

WARREN COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS

Warren County, Ohio

October 2006

Warren County Board of Commissioners
C. Michael Kilburn
David G. Young
Pat South
406 Justice Drive, Lebanon, Ohio

BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO

Resolution Number 90-490

Adopted Date -May 1, 1990

ADOPT RULES TO ABATE SOIL EROSION AND WATER POLLUTION BY SOIL SEDIMENT

WHEREAS, Section 307.79 of the Ohio Revised Code authorizes a Board of County Commissioners to adopt rules to abate soil erosion and water pollution by soil sediment; and

WHEREAS, public hearings on said revised regulations was held by the Warren County Board of Commissioners on April 3, April 10, April 19, and May 1, 1990; and

NOW THEREFORE BE IT RESOLVED, by the Warren County Board of Commissioners to adopt the revised regulations under the title:

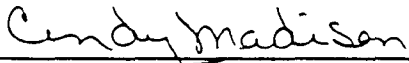
Warren County Erosion and Sediment Control Regulations

BE IT FURTHER RESOLVED, that these regulations shall become effective on June 1, 1990, and that all prior rules and regulations are hereby rescinded as of this date.

Mr. Kilburn moved for passage of the above resolution, seconded by Mr. Egleston. Upon call of the roll the following vote resulted:

Mr. Terwilliger - yea
Mr. Egleston - yea
Mr. Kilburn - yea

Resolution adopted this 1st day of May, 1990.


Cindy Madison, Clerk

/R. Price RD OF COUNTY
COMMISSIONERS

cc: RAP (file)
Soil S Water Conservation (file)
RZC (file)
File

Resolution

Number 05-356

Adopted Date March 15 2005

APPROVE FEE INCREASES WITHIN THE EROSION AND SEDIMENT CONTROL REGULATIONS

WHEREAS, this Board met this 22nd day of February 2005, and again this 15th day of March 2005, in the Commissioners' Meeting Room to consider increases in fees within the Erosion and Sediment Control Regulations; and

WHEREAS, this Board has considered all testimony from those present and considered the recommendation presented by the Soil and Water Conservation District Director; and

NOW THEREFORE BE IT RESOLVED, to approve a fee increases within the Erosion and Sediment Control Regulations as follows:

Single Family Homes:	\$50/lot (no maximum)
Multi-family, Apartments, Condos:	. \$15/unit (no maximum)
Commercial/Industrial:	\$100/disturbed acre (maximum fee \$5000)

BE IT FURTHER RESOLVED, that said fee increases shall be effective May 1, 2005.

Mr. Kilburn moved for adoption of the foregoing resolution, being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. South - yea
Mr. Young - yea
Mr. Kilburn - yea

Resolution adopted this 15th day of March 2005.

BOARD OF COUNTY COMMISSIONERS

Tina Davis, Clerk

BOARD OF COUNTY COMMISSIONERS
BARREN COUNTY, OHIO

Resolution

Number 90-490

Adopted Date May 1, 1990

ADOPT RULES TO ABATE SOIL EROSION AND WATER POLLUTION BY SOIL SEDIMENT

WHEREAS, Section 307.79 of the Ohio Revised Code authorizes a Board of County Commissioners to adopt rules to abate soil erosion and water pollution by soil sediment; and

WHEREAS, public hearings on said revised regulations was held by the Warren County Board of Commissioners on April 3, April 10, April 19, and May 1, 1990; and

NOW THEREFORE BE IT RESOLVED, by the Warren County Board of Commissioners to adopt the revised regulations under the title:

Warren County Erosion and Sediment Control Regulations

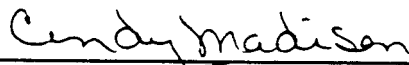
BE IT FURTHER RESOLVED, that these regulations shall become effective on June 1, 1990, and that all prior rules and regulations are hereby rescinded as of this date.

Mr. Kilburn moved for passage of the above resolution, seconded by Mr. Egleston. Upon call of the roll the following vote resulted:

Mr. Terwillegger - yea
Mr. Egleston - yea
Mr. Kilburn - yea

Resolution adopted this 1st day of May, 1990.

