operate that are subject to Ohio EPA's NPDES Industrial Storm Water General Permit (OHR000006) or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your small MS4. Include the Ohio permit number or a copy of the Industrial NOI for each facility. For your municipal facilities that conduct activities described in 40 CFR 122.26(b)(14) that are not required to obtain Industrial Storm Water General Permit coverage, including vehicle maintenance facilities, bus terminals, composting facilities, impoundment lots and waste transfer stations, a Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented in accordance with the SWP3 requirements of OHR000006.
- d. Decision process. You shall document your decision process for the development of a pollution prevention/good housekeeping program for municipal operations. Your rationale statement shall address both your overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
  - i. Your operation and maintenance program to prevent or reduce pollutant runoff from your municipal operations. Your program shall specifically list the municipal operations that are impacted by this O&M program.
  - ii. Any government employee training program you will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials you plan to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.
  - iii. Your program description shall specifically address the following areas:
    - 1. Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your small MS4.
    - 2. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand handling and storage locations and snow disposal areas you operate. A description of the materials used for roadway and municipal parking lot winterization (use of salt, sand, bottom ash, etc. or combination thereof), associated application rates, and the rationale for the selected application rates shall be included. Also identify controls or practices to be used for reducing or eliminating discharges of pollutants resulting from roadway and municipal parking lot winterization activities.
    - 3. Procedures for the proper management and disposal of waste removed from your small MS4 and your municipal operations, including dredge spoil, accumulated sediments, floatables, street sweepings/catch basin cleanings and other debris.
    - 4. Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

- iv. Who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.
  - v. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- e. *Performance Standards.* Your pollution prevention/good housekeeping program, at a minimum, shall include:
- i. An annual employee training.
  - ii. Your O&M program shall include appropriate documented procedures, controls, maintenance schedules and recordkeeping to address Part III.B.6.d.iii of this permit.
  - iii. Your salt piles shall be covered with no run-on and subsequent run-off of salt. All tanks of brine or other liquid road treatments shall have secondary containment or alternatively bollard or barrier protection. This performance standard shall be completed no later than two (2) years after the effective date of this permit for small MS4s renewing coverage under this permit.
  - iv. For areas of soil disturbance associated with ditch/MS4 maintenance caused by the small MS4, soil stabilization shall, at a minimum, be initiated in accordance with the time frames specified in the following table:

Ditch/MS4 Maintenance Areas	Time Frame to Initiate Soil Stabilization
Not within 50 feet of a surface water of the State	Within 7 days of reaching final grade or within the first 7 days if a disturbed area will remain inactive for over 14 days.
Within 50 feet of a surface water of the State	Within 2 days of reaching final grade or within 2 days if the area is to remain inactive for over 14 days.

Implementation of this performance standard shall commence no later than two (2) years after the effective date of this permit for small MS4s renewing coverage under this permit.

- v. For ODOT and OTIC, these two non-traditional small MS4s shall develop and implement a roadside litter collection program and document the amount of trash collected and properly disposed. Such documentation shall be included within annual report.
- vi. TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:
  - Total Suspended Solids (Includes Sediment and Siltation);
  - Nutrients (Includes Phosphorus, Nitrogen and Ammonia);
  - E. coli
  - Bacteria;
  - Metals; or
  - Dissolved Oxygen and Organic Enrichment

Your pollution prevention/good housekeeping program shall include, at a minimum, one of the following performance standards. Implementation of this permit requirement shall

commence no later than two (2) years after the effective date of this permit for small MS4s renewing coverage under this permit.

1. Develop and implement a street sweeping program with proper debris management and disposal. Your program shall document debris collected to prioritize areas to sweep and/or document lane miles swept. At a minimum, sweeping shall occur on curbed streets two times per year; or
2. Develop and implement a catch basin cleaning program with proper debris management and disposal. Your program shall document debris collected to prioritize areas to clean. At a minimum, catch basins shall be scheduled to be cleaned once every five years; or
3. Develop and implement a leaf/yard waste collection program; or
4. For small MS4 facilities that do not require NPDES industrial storm water general permit coverage but require a SWPPP in accordance with Part III.B.6.c of this permit, conduct routine facility inspections for these facilities at least quarterly (i.e., once each calendar quarter). You shall document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP. At a minimum, your documentation of each routine facility inspection shall include:
  - The inspection date and time;
  - The name(s) and signature(s) of the inspector(s);
  - Weather information and a description of any discharges occurring at the time of the inspection;
  - Any previously unidentified discharges of pollutants from the site;
  - Any control measures needing maintenance or repairs;
  - Any failed control measures that need replacement;
  - Any incidents of failure to implement your SWPPP observed;
  - Any additional control measures needed.

vii. Your annual report shall document the following:

- a. Summary of employee training program(s) implemented, listing topics, target pollutants and the number of employees that attended each training;
- b. List of municipal facilities subject to your program with number of facilities inspected and the frequency of such inspections;
- c. Document the amounts of wastes properly disposed from your small MS4 and your municipal operations, including the disposal location;
- d. Document whether your road salt storage is covered, tons of salt used, gallons of brine used (and concentration), lane miles treated and measures taken to minimize usage;
- e. Document the gallons used of pesticides and herbicides and measures taken to minimize usage;
- f. Document the pounds used of fertilizer and measures taken to minimize usage;
- g. Document the amount of street sweeping and catch basin cleaning material collected and properly disposed, including disposal location;

- h. Summarize any new or existing flood management projects that were assessed for possible impacts on water quality; and
- i. If applicable, summary of activities taken to satisfy your pollution prevention good housekeeping program TMDL performance standard.

**C. Sharing Responsibility**

Implementation of one or more of the minimum measures may be shared with another entity, or another entity may fully implement the measure on your behalf. You may rely on another entity only if:

- 1. The other entity, in fact, implements all or part of the control measure;
- 2. The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and
- 3. The other entity agrees to implement the control measure on your behalf. There shall be written acceptance of this obligation. This obligation shall be maintained as part of your SWMP. If the other entity agrees to report on the minimum measure, you shall supply the other entity with the reporting requirements contained in Part IV.C of this permit. If the other entity fails to implement the control measure on your behalf, then you remain liable for any discharges due to that failure to implement.

**D. Reviewing and Updating Storm Water Management Programs**

- 1. SWMP Review: You shall do an annual review of your SWMP in conjunction with preparation of the annual report required under Part IV.C of this permit.
- 2. SWMP Update: You may change your SWMP during the life of the permit in accordance with the following procedures:
  - a. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to Ohio EPA.
  - b. Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Unless denied by Ohio EPA, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If the request is denied, Ohio EPA will send you a written response giving a reason for the decision. Your modification requests shall include the following:
    - i. An analysis of why the BMP is ineffective or infeasible (including cost prohibitive),
    - ii. Expectations on the effectiveness of the replacement BMP, and
    - iii. An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
  - c. Change requests or notifications shall be made in writing and signed in accordance with Part V.G of this permit.
- 3. SWMP Updates Required by Ohio EPA: Ohio EPA may require updates to the SWMP as needed to:
  - a. Address potential impacts on receiving water quality caused, or contributed to, by discharges from the MS4; or

- b. Include such other conditions deemed necessary by Ohio EPA to comply with the goals and requirements of ORC 6111 and the Clean Water Act.
  - c. Changes requested by Ohio EPA will be made in writing, set forth the time schedule for you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by Ohio EPA will be made in accordance with OAC Chapter 3745-47.
4. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation: You shall implement the SWMP on all new areas added to your portion of the small MS4 (or for which you become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately. An exception to this one-year timeframe exists for requirements associated with the comprehensive storm sewer system map and dry-weather screening of storm water outfalls. If you will be unable to complete these requirements within one year from the addition of the new areas, you shall provide an alternative schedule to complete with the following annual report.
- a. Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, you shall have a plan for implementing your SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be included in the annual report.
  - b. Only those portions of the SWMPs specifically required as permit conditions shall be subject to modification. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

#### **PART IV. EVALUATING, RECORD KEEPING AND REPORTING**

##### **A. Evaluating**

- 1. You shall evaluate program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals and satisfying performance standards.

##### **B. Record Keeping**

- 1. You shall retain copies of all reports and documents required by this permit, a copy of the NPDES permit, and records of all data used to complete the NOI for this permit, for a period of at least three years from the date of the report, document or application, or for the term of this permit, whichever is longer. This period may be extended by request of Ohio EPA at any time.
- 2. You shall submit your records to Ohio EPA only when specifically asked to do so. You shall retain the SWMP required by this permit (including a copy of the permit language) at a location accessible to Ohio EPA. You shall make your records, including the NOI, annual reports and the SWMP, available to the public if requested by the public or Ohio EPA to do so in writing.

##### **C. Reporting**

You shall submit annual reports to the director by the first day of April for each year that this permit is in effect. If you had coverage under the previous version of this permit you shall submit your 2020 annual report by April 1, 2021. Each report shall cover the period from January through December of the previous year. You shall submit your reports using Ohio EPA's electronic Small MS4 annual report which is available through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov/>. The report shall include:

1. A most recent Table of Organization for program development and implementation, including a primary point of contact with contact information;
2. The status of your compliance with permit conditions and performance standards, an assessment of the appropriateness of the identified BMPs, progress toward achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures. The report shall also include a summary of the specific annual reporting requirements identified for each minimum control measure in Part III.B.1.c.v, Part III.B.2.c.iii, Part III.B.3.j.vii, Part III.B.4.c.v, Part III.B.5.f.vi and Part III.B.6.e.vii;
3. Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
4. A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);
5. Proposed changes to your SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements; and
6. Identify and summarize any variances granted under your storm water program regulations and requirements.

## **PART V. STANDARD PERMIT CONDITIONS**

### **A. Duty to Comply**

You shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of ORC 6111 and is grounds for enforcement action.

Ohio law imposes penalties and fines for persons who knowingly make false statements or knowingly swear or affirm the truth of a false statement previously made.

### **B. Continuation of the Expired General Permit**

An expired general permit continues in force and effect until a new general permit is issued.

### **C. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **D. Duty to Mitigate**

You shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### **E. Duty to Provide Information**

You shall furnish to the director, within seven days or as indicated in the written request, any information which the director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You shall also furnish to the director upon request copies of records required to be kept by this permit.



**F. Other Information**

If you become aware that you failed to submit any relevant facts or submitted incorrect information in the NOI, SWMP, or in any other report to the director, you shall promptly submit such facts or information.

**G. Signatory Requirements**

All NOIs, SWMPs, reports, certifications or information submitted to the director shall be signed.

1. These items shall be signed as follows:
  - a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - i. A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - ii. The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can assure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
  - c. For a municipality, State, Federal or other public agency; by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA).
2. All reports required by the permits and other information requested by the director shall be signed by a person described in Part V.G.1 of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part V.G.1 of this permit and submitted to the director;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  - c. The written authorization is submitted to the director.
3. *Changes to authorization.* If an authorization under Part V.G.2 of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.G.2 of this permit must be submitted to director prior to or together with any reports, information or applications to be signed by an authorized representative.

4. **Certification.** Any person signing documents under Parts V.G.1 or V.G.2 of this permit shall make the following 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 gather and evaluate 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."

5. **Falsification.** Ohio law imposes penalties and fines for persons who knowingly make false statements or knowingly swear or affirm the truth of a false statement previously made.

#### **H. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

#### **I. Proper Operation and Maintenance**

You shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

#### **J. Inspection and Entry**

You shall allow Ohio EPA or an authorized representative upon the presentation of credentials and other documents as may be required by law, to do any of the following:

1. Enter your premises at reasonable times where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

#### **K. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### **L. Permit Transfers**

Permit transfers shall be in accordance with OAC 3745-38-02(K).

**M. Anticipated Noncompliance**

You shall give advance notice to Ohio EPA of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

**N. State Environmental Laws**

No condition of this permit shall release you from any responsibility or requirements under other environmental statutes or regulations.

**O. Severability**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**P. Procedures for Modification or Revocation**

Permit modification or revocation will be conducted in accordance with OAC Chapter 3745-38.

**Q. Requiring an Individual Permit or an Alternative General Permit**

1. *Request by permitting authority.* Ohio EPA may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or coverage under an alternative NPDES general permit. Any interested person may petition Ohio EPA to take action under this paragraph. Where Ohio EPA requires you to apply for an individual NPDES permit or coverage under an alternative NPDES general permit, Ohio EPA will notify you in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative NPDES general permit coverage as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Ohio EPA may grant additional time to submit the application upon request of the applicant. If you fail to submit in a timely manner an individual NPDES permit application or an NOI for coverage under an alternative NPDES general permit as required by Ohio EPA under this paragraph, then the applicability of this permit to you is automatically terminated at the end of the day specified by Ohio EPA for application submittal.
2. *Request by permittee.* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of OAC Chapter 3745-33, with reasons supporting the request, to Ohio EPA. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by you are adequate to support the request.
3. *General permit coverage termination.* When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the MS4 is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the MS4 is automatically terminated on the date of such denial, unless otherwise specified by Ohio EPA.

**R. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject

under section 311 of the CWA or 40 CFR Part 112. 40 CFR Part 112 establishes procedures, methods and equipment and other requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable surface waters of the state or adjoining shorelines.

**S. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new coverage under the terms of the renewal general permit.

**T. Bypass**

The provisions of 40 CFR Section 122.41(m), relating to "Bypass," are specifically incorporated herein by reference in their entirety. For definition of "Bypass," see Part VI.

**U. Upset**

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "Upset," see Part VI.

**V. Monitoring and Records**

The provisions of 40 CFR Section 122.41(j), relating to "Monitoring and Records," are specifically incorporated herein by reference in their entirety.

**W. Reporting Requirements**

The provisions of 40 CFR Section 122.41(l), relating to "Reporting Requirements," are specifically incorporated herein by reference in their entirety.

**PART VI. DEFINITIONS**

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

Please see the following web site for Federal and State laws related to Ohio EPA's Division of Surface Water: <http://epa.ohio.gov/dsw/dswrules.aspx>.

Please see the following web site for Storm Water Program forms and other guidance documents associated with this general permit: <http://epa.ohio.gov/dsw/storm/index.aspx>.

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For guidance, please see U.S. EPA's National Menu of BMPs at <http://water.epa.gov/polwaste/npdes/swbmp/index.cfm>.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Control *Measure*, as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to surface waters of the state.

CWA or *The Act* means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

*Director* means the director of the Ohio Environmental Protection Agency.

*Discharge*, when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR 122.2.

*Green Infrastructure* means wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse. For guidance, please see <http://water.epa.gov/infrastructure/greeninfrastructure/>.

*Illicit Connection* means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

*Illicit Discharge* is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from non-planned fire-fighting activities.

*Large MS4* means all municipal separate storm sewer systems that are located in an incorporated place with a population of two hundred fifty thousand or more as determined by the 1990 census by the United States bureau of census.

*Larger Common Plan of Development or Sale* means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

*Medium MS4* means all municipal separate storm sewer systems that are located in an incorporated place with a population of one hundred thousand or more, but less than two hundred fifty thousand as determined by the 1990 census by the United States bureau of census.

*MEP* is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34.

*MS4* means municipal separate storm sewer system which means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

- Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the act that discharges into surface waters of the state; and
- Designed or used for collecting or conveying solely storm water,
- Which is not a combined sewer, and
- Which is not a part of a publicly owned treatment works.

*NOI* is an acronym for “Notice of Intent” which means the mechanism used to “register” for coverage under a general permit.

*Non-traditional MS4* means systems similar to separate storm sewer systems in municipalities, such as systems at military bases, hospitals, public universities or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewer systems in very discrete areas such as individual buildings.

*Off-Lot Home Sewage Treatment System (HSTS)* means a system designed to treat home sewage on-site and discharges treated wastewater off-lot.

*Ohio EPA* means the Ohio Environmental Protection Agency.

*On-Lot Home Sewage Treatment System (HSTS)* means a system designed to treat home sewage on-lot with no discharges leaving the lot.

*Outfall from an MS4* means a point source at the point where a municipal separate storm sewer discharges to surface waters of the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances that connect segments of the same stream or other surface waters of the state and are used to convey waters of the state.

*Small MS4* means all municipal separate storm sewer systems that are neither a large MS4 nor a medium MS4.

Storm Water is defined at 40 CFR 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

*Storm Water Management Program (SWMP)* refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

*Surface Waters of the state* means all streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways which are situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with a surface water. Waters defined as sewerage systems, treatment works, or disposal systems in Section 6111.01 of the ORC are not included.

*SWMP* is an acronym for "Storm Water Management Program."

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"*You*" and "*Your*" as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the village, the county, the township, the flood control district, the university, etc.

### Appendix A

The following identifies regulated MS4s that are located within a USEPA approved TMDL and the TMDL pollutant(s) for the MS4. Not included on this list are MS4s which become permitted after the effective date of this general permit (i.e., designated by Ohio EPA, 2020 Census).

If your small MS4 is identified in Appendix A, you shall develop and implement the TMDL Performance Standards within this permit for your MS4 discharges. Implementation shall occur, at a minimum, for your regulated MS4 discharges within each TMDL Project watershed identified.

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Allen	Allen County	Ottawa River (Lima)	TP, E. coli
Allen	American Township	Ottawa River (Lima)	E. coli
Allen	Bath Township	Ottawa River (Lima)	E. coli
Allen	Elida Village	Ottawa River (Lima)	E. coli
Allen	Lima City	Ottawa River (Lima)	E. coli
Allen	OSU - Lima Regional Campus	Ottawa River (Lima)	E. coli
Allen	Perry Township	Ottawa River (Lima)	TP, E. coli
Allen	Shawnee Township	Ottawa River (Lima)	TP, E. coli
Auglaize	Cridersville Village	Ottawa River (Lima)	TP
Butler	Butler County	Mill (Ohio)	Dissolved Nitrogen, TP
		Little Miami River (lower)	E. coli
Butler	Fairfield City	Mill (Ohio)	Dissolved Nitrogen, TP
Butler	Fairfield Township	Mill (Ohio)	Dissolved Nitrogen, TP
Butler	Hamilton City	Mill (Ohio)	Dissolved Nitrogen, TP
Butler	Liberty Township	Mill (Ohio)	Dissolved Nitrogen, TP
Butler	West Chester Township	Mill (Ohio)	Dissolved Nitrogen, TP
		Little Miami River (lower)	E. coli
Clark	Clark County	Mad River	E. coli
Clark	Green Township	Mad River	E. coli
Clark	Mad River Township	Mad River	E. coli
Clark	Springfield City	Little Miami River (lower)	E. coli
		Little Miami River (upper)	TP, sediment
		Mad River	E. coli
Clark	Springfield Township	Mad River	E. coli
Champaign	Urbana City	Mad River	Nitrate
Clinton	Wilmington City	Little Miami River (lower)	E. coli, CBOD (deicing agent)

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Columbiana	East Liverpool City	Little Beaver Creek	TP
Columbiana	Salem City	Little Beaver Creek	TP
Crawford	Galion City	Olentangy River	TP, TSS, E. coli
Cuyahoga	Cuyahoga County	Cuyahoga River (lower)	TP, E. coli
		Rocky River	TP, Nitrogen
Cuyahoga	Beachwood City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Euclid Creek	TP
Cuyahoga	Bedford City	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Bedford Heights City	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Bentleyville Village	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Cuyahoga	Brecksville City	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Broadview Heights City	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Chagrin Falls Township	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Cuyahoga	Chagrin Falls Village	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Cuyahoga	Cleveland City	Euclid Creek	TP
Cuyahoga	Euclid City	Euclid Creek	TP
Cuyahoga	Gates Mills Village	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Cuyahoga	Glenwillow Village	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	GRC at Lewis Field	Rocky River	TP, Nitrogen
Cuyahoga	Highland Heights City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Euclid Creek	TP
Cuyahoga	Independence City	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Lyndhurst City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Euclid Creek	TP
Cuyahoga	Maple Heights City	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Mayfield Village	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Euclid Creek	TP
Cuyahoga	Mayfield Heights City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Euclid Creek	TP
Cuyahoga	Moreland Hills Village	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Cuyahoga	North Royalton City	Cuyahoga River (lower)	TP, E. coli



COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Cuyahoga	Oakwood Village	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Olmsted Falls City	Rocky River	TP, Nitrogen
Cuyahoga	Orange Village	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Pepper Pike City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Cuyahoga	Richmond Heights City	Euclid Creek	TP
Cuyahoga	Seven Hills City	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Shaker Heights City	Euclid Creek	TP
Cuyahoga	Solon City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Cuyahoga River (lower)	TP, E. coli
Cuyahoga	South Euclid City	Euclid Creek	TP
Cuyahoga	Walton Hills Village	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Warrensville Heights City	Cuyahoga River (lower)	TP, E. coli
Cuyahoga	Woodmere Village	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Defiance	Defiance City	Powell Creek	TP, Nitrite/Nitrate, BOD, TSS
Delaware	Berlin Township	Olentangy River	TP, TSS, E. coli
Delaware	Delaware County	Big Walnut Creek	E. coli
		Olentangy River	TP, TSS, E. coli
Delaware	Delaware City	Olentangy River	TP, TSS, E. coli
Delaware	Delaware Township	Olentangy River	TP, TSS, E. coli
Delaware	Liberty Township	Olentangy River	TP, TSS, E. coli
Delaware	Orange Township	Olentangy River	TP, TSS, E. coli
Delaware	Powell City	Olentangy River	TP, TSS, E. coli
Erie	Erie County	Huron River	TP, TSS, Nitrate+Nitrite
		Sandusky River (lower)	TSS, TP
		Sandusky Bay Tributaries	TSS
Erie	Huron City	Huron River	TP, TSS, Nitrate+Nitrite
Erie	Perkins Township	Sandusky Bay Tributaries	TSS
Erie	Sandusky City	Sandusky River (lower)	TSS, TP
Fairfield	Fairfield County	Walnut Creek	E. coli
Fairfield	Lancaster City	Hocking River	E. coli
Fairfield	Liberty Township	Walnut Creek	E. coli
Fairfield	Pickerington City	Big Walnut Creek	E. coli