BOARD OF COUNTY COMMISSIONERS


Cindy Madison, Clerk

/R. Price

cc: RPC (file)
Soil & Water Conservation (file)
RZC (file)
File

BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO .

Resolution

Number 90-491

Adopted Date May 1, 1990

AUTHORIZE WARREN COUNTY SOIL AND WATER CONSERVATION DISTRICT TO
ADMINISTER THE WARREN COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS

WHEREAS, Section 307.79 of the Ohio Revised code authorizes a Board of
County Commissioners to adopt rules to abate soil erosion and water
pollution by soil sediment; and

WHEREAS, the Warren County Board of Commissioners has adopted such
regulations under the title:

Warren County Erosion and Sediment Control Regulations

WHEREAS, Section 307.79 of the Ohio Revised Code authorizes a Board of
County Commissioners to delegate the administration of said regulations to
other government agencies; and

NOW THEREFORE BE IT RESOLVED, by the Warren County Board of Commissioners to
appoint the Warren County Soil and Water Conservation District to administer
the Warren County Erosion and Sediment Control Regulations; and

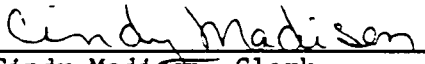
BE IT FURTHER RESOLVED, that the Warren County Soil and Water Conservation
District is authorized to modify said regulations in specific cases where
unusual or exceptional factors or conditions require such modification.

Mr. Kilburn moved for passage of the above resolution, seconded by Mr.
Egleston. Upon call of the roll the following vote resulted:

Mr. Terwilleger - yea
Mr. Egleston - yea
Mr. Kilburn - yea

Resolution adopted this 1st day of May,
1990.

BOARD OF COUNTY COMMISSIONERS


Cindy Madison, Clerk

/R. Price

cc: RPC (file)
Soil & Water Conservation District (file)
RZC (file)
File

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WARREN COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS

ARTICLE I
GENERAL PROVISIONS

SECTION 100 TITLE

These regulations shall be cited as the Warren County Erosion and Sediment Control Regulations and may hereinafter be referred to as "these regulations."

SECTION 101 STATUTORY AUTHORIZATION

These regulations, as amended, of Warren County are promulgated in accordance with and pursuant to the legal grant of authority of Ohio Revised Code Section 307.79. whereby a board of county commissioners may adopt, amend, and rescind rules establishing technically feasible and economically reasonable standards to achieve a level of management and conservation practices that will abate wind or water erosion of the soil or abate the degradation of the waters within the State by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for non farm commercial, industrial, residential, or other non farm purposes, and establish criteria for determination of the acceptability of those management and conservation practices.

SECTION 102 PURPOSE

The Warren County Board of Commissioners adopts and amends its Erosion and Sediment Control Regulations to establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices that will abate wind or water erosion of the soil or abate the degradation of the waters within the State by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for non farm commercial, industrial, residential, or other non farm purposes, and establish criteria for determination of the acceptability of those management and conservation practices.

These regulations further intend but are not limited to:

- A. Permit development while keeping erosion and sedimentation as close to existing levels as practical.
- B. Reduce damage to receiving streams and impairment of their capacity, which may be caused by sedimentation.
- C. To implement the applicable area wide waste treatment management plan prepared under section 208 of the "Federal Water Pollution Control Act," 86 Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of the storm water program of the national pollutant discharge elimination system established in 40 C.F.R. Part 122.

SECTION 103 SCOPE

These regulations shall apply to all non-farm earth disturbing activities performed on unincorporated lands of Warren County, Ohio except those activities excluded in Section 307.79 of the Ohio Revised Code as follows:

- A. Strip mining operations regulated under Section 1513.01 of the Ohio Revised Code;
- B. Surface mining operations regulated by Section 1514.01 of the Ohio Revised Code;
- C. Public highways, transportation, and drainage improvements or maintenance thereof undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that has been approved by the Warren County Board of Commissioners or the Chief of the Division of Soil and Water Conservation.

SECTION 104 DISCLAIMER OF LIABILITY

Neither submission of a plan under provisions of these regulations nor compliance with provisions of these regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, nor impose any duty or liability upon the Warren County Board of Commissioners or their agents for damage to any person or property.

SECTION 105 SEVERABILITY

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

SECTION 106 EFFECTIVE DATE

These regulations shall be effective on the 31st day after adoption by the Warren County Board of Commissioners.

ARTICLE II
DEFINITIONS

SECTION 200 INTERPRETATION OF TERMS AND WORDS

For the purpose of these regulations certain rules or word usage apply to the text as follows:

- A. Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- C. Words or terms not interpreted or defined by this article shall be used with a meaning of common or standard utilization, so as to give these regulations its most reasonable application.

SECTION 201 WORDS AND TERMS DEFINED

BUILDER

Following the issuance of a building permit the person responsible for the construction of a structure.

CHANNEL

A natural bed that conveys water; a ditch excavated for the flow of water.

DETENTION STRUCTURE

A permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.

DEVELOPER

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

DEVELOPMENT AREA

Any contiguous area owned by one person or operated as one development unit and used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes upon which earth disturbing activities occur.

DITCH

An open channel either dug or natural for the purpose of drainage or irrigation with intermittent flow.

DRAINAGE IMPROVEMENT

As defined in Ohio Revised Code Section 6131.01(C), and/or conservation works of improvement, Ohio Revised Code Sections 1511 and 1515.

DRAINAGE WAY

An area of concentrated water flow other than a river, stream, ditch, or grassed waterway.

DUMPING

Grading, pushing, piling, throwing, unloading or placing.

EARTH-DISTURBING ACTIVITY

Any grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

EARTH MATERIAL

Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

EROSION

The process by which the land surface is worn away by the action of wind, water, ice or gravity.

- A. Accelerated Erosion: A process which is much more rapid than natural or geologic erosion, and is primarily a result of the activities of man.
- B. Channel Erosion: The erosion process whereby the volume and velocity of a concentrated flow wears away the bed and banks of a well-defined channel.
- C. Floodplain Erosion: Abrading and wearing away of the nearly level land situated on either side of a channel due to overflow and flooding.
- D. Gully Erosion: The erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths, such that the channel would not be obliterated by normal smoothing or tillage operations.
- E. Natural Erosion or Geologic Erosion: The wearing away of the earth's surface by water, wind or ice under natural environmental conditions that are undisturbed by man.
- F. Rill Erosion: An erosion process in which numerous small channels only several inches deep are formed, which if not corrected can become gullies. Normal tillage operations can remove the rills.

G. Sheet Erosion: The removal of a fairly uniform layer of soil from the land surface as a result of raindrop splash and runoff.

EROSION AND SEDIMENT CONTROL

A system of structural and vegetative measures that minimize soil erosion and offsite sedimentation

EROSION AND SEDIMENT CONTROL PLAN

An erosion and sediment control strategy or plan, to minimize erosion and prevent off-site sedimentation by containing sediment off-site or by passing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of these regulations, and designed in accordance with the handbook "Water Management and Sediment Control for Urbanizing Areas" in Section 302. The erosion and sediment control plan may be referenced to as a sediment control plan.

FARM

Land or water devoted to agriculture.

GRASSED WATERWAY

A broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to conduct surface water.

IMPERVIOUS

Not allowing infiltration.

LANDSLIDE

Rapid movement downslope of a mass of soil.

OWNER

Any person seized of a freehold estate in land except that person holding easements are not included within such meaning.

PERSON

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, or any combination thereof.

PUBLIC WATERS

Water within rivers, streams, ditches and lakes except private ponds and lakes wholly within single properties, or waters leaving property on which surface water originates.

RETENTION STRUCTURE

A permanent structure that provides for the storage of runoff by means of a permanent pool of water.

RUNOFF

The portion of rainfall, melted snow or irrigation water that flows across the ground surface and is eventually returned to streams.