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
		Walnut Creek	E. coli
Fairfield	Violet Township	Walnut Creek	E. coli
Fayette	Washington Court House City	Paint Creek	E. coli, TP
Franklin	Bexley City	Big Walnut Creek	E. coli
Franklin	Brice Village	Big Walnut Creek	E. coli
Franklin	Brown Township	Big Darby Creek	TP, E. coli
Franklin	Canal Winchester Village	Walnut Creek	E. coli
Franklin	Columbus & Franklin County Metro Park District (Blacklick Woods)	Big Walnut Creek	TP, E. coli
Franklin	Columbus & Franklin County Metro Park District (Blendon Woods)	Big Walnut Creek	E. coli
Franklin	Columbus & Franklin County Metro Park District (Highbanks)	Olentangy River	TP, TSS, E. coli
Franklin	Columbus & Franklin County Metro Park District (Inniswood)	Big Walnut Creek	E. coli
Franklin	Columbus & Franklin County Metro Park District (Pickerington Ponds)	Walnut Creek	E. coli
Franklin	Columbus & Franklin County Metro Park District (Rocky River)	Big Walnut Creek	TP, E. coli
Franklin	Columbus & Franklin County Metro Park District (Sharon Woods)	Big Walnut Creek	E. coli
Franklin	Columbus & Franklin County Metro Park District (Three Creeks)	Big Walnut Creek	E. coli
Franklin	Columbus & Franklin County Metro Park District (Walnut Woods)	Walnut Creek	E. coli
Franklin	Defense Supply Center Columbus	Big Walnut Creek	TP, E. coli
Franklin	Franklin County	Big Darby Creek	TP, E. coli
		Big Walnut Creek	TP, E. coli
		Olentangy River	TP, E. coli, TSS
		Walnut Creek	E. coli
Franklin	Gahanna City	Big Walnut Creek	TP, E. coli
Franklin	Grandview Heights City	Olentangy River	TP, E. coli, TSS

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Franklin	Hilliard City	Big Darby Creek	TP, E. coli
Franklin	Jefferson Township	Big Walnut Creek	TP, E. coli
Franklin	Madison Township	Walnut Creek	E. coli
Franklin	New Albany Village	Big Walnut Creek	TP, E. coli
Franklin	Norwich Township	Big Darby Creek	TP, E. coli
Franklin	OSU Main Campus	Olentangy River	TP, TSS, E. coli
Franklin	Perry Township	Olentangy River	TP, TSS, E. coli
Franklin	Plain Township	Big Walnut Creek	TP, E. coli
Franklin	Pleasant Township	Big Darby Creek	TP, E. coli
Franklin	Prairie Township	Big Darby Creek	TP, E. coli
Franklin	Reynoldsburg City	Big Walnut Creek	E. coli
Franklin	Riverlea Village	Olentangy River	TP, TSS, E. coli
Franklin	Sharon Township	Olentangy River	TP, TSS, E. coli
Franklin	Upper Arlington City	Olentangy River	TP, TSS, E. coli
Franklin	Westerville City	Big Walnut Creek	E. coli
Franklin	Whitehall City	Big Walnut Creek	E. coli
Franklin	Worthington City	Olentangy River	TP, TSS, E. coli
Geauga	Bainbridge Township	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli,
		Cuyahoga River (lower)	TP, E. coli
		Cuyahoga River (upper)	TP
Geauga	Chester Township	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli,
Geauga	Geauga County	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli,
		Cuyahoga River (upper)	TP
		Grand River (lower)	E. coli
		Cuyahoga River (lower)	TP, E. coli
Geauga	Russell Township	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli,
Geauga	South Russell Village	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli,
Greene	Bath Township	Little Miami River (upper)	TP, Sediment
Greene	Beavercreek City	Little Miami River (upper)	TP, Sediment
Greene	Beavercreek Township	Little Miami River (upper)	TP, Sediment
Greene	Bellbrook City	Little Miami River (upper)	TP, Sediment
Greene	Fairborn City	Little Miami River (upper)	TP, Sediment
Greene	Greene County	Little Miami River (upper)	TP, Sediment
Greene	Xenia City	Little Miami River (upper)	TP, Sediment

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Greene	Xenia Township	Little Miami River (upper)	TP, Sediment
Hamilton	Amberley Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Anderson Township	Little Miami River (lower)	CBOD (deicing agent), E. coli
Hamilton	Arlington Heights Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Blue Ash City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Cheviot City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Cincinnati City	Little Miami River (lower)	TSS, CBOD (deicing agent), E. coli
		Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Colerain Township	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Columbia Township	Little Miami River (lower)	TSS
Hamilton	Deer Park City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Elmwood Place Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Evendale Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Fairfax Village	Little Miami River (lower)	TSS
Hamilton	Forest Park City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Glendale Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Golf Manor Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Great Parks of Hamilton County (Armleder)	Little Miami River (lower)	Sediment, TSS
Hamilton	Great Parks of Hamilton County (Glenwood Gardens)	Mill Creek	Dissolved Nitrogen, TP
Hamilton	Great Parks of Hamilton County (Winton Woods)	Mill Creek	Dissolved Nitrogen, TP
Hamilton	Green Hills Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Green Township	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Hamilton County	Little Miami River (lower)	TSS, CBOD (deicing agent), E. coli
		Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Lincoln Heights Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Lockland Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Montgomery City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Mount Healthy City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	North College Hill City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Norwood City	Mill (Ohio)	Dissolved Nitrogen, TP
		Little Miami River (lower)	TSS
Hamilton	Reading City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Saint Bernard City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Sharonville City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Silverton City	Mill (Ohio)	Dissolved Nitrogen, TP

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
		Little Miami River (lower)	TSS
Hamilton	Springdale City	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Springfield Township	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Sycamore Township	Little Miami River (lower)	E. coli
		Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Symmes Township	Little Miami River (lower)	E. coli
Hamilton	Woodlawn Village	Mill (Ohio)	Dissolved Nitrogen, TP
Hamilton	Wyoming City	Mill (Ohio)	Dissolved Nitrogen, TP
Hancock	Findlay City	Blanchard River	TP, E. coli
		Portage River	TP, E. coli
Huron	Norwalk City	Huron River	TP, TSS, Nitrate+Nitrite
Lake	Concord Township	Grand River (lower)	E. coli
Lake	Fairport Harbor Village	Grand River (lower)	E. coli
Lake	Grand River Village	Grand River (lower)	E. coli
Lake	Kirtland City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Lake	Lake County	Grand River (lower)	TP, E. coli
Lake	Madison Township	Grand River (lower)	E. coli
Lake	Mentor City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Lake	Painesville City	Grand River (lower)	E. coli
Lake	Painesville Township	Grand River (lower)	TP, E. coli
Lake	Perry Village	Grand River (lower)	TP, E. coli
Lake	Perry Township	Grand River (lower)	TP, E. coli
Lake	Wickliffe City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Lake	Willoughby City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Euclid Creek	TP
Lake	Willoughby Hills City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Licking	Etna Township	Walnut Creek	E. coli
Licking	Licking County	Big Walnut Creek	E. coli
		Walnut Creek	E. coli
Licking	Pataskala City	Big Walnut Creek	E. coli
		Walnut Creek	E. coli

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Logan	Bellefontaine City	Great Miami River (upper)	E. coli
Lorain	Carlisle Township	Black River	TP, Nitrate, TSS
Lorain	Elyria City	Black River	TP, Nitrate, TSS
Lorain	Elyria Township	Black River	TP, Nitrate, TSS
Lorain	Grafton Village	Black River	TP
Lorain	Lorain County	Black River	TP, Nitrate, TSS
		Rocky River	TP, Nitrogen
Lorain	North Ridgeville City	Black River	TP
Lorain	Oberlin City	Black River	TP, Nitrate, TSS
Lucas	Holland Village	Swan Creek	Nitrite/Nitrate, TSS, E. coli, Total Aluminum, Benzo[a] pyrene, Ammonia, Dieldrin
Lucas	Lucas County	Maumee (lower) and Lake Erie tributaries	TSS, TP, Nitrate, E. coli
		Swan Creek	TP, Nitrite/Nitrate, TSS, E. coli, Total Aluminum, Benzo[a] pyrene, Ammonia, Dissolved Solids, Strontium, Dieldrin
Lucas	Maumee City	Maumee (lower) and Lake Erie tributaries	TP, Nitrate, E. coli
		Swan Creek	TP, Nitrite/Nitrate, TSS, E. coli, Total Aluminum, Ammonia, Dissolved Solids, Strontium, Dieldrin
Lucas	Monclova Township	Swan Creek	Nitrite/Nitrate, TSS, E. coli, Total Aluminum, Benzo[a] pyrene, Dieldrin
Lucas	Oregon City	Maumee (lower) and Lake Erie tributaries	TSS, TP, E. coli
Lucas	Spencer Township	Swan Creek	Nitrite/Nitrate, TSS, E. coli, Total Aluminum, Benzo[a] pyrene, Dieldrin
Lucas	Springfield Township	Swan Creek	Nitrite/Nitrate, TSS, E. coli, Total Aluminum, Benzo[a] pyrene, Dieldrin
Lucas	Waterville Township	Swan Creek	Nitrite/Nitrate, TSS, E. coli, Total Aluminum, Benzo[a] pyrene
Lucas	Waterville Village	Swan Creek	Nitrite/Nitrate, TSS, E. coli, Total Aluminum, Dieldrin
Mahoning	New Middletown Village	Little Beaver Creek	TP, Ammonia

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
		Mahoning River	E. coli
Mahoning	Austintown Township	Mahoning River	E. coli
Mahoning	Beaver Township	Mahoning River	E. coli
Mahoning	Boardman Township	Mahoning River	E. coli
Mahoning	Campbell City	Mahoning River	E. coli
Mahoning	Canfield City	Mahoning River	E. coli
Mahoning	Lowellville Village	Mahoning River	E. coli
Mahoning	Mahoning County	Mahoning River	E. coli
Mahoning	Poland Township	Mahoning River	E. coli
Mahoning	Poland Village	Mahoning River	E. coli
Mahoning	Springfield Township	Mahoning River	E. coli
Mahoning	Struthers City	Mahoning River	E. coli
Mahoning	Youngstown City	Mahoning River	E. coli
Marion	Marion City	Olentangy River	TP, TSS, E. coli
Medina	Guilford Township	Tuscarawas River	TP, E. coli
Medina	Medina County	Cuyahoga River (lower)	TP, E. coli
		Tuscarawas River	TP, E. coli
Medina	Wadsworth City	Tuscarawas River	E. coli
Medina	Wadsworth Township	Tuscarawas River	TP, E. coli
Mercer	Celina City	Beaver Creek and Grand Lake St. Marys Watershed	TP, Nitrate/Nitrogen, E. coli
Miami	Miami County	Stillwater River	TP
Miami	West Milton City	Stillwater River	TP
Montgomery	Centerville City	Little Miami River (upper)	TP, Sediment
Montgomery	Clay Township	Stillwater River	TP
Montgomery	Clayton City	Stillwater River	TP
Montgomery	Englewood City	Stillwater River	TP
Montgomery	Kettering City	Little Miami River (upper)	TP, Sediment
Montgomery	Montgomery County	Stillwater River	TP
		Little Miami River (upper)	TP, Sediment
Montgomery	Oakwood City	Little Miami River (upper)	TP, Sediment
Montgomery	Riverside City	Little Miami River (upper)	TP, Sediment
Montgomery	Union City	Stillwater River	TP
Montgomery	Vandalia City	Stillwater River	TP

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Ottawa	Allen Township	Maumee (lower) and Lake Erie tributaries	TP, TSS, E. coli
Ottawa	Clay Township	Maumee (lower) and Lake Erie tributaries	TP, Ammonia, E. coli
Ottawa	Ottawa County	Maumee (lower) and Lake Erie tributaries	TP, Ammonia, TSS, E. coli
Portage	Aurora City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Cuyahoga River (lower)	TP, E. coli
		Cuyahoga River (middle and upper)	TP
Portage	Brady Lake Village	Cuyahoga River (middle and upper)	TP
Portage	Brimfield Township	Cuyahoga River (middle and upper)	TP
Portage	Franklin Township	Cuyahoga River (lower)	TP, E. coli
		Cuyahoga River (middle and upper)	TP
Portage	Kent City	Cuyahoga River (middle and upper)	TP
Portage	Kent State University at Kent	Cuyahoga River (lower)	TP, E. coli
Portage	Portage County	Cuyahoga River (lower)	TP, E. coli
		Cuyahoga River (middle and upper)	TP
		Mahoning River (upper)	E. coli, TP
		Tuscarawas River	E. coli
		Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
Portage	Ravenna City	Cuyahoga River (middle and upper)	TP
		Mahoning River (upper)	E. coli, TP
Portage	Ravenna Township	Cuyahoga River (middle and upper)	TP
		Mahoning River (upper)	E. coli, TP
Portage	Rootstown Township	Cuyahoga River (middle and upper)	TP
		Mahoning River (upper)	TP
Portage	Streetsboro City	Chagrin River	TP, Nitrate/Nitrogen, TSS, E. coli
		Cuyahoga River (lower)	TP, E. coli
		Cuyahoga River (middle and upper)	TP
Portage	Sugar Bush Knolls Village	Cuyahoga River (middle and upper)	TP
Seneca	Fostoria City	Portage River	TP, E. coli
Shelby	Sidney City	Great Miami River (upper)	E. coli
Stark	Alliance City	Mahoning River (upper)	E. coli
Stark	Canton City	Nimishillen Creek	E. coli



COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Stark	Canton Township	Nimishillen Creek	E. coli
Stark	Hartville Village	Cuyahoga River (middle and upper)	TP
		Tuscarawas River	E. coli
Stark	Jackson Township	Nimishillen Creek	E. coli
Stark	Kent State University - Stark Campus	Nimishillen Creek	E. coli
Stark	Lake Township	Cuyahoga River (middle and upper)	TP
		Nimishillen Creek	E. coli
		Tuscarawas River	E. coli
Stark	Lawrence Township	Tuscarawas River	E. coli
Stark	Louisville City	Nimishillen Creek	E. coli
Stark	Massillon City	Tuscarawas River	E. coli, TP
Stark	Navarre Village	Tuscarawas River	E. coli, TP
Stark	Nimishillen Township	Nimishillen Creek	E. coli
Stark	North Canton City	Nimishillen Creek	E. coli
Stark	Perry Township	Nimishillen Creek	E. coli
		Tuscarawas River	E. coli, TP
Stark	Plain Township	Nimishillen Creek	E. coli
Stark	Stark County	Cuyahoga River (middle and upper)	TP
		Mahoning River (upper)	E. coli
		Nimishillen Creek	E. coli
		Tuscarawas River	E. coli, TP
Summit	Barberton City	Tuscarawas River	E. coli
Summit	Bath Township	Cuyahoga River (lower)	TP, E. coli
Summit	Boston Heights Village	Cuyahoga River (lower)	TP, E. coli
Summit	Boston Township	Cuyahoga River (lower)	TP, E. coli
Summit	Copley Township	Tuscarawas River	TP, E. coli
Summit	Cuyahoga Falls City	Cuyahoga River (lower)	TP, E. coli
Summit	Fairlawn City	Cuyahoga River (lower)	TP, E. coli
Summit	Hudson City	Cuyahoga River (lower)	TP, E. coli
Summit	Macedonia City	Cuyahoga River (lower)	TP, E. coli
Summit	Northfield Center Township	Cuyahoga River (lower)	TP, E. coli
Summit	Norton City	Tuscarawas River	E. coli
Summit	Reminderville Village	Cuyahoga River (lower)	TP, E. coli
Summit	Richfield Township	Cuyahoga River (lower)	TP, E. coli
Summit	Richfield Village	Cuyahoga River (lower)	TP, E. coli
Summit	Sagamore Hills Township	Cuyahoga River (lower)	TP, E. coli
Summit	Springfield Township	Tuscarawas River	E. coli
Summit	Stow City	Cuyahoga River (lower)	TP, E. coli

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Summit	Summit County	Cuyahoga River (lower)	TP, E. coli
		Nimishillen Creek	E. coli
		Tuscarawas River	TP, E. coli
Summit	Summit County Metro Parks (Cascade Valley North, Cascade Valley South, Deep Lock Quarry, F.A. Seiberling, Furnace Run, Goodyear Heights, Gorge, Hampton Hills, Liberty Park, Munroe Falls, O'Neil Woods, Sand Run, Wood Hollow	Cuyahoga River (lower)	TP, E. coli
Summit	Summit County Metro Parks (Springfield Bog)	Cuyahoga River (lower)	TP
		Tuscarawas River	E. coli
Summit	Summit County Metro Parks (Silver Creek)	Tuscarawas River	E. coli
Summit	Twinsburg City	Cuyahoga River (lower)	TP, E. coli
Summit	Twinsburg Township	Cuyahoga River (lower)	TP, E. coli
Trumbull	Bazetta Township	Mahoning River (bacteria)	E. coli
Trumbull	Champion Township	Grand River (upper)	E. coli, Nitrogen
		Mahoning River (upper)	E. coli, TP
		Mahoning River (bacteria)	E. coli
Trumbull	Girard City	Mahoning River	E. coli
Trumbull	Howland Township	Mahoning River (bacteria)	E. coli
Trumbull	Hubbard Township	Mahoning River (bacteria)	E. coli
Trumbull	Liberty Township	Mahoning River (bacteria)	E. coli
Trumbull	McDonald Village	Mahoning River	E. coli
Trumbull	Newton Falls City	Mahoning River (upper)	TP
		Mahoning River	E. coli
Trumbull	Newton Township	Mahoning River (upper)	E. coli, TP
		Mahoning River (bacteria)	E. coli
Trumbull	Niles City	Mahoning River	E. coli
Trumbull	Trumbull County	Grand River (upper)	E. coli, Nitrogen
		Mahoning River (bacteria)	E. coli
		Mahoning River (upper)	E. coli, TP
Trumbull	Warren City	Mahoning River	E. coli
		Mahoning River (upper)	E. coli, TP
Trumbull	Warren Township	Mahoning River (upper)	E. coli, TP
		Mahoning River (bacteria)	E. coli
Trumbull	Weathersfield Township	Mahoning River (bacteria)	E. coli

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Tuscarawas	New Philadelphia City	Tuscarawas River	E. coli
Various	Ohio Department of Transportation (ODOT)	Multiple	TSS. Statewide Permit Area. Due to the linear nature, right-of-way (ROW) restrictions and common pollutant generating work activities, ODOT shall address the TMDL Performance Standard for TSS for each minimum control measure.
	Ohio Turnpike and Infrastructure Commission (OTIC)	Multiple	TSS. Statewide Permit Area. Due to the linear nature, right-of-way (ROW) restrictions and common pollutant generating work activities, OTIC shall address the TMDL Performance Standard for TSS for each minimum control measure.
Warren	Clearcreek Township	Little Miami River (upper)	Sediment, TP
Warren	Deerfield Township	Little Miami River (lower)	E. coli
Warren	Hamilton Township	Little Miami River (lower)	E. coli
Warren	Lebanon City	Little Miami River (lower)	E. coli
Warren	Turtlecreek Township	Little Miami River (lower)	E. coli
Warren	Warren County	Mill (Ohio)	Dissolved Nitrogen, TP
		Little Miami River (lower)	E. coli
		Little Miami River (upper)	Sediment, TP
Wayne	Chippewa Township	Tuscarawas River	TP, E. coli
Wayne	Doylestown Village	Tuscarawas River	E. coli
Wayne	Milton Township	Tuscarawas River	E. coli
Wayne	Wayne County	Tuscarawas River	TP, E. coli
Wood	Bowling Green City	Portage River	TP, E. coli
		Toussaint River	TP
Wood	Lake Township	Maumee (lower) and Lake Erie tributaries	TP, E. coli, Ammonia, TSS
Wood	Millbury Village	Maumee (lower) and Lake Erie tributaries	TP, E. coli, Ammonia, TSS
Wood	Northwood City	Maumee (lower) and Lake Erie tributaries	TP, E. coli, TSS

COUNTY	REGULATED MS4	TMDL PROJECT	TMDL POLLUTANT(S)
Wood	Perrysburg City	Maumee (lower) and Lake Erie tributaries	E. coli
Wood	Perrysburg Township	Maumee (lower) and Lake Erie tributaries	TP, E. coli, Ammonia, TSS
Wood	Rossford City	Maumee (lower) and Lake Erie tributaries	TP, E. coli, Ammonia, TSS
Wood	Walbridge Village	Maumee (lower) and Lake Erie tributaries	E. coli
Wood	Wood County	Maumee (lower) and Lake Erie tributaries	TP, E. coli, Ammonia, TSS
		Toussaint River	TP
		Portage River	TP, E. coli

**Appendix B: Stormwater Utility Ordinance (Ordinance No. 05-55)**

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BY \_\_\_\_\_

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF NEWARK, OHIO, DECEMBER 2005, BY ADDING A NEW CHAPTER 52.00 STORMWATER UTILITY, IN ORDER TO ESTABLISH A STORMWATER RATE STRUCTURE, WHICH WILL PROVIDE FOR THE FUNDING OF THE OPERATION, MAINTENANCE, AND IMPROVEMENT OF THE STORMWATER SYSTEM WITHIN THE CITY LIMITS.

WHEREAS, the City of Newark currently owns and operates a stormwater system for the collection and disposal of storm and other surface waters and for flood control; and,

WHEREAS, the constitution of the State of Ohio, Article XVIII, Section 4, authorizes municipalities to operate a public utility; and,

WHEREAS, the 1972 Federal Clean Water Act, amended by the Water Quality Act of 1987, U.S. EPA and Ohio EPA regulates the City's operation of this system, by which the City is required to obtain an NPDES Phase II permit for this system and will be required to implement programs to improve the quality of storm water; and

WHEREAS, the City of Newark is conducting a storm water utility program strategic plan, level of service analysis, cost of service analysis, organizational analysis and rate study analysis, cash flow analysis, identifying and analyzing problems, needs, missions, goals, and financing and management options, which is hereby incorporated by reference; and,

WHEREAS, the City of Newark is conducting a stormwater management program cost of service and rate study, identifying and analyzing problems, needs, goals, and financing and management options, which is hereby incorporated by reference; and,

WHEREAS, City Council finds that the repair, replacement, improvement and regulation of the stormwater system is necessary to prevent further deterioration of the existing system, prevent or reduce flooding and to prevent water pollution; and

WHEREAS, it is the intent of the City of Newark that the costs of the operation, maintenance, and improvements of the stormwater system be borne by the users of the system in relation to their individual contributions of stormwater to the system; and

WHEREAS, it is necessary and desirable and in the best interests of the City, its citizens, and the users of the stormwater system to establish a mechanism for the financing of facilities, systems, and services provided by the City of Newark and the stormwater management program charge, which shall be designated the stormwater service charge, and shall be imposed and collected as provided in this ordinance; and,

WHEREAS, the stormwater service charge should be fair, equitable, revenue sufficient, and reflect the relative contribution of stormwater runoff from a property, benefits enjoyed, and services received by each property as a result of the collection of surface water, and should consider the impervious area of the various properties within the City, because the extent of storm and surface water runoff from a particular lot or parcel is largely a function of its impervious area;

WHEREAS, the City will adopt rules and regulations to properly manage and maintain the stormwater system; and,

WHEREAS, the City of Newark will establish standards to



regulate the quantity of stormwater discharged and to regulate stormwater contaminants as necessary to protect the water quality; and,

WHEREAS, the City will review and approve plans and plats for stormwater management in proposed subdivision or commercial developments; and,

WHEREAS, the City may suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution or condition of the permit; and,

WHEREAS, the City is responsible for the protection and preservation of the public health, safety, and welfare of the community, and the environment and finds that it is in the best interest of the health, safety, and welfare of the citizens of the city and the community at large and the environment to proceed with the development, implementation, and operation of a stormwater utility program; and,

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, OHIO, THAT:

That Chapter 52 of the Municipal Code of Newark, Ohio be and the same is hereby amended by adding there to the following new chapter to be codified as Chapter 52.10 entitled "Stormwater Utility" as set forth hereafter:

#### Chapter 52.10 Stormwater Utility

##### Sections:

- |            |  |
|------------|--|
| Section 1  | Purpose and objective.                               |
| Section 2  | Creation of a Stormwater Management Utility Program. |
| Section 3  | Definitions.   |
| Section 4  | Funding the Stormwater Utility Program               |
| Section 5  | Stormwater Utility Program Fund                      |
| Section 6  | Stormwater Utility Operating Budget                  |
| Section 7  | Rate Structure and Stormwater Service Charge.        |
| Section 8  | Stormwater Only Accounts.                            |
| Section 9  | Necessity for Charges                                |
| Section 10 | Powers of Director of Public Works.                  |
| Section 11 | Right to appeal.                                     |
| Section 12 | Collection.  |
| Section 13 | Adjustments to Stormwater Service Charges            |
| Section 14 | Billing and Collections                              |

Section 1 Purpose and objective. The City Council finds, determines and declares that the stormwater system, which provides for the collection, treatment, storage, and disposal of stormwater provides benefits and services to all property within the city limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters.

Section 2 Creation of a Stormwater Utility Program. The function of the newly created Stormwater Utility Program Division within the Division of water and wastewater is to

provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems; to fund activities of stormwater management, and include design, planning, regulation, education, coordination, construction, operations, maintenance, inspection and enforcement activities.

It is the express intent of this newly created stormwater utility program, to protect the public health, safety and welfare of people, property and the environment, in general, but not to create any special duty or relationship with any individual person, or to any special parcel within or outside the boundaries of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the city, its elected officials, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.

### **Section 3 Definitions.**

Whenever used in this section 3 the meaning of the following words and terms shall be defined in this section:

3.1 "Abatement" means any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.

3.2 "Adjustment" means a modification in a non-residential customer's stormwater service fee for certain activities that impact stormwater runoff or impacts the City's costs of providing stormwater management.

3.3 "Developed Agricultural Property" is defined as a lot or parcel of real estate which may contain 1 or greater dwelling units and/or other building structures but does not include undeveloped properties.

3.4 "Apartment Property" is defined as a lot or parcel of real estate on which is situated a building containing 3 or greater single-family dwelling units.

3.5 "Condominium Property" is defined as a lot or parcel of real estate on which is situated a building containing 3 or greater individually owned single-family dwelling units.

3.6 "Approved plans" shall mean plans approved according to a permits and plan review which will govern all improvements made within the City that require stormwater facilities or changes or alterations to existing stormwater facilities.

3.7 "Code" means the Newark Municipal Code.

3.8 "Combined Sewer" is a sewer system that designed to convey sanitary sewage, industrial waste and stormwater.

3.9 "Detention" is described as the temporary storage of stormwater runoff in a basin, pond, or other structure to control the peak discharge rate by holding the stormwater for a lengthened period of time.

3.10 "Detention facility" means an area designed to store excess stormwater.

3.11 "Director" means the Director of Public Service, City of Newark, Ohio.

3.12 "Equivalent Residential Unit (ERU)" is a value, equal to 2,600 square feet of measured impervious area and is equal to the average amount of impervious area of residential properties within the City of Newark.

3.13 "Facilities" means various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels,



outlets, retention/detention basins, and other structural components.

3.14 "Impervious area" means areas that have been paved and/or covered with buildings and materials, which include, but are not, limited to, concrete, asphalt, rooftop, and blacktop.

3.15 "Infiltration" is defined as a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

3.16 "Non-residential properties" are all properties not encompassed by the definition of Residential shall be defined as Non-residential. Non-residential properties will include:

- Agricultural properties with CAUV designations;
- Apartment properties;
- Two Story or Greater Condominiums properties;
- Mobile Home Parks with Rented Spaces (parcel not owned);
- Commercial property;
- Industrial property;
- Institutional property;
- Governmental property;
- Churches;
- Schools;
- Federal, State, and Local properties; and
- any other property not mentioned in this or the list of residential properties below.

3.17 "NPDES" means National Pollutant Discharge Elimination System.

3.18 "NPDES Permit" means a permit issued to the City pursuant to 1972 the Clean Water Act.

3.19 "Peak Discharge" or the "Peak Flow" is the maximum rate of flow of water passing a given point during or after a rainfall event.

3.20 "Private stormwater facilities" are defined as various stormwater and drainage works not under the ownership of the City, County, State, and/or Federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, catch basins, curb and gutter, ditches, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

3.21 "Public stormwater facilities" are defined as various stormwater and drainage works under the ownership of the City, County, State, or Federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

3.22 "Public stormwater open channel" means all open channels, which convey, in part or in whole, stormwater, and are owned by the City, which have a permanent drainage / easement granted to the city does not include roadside ditches.

3.23 "Residential property" means all single-family, single story condominium dwelling units mobile home units with separate parcels and separate billing accounts and two-family duplex properties within the City of Newark.

3.24 "Retention" is defined as the holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration, or emergency bypass.

3.25 "Retention facility" means a facility, which provides storage of stormwater runoff and is, designed to eliminate subsequent surface discharges.

3.26 "Square footage of impervious area" means, for the

purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for topographic features of the enclosed surface.

3.27 "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

3.28 "Storm sewer" means a sewer, piping or natural structure, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

3.29 "Stormwater service charge" is defined as a charge assessed to users and contributors of flow to the City's stormwater collection, impounding and transportation system.

3.30 "Stormwater system" means all man-made facilities, structures, and natural watercourses owned by the City of Newark, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

3.31 "Excess Stormwater" means that portion of stormwater, which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

3.32 "Dry bottom stormwater storage area," means a detention facility designed to be normally dry and contain water only when excess stormwater runoff occurs.

3.33 "Wet bottom stormwater storage area," means a detention facility designed to be maintained as a pond or free water surface, and which has the capacity to contain excess stormwater runoff.

#### **Section 4 Funding the Stormwater Utility Program**

Funding for the stormwater utility's activities may include, but are not limited to: Stormwater service charges; Stormwater permits and inspection fees; Other funds or income obtained from federal, state, locals, and private grants, or loans.

#### **Section 5 Stormwater Utility Program Fund**

All service charges and all sources of revenue generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility enterprise fund and used exclusively for the stormwater utility.

#### **Section 6 Stormwater Utility Operating Budget**

City Council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year revenues and estimated expenditures for operations, maintenance, and extension and replacement and debt service.

#### **Section 7 Rate Structure and Charges and Fees.**

A stormwater service charge shall be assessed to each and every lot and parcel of land within corporate limits of the City of Newark, that is tributary directly or indirectly to the stormwater system of the City and the owner thereof that contains impervious area. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect and is hereinbefore provided, and in the amount determinable as follows:



For any such property, lot, parcel of land, building or premises that is tributary directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon.

(a). All properties having impervious area within the City of Newark will be assigned an Equivalent Residential Unit (ERU) or a multiple thereof, with all properties of having impervious area receiving at least one (1) ERU.

(1). Residential properties. All residential will be assigned one (1) ERU. A flat rate service charge will apply to all residential properties.

(2). Non-residential properties. Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2,600 square feet (1 ERU). This division will be calculated to the first decimal place and rounded according to mathematical convention.

(3). Base Rate. City Council shall, by resolution, establish the base rate for the stormwater utility service charge. The base rate shall be calculated to insure adequate revenues to fund the expenditures of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system within the city limits.

#### **Section 8 Stormwater Only Accounts.**

Stormwater only accounts are properties that do not contain water and/or sanitary sewer but do contain impervious area or hard surface. New and additional stormwater only accounts will be determined by building and zoning departments and building permit system. The City of Newark building code department will make available all building permits for new construction to the Director of Public Service or his/her designee.

#### **Section 9 Necessity for Charges**

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service be established which allocates the cost of providing stormwater service to each user in such a manner that the allocated costs are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

#### **Section 10 Powers of Director of Public Service.**

Stormwater service charges levied pursuant to this ordinance may be collected by Division of Stormwater within the Division of Public Service. Notwithstanding other provisions of the Newark City Code, the Director of Public Service or his/her Designee shall make and enforce such rules and regulations as deemed necessary for the safe, economical, and efficient management and protection of the City's stormwater system; for the construction and use of storm sewers and connections to the stormwater system consistent with policies established by the Newark City Council; and for the regulation collection, rebating and refunding of such stormwater charges.

#### **Section 11 Right to appeal.**

A Non-residential property owner may challenge the ERU multiple assigned to his/her property by filing an appeal with the Director of Public Service for adjustment thereof, stating

in writing the grounds for the appeal. The Director of Public Service, or the Director's designee, shall consider the appeal and determine whether an adjustment of the ERU multiple for any such lot or parcel is necessary, and adjust such ERU multiple if appropriate.

#### **Section 12        Collection.**

Each stormwater service charge rendered under or pursuant to this ordinance is hereby made a lien upon the corresponding lot, parcel of land, building or premises that are tributary directly or indirectly to the stormwater system of the City, and, if the same is not paid within ninety days after it shall be due and payable, it shall be certified to the Auditor of the county in which the property is located, who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law and be collected as other taxes are collected.

#### **Section 13        Adjustments to Stormwater Service Charges**

Increase adjustments (debit) can be made to non-residential service charges by property owners adding additional impervious area such as rooftops, parking lots, driveways and walkways. Decrease (credit) adjustments can be made to non-residential service charges by property owners performing activities that reduce the impact of stormwater runoff to the stormwater system.

#### **Section 14        Payment of Charges**

Stormwater charges shall be assessed monthly. Payment shall be made within ten (10) days following the receipt of the statement of charges. Stormwater charges shall be billed on a joint statement with water and sewer charges and shall be payable at the Department of Public Service, Water Office.

If bill for stormwater service remains unpaid for a thirty (30) day period, the arrearage will be added to the next monthly billing. Notice shall be given with this bill that if all bills are left unpaid at the Water Office after the due date (two bills are past due constitute a double bill), current delinquent and additional charges shall be applied to the bill and water furnished by the Division shall be scheduled for shut off without further notice. If water service is scheduled for termination, additional service charges shall be applied.

If water service is terminated due to delinquent payment of charges, service shall not be restored until all stormwater, sewer and water delinquent and service charges are paid in full.

Each charge levied by or pursuant to this Chapter shall be made a lien upon the corresponding lot, land or premises served by a connection to the water or sanitary sewage system. If the charge is not paid, it shall be certified to the Auditor of Licking County, Ohio who shall place that amount on the tax duplicates of the county, with interested and penalties allowed by law, and collect it as other taxes are collected

The funds received from the collection of the stormwater service charges as defined in Section 5 shall be deposited in the stormwater enterprise fund.



Section 15 Falsifying Information

No person shall knowingly make any false statement, representation, record, report, plan, or other document and file such with the Division of water and wastewater.

**SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**EFFECTIVE DATE.** This resolution shall be effective at the earliest time permitted by law.

Adopted this 19<sup>th</sup> day of December, 2005.

Marc Guthrie  
PRESIDENT OF COUNCIL

ATTEST: /s/ DIANA L. HUFFORD  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: DEC 20 2005

DATE APPROVED BY MAYOR: DEC 20 2005

/s/ BRUCE BAIN

MAYOR

FORM APPROVED: /s/ JAMES W. HOSTETTER  
DIRECTOR OF LAW

Prepared by the Office of the Director of Public Service

Appendix C: Newark Credit Application Form

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## SECTION I: APPLICATION PROCEDURE

### **Part A: Getting Started**

Newark Stormwater Utility

34 South 5th Street

P.O. Box 4100

Newark, Ohio 43058-4100

<http://www.newarkohiowater.net/stormwater>

Phone: 740-670-7762 Fax: 740-349-6794

Each of the credits offered by the City of Newark's stormwater program are based on four primary stormwater management standards. We encourage you to use the four primary documents as baseline guidelines for preparing your credits application, as follows:

1. The City of Newark Stormwater Design Manual;
2. The City of Newark Subdivision Regulations;
3. Ohio Department of Transportation (ODOT) Location & Design Manual, Volume Two, Drainage Design, available at <http://www.dot.state.oh.us/se/hy/default.htm> ;
4. It is suggested that you obtain a copy of 1996 "*Rain Water and Land Development*", Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection for support documentation from the Ohio Department of Natural Resources, Division of Soil and Water Conservation, Fountain Square Court, Columbus, Ohio 43224 (614) 265-6610 or fax (614) 262-2064.
5. After review of the guidelines and the credit application package, we would encourage you to contact the Office of the City Engineer to determine what existing data may be available to you for use in completing the credit application package.

### **The following are key criteria that must be considered for every credit application:**

1. The maximum credit to be received will not exceed 50% of the stormwater bill.
2. Credit will be offered in increments of 5%, rounded to the higher increment.
3. Length of review by City staff will be approximately 4 to 6 weeks.
4. Credit will only be offered for that portion of the property that the management practice applies. Credits may not be transferred to other properties.
5. Credit applications will not be accepted from any property that has a delinquent utility account.
6. Management practices submitted for credit consideration shall meet current City of Newark drainage requirements where appropriate. Generally these requirements are:
  - Flow must be restricted if existing storm sewer cannot be shown as adequate to handle increased discharge.
  - All excess stormwater runoff must be retained within the boundaries of the development or stormwater easement and stored in a detention facility as described in the City of Newark Stormwater Design Manual, the City of Newark Subdivision Regulations and/or the Ohio Rainwater and Land Development Manual.
  - The engineer must determine the storm duration that produces the largest detention requirement and design for that volume.
7. Only those non-residential family properties that contain 5 or more ERU's may apply and/or qualify for credits.
8. Credits are not available solely based on compliance with the statewide Construction Activity general permit. However, if a facility is properly designed and properly constructed to meet the City of Newark stormwater minimum requirements, it can be reviewed and potentially receive credit under this credit program.
9. The application fee will be waived for those applicants that apply for credit until further notice.

## **Part B: Assemble Data**

Supporting data is needed to support each credit applied for. The type of supporting data varies depending on the type of credit requested as shown in the table below.

### **Supporting Data Requirements:**

The following is a list of potential supporting data that will be required with your credit application submittal. Please provide as all pertinent information with your application. This will expedite the City's review process of your credit application. Table 1 illustrates the minimum required information for each of the given management practices and credits. You are encouraged to provide additional information not included in the matrix that will be appropriate for your property and assist in evaluating your properties credits.

#### Site Plans and Surveys

- ☐ Adjoining lakes, streams, or other major drainage ways
- ☐ Existing and proposed contours
- ☐ Impervious delineation and labels (buildings, driveways, etc.)
- ☐ Drainage area map, including off-site areas draining through the site
- ☐ Size and location of all stormwater structures
- ☐ Construction Drawings if not previously approved
- ☐ Plat Maps
- ☐ Engineer or Surveyor Stamp
- ☐ County Auditor Maps
- ☐ Other permits

#### Calculations

- ☐ Hydrologic calculations for undeveloped and developed land uses
- ☐ Hydraulic calculations stage-discharge relationships of controls
- ☐ Floodplain encroachment calculations

#### Maintenance Management Plan and Schedule

- ☐ Maintenance Management Plan
- ☐ Maintenance schedule of all operations that affect the efficiency of the structural control including mowing, sediment removal, cleaning, planting, monitoring, watering, and channel restoration
- ☐ Maintenance Agreement

#### Easement and Deed Restriction for inspection access and long-term maintenance of BMP

- ☐ Easement
- ☐ Deed Restriction
- ☐ Other \_\_\_\_\_(Please describe)

#### Other Data

- |  |  |
|--|--|
| <input type="checkbox"/> Education Plan                  | <input type="checkbox"/> Pollution Prevention Plan |
| <input type="checkbox"/> Adopt A Road/Stream Application | <input type="checkbox"/> Brownfield Certification  |
| <input type="checkbox"/> Clean Up Participation          | <input type="checkbox"/> NPDES Permit              |
| <input type="checkbox"/> Other _____                     | <input type="checkbox"/> _____(Please describe)    |



Table 1

Credits Application Supporting Documentation Requirements by Credit Type for Post Construction and Permanent Runoff Control Credits are as follow:

Table 1	Credit Type								
	Post Construction Stormwater Quality						Permanent Runoff Control		
	Forested and Grass Buffer Strips	Infiltration Trenches	Wet Ponds & Extended Detention	Bio Retention Areas	Stormwater Treatment BMP's	Water Quality Ponds	Detention/ Retention	Dry Wells	Catch Basin Inserts
Submission Requirements									
Site Plans			X	X	X	X	X	X	X
Site Survey	X	X	X	X	X	X	X	X	X
Calculations	X	X	X	X	X	X	X	X	X
Maintenance Management Plan	X	X	X	X	X	X	X	X	X
Maintenance Schedule	X	X	X	X	X	X	X	X	X
Easement	X	X	X	X	X	X	X	X	X
Deed Restriction	X	X	X	X	X	X	X	X	X
Engineer/Survey Stamp	X	X	X	X	X	X	X	X	X
Education Plan									
Adopt A Stream/ Road Plan									
Clean Up Documentation									
Proof of Brownfield Documentation									
Pollution Prevention Plan	X	X	X		X				X

Table 2

Credits Application Supporting Documentation Requirements by Credit Type for Stream Channel Construction and Other Credits are as follow:

<b>Table 2</b>	<b>Credit Type</b>											
<b>Submission Requirements</b>	<b>Stream Channel Construction</b>					<b>Other</b>						
	<b>Grass Line Conveyance Channels (Dry Swales)</b>	<b>Riparian Water Quality</b>	<b>Vegetated Stream Buffers</b>	<b>Open-Channel Maintenance</b>	<b>Stream restoration</b>	<b>Experimental BMP's</b>	<b>Direct Discharge</b>	<b>Individual Industrial NPDES Permit</b>	<b>Brownfield Reuse</b>	<b>Preservation/Flood Hazard Area</b>	<b>Education</b>	<b>Adopt a Road/Stream</b>
<b>Site Plans</b>			X	X	X	X	X	X	X			
<b>Site Survey</b>	X	X	X	X	X	X	X	X	X			
<b>Calculations</b>	X	X	X	X	X	X	X	X	X			
<b>Maintenance Management Plan</b>	X	X	X	X	X	X	X	X	X			
<b>Maintenance Schedule</b>	X	X	X	X	X	X	X	X	X			
<b>Easement</b>	X	X	X	X	X	X	X	X	X			
<b>Deed Restriction</b>	X	X	X	X	X	X	X	X	X			
<b>Engineer/Survey Stamp</b>	X	X	X	X	X	X	X	X	X			
<b>Education Plan</b>									X	X		
<b>Adopt A Stream/Road Plan</b>											X	
<b>Clean Up Documentation</b>											X	
<b>Proof of Brownfield Documentation</b>												X
<b>Pollution Prevention Plan</b>	X	X	X					X	X			

## **Part C: Credit Estimation Calculation**

**Step 1:** Calculate the estimated impervious area of property

- Obtain a “user fee” from the billing statement.
- Divide user fee by \$5.41/ERU to determine ERU’s.
- Multiply ERU’s by 2,600 sq.ft. to determine the approximate amount of impervious area on site.
- **(NOTE: Because bills are based on a rounded ERU, the actual impervious area on the property may be different)**

**Step 2:** Determine area available for credit on site.

- Determine the percentage of property area benefited by the management practice and BMP.
- Multiply fraction of property benefited by total impervious area to obtain modified Impervious Area for amended charge.

## **Part D: Instructions for Completing the Credits Application Form**

### **Section A - Applicant**

- Name, address, e-mail and phone number of the person or persons responsible for stormwater charge.
- Account Number from stormwater billing statement.

Again, we encourage you to use the two primary documents as baseline guidelines for preparing your credits application, including, the City of Newark Stormwater Design Manual, the City of Newark Subdivision Regulations, and it is suggested that you obtain a copy of 1996 “Rain Water and Land Development” Ohio’s Standards for Stormwater Management Land Development and Urban Stream Protection. This will be used the primary guidelines and documentation to approve your application. In addition, if you have documentation from other states that offer experimental BMP’s not listed in this application, the City of Newark will consider “experimental BMP’s that are proven to work as long as the documentation is included as part of your credits application documentation.