SEDIMENT

Soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

SEDIMENTATION

The process or action of depositing sediment.

SEDIMENT BASIN

A dam or other suitable detention facility built across an area of water flow to settle and retain sediment carried by the runoff waters.

SEDIMENT POLLUTION

Failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for non-farm commercial, industrial, residential or other non-farm purposes.

SLOUGHING

A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.

SOIL CONSERVATION

Using the soil within the limits of its physical characteristics and protecting it from unalterable limitations of climate and topography.

SOIL AND WATER CONSERVATION DISTRICT

As organized under Chapter 1515 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board, or its designated employee(s), hereinafter referred to as the Warren County Soil and Water Conservation District.

SOIL LOSS

Soil moved from a given site by the forces of erosion.

SOIL STABILIZATION

Measures, which protect soil from the erosive forces of raindrop impact and flowing water.

STOCKPILE

Any deposition of soil to be used for a future purpose.

STORM FREQUENCY

The average period of time within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

STORMWATER MANAGEMENT

Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

STORMWATER RUNOFF

That portion of the rainfall that exceeds the infiltration capacity of the soil.

STREAM

A body of water running or flowing on the earth's surface. Flow may be seasonally intermittent.

SUBSOIL

That part of the soil below the surface soil or plow layer.

TOPSOIL

The upper layer of soil, which is usually darker and richer in organic matter and nutrients than the subsoil.

WATERSHED

The total drainage area contributing runoff to a single point.

WATERCOURSE

A definite channel with bed and banks within which concentrated water flows, either continuously or intermittently.

ARTICLE III
REGULATIONS

SECTION 300

REQUIREMENTS

No person shall cause or allow earth-disturbing activities on a development area except in compliance with the standards and criteria set out in Section 302 and Sections 303 thru 311 and the applicable item A or B below.

- A. When a proposed development area consists of one (1) or more acres and earth-disturbing activities are proposed, the owner of record shall develop and submit for review a sediment control plan. Such a plan shall contain sediment control and water management practices so that compliance with other provisions of these regulations will be achieved during and after development. No earth-disturbing activities shall commence prior to acceptance of the erosion and sediment control plan by the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners.
- B. When a proposed development area involves less than one (1) acre, it is not necessary to submit a sediment control plan; however, the responsible person must comply with other provisions in these regulations. All earth disturbing activities shall be subject to surveillance and site investigation by the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners to determine compliance with the standards and regulations.
- C. The sediment control plan shall be certified by a professional engineer registered in the State of Ohio.
- D. All plans shall be submitted to the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners, with the exception of those prepared by a public agency and shall be accompanied by a filing fee as determined by the Warren County Board of Commissioners.
- E. The District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners shall be notified 48 hours prior to commencement of earth disturbing activities. The District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners shall also be notified when the project is completed.
- F. All improvements shall be constructed in conformity with approved plans and shall be completed within the time fixed or agreed upon by the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners.

- G. In order that the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners has the assurance that the construction of improvements will be completed, the developer shall enter into one of the agreements as stated in Section 402A of these regulations.
- H. These regulations are intended as guidelines and may be altered as necessary by the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners.

SECTION 301

EXCEPTIONS

Any person seeking approval to construct or improve a single-family residence shall be exempted from having to prepare an erosion and sediment control plan provided they:

- A. Construct upon one lot or parcel at a time, and there is no other construction occurring, simultaneously on land or property within five hundred (500 feet) of the proposed development site; and
- B. Do not disrupt, alter, or expose more than fourteen thousand (14,000) square feet of existing natural surface of the total development site at a time; and
- C. Follow a standard policy for controlling run-off erosion and sediment impacts foreseeable to result during and from site development, which is acceptable to the Warren County Board of Commissioners.

Exemption under this section of any person for the preparation and submission of a sediment control plan does not, however, exempt them from complying with the other provisions of this regulations. The Warren County Board of Commissioners may require the responsible person to submit information deemed necessary to determine compliance.

SECTION 302

EROSION AND SEDIMENT CONTROL STANDARDS

The standards are contained in the most recent edition of handbook " Rainwater and Land Development" developed by the Soil Conservation Service, U.S. Department of Agriculture and the Ohio Department of Natural Resources Division of Soil and Water Conservation.

- 1 A copy of the "Rainwater and Land Development" handbook may be obtained from either the Warren County Regional Planning Commission or the Warren County Soil and Water Conservation District.

SECTION 303 STABILIZATION OF DENUDED AREAS AND SOIL STOCKPILES

- A. Permanent soil stabilization shall be installed on denuded areas within seven (7) days after final grade is reached on any portion of the site. Stabilization shall be installed within three (3) days on areas immediately adjacent to streams. Application practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions and estimated time of use.
- B. Temporary soil stabilization shall be required on any denuded area which will not be regraded for longer than thirty (30) days. Temporary soil stabilization shall be applied within seven (7) days after rough grading, or three (3) days on areas immediately adjacent to streams.
- C. Soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent soil loss.

SECTION 304 ESTABLISHMENT OF PERMANENT VEGETATION

A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized after final grading. Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion and to survive severe weather conditions.

SECTION 305 PROTECTION OF ADJACENT PROPERTIES

Properties adjacent to the site of a land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters or dikes, or sediment basins, or by a combination of such measures.

SECTION 306 TIMING AND STABILIZATION OF SEDIMENT TRAPPING MEASURES

Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment on-site shall be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched within seven (7) days of completion of installation.

SECTION 307 SEDIMENT BASINS

Where five (5) acres or more of the development area are disturbed in one watershed, stormwater runoff from that watershed shall pass through a sediment basin or other suitable sediment trapping facility with equivalent

other suitable sediment trapping facility with equivalent or greater storage capacity. The Warren County Board of Commissioners may require sediment basins or traps for smaller disturbed areas where deemed necessary. The sediment basin requirement may also be waived, by variance, if the Warren County Board of Commissioners agrees that site conditions do not warrant its construction.

Unless otherwise designed, sediment basins are temporary and shall be removed following final stabilization or other approved methods of stabilization of the contributing watershed.

SECTION 308

CUT AND FILL SLOPES

Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Consideration should be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Slopes which are found to be eroding excessively during the first two (2) years after final grade shall be provided with additional slope stabilizing measures by the owner, developer or builder as appropriate until the problem is corrected. The following guidelines are provided to aid in developing an adequate design.

- A. Roughened soil surfaces are generally preferred to smooth surfaces on slopes.
- B. Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
- C. Concentrated stormwater should not be allowed to flow down cut of fill slopes unless contained within an adequate channel, flume or slope drain structure.
- D. Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.

SECTION 309

STABILIZATION OF WATERWAYS AND OUTLETS

All on-site stormwater conveyance channels except roadway ditches shall be designed and constructed to withstand the expected velocity of flow without erosion. Methods adequate to prevent erosion shall also be provided at the outlets of all pipes and paved channels. Provisions for management of stormwater shall be submitted to the Warren County Engineer for review and approval.

SECTION 310

CONTROL OF WASTE

All waste 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 shall be controlled.

SECTION 311 STORM SEWER INLET PROTECTION

All storm sewer inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

SECTION 312 WORKING IN OR CROSSING WATERCOURSES

- A. Construction vehicles should be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall always be restabilized immediately after in-channel work is completed.
- B. Where a live (wet) watercourse will be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided.

SECTION 313 DISPOSITION OF TEMPORARY MEASURES

All temporary erosion and sediment control measures shall be disposed of within thirty (30) days after final site stabilization is achieved as determined by The Warren County Board of Commissioners or after the temporary measures are no longer needed, unless otherwise authorized by the Warren County Board of Commissioners. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.

SECTION 314 MAINTENANCE OF TEMPORARY MEASURES

All temporary erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended function. The OWNER will be responsible for such maintenance until the final inspection by the Warren County Board of Commissioners.