### **Section B - Site Information**

- Location where credit is to be applied.
- Impervious area and ERU’s for entire property are based on applicant’s estimate (See Part C-Credit Estimation Calculation above).

### **Section C – Engineer/Surveyor of Record (If required by credit)**

- Name, address, e-mail and phone number of the Certifying Engineer.
- Certification includes engineer’s stamp.

### **Section D - Data Submittal Check List**

- List material being submitted in un-shaded areas.

### **Section E - Credit Summary**

- Applicant lists credits being applied for.

**Submit Data, Application and Fee to:**

Lindsey Brighton  
Stormwater Coordinator  
Stormwater Utility  
34 S. 5<sup>th</sup> Street, P.O. Box 4100  
Newark, Ohio 43058-4100  
<http://www.newarkohiowater.net/stormwater>  
Phone: 740-670-7762 Fax: 740-349-6794

**Application Fee:**        **Applications fee will be waived until further notice.**

**Part E:        Final Requirements to Obtain Credit**

- Step 1. Construct the credit management facility in accordance with the approved plans, specifications, and design calculations and obtain an inspection of the credit management facility by the Stormwater Utility Department. Credit will become effective when the structure and/or credit requirements has been completed and operating properly as certified by the City of Newark.
- Step 2: Provide an easement, deed restriction, or land purchase agreement that restricts the use of the property for anything but the intended management facility. Submit copy of recording instrument. (i.e. plat)
- Step 3: Provide regular maintenance for the facility in accordance with the maintenance management plan
- Step 4: Submit an annual management and maintenance report on each facility. At the discretion of the City of Newark Stormwater Utility Department staff, inspections may be performed in order to confirm the operation and maintenance of the applied management practice or compliance with the approved management plan.

**PART F:        General Guidelines**

1. Management practices submitted for credit consideration shall meet current City of Newark drainage requirements where appropriate. Generally, these requirements are:
  - Flow must be restricted if existing storm sewer cannot be shown as adequate to handle increased discharge.
  - All excess Stormwater runoff must be retained within the boundaries of the development and stored in a detention facility capable of containing the excess runoff resulting from a 25-year storm with duration up to 24 hours.
  - Engineer must determine the storm duration that produces the largest detention requirement and design for that volume.
  - Unless a liner is used to prevent vegetative growth, a safety factor of 1.5 must be applied to the calculated volume.
2. The maximum credit to be received will not exceed 50% of the Stormwater bill.
3. Only those non-residential family properties that contain 5 ERU's or more may apply and/or qualify for credits.
4. No partial credit will be given for any management practice.
5. This does not include properties that fall under the state-wide NOI general permit.
6. Length of review by City staff will be approximately 4 weeks.
7. Summary of Credit Calculation Process

- Step 1. Calculate the estimated impervious area of property prior to credit award.
- Step 2. Determine amount of impervious area subject to credit.
- Step 3. Determine estimated credit and modified Stormwater service fee.

#### Abbreviations

ERU – Equivalent Residential Unit

sf – square feet

\* – Multiplied by ERU per month

## SECTION II: CREDITS REQUIREMENTS

### Post-Construction Stormwater Quality Treatment:

Forested Buffer and Grass Filter Strips;  
Infiltration Trenches;  
Wet Pond and Extended Detention;  
Bio Retention Areas;  
Stormwater Treatment BMP's;  
Water Quality Ponds.

### Permanent Runoff Control:

Detention/Retention; \*\*

Catch Basin Inserts;

Dry Wells (Maintenance Only);

\*\* The detention/retention credit will also apply to regional residential facilities

### Stream Channel Construction and Restoration:

Grass Line Conveyance Channels (Dry Swales);  
Riparian Water Quality  
Vegetated Stream Buffers;  
Open-Channel Maintenance;  
Stream Restoration;

### Other Credits:

Experimental BMP's;  
Direct Discharge;  
Individual Industrial NPDES Permit;  
Brownfield Reuse;  
Preservation/ Flood Hazard Area;  
Education;  
Adopt a Road/Stream.

## 1. Post Construction Stormwater Quality Treatment

The Post Construction Stormwater Quality Treatment credit is offered to properties that perform an activity or activities that reduce the burden on the stormwater system. This will include “natural” as well as manmade stormwater system structures that are properly maintained and are operating for the purposes of water quality and water quantity benefits, and to reduce the burden on the City maintained stormwater system.

Forested Buffer AND Grass Filter Strips;	30%
Infiltration Trenches;	30%
Wet Pond and Extended Detention;	30%
Bio Retention Areas;	30%
Water Quality Ponds.	30%
Stormwater Treatment BMP's;	30%

## 2. Permanent Runoff Control (detention/retention)

The Permanent Runoff Control (detention/retention) credit option is the most widely used method of credits by a majority of Stormwater programs throughout the United States. Moreover, this method is used and accepted by most engineers as the best example of a Peak flows facility. This credit also applies to wet pond and extended credits.

The principal is to delay (or in the case of retention completely remove all flows) the highest flow from impacting the drainage system. This is accomplished through the construction of small ponds or dry ponds that fill up during rainstorms. This is the most common form of stormwater management practice.

This credit will apply to regional non-residential facilities that are properly operating and properly maintained for regional detention/retention facilities that are owned and operated by a property owner. The first 10% of this credit will be applied if the facility was installed according to the October 1994 Stormwater Design Manual regulations and is currently operating and maintained as required. The remaining 20% credit will be applied on a sliding scale depending on many factors and judgment by the City engineer or his/her agent.

This credit will also apply only to regional residential facilities that are properly operating and properly maintained for subdivision (regional) detention/retention facilities that are owned and operated by a homeowner's association. One and only one credit “payment” will be made to the homeowner's association on an annual basis. It will be up to the homeowner's association how the credit payment will be allocated back to the individual homeowners. The City of Newark will not reduce each of the individual residential stormwater bills. Reducing individual homeowner's bills will be inconsistent with the overall stormwater program policies and procedures. Similarly, to the non-residential credit process discussed in the above paragraph, the first 10% of this credit will be applied if the facility was installed according to the October 1994 Stormwater Design Manual regulations and is currently operating and maintained as required. The remaining 20% credit will be applied on a sliding scale depending on many factors and judgment by the City engineer or his/her agent.

In order for residential property owners to qualify for this type of credit the following requirements will need to meet:

- Submit this credit application and all of the appropriate forms and site plans etc
- Residential properties in a sub division type setting;
- There needs to be an active owner's association;
- The detention/retention facility must be operating properly as originally designed;
- The detention/retention facility must be maintained regularly
- Only detention/retention facilities built and installed after October 1994 and based on the 1994 Stormwater design manual;
- Sign and submit an annual maintenance agreement included in this document

**Design Features:** Detention times vary with most being relatively short. Flow lengths are short and direct to outlet works, and depths vary depending on site conditions.

- In order to receive detention/retention credits, the non-residential property owner will need to submit an application, including application fee, right of entry easement, if applicable, and any required engineering plans and calculations stamped by a registered professional engineer. If approved, the credit shall be placed on the appropriate stormwater bill.
- The Stormwater Utility Department shall inspect the detention/retention facility prior to approving the credit and periodically after the credit is issued to ensure compliance with the approved plans.
- If inspections find that the facility has been altered or is not maintained to provide the approved detention/retention, the City may:
  - Require corrective action;
  - Reduce the credit to a level comparable with the detention/retention provided;

Detention/Retention meets minimum standards;	10%
Detention/Retention exceeds minimum standards;	30%
Dry Wells (Maintenance Only);	30%

**3. Stream Channel Restoration Credit**

The Stream Channel Restoration Credit is offered to properties that perform a restoration activity or activities that would otherwise be required to be performed by City staff. This should include “natural” and/or man-made stormwater system structures that are properly maintained and are operating for the purposes of water quality and water quantity benefits, and to reduce the burden on the City maintained stormwater system.

- In order to receive Maintenance credits, the non-residential property owner will need to submit an application, including application fee, right of entry easement, if applicable, maintenance plan and any required engineering plans and calculations stamped by a registered professional engineer. If approved, the credit shall be placed on the appropriate stormwater bill.
- The Stormwater Utility Department shall inspect the property to determine if the proposed maintenance will reduce operation and maintenance costs to the City. If the proposal is approved for maintenance credit, the Stormwater Utility Department shall periodically inspect the property to ensure compliance with the approved maintenance plan.

Grass Line Conveyance Channels (Dry Swales);	30%
Riparian Water Quality	30%
Vegetated Stream Buffers;	20%
Open-Channel Maintenance;	30%
Stream Restoration;	50%

**4. Other Credits**

**A. Education**

Education credits are provided to public and private schools (K through 12) for the purpose of providing water (stormwater, flooding, water quality, and watershed management) type education programs to students. To obtain this credit public and private schools would teach a water curriculum in each grade level. Programs such as **“Project Wet”** and **“Globe”** are an example of a spiral water-related curriculum that would provide a basis for credit in the City of Milford school system.

Stormwater education credits of 50% of the stormwater bill may be granted for approved programs providing public awareness and education on stormwater issues as follows:

- This program is available to all schools as defined in the zoning code, public or private that offer a compulsory education curriculum for grades K through 12 or part thereof.

- Where a site is jointly used by a school and another use (e.g. church) the stormwater fee will be prorated based on usage and the credit will be issued to the school portion of the fee;
- Water Quality Educational Curriculum for Public/private schools would utilize a water curriculum in grade levels to be determined. Appropriate guides to be used include *Project WET*, *GLOBE*, *Project WILD Aquatic*, and *Healthy Water, Healthy People*. Other water related materials may be utilized. Such programs would be in-serviced by the City of Newark staff for 20% of a schools certified (licensed) staff. (or other non certified staff?) This training in turn will be presented to 20% of the schools population.
- Project WET, Project Aquatic WILD, and/or GLOBE type programs should be integrated into standard curriculum for 20% of the students in the school (which equates into approximately once grade level);
- Schools will conduct at least one school-wide (20% or more which is approximately One grade level) awareness activity to be chosen from: water festival day, poster contest, or litter collection day. Additional opportunities include a stenciling project, brochure development, public service announcements, videos, or other projects as approved by City staff.
- In order to receive educational credits, the school will need to submit an application and provide supporting documentation. The application will be due by September 1st . The plan shall be reviewed and approved by the City Engineer. Once approved, the credit shall be placed on the appropriate stormwater bill.
- Upon completion of the educational plan or no later than June 1 of each year which corresponds to the end of the school year, the school shall submit an annual report indicating compliance with the approved plan. The annual report shall be broken down by the types of activities and indicate the number of participants. If the school did not substantially comply with the plan, the report will include an explanation of the failure and any needed corrective action. Other reporting requirements may be required as part of the plan approval and shall be included in the annual report.
- The Stormwater Coordinator will review the annual report. If upon review, the school did not substantially comply with the approved plan, the City may:
  - Require additional activities as a corrective action;
  - Reduce the education credit to a level comparable with the compliance;
  - Refuse approval of any new education plan.
- **Potential Storm Water Guides for the Education Credits**
  - Healthy Water, Healthy People - HWHP is an EPA approved curriculum and will give all the opportunity to create additional partnerships. The purpose of this publication is to raise educators' awareness and understanding of water quality topics and issues by demonstrating the relationship of water quality to personal, public, and environmental health. This publication gives teachers, students, non-formal educators, water managers, treatment plan operators and citizens an opportunity to explore water quality topics in an interactive, easy-to-use, hands-on format.
  - Project WET (Water Education for Teachers) - Project WET is a nonprofit water education program and publisher for educators and young people ages 5 to 18. The program facilitates and promotes awareness, appreciation, knowledge, and stewardship of water resources through the dissemination of classroom-ready teaching aids and the establishment of internationally sponsored Project WET programs.
  - GLOBE (Global Learning and Observations to Benefit the Environment) - GLOBE is a worldwide hands-on, primary and secondary school-based education and science program. For students, GLOBE provides the opportunity to learn by taking scientifically valid measurements in the fields of atmosphere, hydrology, soils and land cover depending upon their local curricula. It also allows them to create maps and graphs on the free interactive web site to analyze data sets while collaborating with scientist and other GLOBE students around the world. You can visit the Globe website at <http://www.globe.gov/>
  - Project WILD Aquatic - The *Project WILD Aquatic K-12 Curriculum and Activity Guide* emphasizes aquatic wildlife and aquatic ecosystems. It is organized in topic units and is based on the Project WILD conceptual framework. Because these activities are designed for integration into existing courses of study, instructors may use one or many Project WILD Aquatic activities or the entire set of activities may serve quite effectively as the basis for a course of study.



## City of Newark Storm Water Utility Education Credit Application

School: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

# of Staff: \_\_\_\_\_ # of Students: \_\_\_\_\_

### A) Twenty percent of staff will participate in water quality in-service program.

Please list:

Name	Grade/ Subject	Contact Number	Email

Attach additional information as needed.

### B) Choose from the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Water Festival Day    | <input type="checkbox"/> Stenciling Project          |
| <input type="checkbox"/> Poster Contest        | <input type="checkbox"/> Brochure Development        |
| <input type="checkbox"/> Essay Contest         | <input type="checkbox"/> Public Service Announcement |
| <input type="checkbox"/> Litter Collection Day | <input type="checkbox"/> Multimedia                  |
| <input type="checkbox"/> Other: _____          |  |

Please describe project chosen from above: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
School Administrator

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
City of Newark

\_\_\_\_\_  
Date

## **B. Adopt a Stream, Road and/or Park**

- In order to receive credit for participation in an approved Adopt-A-Road Program, the non-residential property owner will need to submit an application including application fee, and a request for roadway designation.
- In order to receive credit for participation in a sanctioned cleanup program, the non-residential property owner will need to submit an application including application fee and tentative list of participants. Participants must register at the event and identify themselves as credit program participants. A single participant may be credited only to one stormwater account.
- To meet the 20% credit, this credit will be applied on a per event basis for every one mile of stream or road. The event will need prior written approval by the City Engineers office or his/her agent.

## **C. Brownfield Reuse**

The Brownfield Reuse Credit is given on a limited time frame of 5 years to a property from the time of purchase, upon certification of reuse from the EPA.

- This program is available to all non-residential family properties or part thereof.
- Credits will be issued on a property-by-property basis.
- In no case will the total credit amount be more than the 50% of the total bill
- Brownfield Reuse credits may be granted to properties receiving Brownfield Cleanup funds under ORC 122.
- Brownfield Reuse credits may be granted to improve water quality from stormwater discharges.
- The Stormwater Utility Department shall inspect the property prior to approving the credit and periodically after the credit is issued to ensure compliance with the approved cleanup plan.
- 10% credit may be given for a period of five years following activation of the project.

## **D. Economic Development Credit**

Economic Development Credits may be granted to properties classified by the City of Newark as being located within a Community Reinvestment Area having commercial water service.

- This program is available to all non-single-family properties or part thereof.
- Credits will be issued on a property-by-property basis.
- The City Engineer or his designee shall inspect the property prior to approving the credit to determine that the property falls under the appropriate land use code and periodically to ensure that the proper land use code applies.
- A 10% credit may be given for providing job opportunities in the City.

## **E. Phase in Credit**

This program is available to all non-single-family properties with an Equivalent Residential Unit Calculation before credits of 50 ERU or greater.

- Credits will be issued on a property-by-property basis.
- A 20% credit may be given for billing cycles billed within the calendar year of 2006.
- A 15% credit may be given for billing cycles billed within the calendar year of 2007.

Experimental BMP's;	20%
Individual Industrial NPDES Permit;	10%
Brownfield Reuse;	10%
Economic Development	10%
Phase in Credit	20% (2006)
	15% (2007)

Preservation/ Flood Hazard Area;	30%
Education;	up to 50%
Adopt a Road/Stream.	20%

### SECTION III: CREDIT CALCULATIONS EXAMPLES

Four example credit calculations are shown in this section. These examples are provided as a guide for the preparation of a credit calculation for your specific situation and property. For each example, a graphic, a listing of “given” conditions and the necessary steps to calculate the appropriate credits for your property is provided.

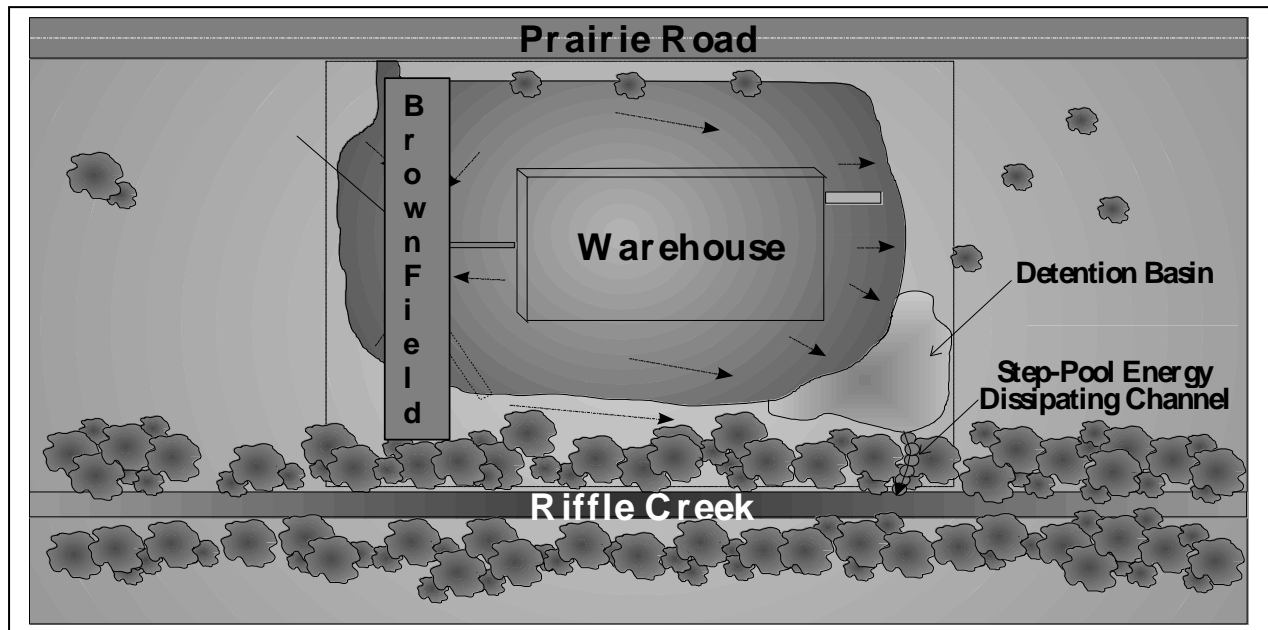
#### Summary of Credit Calculation Process

- Step 1. Calculate the estimated impervious area of property prior to credit award.
  - Step 2. Determine amount of impervious area subject to credit.
  - Step 3. Determine estimated credit and modified stormwater service fee.
- Abbreviations:

ERU – Equivalent Residential Unit,  
 sf – square feet,  
 \* – Multiplied by ERU per month

#### Example 1:

A developer has submitted preliminary plans to construct a warehouse on a 10-acre brownfield site. He has submitted an application for two credits including a Brownfield credits and a detention/retention credit for his basin.



#### **Given:**

- 10-acre site with 3 acres of impervious area (130,680 sq. ft. of impervious area)
- The detention/retention basin receives 100% of drainage from the impervious area
- Development site has brownfield designation
- 10% credit available for brownfield site for a duration of five years
- 30% credit available for the detention pond

**Step 1:** Calculate the estimated impervious area, ERU, and user fee for the property, prior to applying the credit.

- 3 acres x 43,560 (sq. ft. in acres) = 130,680 sq. ft. of impervious area
- Calculate the number of ERU for the example property
  - 130,680 sq. ft. of impervious area divided by 2,600 (ERU) = 50.26 ERU, rounded to 50 ERU
- Calculate User Fee based on impervious area of property (using 2021 ERU rate)
  - 50 ERU x \$7.40 = \$370.00 per month

**Step 2:** Determine amount of impervious area subject to credit

- Brownfield = 10% of total impervious area
  - 130,680 sq. ft. \* 10% = 13,068 sq. ft.
- Retention/Detention Basin = 30% of total impervious area
  - 130,680 sq. ft. \* 30% = 39,204 sq. ft.

**Step 3:** Calculate Credits Percentage

- Brownfield
  - 13,068 sq. ft. / 2,600 = 5.03 ERU Credit, rounded to a 5 ERU reduction
- Detention/Retention Basin
  - 39,204 sq. ft. / 2,600 = 15.08 ERU Credit, rounded to a 15 ERU reduction

Total Credit Reduction = 15 ERU + 5 ERU = 20 ERU

Total % Credit Reduction = 20 ERU / 50 ERU = 40% for first five years

Total % Credit Reduction = 15 ERU / 50 ERU = 30% after five years

**Step 4:** Determine estimated credit and modified stormwater service fee

Reduction (\$) = ERU \* % Credit \* \$7.40/ERU

Reduction (\$) = 50 \* 40% \* \$7.40/ERU = \$148.00 (for first five years)

Reduction (\$) = 50 \* 30% \* \$7.40/ERU = \$111.00 (after five years)

Estimated Stormwater Utility Bill = User Fee (\$) - Reduction (\$)

Estimated Stormwater Utility Bill = \$370.00 – \$148.00 = \$222.00 (A reduction in 20 ERUs)(for first five years)

Estimated Stormwater Utility Bill = \$370.00 – \$111.00 = \$259.00 (A reduction in 20 ERUs)(after five years)

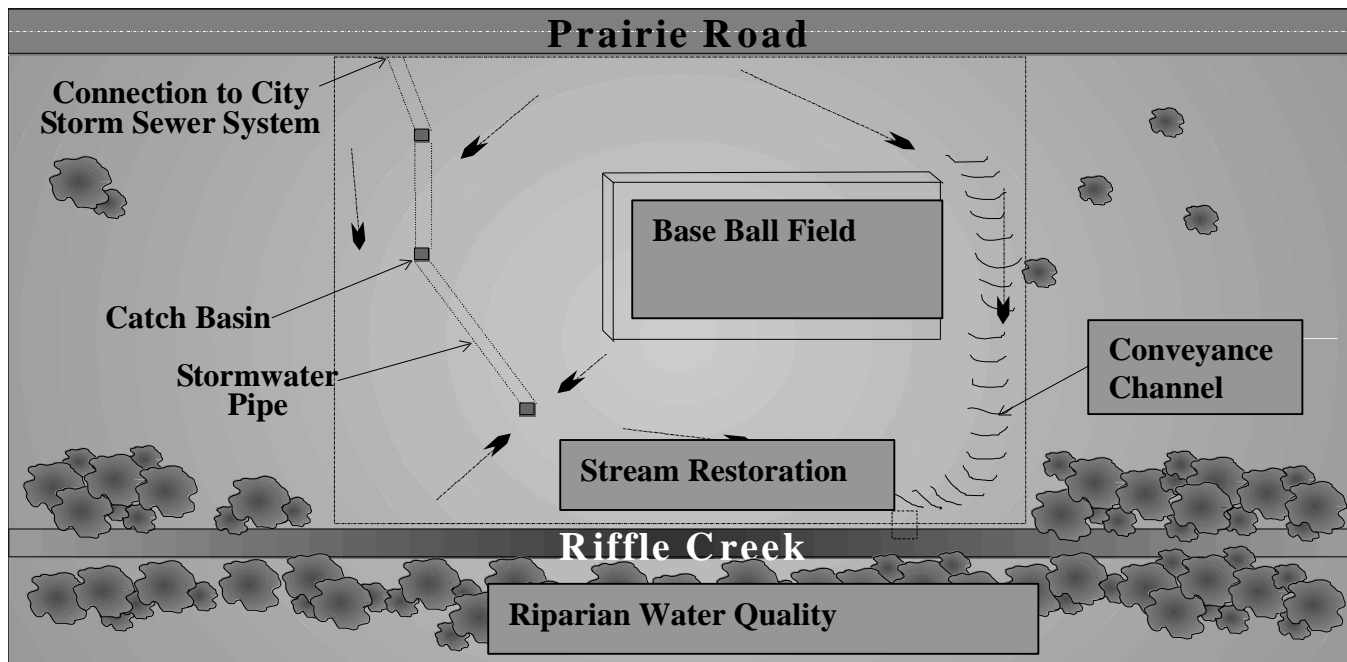
### **Total Credit Available and Timing**

Time Period (yr.)	Brownfield Credit (\$)	Detention Basin Credit (\$)	Total Service Charge Reduction (\$)	Estimated Stormwater Utility Bill (\$)
1	37.00	111.00	148.00	222.00
2	37.00	111.00	148.00	222.00

3		37.00	111.00	148.00	222.00
4		37.00	111.00	148.00	222.00
5		37.00	111.00	148.00	222.00
> 5		0	111.00	111.00	259.00

### **Example 2:**

A baseball field has been constructed on a 10-acre site in the City of Newark. The site meets current City of Newark drainage requirements. It includes a parking lot, building and city owned open channels that are regularly maintained by the property owner. The impervious area associated with the parking lot and building is 3 acres in size. One half of the impervious area drains to the city owned open channels. The drainage from the remaining portion of the impervious area drains directly into the City maintained storm sewer. The City has determined that restoration of Riffle Creek and maintenance in its natural state provides a water quality benefit to the City and therefore is eligible for the stream restoration and riparian water quality credit.



**Given:**

- 10-acre site with 50 feet of channel maintenance approved.
- Conveyance Channel Credit is a maximum of 20%.
- Riparian Water Quality is a maximum of 30%
- Stream Restoration Credit is a maximum of 50%

**Step 1:** Calculate the estimated impervious area, ERU, and user fee for the property, prior to applying the credit.

- 10 acres x 43,560 (sq. ft. in acres) = 435,600 sq. ft. of impervious area
- Calculate the number of ERU for the example property
  - 435,600 sq. ft. of impervious area divided by 2,600 (ERU) = 167.5 ERU, rounded to 168 ERU
- Calculate User Fee based on impervious area of property (using 2021 ERU rate)
  - 168 ERU x \$7.40 = \$1,243.20 per month

Step 2: Determine the amount of impervious area subject to credit.

- Conveyance Channel Credit = 20% of total impervious area
  - $435,600 \text{ sq. ft.} \times 20\% = 87,120 \text{ sq. ft.}$
- Riparian Water Quality = 30% of total impervious area
  - $435,600 \text{ sq. ft.} \times 30\% = 130,680 \text{ sq. ft.}$
- Stream Restoration Credit = 50% of total impervious area
  - $435,600 \text{ sq. ft.} \times 50\% = 217,800 \text{ sq. ft.}$

Step 3: Calculate Credits Percentage

- Conveyance Channel Credit
  - $27,120 \text{ sq. ft.} / 2,600 = 10.4 \text{ ERU Credit, rounded to a 10 ERU reduction}$
- Riparian Water Quality
  - $130,680 \text{ sq. ft.} / 2,600 = 50.3 \text{ ERU Credit, rounded to a 50 ERU reduction}$
- Stream Restoration Credit
  - $217,800 \text{ sq. ft.} / 2,600 = 83.8 \text{ ERU Credit, rounded to an 84 ERU reduction}$

Total Credit Reduction = 10 ERU + 50 ERU + 84 ERU = 144 ERU

Total % Credit Reduction =  $144 \text{ ERU} / 168 \text{ ERU} = 86\%$

Step 3: Determine estimated credit and modified stormwater service fee

Reduction (\$) =  $\text{ERU} \times \% \text{ Credit} \times \$5.41/\text{ERU}$

Reduction (\$) =  $50 \times 20\% \times \$5.41/\text{ERU} = \$54.10$  Conveyance Channel Credit

Reduction (\$) =  $50 \times 50\% \times \$5.41/\text{ERU} = \$135.15$  Stream Restoration Credit

Reduction (\$) =  $50 \times 30\% \times \$5.41/\text{ERU} = \$81.15$  Riparian Water Quality Credit

Reduction (\$) =  $50 \times 100\% \times \$5.41/\text{ERU} = \$270.50$  (All 3 Qualifying Credits)\*

- Maximum % credit allowed for any property is 50%
- Reduction (\$) =  $50 \times 50\% \times \$5.41/\text{ERU} = \$135.15$

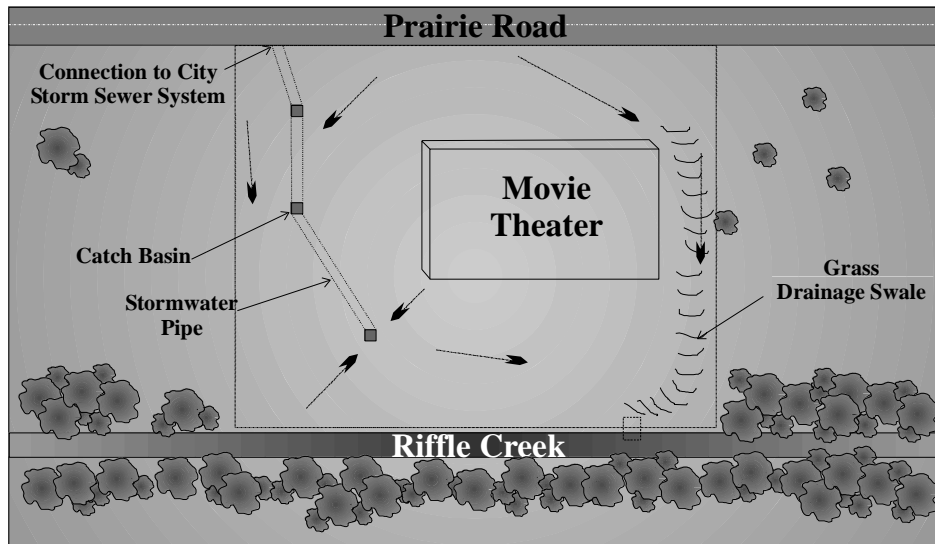
Estimated Stormwater Utility Bill = User Fee (\$) - Reduction (\$)

Estimated Stormwater Utility Bill =  $\$270.50 - \$135.15 = \$135.15$  (A reduction in 25 ERUs)

**\*\* NOTE: All credit reductions are based on the corresponding percentages of the impervious area calculations and then converting into ERU's.**

Example 3:

A movie theatre has been constructed on a 10-acre site in the City of Newark. The site meets current City of Newark drainage requirements. It includes a parking lot, building and drainage swales. The impervious area associated with the parking lot and building is 3 acres in size. One half of the impervious area drains through the drainage swales. The drainage from the remaining portion of the impervious area drains directly into the City maintained storm sewer.



**Given:**

- 10-acre site with 3 acres of impervious area (130,680 sq.ft. of impervious area)
- Drainage swales receives 50% of the drainage from the impervious area
- 30% credit is available for impervious area that drains through the drainage swales

Step 1: Calculate estimated impervious area of property

User fee: \$270.50

**A. A. ERU = User Fee / Credit**

ERU:  $\$270.50 / (\$5.41/\text{ERU}) = 50.00$

Impervious Area (IA):

$\text{IA} = \text{ERU} * 2,600 \text{ sq. ft.} = 50.00 * 2,600 \text{ sq. ft.} = 130,000 \text{ sq. ft. (rounding)}$

Step 2: Determine area available for credit on site

Modified Impervious Area (MIA):

$\text{MIA} = \text{Impervious Area (sq. ft.)} * \text{Percent of drainage area controlled by management practice (\%)} * \text{Stormwater Credit (\%)}$

$\text{MIA} = 130,680 \text{ sq. ft.} * 0.50 * 0.30 = 19,602 \text{ sq. ft.}$

Step 3: Determine estimated credit and modified Stormwater service fee

$\text{ERU} = \text{Modified impervious area (sq. ft.)} / 2,600 \text{ (sq ft.)}$

$\text{ERU} = 19,602 \text{ sq. ft.} / 2,600 \text{ sq. ft.} = 7.54$

$\text{Reduction (\$)} = \text{ERU} * \$5.41/\text{ERU}$

$\text{Reduction (\$)} = 7.54 * \$5.41/\text{ERU} = \$40.79$

$\text{Estimated Stormwater Utility Bill} = \text{User Fee (\$)} - \text{Reduction (\$)}$

$\text{Estimated Stormwater Utility Bill} = \$270.50 - \$40.79 = \$229.70$

#### **SECTION IV. ANNUAL REPORTING REQUIREMENTS:**

Annual reporting is required by all credit recipients to maintain the service fee reduction. A letter or report that describes the status, operation and maintenance of each management practice is to be submitted to the City of Newark, Department of Engineering no later than two weeks (14 days) following the anniversary date of the original credit award. Failure to submit the annual report will result in cancellation of the credit. In addition, the City reserves the right to periodically inspect the credited management practice to assure city requirements are being followed. The annual report will generally require the following information:

- Utility Billing Account Number
- Applicant statement certifying that the conditions under which the credit was originally issued have substantially remained the same;
- Applicant statement certifying that if structural management practices are receiving credit, they are being inspected and maintained within appropriate standards for the management practice;
- Summary of regular inspection results; and
- Summary of maintenance activities.

#### **Submit reports to: Department of Engineering**

Lindsey Brighton  
Stormwater Coordinator  
Stormwater Utility  
34 S. 5<sup>th</sup> Street  
P.O. Box 4100  
Newark, Ohio 43058-4100  
<http://www.newarkohiowater.net/stormwater>  
Phone: 740-670-7762 Fax: 740-349-6794





**SECTION V: CREDIT APPLICATION FORMS**  
**NEWARK STORMWATER CREDIT APPLICATION FORM**

**SECTION A - APPLICANT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (     ) \_\_\_\_\_ Fax: (     ) \_\_\_\_\_

Email: \_\_\_\_\_

Account Number: \_\_\_\_\_

**SECTION B - SITE INFORMATION**

Name: \_\_\_\_\_

Stormwater Billing Account No: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Impervious Area: \_\_\_\_\_ ERU's \_\_\_\_\_

**SECTION C - ENGINEER OF RECORD**

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (     ) \_\_\_\_\_ Fax: (     ) \_\_\_\_\_

Email: \_\_\_\_\_

**CERTIFICATION:**

\_\_\_\_\_  
Name Title

\_\_\_\_\_  
Signature Date

**A. ENGINEER SEAL**

## **SECTION D-DATA REQUIRED FOR SUBMISSION**

Please refer to Table 1 for data submission requirements. List the data you are submitting pertinent to your credits application.

<b>Type of Data</b>	<b><u>Submitted</u></b>	<b><u>Accepted</u></b>

## **SECTION E-CITY OF NEWARK STORMWATER CREDIT SUMMARY**

The following is a summary of the final credits that will be offered to the non-residential property owners in the City of Newark with the attached suggested percent credit reduction which will be ultimately “at the discretion of the Stormwater Utility Department reviewing the credits applications:

	<b><u>Available Credit</u></b>	<b><u>Credit Received</u></b>
<b><u>Post Construction Stormwater Quality Treatment</u></b>		
Forested Buffer Strips and Grass Filter Strips	30%	_____
Infiltration Trenches	30%	_____
Wet Pond & Extended Detention	30%	_____
Bio Retention Areas	30%	_____
Water Quality Ponds	30%	_____
Stormwater Treatment BMP's	30%	_____
<b><u>Permanent Runoff Control</u></b>		
Detention/Retention (Minimum Standard)	10%	_____
Detention/Retention (Exceeding Standard)	30%	_____
Dry Wells (maintenance only)	30%	_____
<b><u>Stream Channel Construction Restoration</u></b>		
Grass Line Conveyance Channels (Dry Swales)	30%	_____
Riparian Water Quality	30%	_____
Vegetated Stream Buffers	20%	_____
Open Channel Maintenance	30%	_____
Stream Restoration	50%	_____

### **Other Credits**

Experimental BMP's;	20%	_____
Individual Industrial NPDES Permit;	10%	_____
Brownfield Reuse;	10%	_____
Economic Development	10%	_____
Phase In Credit	20% (2006)	_____
	15% (2007)	_____
Preservation/ Flood Hazard Area;	30%	_____
Education;	up to 50%	_____
Adopt a Road/Stream.	20%	_____

- The maximum credit to be received will not exceed 50% of the stormwater bill.
- Credits shall be awarded in 5% increments "up to" the amount shown in the listing above.
- The amount of credit awarded is at the discretion of the Stormwater Utility Department after a complete review of the credit application.



## NEWARK STORMWATER CREDIT MANAGEMENT PRACTICE MAINTENANCE AGREEMENT

### APPLICANT:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (     ) \_\_\_\_\_ Fax: (     ) \_\_\_\_\_

Email: \_\_\_\_\_

### PROJECT INFORMATION:

Name of project: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Type of management practice: \_\_\_\_\_

### CERTIFICATION:

I hereby request consideration for a Stormwater Credit. I certify that I have authority to make such a request and authorization for this property. I further certify that the above information is true and correct to the best of my knowledge and belief. I agree to maintain the above stated Management Practice to the prescribed criteria according to the City of Newark. I hereby release the City of Newark from any maintenance responsibility whatsoever on the above identified management practice located on my property. I agree to provide corrected information should there be any change in the information provided herein.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**NEWARK STORMWATER CREDIT MAINTENANCE AGREEMENT  
ANNUAL REPORT  
DUE BY DECEMBER 15<sup>th</sup> FOR THE FOLLOWING YEAR**

**APPLICANT:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (     ) \_\_\_\_\_ Fax: (     ) \_\_\_\_\_

Email: \_\_\_\_\_

**PROJECT INFORMATION:**

Name of project: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Type of management practice: \_\_\_\_\_

**CERTIFICATION:**

I hereby request consideration for a Stormwater Credit. I certify that I have authority to make such a request and authorization for this property. I further certify that the above information is true and correct to the best of my knowledge and belief. I agree to maintain the above stated Management Practice to the prescribed criteria according to the City of Newark. I hereby release the City of Newark from any maintenance responsibility whatsoever on the above identified management practice located on my property. I agree to provide corrected information should there be any change in the information provided herein.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## City of Newark Storm Water Utility Education Credit Application

School: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

# of Staff: \_\_\_\_\_ # of Students: \_\_\_\_\_

### A) Twenty percent of staff will participate in water quality in-service program.

Please list:

Name	Grade/ Subject	Contact Number	Email

Attach additional information as needed.

### B) Choose from the following:

☐ Water Festival Day

☐ Poster Contest

☐ Essay Contest

☐ Litter Collection Day

☐ Other: \_\_\_\_\_

☐ Stenciling Project

☐ Brochure Development

☐ Public Service Announcement

☐ Multimedia

Please describe project chosen from above: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
School Administrator

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
City of Newark

\_\_\_\_\_  
Date

Please return completed form to:

Stormwater Utility  
34 S. 5<sup>th</sup> Street  
P.O. Box 4100  
Newark, Ohio 43058-4100

Appendix D: Licking County SWCD MOU

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## **MEMORANDUM OF UNDERSTANDING**

The parties to this Memorandum of Understanding (MOU) are the City of Newark's Stormwater Utility (hereinafter referred to as Stormwater Utility) and the Licking County Soil and Water Conservation District (hereinafter referred to as LCSWCD).

### **State of Purpose:**

The purpose of this MOU is to fulfill the educational requirements of the Stormwater Utility's NPDES MS IV permit related to storm water, flooding, water quality and watershed management. LCSWCD has a common interest of providing educational programs to teachers and students throughout Licking County, including the City of Newark on storm water, flooding, water quality and watershed management.

Newark's Stormwater Master plan includes implementation of a formal stormwater education curriculum for city schools, so as to be in compliance with Newark's NPDES MS 4 permit. Newark's public and private schools can receive a 50% credit toward their stormwater utility fees by implementing a surface water (stormwater, flooding, water quality, and watershed management) related education curriculum for students at each grade level. For schools to be eligible for this credit, at least 5% of their teachers must attend an approved workshop related to storm water management and incorporate in their education curriculum programs, such as Project Aquatic, Project Wild, Project WET and GLOBE.

LCSWCD core workload includes presenting educational programs to teachers and students on water management (including watersheds, floodplains, water quality and storm water). LCSWCD employs an Education Specialist that duties include conducting workshops for teachers and making classroom presentations, including programs such as Project Aquatic, Project Wild, Project WET and GLOBE.

### **City of Newark Stormwater Utility responsibilities:**

- ◆ Notify public and private schools of the 50% storm water utility fee credit.
- ◆ Coordinate with LCSWCD to arrange dates and locations for teacher workshops.
- ◆ Coordinate with LCSWCD on the materials and supplies for the workshops.
- ◆ Reimburse LCSWCD up to, but not to exceed, \$10,000 per year for:
  - ◆ Cost of materials and supplies purchased by LCSWCD that are used in workshops to train teachers that satisfy the curriculum requirements for the storm water utility fee credit.
  - ◆ Class room presentations made by the LCSWCD Education Specialist to students to satisfy the curriculum requirements for the storm water utility fee credit.
  - ◆ Field trips and other activities where the LCSWCD Education Specialist makes presentations to meet the curriculum requirements for the storm water utility fee credit.



**LCSWCD responsibilities:**

- ◆ Employ a qualified and trained Education Specialist to make presentations that meet the requirements of Newark's Stormwater Utility Credit program.
- ◆ Coordinate with Newark's Stormwater Coordinator to arrange dates and locations for teacher workshops.
- ◆ Coordinate with Newark's Stormwater Coordinator for materials and supplies needed for the workshops, order materials and supplies and present invoices to the Stormwater Coordinator for reimbursement.
- ◆ Present at teacher workshops on topics such as Project Aquatic, Project Wild, Project WET and GLOBE.
- ◆ Make class room presentations as a follow-up to the workshop presentations, per individual teacher requests
- ◆ Make presentations at field trips and other events as a follow-up to the workshop presentations per individual teacher requests
- ◆ Submit statement to Stormwater Coordinator detailing time dedicated to preparing, presenting and reporting at workshops, class rooms, field trips and other events, including number of attendees and or audiences reached.

**Considerations:**


Reimbursement for supplies, materials and other related expenditures will be based on their actual cost, including shipping and or transportation.

Reimbursement for workshops, classroom presentations, field trips and other events presented will be based upon LCSWCD's time dedicated to preparing, presenting and reporting. The reimbursement rate will be figured on current hourly rate of the Education Specialist and other LCSWCD staff assisting with presentations, including employee benefits and District overhead. The current hourly rate of reimbursement will be \$35.00 per hour.


The total amount of reimbursement in any one year shall not exceed \$10,000.

**Termination:**

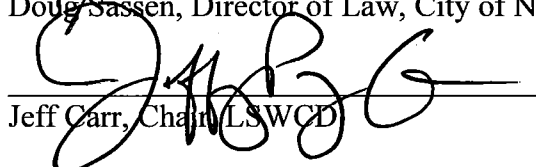
This MOU may be terminated within 30 days by either the Stormwater Utility or LCSWCD by providing notification in writing to the other party.