SECTION 315 STATUS OF STANDARDS

The standards are general guidelines and shall not limit the right of the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners to impose additional, requirements, nor shall the standards limit the right of the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners to waive individual requirements.

ARTICLE IV
ADMINISTRATION

SECTION 400 EROSION AND SEDIMENT CONTROL PLAN CONTENT

In compliance with Section 300A, one (1) copy of the erosion and sediment control plan shall be submitted to the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of County Commissioners and shall contain a narrative and a site plan. The narrative information may be included on the site plan. The following information is required.

A. Narrative

1. Project description - nature and purpose of land disturbing activity; acres of grading involved.
2. Approximate acreage of overall site, of each subplot and of right-of-ways.
3. Existing site conditions - topography, vegetation and drainage.
4. Adjacent areas - description of neighboring areas such as streams, lakes, residential areas, roads, etc., which might be affected by the land disturbance.
5. Brief description of the soils on the site giving such information as soil name, erodibility, permeability, depth, texture and structure, and limitations for the proposed use. (Refer to the Soil Survey of Warren County, Ohio, released in March, 1973).
6. Estimated impervious areas, stated in terms of square footage or acreage, whichever is appropriate.
7. Critical areas - a description of areas on the site which have potentially serious erosion problems.
8. Erosion and sediment control measures, to minimize on-site erosion and to minimize off-site sedimentation.
9. Provisions for management of stormwater, derived both on-site and from upper watershed areas shall be submitted to the Warren County , Engineer for review and approval.
10. Details of temporary and permanent stabilization measures, including method of anchoring mulches.

11. Maintenance schedule for inspection and repair of temporary erosion and sediment control structures.
12. Sequence of construction describing implementation and maintenance of controls, temporary and permanent stabilization and earth-disturbance and construction. The sequence of construction shall, as a minimum, include a projected schedule and time frame for the following activities:
 - a. Clearing and grubbing for those areas necessary for installation of perimeter controls;
 - b. Construction of perimeter controls;
 - c. Remaining clearing and grubbing;
 - d. Road grading;
 - e. Grading for the remainder of the site;
 - f. Utility installation;
 - g. Final grading, landscaping and stabilization; and
 - h. Removal of controls.
13. Design computations and applicable assumptions for all temporary structural measures for erosion and sediment pollution control.
14. Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
15. Estimated cost of erosion and sediment control structures and features.
16. Name, address, and telephone number of the plan designer, the owner, and the persons) responsible.

B. Site Plan

1. The site plan shall be drawn at a scale between two hundred (200) feet to the inch and fifty (50) feet to the inch. Site plans shall be on one or more sheets twenty-four (24) by thirty-six (36) inches in size and shall be clearly and legibly drawn.

2. Vicinity map at a scale of not less than two thousand (2,000) feet to the inch locating the site in relation to the surrounding area.
3. Existing topography shown in 2 foot contour intervals and showing drainage patterns and drainage areas showing direction of flow. ALSO show existing drainage patterns and facilities, road rights-of-way and easements. ALSO show topography in 5 foot contour intervals on adjacent land within 200 feet of the site unless deemed not necessary by the Warren County Board of Commissioners.
4. Existing vegetation.
5. Location of existing buildings, structures, utilities, water bodies, drainage facilities, vegetative cover, paved areas, road right-of-way and other significant natural and man-made features in the development area, and of adjacent areas which might be affected by the land disturbance.
6. Soil types and boundaries as shown on the Soil Survey of Warren County, Ohio, released in March, 1973.
7. Title, scale, direction, legend and date of all plan maps.
8. Critical erosion areas.
9. Existing and proposed drainage patterns, including the watershed lines, direction of flow, and watershed acreage.
10. Location and elevation of proposed erosion and sediment control structures.
11. Profile of road cut and fill, with original ground profile and proposed grade profile.
12. Areas of excavation, grading and filling.
13. Final contours.
14. Limits of clearing and grading.
15. Location of practices, including erosion and sediment control, construction entrances and designated area(s) for concrete wash-out to be field adjusted as necessary.
16. Bottom width, side slopes and grade of ditches.
17. Location of existing utilities.
18. Location of existing easements.