  
Kathleen Bark, Director of Service, City of Newark

1-13-10  
Date

  
Doug Sassen, Director of Law, City of Newark

1/13/10  
Date

  
Jeff Carr, Chair LCSWCD

1-11-10  
Date

**Appendix E: City of Newark Stormwater Management Code (Ordinance  
Number 1054.16)**

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**Chapter 1054.16**  
**Stormwater Management Code**  
**Appendix A**

SECTION 01	PURPOSE
SECTION 02	DEFINITIONS
SECTION 03	APPLICABILITY
SECTION 05	RESPONSIBILITY FOR ADMINISTRATION
SECTION 06	SEWER MAP; RESTRICTION ON TAP PERMIT ISSUANCE
SECTION 07	SEWER TAP PERMIT AND FEE
SECTION 08	SEWER CONSTRUCTION OR CONNECTION SPECIFICATIONS
SECTION 09	OBSTRUCTING SEWERS AND UNLAWFUL TAPS PROHIBITED
SECTION 10	TAPPING STORMWATER SEWERS
SECTION 11	SEVERABILITY
SECTION 12	ULTIMATE RESPONSIBILITY
SECTION 13	DISCHARGE PROHIBITIONS
SECTION 14	PROHIBITION OF DISCHARGES TO THE PUBLIC RIGHT-OF-WAY
SECTION 15	SUSPENSION OF MS4 ACCESS
SECTION 16	INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES
SECTION 17	CONSTRUCTION SITES
SECTION 18	POST CONSTRUCTION
SECTION 19	CLEAN UP AND NOTIFICATION
SECTION 20	MONITORING OF DISCHARGES
SECTION 21	REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES
SECTION 22	WATERCOURSE PROTECTION
SECTION 23	NOTIFICATION OF SPILLS
SECTION 24	ENFORCEMENT
SECTION 25	APPEAL OF NOTICE OF VIOLATION
SECTION 26	ENFORCEMENT MEASURES AFTER APPEAL
SECTION 27	COST OF ABATEMENT OF THE VIOLATION
SECTION 28	INJUNCTIVE RELIEF
SECTION 29	COMPENSATORY ACTION
SECTION 30	VIOLATIONS DEEMED A PUBLIC NUISANCE
SECTION 31	CRIMINAL PROSECUTION
SECTION 32	REMEDIES NOT EXCLUSIVE

## **SECTION 01 PURPOSE**

The purpose of this ordinance sets forth the requirements for the methods for controlling the introduction of pollutants that are or may be discharged to municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- a. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
- b. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- c. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

## **SECTION 02 DEFINITIONS**

For the purposes of this ordinance, the following shall mean:

- a. Authorized Enforcement Agency: employees or designees of the Public Service Director (Service Director) designated to enforce this ordinance.
- b. Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- c. Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- d. Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- e. Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- f. Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in SECTION 13.d.(l) of this ordinance.
- g. Illicit Connections. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to

any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an Service Director or his authorized designee.

- h. Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, SECTION 122.26 (b)(14).
- i. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- j. Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.
- k. Person: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- l. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. 40 C.F.R. § 122.34.
- m. Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- n. Storm Drainage System. Publicly or privately -owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- o. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- p. Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater

Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

- q. Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.
- r. Notice of Intent (NOI) means a form submitted to OEPA notifying of person's intent to be covered under a separate storm water permit, as required by federal and state law.

### **SECTION 03 APPLICABILITY**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City of Newark Service Director or his authorized designee.

### **SECTION 05 RESPONSIBILITY FOR ADMINISTRATION**

The Service Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Service Director may be delegated in writing by the Service Director to persons or entities acting in the beneficial interest of or in the employ of the agency.

### **SECTION 06 SEWER MAP; RESTRICTION ON TAP PERMIT ISSUANCE**

A map of all sewers and openings numbered shall be provided and kept in the office of the City Engineer. Permits may be issued to tap the sewers at openings most convenient, but no permit shall be given to break any hole in any sewer pipe unless approved by the City Engineer.

### **SECTION 07 SEWER TAP PERMIT AND FEE**

The sewers shall be in the charge of the Service Director. No person shall tap any sewer without the consent and by the direction of the Director, and without written permit from the City Engineer, who shall keep a record of the same. The applicant shall, before receiving a permit, pay to the City the applicable tap fee, to be credited to the Stormwater Utility fund.

### **SECTION 08 SEWER CONSTRUCTION OR CONNECTION SPECIFICATIONS**

The written permit to construct a house sewer or to make a connection to a public sewer shall specify the permissible use of such house sewer and connection, and such specifications shall be governed by the requirements of this chapter.

### **SECTION 09 OBSTRUCTING SEWERS AND UNLAWFUL TAPS PROHIBITED**

No person shall throw any debris in any catch basin or tap any of the City sewers by breaking holes in the sewer pipes.

### **SECTION 10 TAPPING STORMWATER SEWERS**

An inspection shall be performed upon seventy-two (72) hour notification by the contractor and a record of the location and material used for each location shall be kept on file by the City Engineer's office

## **SECTION 11 SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

## **SECTION 12 ULTIMATE RESPONSIBILITY**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

## **SECTION 13 DISCHARGE PROHIBITIONS**

- a. Prohibition of Illegal Discharges to Sanitary Sewer-Surface water, rainwater from roofs, subsoil drainage, building foundations drainage, cistern overflow, clean water from condensers, waste water from water motors and elevators, and any other clean and unobjectionable waste water shall be discharged into street gutters or into a stormwater sewer or combined sewer, but in no case into a sanitary sewer.
- b. Prohibition of Downspouts or Drains Emptying on Sidewalks-No person owning property which abuts or bounds upon a sidewalk shall cause, allow, or permit downspouts, drains or sewers to empty or discharge water or drainage upon any of the sidewalks of the City.
- c. Prohibition of Sump Pump Connections to Gutter if a direct connection to the storm sewer is available and provide for the connection of all sump discharge lines directly to the nearest approved outlet. Alternative sump discharges must be approved by the City Engineer.
- d. Prohibition of Illegal Discharges to Stormwater System-No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
- e. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- f. Discharges specified in writing by the Service Director or his authorized designee as being necessary to protect public health.

- g. Dye testing is an allowable discharge, but requires a notification to the Stormwater Coordinator prior to the time of the test.
- h. The prohibition shall not apply to 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 discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- i. Prohibition of Illicit Connections-The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

#### **SECTION 14 Prohibition of Discharges to the Public Right-of-Way**

No owner of real property in the City shall be permitted to discharge storm water or rain water or other types of clear water discharges upon or adjacent to the public right-of-way in such a manner that the discharge creates or tends to create a hazard for pedestrians and vehicular traffic on the public right-of-way whether such hazard is created in the area immediately bound by the owner property or at a distance from the owner's property.

- a. The Service Director is herewith charged with the responsibility of periodically surveying the city to determine those areas in which rain and other water discharges upon the public right-of-way have in the past and are likely to in the future create ice hazards during the winter season upon the public right-of-way in the City.
- b. The Service Director is also herewith charged with the responsibility of investigating complaints of discharge upon the public right-of-way causing a hazard to pedestrian or vehicular traffic on the public right-of-way and where, in their judgment, such discharge creates a hazard, to order the owner of the property causing such discharge, whether that property owner be the one immediately adjacent to the hazard or at a distance there from, to eliminate the water causing such hazard in conformity with the following provisions.
- c. The Service Director, in conjunction with the City Engineer, shall determine the source of such water creating such ice hazard and determine the most efficient and economical means of elimination of such hazard and issue such orders as are necessary to achievement of such elimination.
- d. Such orders shall be served upon the property owner and shall provide for the remedial action to be taken within a definite period of time and shall identify with reasonable specificity the means by which such remedial action shall be taken.



## **SECTION 15 SUSPENSION OF MS4 ACCESS**

- a. Suspension due to Illicit Discharges in Emergency Situations-The Service Director or his authorized designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
- b. Suspension due to the Detection of Illicit Discharge-Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
- c. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this SECTION, without the prior approval of the authorized enforcement agency.

## **SECTION 16 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Engineer prior to the allowing of discharges to the MS4.

## **SECTION 17 CONSTRUCTION SITES**

- a. All persons engaged in construction activities that are required by federal or state law to submit to EPA and/or OEPA a notice of intent to comply with an NPDES storm water permit shall provide the city with copies of the NOI and the NPDES storm water permit issued by OEPA. Construction activities that will disturb one acre or more of land area or smaller land areas if they are part of a larger common plan of development or sale are required to apply for a Stormwater Permit (40 CFR 122.26(b)(15)).
- b. Any person performing construction shall not cause or contribute to a violation of the OEPA storm water permit issued to the city. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge. Any person performing construction shall undertake best management practices to minimize pollutants (including sediments) from leaving the construction site, shall provide protection from accidental discharge of pollutants to the public storm drain system, and comply with the cleanup and notification requirements of this article. Site operator shall ensure erosion and sediment control and control waste and properly dispose of wastes, such as discarded building materials,

concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. Such measures shall include the requirements imposed by federal, state, county, or local authorities. BMPS are site-specific and are described in the document "Stormwater management for construction activities: developing pollution prevention plans and best management practices" (EPA 832-r-92-005) or other guidance documents available from EPA and/or OEPA.

- c. If a best management practice is required by the director to prevent a pollutant from entering the public storm drain system, the person receiving the notice of such a requirement may petition the service director to reconsider the application of the bmp to the premises or activity. The written petition must be received within ten (10) working days setting forth any reasons and proposed alternatives. The director will act within thirty (30) days of receipt of the petition.

## **SECTION 18 POST-CONSTRUCTION**

Property owners or operators shall ensure long-term operation and maintenance of post-construction storm water runoff control mechanisms, such as retention basins, dry wells, and other measures described in 40 C.F.R. § 122.34(B)(5)(III).

## **SECTION 19 CLEANUP AND NOTIFICATION REQUIREMENTS**

- a. As soon as any owner or operator has actual or constructive knowledge of any discharge which may result in pollutants entering the public storm drain system, such person shall promptly take all necessary steps to ensure the discovery of the source and the extent and proceed with containment and cleanup of such discharge.
- b. The owner or operator shall notify the service director of the discharge in BOTH of the following manners:
- c. By telephone as soon as practical to the Stormwater Utility at 740-670-7762 or by calling 9-1-1 if hazardous materials are involved; and
- d. By written report identifying the discharge source, extent, pollutant, measures taken to mitigate the discharge, and preventative measures put in place to prevent a subsequent discharge to CITY OF NEWARK, STORMWATER UTILITY, 40 WEST MAIN, NEWARK, OHIO 43055

## **SECTION 20 MONITORING OF DISCHARGES**

- a. Applicability-This SECTION applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.
- b. Access to Facilities-The Service Director or his authorized designee shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

- c. Facility operators shall allow the Service Director or his authorized designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- d. The Service Director or his authorized designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Service Director or his authorized designee to conduct monitoring and/or sampling of the facility's storm water discharge.
- e. The Service Director or his authorized or his designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- f. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Service Director or his authorized designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- g. Unreasonable delays in allowing the Service Director or his authorized designee access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- h. If the Service Director or his authorized designee has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health and welfare of the community, then the Service Director or his authorized designee may seek issuance of a search warrant from any court of competent jurisdiction.

## **SECTION 21 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

City Engineer and Stormwater Coordinator will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or

watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this SECTION. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

## **SECTION 22 WATERCOURSE PROTECTION**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **SECTION 23 NOTIFICATION OF SPILLS**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Service Director or his authorized designee in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Service Director or his authorized designee within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **SECTION 24 ENFORCEMENT**

Notice of Violation.

Whenever the Service Director or his authorized designee finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Service Director or his authorized designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;

- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.
- g. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the Stormwater Utility or a contractor and the expense thereof shall be charged to the violator.
- h. Failure to pay fees, fines, or remediation cost in the required time frame will result in the Service Director or his authorized designee doing the following:
  - I. Certify together with any penalties, to the County Auditor, who shall place the certified amount on the real property tax list and duplicate against the property served from the date placed on the list and duplicate shall be collected in the same manner as other taxes, except that, notwithstanding SECTION 323.15 of the Ohio Revised Code, the County Treasurer shall accept partial payment for the full amount of such unpaid water rents or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount. The County Treasurer shall place any amounts collected pursuant to certification under this division in the distinct fund established by SECTION 743.06 of the Ohio Revised Code. Unless the Director or designate determines that a transfer of the property is about to occur, the Director, or designate may only make a certification under this rule if the rents or charges have been due and unpaid for at least sixty days and the Director or designate has provided the owner of the property with written notice of the impending certification. However, no certification may be made directly with the owner of the property served.
  - II. Collect by action at law, in the name of the City from an owner, tenant, or other person who is liable to pay the rents or charges.

## **SECTION 25 APPEAL OF NOTICE OF VIOLATION**

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within ten (10) working days from the date of the Notice of Violation. Hearing on the appeal before the Service Director or his authorized designee shall take place within ten (10) working days from the date of receipt of the notice of appeal. The decision of the Service Director or his authorized designee shall be final.

## **SECTION 26 ENFORCEMENT MEASURES AFTER APPEAL**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ten (10) working days of the decision of the Service Director or his authorized designee upholding the decision of the authorized enforcement agency, then representatives of the Stormwater Utility shall

enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Stormwater Utility or designated contractor to enter upon the premises for the purposes set forth above.

#### **SECTION 27 COST OF ABATEMENT OF THE VIOLATION**

Within forty-five (45) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within seven (7) days. If the amount due is not paid following any extensions granted or within a timely manner as determined by the decision of the Service Director or his authorized designee or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

#### **SECTION 28 INJUNCTIVE RELIEF**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Service Director or his authorized designee may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### **SECTION 29 COMPENSATORY ACTION**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the Service Director or his authorized designee may impose upon a violator alternative compensatory actions, such as storm drain stenciling/markings, attendance at compliance workshops, river or waterway cleanup, etc.

#### **SECTION 30 VIOLATIONS DEEMED A PUBLIC NUISANCE**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense as set forth herein, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

#### **SECTION 31 CRIMINAL PROSECUTION**

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the Ohio Revised Code.

#### **SECTION 32 REMEDIES NOT EXCLUSIVE**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Service Director or his authorized designee to seek cumulative remedies.

**Appendix F: City of Newark Subdivision Ordinance**

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**SUBDIVISION ORDINANCE  
OF THE  
CITY OF NEWARK, OHIO**

Ordinance No. 93-62  
Passed 3 October 1994

Final amendments by Council prior to passage included.



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**ARTICLE 1**  
***PURPOSE, INTERPRETATION,  
JURISDICTION, VALIDITY  
AND REPEALER***

S1.01 TITLE.

This Ordinance shall be known and may be cited and referred to as the  
"Subdivision Ordinance of the City of Newark, Ohio".

S1.02 PURPOSE.

These regulations are adopted to secure and provide for the following objectives:

- A. To establish standards for logical, sound, and economical development of the City.
- B. To prevent premature subdivisions that have inadequate water supply, drainage, sewage facilities, or other public service and which may impose later expenditure of public funds to correct.
- C. To provide adequate and convenient spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and the avoidance of congestion of the population.
- D. To require and secure all improvements such as pavements, sidewalks, sanitary sewers, storm sewers, and water lines in accordance with the specifications of the City.
- E. To coordinate the arrangement of streets or highways in a manner which will promote safe and convenient vehicular and pedestrian movements and insuring the proper design of new streets in relationship to existing or proposed highways and the thoroughfare plan.
- F. To provide for the equitable handling of all sub-division plats by providing uniform procedures and standards for observance by both the approving authority and subdivider.
- G. To promote the public health, safety, comfort, convenience, prosperity, and general welfare of the present and future population.

### S1.03 INTERPRETATION.

The provisions of these regulations shall be construed to be minimum requirements and are not intended to interfere with any other existing provisions of the law or other existing City regulations. Whenever these regulations may impose greater restriction, these regulations shall control. Although the City does not have enforcement authority, the Developer is responsible for ensuring the project complies with all Federal and State Requirements including, but not limited to, the requirements of the Environmental Protection Agency, Corps of Engineers, National Pollutant Discharge Elimination System, Clean Water Act., Wetlands Regulations, Americans With Disabilities Act.

### S1.04 JURISDICTION.

These Subdivision Regulations, governing plats of subdivisions of land and lot splits contained, herein, shall apply within the City and within the three-mile perimeter unincorporated area immediately surrounding the City, in accordance with the provisions of The Ohio Revised Code.

### S1.05 VALIDITY.

If any title, chapter, section, subsection, paragraph, or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

### S1.06 REPEAL OF PREVIOUS ORDINANCE.

The provisions of this ordinance supersede and replace the existing provision of the Codified Ordinances of the City of Newark, Part Twelve, Title Two, Chapters 1220, 1224, 1228, 1232, 1236. and 1240, as enacted by Ordinance 65-75, 77-40, and 78-32, and the same are hereby repealed.

## **ARTICLE 2**

### **DEFINITIONS**

#### **S2.01 WORD USAGE.**

In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory; the word "may" is permissive.
- E. The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entities.
- F. The words "City" and "Municipality" mean the City of Newark, Ohio.
- G. The words "Planning Commission" or "Commission" mean the Newark City Planning Commission.
- H. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".
- I. Time limits ten days or less mean business days, time frames greater than ten days or listed in months mean calendar days.

## S2.02 DEFINITIONS.

As used in these Subdivision Regulations:

"City Engineer" means the City Engineer of the City of Newark, Ohio, or his designated representative.

"City Water and Sewer Division" means the Water and Sewer Divisions of the City of Newark.

"Comprehensive Development Plan" means a plan or any portion, thereof, adopted by the Planning Commission and duly recorded in the office of the Licking County Recorder, showing the general location and extent of present or proposed physical facilities, including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

"Engineer" means a registered, professional engineer in good standing in the State of Ohio.

"Highway" means a major street ordinarily, but not necessarily, designated as a numbered Federal, State, or County highway and designed to accommodate primarily inter-city and rural traffic movements.

"Health Department" means the Health Department of the City of Newark or the County, as the case may be.

"Improvement" means grading, street surfacing, curbs and gutters, sidewalks, crosswalks, culverts, bridges, water lines, sanitary and storm sewer lines, seeding, signing, other utilities and other required features.

"Lot Split/Minor Subdivision" means any division of land into five or less parcels for the purpose, whether immediate or future, of transfer or of ownership, and which does not constitute a subdivision as herein defined.

"Original Tract" means a contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners.

"Planning Commission" means the Newark City Planning Commission.

"Planning Officer" means the Director of Public Service of the City of Newark, Ohio.

"Plat"

- A. "Final plat" means the proposed recordable plat, plans, or drawings and any accompanying required data or information which are submitted to the Planning Commission for final approval of a proposed subdivision.
- B. "Preliminary plat" means the preliminary or tentative plat, plan, or drawing on which the layout and design of a proposed subdivision is submitted to the Planning Commission for consideration and tentative approval.
- C. "Sketch plat" means an informal drawing showing the developers basic subdivision concepts.

"Recreation plan" means the plan for recreation areas, including parks, playgrounds, and other open spaces, adopted by the City Planning Commission and duly recorded in the office of the County Recorder.

"Right-of-way" means the width between property lines of a street, pedestrian walkway, or easement.

"Street" means a roadway which affords principal means of access to abutting property. A private street is one which has not been dedicated and accepted for public use. A public street is one which has been dedicated and accepted for public use or has become public through other means of law. Streets shall be classified as:

- (1) Major Arterial
- (2) Minor Arterial
- (3) Collector
- (4) Local
- (5) Industrial

"Subdivision" means:

- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted: or
- B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

"Terrain Classification". Definitions of terrain classification are:

- a. Level - grade range of 0 to 8 per cent.
- b. Rolling - range of 8.1 to 15 per cent.
- c. Hilly - grade of over 15 per cent.

"Zoning Ordinance" means the Zoning Ordinance of the City of Newark.

## **ARTICLE 3**

### ***PROCEDURE FOR SUBDIVISION APPROVAL***

#### **S3.01 PURPOSE.**

The purpose of this chapter is to specify the procedures that shall be followed to subdivide land.

#### **S3.02. CLASSIFICATION AND DETERMINATION OF SUBDIVISION TYPE.**

There are two basic types of subdivisions.

##### **A. Lot Split/Minor Subdivision.**

(Approval without plat). The Planning Officer may determine that a proposed subdivision of land is a minor subdivision if the proposed division of a parcel of land is along an existing public street, does not involve the opening, widening or extension of any street or road, and does not involve more than five lots after the original tract has been completely subdivided. The proposed division shall not be contrary to applicable zoning regulations or these subdivision regulations.

##### **B. Major Subdivision.**

Any subdivision that does not meet the requirements of a lot split/minor subdivision.

#### **S3.03 LOT SPLIT/MINOR SUBDIVISION PROCEDURE.**

##### **A. Planning Commission.**

The Planning Commission is designated as having authority of review and approval. The Commission may, at its discretion, designate an authorized representative to approve or disapprove minor subdivisions.

##### **B. Subdivision of Lot Split/Minor Subdivisions.**

Any person proposing to create a lot split/minor subdivision shall submit to the Planning Commission via the Planning Officer:

1. Completed application for Lot Split/Minor Subdivision on the form for



same as provided by the Planning Commission.

2. A copy of the County Tax Map(s) showing the parcel to be split or subdivided and indicating the approximate dimensions of the proposed new parcels.
3. Payment of the appropriate fee as established by the fee schedule in Article 7. The Planning Commission may request additional detailed information such as:
  - a. A legal description of each parcel to be created by the lot split/minor subdivision.
  - b. A copy of a surveyor's drawing (accurate to scale) showing the total parcel and how it is to be split or subdivided.
  - c. Other information the Planning Commission deems appropriate.
4. Written approval signed by the Township Zoning Inspector, the County Board of Health, and the Licking County Planning Commission, if the proposed lot split is located outside the City Limits, but within the Three Mile Jurisdiction.

#### C. Standards for Approval.

For a minor subdivision to be approved, it must meet the standards below:

1. There shall not be more than five parcels created from an original tract. (See Section 2.02 for the definition of original tract.)
2. All proposed lots must meet the zoning requirements of the City.
3. All lots must have a minimum front footage as established by the Newark City Zoning Code.
4. No building site on a proposed parcel shall be within a designated floodway area as recognized on the official Flood Boundary and Floodway Maps of the City.
5. The proposal shall not involve the opening, widening, or extension of a public or private street or easement of access.
6. City water and sewer facilities are available to the site for immediate connection or evidence is provided in the form of approved permits that individual on-lot systems will function.

D. Action by the Commission.

Based upon the standards above and the fulfillment of the proper submission requirements, the Planning Commission shall take one of the following actions within twenty working days of the proper submission:

1. Approve the lot split/minor subdivision and stamp the instrument of conveyance "Approved By The Newark City Planning Commission No Plat Required" and affix the Planning Officer's signature and date. The approval shall expire after one year, unless the conveyance is recorded in the office of the County Recorder.
2. Not approve the proposed lot split/minor subdivision and notify the applicant in writing stating the reason for the disapproval.

S3.04 MAJOR SUBDIVISION PROCEDURES.

Major subdivisions shall be approved in three stages: sketch plat stage, preliminary plat stage, and final plat stage.

- A. The sketch plat stage requires that subdivider to present a sketch type plat to the Planning Officer for the purpose of determining street classifications, acceptable street names, acceptable subdivision name, and possible problems with zoning, storm water drainage, sanitary sewer and water service, and other community facilities; such as, the elements of the City's Comprehensive Plan, school system, and transportation routes. This stage ensures that the subdivider will not expend extensive monies developing detailed plans and plats that would not be acceptable to the Planning Commission.
- B. The preliminary plat stage requires the subdivider to present all information needed to enable the Planning Commission to determine that the proposed layout is satisfactory and will serve the public interest. This stage also ensures that the subdivider will not be required to expend extensive monies without some assurance that his plat will be finally approved.
- C. The final plat stage requires the subdivider to present all data needed to enable the Planning Commission to determine that the subdivision fully complies with these regulations and conforms to the approved preliminary plat. After approval of the final plat by the Planning Commission, the Commission will forward to City Council its recommendation for acceptance of proposed street dedications and improvement surety amount.

### S3.05 SUBMITTAL OF SKETCH PLAT.

- A. The subdivider shall submit to the Planning Officer five (5) copies of his sketch plat which, as a minimum, shall contain the following:
1. The proposed subdivision in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, residential developments and existing natural and man-made features, such as general soil types and vegetation, as needed for runoff calculations (vegetation in terms of meadow, thicket, etc.) and utilities in the neighboring areas.
  2. The layout of streets, lots, and any non-residential sites or recreational uses within the proposed subdivision. If the subdivision is to be developed in phases, the layout of streets, lots, and any non-residential sites for the entire tract shall be included in the sketch plat.
  3. The location of existing utilities in the proposed subdivision, if available, or the locations of the nearest sources for water and disposal of sewage and storm water.
  4. Name of proposed subdivision, north arrow, proposed dimensions, proposed street names, and date.
  5. Existing permanent buildings.

Further, the subdivider shall pay the appropriate fee as established by the fee schedule in Article 7.

- B. The Planning Officer shall, within one month of receipt of the sketch plat, compile all related information, review the proposal, visit the site, and if in his judgment the sketch is in conformance with the regulations, will inform the subdivider to prepare and submit a preliminary plat in accordance with the regulations. If the sketch plat does not conform to these regulations, the subdivider shall incorporate all necessary changes to bring the said plat into compliance with these regulations. Further, the Planning Office shall advise the subdivider of:
1. Appropriate Street Classifications.
  2. Approved or rejected street and subdivision names.
  3. Any other areas that need to be addressed as a result of his review and

site visit.

- C. Upon receipt in writing from the Planning Officer of approval of the Sketch Plat, the subdivider shall have 12 months to submit a "Preliminary Plat". If the Preliminary Plat is not submitted in said time, the approval of the "Sketch Plat" becomes null and void.

#### S3.06 SUBMITTAL OF PRELIMINARY PLAT.

- A. The subdivider shall submit the following data to the Planning Officer before 4:30 on the Thursday preceding a regularly scheduled Planning Commission Meeting and the Commission shall formally receive the submittal at said meeting:
  - 1. An Application for Approval of Preliminary Plat
  - 2. Six copies of the proposed Preliminary Plat.
- B. Further, the subdivider at the time of submitting the Application for Approval of Preliminary Plat shall pay the appropriate fee as established by the Fee Schedule in Article 7.
- C. The Preliminary Plat shall be prepared by a Registered Engineer or Surveyor. The plat shall be clearly and legibly drawn to an Engineering Scale of 100 feet or less to the inch and shall be on sheets no larger than twenty-four (24") inches by thirty-six (36") inches. The Preliminary Plat shall contain the following information:

- 1. Vicinity Map.

The map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. The Vicinity Map may be on the same sheet as the Preliminary Plat Drawing. The Vicinity Map shall show:

- (a) Existing streets, highways, thoroughfares, etc. in the area of the proposed development.
    - (b) Zoning and Zone Lines.
    - (c) Any proposed street, highways, thorough-fares, etc., as shown on the City's "Thoroughfare and Green Space".

(d) North Arrow

(e) Location of proposed development with outline(s) of the owner's total property and the proposed subdivision.

2. Identification.

(a) Proposed name of subdivision, township, tract, or original lot or section number.

(b) Names, addresses, and telephone numbers of owners, subdivider, and registered surveyor or engineer.

(c) Bar scale, north arrow, and date.

3. Existing Data.

(a) Legal description and drawing to scale.

(b) Easements: Location, width, and purpose.

(c) Streets on and adjacent to the subdivision: Names, location, right-of-way, and pavement width. Planned public improvements; highways or other major improvements planned by public authorities for future construction.

(d) Location of proposed underground utilities on or near the subdivision; including journalized routes for highways.

(e) Utilities on and adjacent to the subdivision; Location and size of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants and utility poles. If water mains, sewers and/or culverts are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones.

(f) Existing contours from the City's Topographic Maps or, if the City does not have the area's topographic maps, then at intervals of not more than five feet where the ground slope is generally greater than ten per cent (10%) and not more than two feet where the ground slope is generally less than ten per cent (10%).

(g) When public water and sewer systems will not be part of the development, then provide subsurface information, such as

depth of water table, bedrock, and any unique conditions, such as abandoned mines.

(h) Other conditions on the subdivision:

1. Water courses and areas subject to flooding.
2. Marshes.
3. Rock outcroppings.
4. Wooded areas.
5. Any structures or other significant features.
6. Approximate direction and gradient of ground slope.
7. Location and type of buildings, fences, tree lines, etc.
8. Railroad lines.
9. Power lines and towers.
10. Owners of adjacent unplatted land, (For adjacent platted land, refer to subdivision plat by name, plat book, and pages.)

4. Proposals.

(a) Streets: Show proposed streets (indicate each street by name, right-of-way widths, approximate grades, centerline data, and proposed improvements.)

(b) Other rights-of-way or easements: Location, width, and purpose.

(c) Lots: Numbers, dimensions, and area of irregular lots in square feet.

(d) Minimum building setback lines.

(e) Lane parcels within the subdivision not to be divided into lots.

(f) Public sites: Reserved or dedicated for parks, playgrounds, or other public uses.

(g) When extensive changes of topography are contemplated, the proposed topography shall be indicated.

(h) Location of all underground utilities; Immediate and future construction.

(i) Distance to nearest existing intersection for reference.

(j) Show proposed areas of non-access to dedicated streets.

5. Other Information.

The Planning Commission may require such additional information as deemed necessary.

**S3.07 PRELIMINARY PLAT PROCESSING OF MAJOR SUBDIVISION.**

A. Processing and Distribution.

The preliminary plat shall be distributed by the Planning Secretary to the following officials and agencies for their review and recommendation.

1. Service Director (Planning Commission File)
2. City Engineer
3. Utility Superintendent
4. City or County Health Department, as appropriate
5. Code Administrator
6. Clerk of Council

B. Official Filing.

Upon the proper submission of the preliminary plat, the subdivision shall be placed on the agenda of the next regular Planning Commission meeting at which time the Commission shall take one of the following actions:

1. Accept the plat for official filing purposes.

2. Not accept the plat for official filing purposes. In this case, the applicant shall be notified in writing of the reason(s) of refusal.

#### C. Planning Commission Approval.

Upon the official filing of a preliminary plat, the subdivision shall be placed on the agenda of the next regular Planning Commission meeting which shall take place within forty days or at a mutually agreed upon time. At that meeting the Commission shall take one of the following actions:

1. Approve the preliminary plat.
2. Revise the plat in conjunction with the subdivider and reschedule for the following meeting for action.
3. Deny the plat. In the case of disapproval, the developer must resubmit any alternative plats from the beginning steps of this process. The commission shall notify the subdivider in writing within three days of the Commission meeting of the action taken and the standards of these regulations which were not fulfilled or violated resulting in the disapproval. This notification shall be by registered mail.

#### D. Effects of Approval.

Upon arrival, the Commission shall communicate to Council its action. The approval has the following effect:

1. It authorizes the subdivider to prepare a final plat and construction drawings in accordance with the approved preliminary plat.
2. It approves the conceptual design and street network.
3. It does not authorize the construction of streets nor grading for street purposes.
4. It does not authorize the transfer of lots nor the recording of the plat in the office of the Recorder of Licking County, Ohio.
5. The approval shall be in effect for a twelve month period from the date of approval by the Commission. Upon expiration of a preliminary plat approval, no approval of a final plat shall be given until a new preliminary plat has been resubmitted, officially filed, and approved.



### S3.08 STANDARDS FOR REVIEW OF PRELIMINARY PLAT.

The Planning Commission shall review and either approve or disapprove the preliminary plat based upon the following standards:

- A. Compliance with City of Newark Thoroughfare Plan.
- B. Compliance with zoning.
- C. Compliance with design standards of these regulations.
- D. Compliance with the procedural requirements of these regulations.

### S3.09 FILING OF FINAL PLAT

- A. Submittal.

Upon the receipt of the preliminary plat approval, the subdivider may proceed to submit the following data to the Planning Officer before 4:30 p.m. on the Thursday preceding a regularly scheduled Planning Commission meeting and the Commission shall then formally receive the submittal for "Official Filing" at said meeting:

1. Seven copies of the proposed final plat and detailed construction plans.
2. An application for approval of the final plat that notes any changes between the preliminary and final plat.
3. A final plat fee per the Fee Schedule in Article 7.
4. Such other data that the Commission may have deemed necessary for the proper review of the proposal.
5. Proposed protective covenants and deed restrictions.

The detailed construction drawings (detailed engineering plans) shall be prepared by a Registered Professional Engineer authorized to practice in the State of Ohio. These drawings or plans for the construction of all public facilities in the proposed subdivision shall be in conformance with the Design Standards of Article 4, the City of Newark Construction Specifications, the City of Newark Division of Engineering Standard Drawings, and the accepted practice of the City Engineer. Upon their approval the original tracings shall be filed with the City Engineer before the Final Plat will be released for recording.

## B. General Requirements.

The final plat shall be prepared by a Registered Professional Surveyor authorized to practice in the State of Ohio and shall conform to the approved preliminary plat and include any changes recommended by the Commission, except that it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at this time. This portion must conform with all the requirements of these regulations. The final plat shall be clearly and legible drawn in ink on polyester film (minimum 3 mil), or linen tracing cloth.

It shall be eighteen inches by twenty-four inches in outside dimensions; and shall have a one and one-half inch binding margin on the left side of the eighteen inch length and one inch margins on all other sides. It shall be accurately drawn to an engineering scale of 100 feet or less to the inch and the scale shall be graphically indicated on the plat. If portions of the plat become cluttered with information, a separate, larger scale detail of that area shall be shown.

The plat shall be superimposed on a survey of the lands of the dedicators from which such plat is drawn and shall contain an accurate background drawing of any metes-and-bounds description of the lands of the dedicators from which such plat is drawn. It shall also contain:

1. The plat boundary lines with lengths of courses to hundredths of a foot and bearings to seconds. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed  $1 = 10,000$ .
2. Name of subdivision, location of subdivision by original land survey range, township and quarter section, county and state.
3. Layouts including:
  - (a) Street lines, their names, bearings, angles of intersection and widths (including widths along the line of any obliquely intersecting street);
  - (b) All easements and rights-of-way, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat);

- (c) All lot lines, with dimensions in feet and hundredths of a foot, and with bearings and angles to minutes, if at other than right angles.
  - (d) Curve data, for all centerline, right-of-way line, and property line curves, including internal angle, radius, arc length, tangent distance, chord length and bearing, points of curvature, and points of tangent bearings.
- 4. Location and type of all survey monuments set or found.
- 5. The true bearings and distances to the nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.
- 6. The proposed lots shall be numbered sequentially with numbers assigned to the subdivision by the City Engineer.
- 7. The accurate outline of all property which is offered for dedication for public use and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated, thereon. All lands dedicated to public use, other than streets or roads, shall be marked "dedicated to the public".
- 8. The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the subdivision.
- 9. Where the proposed subdivision is traversed by a watercourse, channel, stream, or creek, the prior or present location of such watercourse, channel, stream, or creek, in case the subdivision is traversed by a watercourse, channel stream, or creek.
- 10. Building setback lines with dimensions, for minimum requirements (see City of Newark Zoning Code).
- 11. The name and location of adjoining subdivisions and the location and ownership of adjoining unsubdivided property. Where provisions are made for access to an adjoining lake or stream, a sketch illustrating such access shall be submitted.

12. The volume and page number of the deed, where the property was conveyed to the owner, and the name and address of the owner of record, of the developer and of the engineer and/or surveyor;
13. Vicinity Map as required in 3.06-C-1.
14. For subdivisions containing more than fifty lots and/or encompassing five acres or more, the base flood elevation, as indicated on the City Flood Insurance Rate Map (F.I.R.M.), shall be noted on the plat. If the base flood elevation cannot be obtained from the F.I.R.M. then the developer shall provide such base flood elevation from the best available source.
15. Certification of a registered surveyor using the following standard form:

CERTIFICATE OF SURVEYOR

I hereby certify that this plat is a true and complete land survey made (under my supervision), (by me), on date \_\_\_\_\_, and that all survey monuments shown have been set.

\_\_\_\_\_  
REGISTERED SURVEYOR #

16. An acknowledgment by the owner or owners, adopting the plat, offering streets for dedication, and establishing utility easements and other public area; using the following standard form:

OWNERS' CONSENT AND OFFER OF DEDICATION

1. We, the undersigned, being all the owners of the lands, herein platted, do hereby voluntarily consent to the execution of this plat and do offer for dedication the streets, parks, and public grounds as shown, thereon, to the public use forever.
2. All easements shown, hereon, are for the construction, operation, maintenance, repair, replacement, or removal of water, sewer, gas, electric, telephone, or other utility lines or services, and for the express privilege of removing any and all trees, shrubs, bushes, buildings, or other obstructions to the free use of said utilities and for providing ingress and egress to the property for said purposes and are to be maintained as such forever.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS

17. A certificate of Notary Public relative to Subsection 16., hereof, in accordance with the following standard form:

CERTIFICATE OF NOTARY PUBLIC

STATE OF OHIO, COUNTY OF \_\_\_\_\_, SS

Be it remembered that on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, before me the undersigned, a Notary Public in and for said County and State, personally came \_\_\_\_\_ and \_\_\_\_\_ and acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed.

IN TESTIMONY, WHEREOF, I have set my hand and notary seal on the day and date above written.

My Commission expires:

\_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for  
\_\_\_\_\_ COUNTY, OHIO

18. A signature block for the Commission in accordance with the following standard form:

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NEWARK, OHIO,  
this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

19. A signature block for Council in accordance with the following standard form:

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_, BY  
ORDINANCE NO. \_\_\_\_\_, THE STREETS DEDICATED, HEREON, ARE HEREBY  
ACCEPTED AS SUCH BY THE COUNCIL OF THE CITY OF NEWARK, OHIO.

IN WITNESS, THEREOF, I HEREUNTO SET MY HAND AND AFFIXED MY SEAL THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
CLERK OF COUNCIL,  
CITY OF NEWARK

20. A signature block for the City Engineer in accordance with the following standard form:

APPROVED BY \_\_\_\_\_, City Engineer on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

21. Signature and recording blocks for the County Auditor and County Recorder in accordance with the following standard forms:

TRANSFERRED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
AUDITOR,  
LICKING COUNTY, OHIO

FILED FOR RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.  
AT \_\_\_\_\_ FEE \_\_\_\_\_ FILE NO. \_\_\_\_\_  
RESTRICTIONS FEE \_\_\_\_\_  
RECORDED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.  
PLAT BOOK \_\_\_\_\_ PAGE(S) \_\_\_\_\_  
RESTRICTIONS RECORDED IN OFFICIAL RECORD VOLUME \_\_\_\_ PAGE(S)\_\_\_\_

\_\_\_\_\_  
RECORDER,  
LICKING COUNTY, OHIO

S3.10 FINAL PLAT PROCESSING

A. Processing and Distribution.

The final plat and plans shall be distributed by the City Planning Commission to the following officials and agencies for their review and recommendation.

1. Service Director (Planning Commission File)
2. City Engineer
3. Utility Superintendent
4. City or County Health Department, as appropriate
5. Fire Chief

6. Clerk of Council
7. Code Administrator

B. Approval.

In not more than forty days after the "Official Filing" of the Final Plat with the City Planning Commission, the Commission shall take one of the following actions:

1. Approve the final plat.
2. Disapprove the plat. In the case of disapproval, the grounds of disapproval shall be stated in the records of the Commission, including the reference to the regulations violated by this proposal. Further, the Commission shall notify the subdivider, in writing, within three working days of the Commission meeting, of the action taken and the standards of these regulations which were violated. This notification shall be by registered mail.

C. Effect of Approval

Upon approval or approval with conditions, the Commission shall communicate to Council its action. The approval or approval with condition has the following effect.

1. It authorizes the subdivider to prepare bonding for Planning Commission consideration.
2. It authorizes the developer to begin the grading of streets if the Construction Plans are approved.
3. It authorizes the recording of the final plat in the office of the Recorder of Licking County, Ohio, upon filing of original tracing with City Engineer, acceptance of bonds, and public dedications by Council.
4. It authorizes the developer to submit plans and applications to the Ohio EPA for approval of the proposed water and sanitary systems and to obtain a Permit to Install (PTI) from said Ohio EPA.
5. If the final plat is not filed for recording with the County Recorder's Office within twenty-four months of the date of approval by the City Planning Commission, it shall be null and void.



### S3.11 STANDARDS FOR REVIEW OF FINAL PLATS.

The Planning Commission shall either approve or disapprove the plat based upon the following:

- A. Compliance with Thoroughfare and Green Space.
- B. Compliance with zoning.
- C. Compliance with the design requirements of these regulations and the construction standards of the City.
- D. Compliance with the procedural requirements of these regulations.

### S3.12 COUNCIL ACTION.

City Council shall review and by legislation judge the acceptance of street and other dedications for public purposes and, pursuant to these regulations, shall officially set the amounts of performance guarantee and maintenance of public improvements.

#### A. Agreements and Guarantees

All securities required under this section shall be acceptable in form to the City's Director of Public Service and shall be secured from companies authorized to do business in the State of Ohio and shall be deposited and remain at all times with the City Auditor and shall not be released without the written consent of the City Engineer.

#### B. Notice of Commencement

A "Notice of Commencement" must be filed with the Director of Public Service prior to any construction activity. A "Notice of Completion" must be properly filed and recorded prior to the release of the development surety.

### S3.13 RECORDING OF PLAT.

Upon approval of the final plat by the Planning Commission, the acceptance of securities, and the acceptance of public lands by Council, the signature on all certifications, and the fulfillment of any requirements determined necessary for the proper subdivision of land by the Commission, the developer shall record the plat with the Recorder of Licking County. The plat shall be returned to the City Engineer for permanent storage after recording. In the event the County

Recorder keeps the original, then the developer shall provide the City Engineer with a reproducible copy of the recorded plat on one of the media set forth in S3.09-B.

A. Performance Guarantee.

1. Type of Guarantee. The subdivider, in lieu of actual installation or completion of the required improvements when requesting permission to record a final plat, shall execute and file a surety acceptable to the City's Director of Public Service.
2. Term of Guarantee. Guarantees shall be for a period of not longer than twenty-four months, unless Council extends the time period by resolution. Council may extend the bond period for a six month period, if they determine weather conditions or other unusual factors have caused delay that makes strict enforcement unreasonable.
3. Amount of Guarantee. The financial guarantee shall be in an amount equal to the City Engineer's estimate of the cost of completion of all improvements, plus eight per cent (8%), as set forth by City Council in legislation.

B. Maintenance Guarantee.

1. A maintenance surety acceptable to the City's Director of Public Service shall be posted with the City in the amount of ten per cent (10%) of the cost of improvements and shall be arranged for a period of twelve months from date of acceptance of improvements by the City Engineer. This surety is to be posted at such time as the improvements are accepted as complete by the City Engineer.
2. The subdivider shall be responsible for maintenance of all improvements against faulty workmanship, including all sedimentation and erosion controls and shall repair all failures as soon as they become apparent.
3. The streets and other improvements shall be in a condition acceptable to the City at the end of the maintenance period. If the subdivider fails to perform such maintenance to the complete satisfaction of the City, the City may use such surety guarantee to make the necessary repairs at their discretion.

### S3.14 CHARGES FOR ENGINEERING SERVICES.

- A. It shall be the duty of the Director of Public Service to establish schedules of fees for plans, specifications, printing, construction inspection, design engineering, and other engineering services performed by the Division of Engineering, which shall be as close as is practical to the actual payroll and overhead costs, thereof. Such schedules may be changed or amended from time to time as the Director may find necessary to make the schedule conform to such costs.
- B. The City Engineer, or his representative, is hereby authorized and directed to collect such fees and deposit them with the City Treasurer to the credit of the General Fund.
- C. For inspections of private projects outside the City government, the City Engineer is hereby given the prerogative to authorize the commencement of a project by a private contractor with charges determined and charged after the completion of such project or at an earlier period of time. When the Developer or Contractor has no record of service with the City or other unusual circumstances exist, the City Engineer may estimate the inspection charges and require payment of 110 per cent of that total be paid to the City prior to commencement of any work.
- D. As the actual inspection charges are being paid and accrued, the City Engineer shall, from time to time, re-estimate the inspection charges for the project, so that a deposit of money in the amount of ten per cent over and above the actual estimated costs shall be on deposit in the General Fund for the inspection charges as they accrue. However, at the discretion of the City Engineer, such charges may be made instead during and/or at the completion of the project.
- E. Upon termination of the project, any unused balance of deposits paid by a private contractor shall be returned to the depositor by City warrant.