19. Detail drawings of any structural practices used that are not referenced in "Water Management and Sediment Control for Urbanizing Areas".
20. Signed and sealed by Professional Engineer, the District Administrator of the Warren County Soil & Water Conservation District, as the designator of the Warren County Board of County Commissioners may waive specific requirements for plan detail or may require additional information to show that work will conform to the basic requirements of these regulations.

SECTION 401 PLAN REVIEW

If the proposed development is not regulated by the Warren County Subdivision Regulations the erosion and sediment control plan shall be submitted and approved prior to the issuance of a building permit by the Warren County Building Inspection Department. If the proposed development is regulated by the Warren County Subdivision Regulations then the erosion and sediment control plan shall be submitted after the approval of the preliminary plat by the Warren County Regional Planning Commission, and no later than concurrently with the submittal of construction drawings to the Warren County Regional Planning Commission. The erosion and sediment control plan shall be approved before any earth disturbing activity is begun except for soil borings, test pits, and other analysis efforts.

The developer shall submit copies of the erosion and sediment control plan to the Warren County Regional Planning Commission for the Warren County Board of Commissioners. Plans will be distributed to appropriate review agencies by the Warren County Regional Planning Commission.

Within ten (10) working days of receipt of an erosion and sediment control plan, the District Administrator of the Warren County Soil & Water Conservation District, as the designator of the Warren County Board of County Commissioners shall indicate its status of compliance or non-compliance to the owner or his appointed representative. Indication of non-compliance shall include specific plan deficiencies and the procedures for filing a revised plan.

At the time of submission of the revised plan, another ten (10) working day period is begun. Approval plans shall remain valid for two (2) years from date of approval unless construction has begun and control measures have been implemented. Renewal is accomplished by the submission of another plan.

SECTION 402 PERMIT

The submission of a letter from the District Director of the Warren Co. Soil and Water Conservation District to the Warren County Regional Planning Commission stating that the Erosion and Sediment Control Plan is approved will serve as the issuance of a permit. Copies of the approval letter will be sent to the responsible parties (owner/developer and consultant). No earth disturbing activities are permitted until the approval letter has been issued.

- A. In order that the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of County Commissioners has the assurance-that the construction and installation of required erosion and sediment control structures, features and measures as required by the approved erosion and sediment control plan will be completed, the developer shall enter into following prior to the issuance of the permit
1. A security agreement form promulgated by the Warren County Board of Commissioners and providing a performance bond with the Warren County Board of Commissioners equal to the cost of construction, plus thirty (30)percent of such improvements as shown on plans, and based on an estimate approved by the District Director of the Warren County Soil and Water Conservation District.
- B. The security to Warren County Board of Commissioners shall continue for a period of time determined by the District Director of the Warren County Soil and Water Conservation District from date of execution, and shall provide that the subdivider, his heirs, successors and assigns, their agents or servants, will comply with all applicable terms, conditions, provisions and requirements of these regulations, and will faithfully perform and complete the work of constructing, installing and maintaining such facilities or improvements in accordance with such laws and regulations.
- C. Before said security is accepted, it shall be approved by the proper administrative officials.
- D. Whenever a cash deposit is made, the same shall be made to the Warren County Board of Commissioners.
- E. Preceding the acceptance of the developer's security, an itemized list of materials and their cost shall be submitted to the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of Commissioners. This list includes grading and construction of storm water basins which are to be located outside the road right-of-way. Construction cost estimates shall reflect realistic and current bid prices.
- F. As required improvements for erosion and sediment control are completed, approved, and accepted, the Warren County Board of Commissioners may, upon a favorable written recommendation of the District Director of the Warren County Soil and Water Conservation District, reduce the amount of the security. The District Director of the Warren County Soil and Water Conservation District shall issue a letter to the Warren County Board of Commissioners, and such letter shall be sufficient evidence for the reduction of the security by Warren County.
- G. When the District Administrator of Warren County SWCD, as the designate of Warren County Board of Commissioners, following final inspection of a subdivision, certify to the Warren County Board of Commissioners, that all improvements have been constructed in accordance with County specifications, the Warren County Board of Commissioners may proceed to accept the facilities for which the security was posted.

H. Whenever public improvements have not been constructed in accordance with the agreement, and with specifications as established, the Warren County Board of Commissioners may exercise its rights to declare a default under the security agreement and pursuit of any deficiencies.

SECTION 404 INSPECTION AND COMPLIANCE

The District Administrator and other staff of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of County Commissioners may inspect development areas to determine compliance with these rules and regulations. If it appears that a violation of these regulations has occurred, the owner or his appointed representative shall be notified of the deficiencies or non-compliance by the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of County Commissioners in writing by certified mail. If within two (2) weeks after receipt of such letter, the deficiency or non-compliance has not been corrected or plans have not been approved by the District Administrator of the Warren County Soil & Water Conservation District, as the designate of the Warren County Board of County Commissioners for its correction, said deficiency or non-compliance shall be reported to the Warren County Board of Commissioners for consideration.

If the Warren County Board of Commissioners determines that a violation exists an injunction or other appropriate relief may be sought to abate excessive erosion or sedimentation and secure compliance with these regulations. In granting relief the court may order the construction of sediment control improvements or implementation of other control measures.

A final inspection will upon notification by the developer of the completion of the scope of work being performed under the sediment control plan to determine if the criteria of these regulations have been satisfied.

SECTION 405 FINES, PENALTIES AND STOP WORK ORDERS

A. If the Warren County Board of Commissioners or its duly authorized representative determines that a violation of the rules adopted under this section exists, the board or representative may issue an immediate stop work order if the violator failed to obtain any county permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity. In addition, if the board or representative determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the board or representative may authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the board or its duly authorized representative shall issue a second notice of violation. Except as provided in division (405 D) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the board or

its duly authorized representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county if, in the opinion of the prosecuting attorney, the violation is egregious.

- B. Once a stop work order is issued, the board or its duly authorized representative shall request, in writing, the prosecuting attorney to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine.
- C. The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.
- D. No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water conservation in the department of natural resources.

SECTION 406 VIOLATIONS

- (i) No person shall violate any rule adopted or order issued under this section. Notwithstanding division (405 D) of this section, if Warren County Board of Commissioners determines that a violation of any rule adopted or administrative order issued under this section exists, the board may request, in writing, the prosecuting attorney to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule adopted or administrative order issued under this section shall be considered a separate violation subject to a civil fine.

SECTION 407 VARIANCE

The Warren County Board of Commissioners shall serve as the "Board of Appeals" to hear and decide variances to these regulations in accordance with the standards of this Section. It may also hear appeals where it is alleged that the District Director of the Warren County Soil & Water Conservation District made an error in any order, requirement, decision or determination in the enforcement of these Regulations.

A variance may be granted by the Board of Appeals where:

- (i) exceptional topographic or other physical conditions exist which are peculiar to the particular parcel of land.
- (ii) That the peculiar condition in paragraph A did not result from previous actions by the owner.
- (iii) That a literal interpretation of these regulations would deprive the owner of rights enjoyed by other property owners.

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The request for a variance shall be submitted to the Warren County Board of Commissioners and shall state the specific variances sought and include sufficient data to justify the granting of a variance.

All applications for appeals or variances shall be made on a form provided and accompanied by the fee established by the Board of County Commissioners. Appeals shall be filed within thirty (30) days of the decision of the District Director of the Warren County Soil and Water Conservation District.

Appeals of decisions of the Board of Appeals shall be in accordance with Chapter 2506 of the Ohio Revised Code .

SECTION 408 APPEALS

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the Warren County Board of Commissioners in relation to these regulations may appeal to the court of common pleas. Such an appeal shall be made in conformity with Chapters 2505 and 2506 of the Ohio Revised Code. Written notice of appeal shall be served on the clerk of the Warren County Board of Commissioners.

(20)