## **ARTICLE 4**

### ***DESIGN STANDARDS***

#### **S4.01 PHYSICAL CONSIDERATIONS.**

##### **A. Natural Land Use.**

Subdivisions should be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to reduce the amount of grading, and to minimize destruction of trees and topsoil.

##### **B. Flooding Areas.**

In order to protect the health, safety, and general welfare of the people, the Planning Commission may reject a proposed subdivision located in an area subject to periodic flooding. Whenever a subdivision is proposed to be located in an area having poor drainage or other adverse physical characteristics and impairment, the Commission may approve the plat, provided that the developer binds himself legally to make such improvements as, in the judgment of the Commission, will render the subdivision substantially safe and otherwise acceptable for the intended use. In such case, the developer shall post with the Commission a surety acceptable to the Commission, sufficient to cover the cost of such improvements as estimated by the officials having jurisdiction.

##### **C. Master Plan; Compliance.**

1. The subdivision layout shall conform to the Official Thoroughfare and Green Space. Whenever a tract to be subdivided embraces any part of a highway, thoroughfare, parkway, or other major arterial, minor arterial, or collector street so designated on such Plan, such part of such public way shall be platted by the developer.

#### **S4.02 STREETS.**

##### **A. Arrangement.**

The arrangement, character, extent, width, and location of all streets shall conform to the City's Thoroughfare and Green Space and the requirements set forth, herein, unless specific requirements are waived by the City Planning Commission. The design of proposed streets and public access to adjacent unplatted lands shall be arranged so that the entire area can be served with a coordinated public street system. All streets must be built to City standards.

## B. Street Classifications.

1. Major arterial thoroughfares shall be planned for continuation of movement of fast traffic generally over 45 mph between points of heavy traffic generation and from one section of the community to another. They shall contain as few intersections with minor streets as possible.
2. Minor arterial thoroughfares are similar in nature to major arterials, but are for lower volumes and speeds, generally 35 to 45 mph.
3. Collector streets shall provide a traffic route from local streets to arterial thoroughfares. Collector streets normally contain a relatively large number of intersections with local streets and few intersections with arterial thoroughfares.
4. Local streets shall provide direct and full access to each lot and shall be laid out so that their use by through traffic will be discouraged. The street system shall be so designed that all proposed streets shall be in conformity with modern practices of land subdivision and in general conformity with a plan for the most advantageous development of the entire neighborhood. The streets shall be extended to the boundaries of the tract to be recorded and align with existing streets, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the development of adjacent tracts. Dead-end streets or cul-de-sacs will be approved only when necessitated by topography or other physical conditions or where, in the opinion of the planning commission, they are appropriate for the type of development contemplated.
5. Industrial streets are those streets within industrial zoning districts which will be subject to a large percentage of heavy truck traffic. In general they will be streets within industrial parks, but other streets having a high or potentially high truck volume may also be classified as industrial streets.

### C. STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS.

CLASSIFICATION	R/W in Feet	PAVEMENT in Feet
MAJOR	80	64
MINOR	80	54
INDUSTRIAL	60	40
COLLECTOR	60	40
LOCAL over 500' long	50	32
500' and shorter	50	28

Pavement width is measured from back of curb to back of curb.

### D. Half Streets.

Half streets shall be prohibited, except where there is an existing half street adjacent to the subdivision, in which case the remaining half of the street shall be platted.

### E. Cul-de-Sac and Dead-End Streets.

1. Streets designed to be a permanent cul-de-sac should not be longer than 800 feet and shall be provided at the closed end with a turnaround having an outside pavement diameter of at least eighty feet and a street right-of-way line diameter of at least 100 feet.
2. If the Subdivision creates a temporary dead end street that is intended to be extended in the future, an 80' diameter turnaround shall be constructed of 6" of 304 compacted base material. This turnaround shall be within an easement granted to the City by the Developer and shall be maintained to the satisfaction of the City Engineer. This easement shall be automatically vacated to the abutted property owners when the dead end street is legally extended and additional right-of-way dedicated to the City. If such dead end street is not legally extended within five (5) years of approval of the Final Plat that created it, the Developer must construct the turnaround as required for a permanent cul-de-sac (including curb and gutter) and dedicate the required 100' right-of-way to public use. If such dead-end street extends only the depth of the corner lot past a street intersection, no turnaround will be required.

#### F. Grades.

It is recognized that the maximum grade must vary with the severity of the natural terrain. Thus, the following maximum grades are set:

1. Level Terrain - 4% max. grade
2. Rolling Terrain - 8% max. grade
3. Hilly Terrain - 15% max. grade

An absolute minimum grade of 0.5% is required.

#### G. Changes in Grades.

All changes in street grades in excess of one per cent shall be connected by vertical curves. The minimum length of the vertical curve shall be 20 times the algebraic difference in the rate of grade for Major, Minor, or Industrial Streets and 15 times the algebraic difference in the rate of grade for collector or local streets. Grade changes (with or without a vertical curve) shall be no closer than 300'.

#### H. Minimum Centerline Radii.

The minimum centerline radius for horizontal curves shall be 400 feet for Major, Minor, or Industrial streets and 100 feet for collector or local streets.

#### I. Reverse Horizontal Curves.

Major, Minor, and Industrial Streets shall have a minimum 100 foot tangent section between reverse horizontal curves. No minimum tangent section is required for collector or local streets.

#### J. Intersections.

1. Intersections shall be no closer than 125 feet on local or collector streets, and no closer than 250 feet on major, minor, or industrial streets. The highest level (most restrictive) street involved governs.

2. Curbs at intersections shall be rounded using the following minimum radii:

Major	-	50
Minor	-	45
Industrial	-	50
Collector	-	30
Local	-	30

These minimums shall increase to the following when the minimum angle of intersection is between 60 and 75 degrees:

Major	-	55
Minor	-	55
Industrial	-	60
Collector	-	45
Local	-	40

3. Intersections with an angle less than 60 degrees will not be permitted.

#### S4.03 SIDEWALKS.

- A. Sidewalks shall be installed on both sides of all new public streets, unless this requirement is specifically waived by the Planning Commission.
- B. Sidewalk shall be a minimum width of four (4') feet. Curb ramps shall be constructed at all street intersections. The ramps shall be constructed in accordance with specifications and details set forth by the City Engineer.
- C. In addition, pedestrian easement ways, not less than twenty feet wide and constructed to a width of not less than eight feet, shall be required across blocks where the Commission determines that pedestrian access to schools, playgrounds, shopping centers, transportation, and other community facilities is necessary.
- D. Sidewalks shall be constructed of "Portland Cement Concrete".

#### S4.04 EASEMENTS.

- A. Minimum.

As a minimum a five foot easement along side lot lines and a 7 1/2 foot easement along rear lot lines shall be provided on all lots. The purpose of the



easement shall be as set forth in Section 3.09-B-16.

- B. Drainage easements shall be given to the City of Newark for all open channels or surface drainage courses. The width of the easement shall be determined by the Planning Commission. The easement shall allow the City, its agents or assigns, the right to reconstruct, operate, and maintain said channel or drainage course, including the right to trim, cut, fell, remove, and dispose of any and all timber, trees, underbrush, building improvements, and other improvements currently thereon; to excavate, dredge, cut away, and remove any or all of said land and to place, thereon, stones, rip rap and other fill materials for the protection of the banks and for such other purposes as may be required in connection with said work.

#### S4.05 UTILITY LOCATIONS.

The following are not mandatory locations but, rather, are recommended locations for underground utilities. Above ground utilities should be located in the rear lot utility easements. Whenever possible, City Utilities shall be located within the limits of a proposed right-of-way as follows:

- A. Sanitary Sewers.

In parklawn or under sidewalk on south or east side of street.

- B. Storm Sewers.

In parklawn on north or west side of street.

- C. Waterlines.

Under sidewalk on north or west side of street with minimum 4 1/2 foot cover.

- D. Gas Lines.

Under sidewalk or in parklawn on south or east side of street.

- E. Electric, Telephone & Cable T. V.

In rear and side lot easements.

#### S4.06 LOTS.

##### A. Zoning Conformance.

The lot size, width, depth, and the minimum building setback lines shall conform to the Zoning Ordinance.

##### B. Corner Lots.

Corner lots shall have extra width to permit appropriate building setback from the orientation to both streets (see Zoning Code).

##### C. Access to Public Streets.

The subdividing of land shall provide each lot with full frontage on a public street.

##### D. Double-Frontage Lots.

Lots shall not be laid out so that they have frontage on more than one street except:

- (1) Where the lots are adjacent to the intersection of two streets.
- (2) Where it is necessary to separate residential lots from major arterial thoroughfares, a reserve strip along the major arterial thoroughfare shall be deeded to the City. The plat shall state that there shall be no right of access across such reserve strip. The Planning Commission may require that an earthen barrier, a six foot high solid board fence, or masonry wall be constructed or that a ten foot wide planting screen be provided.

##### E. Side Lot Lines.

Side lot lines shall be substantially at right angles or radial to street lines.

##### F. Lot Depth.

No lot depth shall exceed four times the lot width at the minimum building setback line.

##### G. Where public sanitary sewer facilities and/or water are not accessible, the minimum lot size shall be determined by the Health Department having author-

ity, in accordance with their regulations and criteria, but in no event shall the lot size be less than required by the Zoning Code.

#### S4.07 SUBDIVISION COVENANTS.

All subdivision covenants shall run with the land and be enforceable by the owner of any of the property lying within the subdivision. Covenants shall be so written that they may be amended to meet changing conditions. All covenants shall indicate the proposed use of the land.

#### S4.08 EROSION CONTROL PLAN.

An erosion control plan shall be developed in accordance with the City of Newark, Stormwater Management Design Manual.

#### S4.09 STORM DRAINAGE.

A storm drainage system, designed in accordance with the City of Newark, Stormwater Design Manual, shall be constructed in each new subdivision. Also, a flood routing plan for times when the storm sewer system is inadequate shall be incorporated into any new subdivision.

The City may allow deletion of the retention pond provision provided that an adequate drainage substitute is devised by the subdivider and is approved by the City Engineer.

**ARTICLE 5**  
**UNIFORM IMPROVEMENTS**  
**REQUIREMENTS**

**S5.01 REQUIRED IMPROVEMENTS.**

**A. General Requirements**

1. The improvements required shall be designed by an Engineer, registered in the State of Ohio, and furnished and installed by the subdivider in accordance with the provisions of these regulations and other regulations of the State and City. The improvements shall be installed before the final plat is recorded by the subdivider or financial guarantee, as specified in these regulations, shall have been approved and accepted by the Planning Officer prior to the recording by the subdivider.
2. Before work on any improvement is started, the subdivider must secure such permits as may be required and notify the appropriate governmental inspectors to insure that the work is done in conformance with the approved plans.

**B. Grading.**

1. Streets must be graded the full width and slopes graded beyond the street line where necessary.
2. Sodding and seeding to prevent erosion shall be done on cuts or fills made under the above grading requirement.
3. In addition to the requirements set forth in the approved "Erosion and Sedimentation Control Plan", when deemed necessary by the City Engineer, additional control measures shall be undertaken.
4. Lots shall be graded so that water drains away from each building.
5. As many trees as can be reasonably utilized in the final development plan shall be retained and the grading adjusted to the existing grade at the trees.
6. During the construction period, the top soil shall not be removed from the site or used as fill, but shall be saved and uniformly spread over the lots as grading is finished.

7. All improvement plans shall show the topographic conditions before grading and the final elevations after grading, and provisions shall be made so that areas graded for flood routing are not changed when homes or other structures are constructed.

#### S5.02 STORM DRAINAGE.

A storm drainage system, designed in accordance with the City of Newark, Stormwater Design Manual, shall be constructed in each new subdivision. Also, a flood routing plan for times when the storm sewer system is inadequate shall be incorporated into any new subdivision.

#### S5.03 SANITARY SEWER AND WATER FACILITIES.

Adequate central sanitary sewer and water supply systems shall be provided by the developer by connection to existing City systems which are deemed adequate by the City Engineer to handle the additional demands and volume which will result from the proposed subdivision. The Planning Commission may grant an appropriate variance from the foregoing requirements when the following conditions apply:

- A. The proposed subdivision does not have access to the existing public water and/or the public sanitary sewer systems; and,
- B. The proposed subdivision meets the requirements of the appropriate Health Department and Ohio EPA.

#### S5.04 BEDDING AND BACKFILL.

Any utility trench or other excavation made within the limits of a proposed Public Right-of-Way shall be bedded and backfilled according to the following:

- A. All utility lines to be taken over by the City shall be bedded and backfilled from a point 6" below the pipe to a point 6" above the pipe with #57 aggregate as specified in Section 703 of The Ohio Department of Transportation Construction and Material Specifications. This applies to sanitary sewer line, waterlines, and storm sewer lines.

- B. From the top of the initial backfill to the pavement sub-base, the trench shall be backfilled using any of the following:
1. A controlled density backfill, such as:
    - a. K-crete
    - b. Flash-fill
    - c. or other, as approved by the City Engineer.
  2. O.D.O.T. Item 310 as listed in Chapter 703 of the construction and Material Specifications compacted in 2' lifts.
  3. Materials excavated from utility trenches or other excavation shall only be used for backfill within the proposed right-of-way, if approved in writing by the City Engineer. This material must be compacted on one (1) foot lifts. Wet of non-compactable materials will not be approved for this use.
- C. Sieve analysis or compaction density testing may be required at the discretion of the City Engineer.

All utility lines falling outside the limits of a proposed right-of-way that are intended to be dedicated to the City must be bedded and backfilled according to Item A above. These utilities also must be incorporated into a public utility easement a minimum of 20 feet wide and dedicated to the City.

#### S5.05 CURBS AND GUTTERS.

Portland Cement Concrete curbs and gutters shall be installed in all new subdivisions within the corporation limits of the City, type and style to be determined by the City Engineer.

#### S5.06 UNDERDRAINS.

Underdrains shall be constructed under all new curb and gutter sections as directed by the City Engineer. The appropriate time to discuss underdrains is when the sketch plat is submitted.

#### S5.07 SIDEWALKS.

Sidewalks shall be provided in accordance with Article 4, Section 4.03.

#### S5.08 STREET PAVEMENTS.

Streets shall be paved from edge of gutter pan to edge of gutter pan. Pavement width, grade, and crown shall be as set forth in Article 4, Section 4.02. The pavement may be either asphalt concrete, portland cement concrete, or a composite of the two and shall be constructed in accordance with the following:

## ***PAVEMENT DESIGN SHEET***

### **S5.09 STREET SIGNS.**

The developer, after receiving final plat approval and prior to undertaking construction, shall pay to the City, in accordance with the Fee Schedule in Article 7, the appropriate amount for traffic signage, which will then be installed by the City of Newark.

### **S5.10 STREET LUMINAIRES.**

Street luminaires, aka street lights, shall be installed by the subdivider on all streets within the subdivision. The number, location, and type of such luminaires is to be determined by an engineering study performed by The Ohio Power Company or Licking Rural Electric as appropriate for the subdivision and approved by the City Planning Officer.

### **S5.11 BOUNDARY SURVEY.**

#### **A. General Standards.**

The "Minimum Standards for Boundary Surveys", set forth in the Ohio Administrative Code, Chapter 4733-37, shall apply, if not specifically superseded, herein.

#### **B. Exterior Boundary Traverse.**

A complete boundary survey of the parcel being subdivided shall be made by a registered surveyor. The traverse shall close within a limit of error of one foot to 10,000 feet of the perimeter before balancing the survey.

#### **C. MONUMENTS.**

1. A concrete monument meeting the following minimum conditions, or other material approved by the City Engineer, shall be installed at each corner or bend in the exterior boundary traverse:
  - a. Length 30"
  - b. Diameter 4"
  - c. Steel rod (1/2" Dia.) running full length of monument in center of monument.



- d. A durable marker bearing the surveyor's registration number and/or name or company name.
2. Each new lot corner, not receiving a concrete monument, shall be pinned using either a solid steel pin minimum 1/2" diameter, or 3/4" steel pipe, along with a durable marker bearing the surveyor's registration number and/or name or company name. The minimum length for the pins is 30 inches.
3. Curves in either the exterior boundary survey or new lots shall have the PC (point of curvature) and PT (point of tangency) either monumented or pinned as appropriate.

#### S5.12 CITY CONSTRUCTION STANDARDS.

All public improvements shall meet the above standards, plus the adopted construction standards of the City presently in effect or any standards that are adopted subsequent to these regulations. Should these improvement regulations conflict with any existing or later adopted construction standards, the more restrictive regulations shall apply.

## **ARTICLE 6**

### ***ADMINISTRATION AND ENFORCEMENT***

#### **S6.01 ADMINISTRATION.**

It shall be the responsibility of the Planning Commission to administer these regulations, except where specific authority is given to some other City office, as set forth in these regulations.

#### **S6.02 RECORDING OF PLAT.**

No plat of any subdivision shall be recorded in the Office of the Recorder or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid; and the Planning Commission shall institute proceedings to have the plat struck from the County records.

#### **S.6.03 SALE OF LAND IN SUBDIVISION.**

No owner or agent of the owner of any land located within a subdivision shall transfer ownership in the future by reference to, exhibition of, or by use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any contract to sell or transfer contrary to the provision of this section is void, excepting through an option which cannot be exercised until the final plat has been approved by the Planning Commission. Any money changing hands for the option agreement shall be held by an escrow agent that has been pre-approved by the Planning Commission. The description of such subplot or parcel by metes and bounds in the Instrument of Transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

#### **S6.04 REVISION OF PLAT AFTER APPROVAL.**

No changes, erasures, modifications, or revision shall be made in any plat of a subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission. A fee per the schedule in Article 6 shall be charged for the revision .

#### **S6.05 PUBLIC HEARING.**

The Planning Commission, on its own motion or upon petition by affected property owners, may, prior to acting on a preliminary plat for any subdivision, hold a

hearing, thereon, at such time and place and upon such notice as the Commission may designate. All interested parties shall be entitled to be heard at such hearing.

#### S6.06 AMENDMENT OF REGULATIONS.

The Planning Commission may, on its own motion and with a Public Hearing, recommend to Council amendments, supplements, or changes to these regulations. Notice shall be given by the Commission of the time and place of Public Hearing by publication in at least one newspaper of general circulation published in the City of Newark or in Licking County, Ohio, thirty days prior to holding of the hearing. The amendment or amendments shall be on file in the Office of the Commission for public examination during such thirty days.

#### S6.07 VARIANCES.

The Planning Commission may grant variances to these regulations where unusual or exceptional factors or conditions requires such modification, provided that the Planning Commission shall:

- (A) Find that unusual topographical or exceptional physical conditions exist.
- (B) Find that strict compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions.
- (C) Permit any modification to depart from these regulations only to the extent necessary to remove the extraordinary hardship.
- (D) Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purposes of these regulations when modified.
- (E) Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of these regulations when modified.

#### S6.08 APPEALS.

Whenever a party presenting any subdivision to the Planning Commission has been rendered a decision from the Commission, which is adverse to the request of such party and will operate as a final disposition of the matter presented so as to leave the aggrieved party without further remedy, then appeal may be made as outlined in Ohio R.C., Chapter 711.

#### S6.09 PENALTY.

- (A) Whoever willfully violates any rule or provision of these regulations or fails to comply with any order pursuant to, thereto, shall forfeit and pay not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Licking County by a legal representative of the City in the name of the City and for the use of the City.
- (B) A County Recorder, who records a plat contrary to the provisions of these regulations, shall forfeit and pay not less than One Hundred Dollars (\$100.00) not more than Five Hundred Dollars (\$500.00) to be recovered with costs in a civil action by the City Law Director in the name of and for the use of the City.
- (C) Any person, whether he be the owner or agent of the owner who transfers any subplot, parcel, or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the Office of the County Recorder, shall forfeit and pay the sum of not less than One Hundred Dollars (\$100.00) nor more than One Hundred Thousand Dollars (\$100,000.00) for each subplot, parcel, or tract of land so sold. The description of such subplot, parcel, or tract by metes and bounds in the Deed of Transfer, shall not serve to exempt the seller from the forfeiture provided in this section.

#### S6.10 LOT CONSOLIDATION.

- (A) "Lot consolidation", for purposes of these Subdivision Regulations, means the joining together of two or more contiguous parcels of land having unity of ownership, the effect of which is to create one lot from those parcels so joined together.
- (B) Any proposed lot consolidation shall be submitted to the Planning Commission on forms provided by the Commission. If the Commission, acting through its Planning Officer, is satisfied that such lot consolidation is not contrary to the applicable regulations, it shall, within twenty days after submission, approve such lot consolidation by stamping the form, "Approved by the Newark City Planning Commission, no plat required", and have it signed by the Planning Officer or other official designated by the Commission. In so doing the Commission may require the submission of a sketch plat, a record of survey, and such other information as it deems pertinent to its determination under this section.

## **ARTICLE 7**

### ***FEE SCHEDULE***

		1 Jan 1995 to <u>31 Dec 1995</u>	Beginning <u>1 Jan 1996</u>
1.	Minor Subdivision/Lot Split	\$ 20.00	\$ 20.00
2.	Lot Consolidation (Combination)	\$ 20.00	\$ 20.00
3.	Major Subdivision Fees		
A.	Sketch Plat Submittal	\$ 25.00	\$ 50.00
B.	Preliminary Plat Submittal	\$ 75.00	\$ 150.00
C.	Final Plat Submittal plus \$10.00 for each lot over 20	\$ 100.00	\$ 200.00
D.	Final Plat Revisions	\$ 50.00	\$ 100.00
E.	Signage Fee		
1.	Each Street Identification Sign	\$ 137.50	\$ 275.00
2.	Each Stop or Yield Sign	\$ 87.50	\$ 175.00
3.	Each Speed Limit Sign,	\$ 75.00	\$ 150.00
4.	No Parking, and other Traffic Control Signs will be at City of Newark expense, no cost to Developer.		