

CITY OF COLUMBUS  
DEPARTMENT OF PUBLIC UTILITIES DIVISION  
OF SEWERAGE AND DRAINAGE

REGULATION FOR CONTROL OF  
STORMWATER POLLUTION FROM LAND  
DISTURBANCE

DRAFT REGULATION

<<Date>>

# CITY OF COLUMBUS

## Proposed Regulation for Control of Stormwater Pollution From Land Disturbance

Draft Regulation  
<<Date>>

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# CITY OF COLUMBUS

## Proposed Regulation for Land Disturbance Stormwater Pollution Control

Draft Regulation

<<Date>>

### ARTICLE 1: APPLICABILITY

This regulation is adopted as a rule of the Director of Public Utilities pursuant to the authority provided in Columbus City Code sections 1145.11, 1145.81 and 1149.04 for the purpose of protecting the combined sewer, storm sewer and surface waters of the state from pollution generated by land-disturbance activities. This regulation is applicable to all premises within the City of Columbus and other appropriate premises per the provisions defined in Columbus City Code, sections 1145.80 and 1145.01.

This regulation supersedes and replaces the Erosion and Sediment Pollution Control Regulation adopted June 1, 1994 specified in Section 3.5, Section 7.1.5 and Appendix A of the City's August 2012 Stormwater Drainage Manual. No person shall cause or allow land disturbance except in compliance with the standards set out in this regulation and the applicable items below.

#### 1.1 Exemptions

Unless otherwise determined by the Director to be a source of water quality degradation or cause restriction or damage to the combined sewer, storm sewer or surface waters of the state; or otherwise eligible for coverage under a Nation Pollutant Discharge Elimination System (NPDES) Permit issued by the Ohio Environmental Protection Agency (Ohio EPA), the following land disturbance activities are exempt from this regulation:

1. Activities that disturb less than 2,000 square feet of land, that:
  - a. Are not situated within the limits of a Stream Corridor Protection Zone or Riparian Setback as established within the recorded deeds or plat of the property, or
  - b. Are not situated closer than 50 feet to a stream where a Stream Corridor Protection Zone or Riparian Setback has not been established.
2. Activities on land used specifically for the production of crops and nursery stock in compliance with applicable zoning regulations
3. Activities associated with gardens and landscaping where permanent or temporary stabilization is provided.
4. Emergency work associated with land disturbances to protect life, limb or property. Emergency work that disturbs the ground for more than 14 days shall no longer be considered emergency in nature and therefore must immediately comply with all applicable provisions of this regulation.

## 1.2 Waivers

It is conceivable that land disturbing activities not automatically subject to exemption may exist such that land disturbing activities will not be harmful to surface waters of the state, the storm sewer, or the combined sewer. Such land-disturbing activities, subject to City approval, are eligible for a waiver from this regulation. Waiver requests shall be made in writing to the following address and shall include sufficient detail to support that granting a waiver will not be detrimental to abutting properties or to surface waters of the state, to the storm sewer or to the combined sewer.

Stormwater and Regulatory Management Section Manager,  
City of Columbus Division of Sewerage and Drainage  
1250 Fairwood Avenue  
Columbus, Ohio 43206

Waivers issued by the Ohio EPA from conditions of the Ohio EPA Construction General Permit for land disturbances eligible for coverage under Ohio EPA's Construction General Permit will be considered for exemption by the City from these regulations. A copy of the waiver approved by Ohio EPA shall be submitted to the Stormwater and Regulatory Management Section Manager, Division of Sewerage and Drainage as part of the written waiver request.

Issuance of a waiver shall apply only to the requirement of controls per this regulation, and shall not in any way imply a relaxation of any requirements outlined in the City's Stormwater Drainage Manual, including, but not limited to provisions for adequate on-site drainage, and the ability to accept runoff from land tributary to the development. Land disturbing activities shall not commence until an approved waiver is issued by the City.

## ARTICLE 2: DEFINITIONS

For the purposes of this regulation, certain rules of 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 is not discretionary; the word “may” is permissive.
- c. Words or terms defined or interpreted in this article shall have the meaning shall have the meaning provided herein.
- d. Words not interpreted or defined in this article that are defined in Columbus City Codes Chapter 101 or 1145, shall have the meaning provided in those chapters.
- e. Words not interpreted or defined in this article or in Columbus City Codes Chapter 101 or 1145 shall be used with a meaning of common or standard utilization, so as to give the regulation its most reasonable application.

Combined sewer: As defined in Columbus City Code, Chapter 1145.

Commencement of land disturbance activities: The initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.

City of Columbus, Construction and Material Specifications, applicable version: A manual describing the directions, provisions, requirements, materials or products for use in construction of improvements within the City of Columbus.

Days: Means calendar days.

Development: The alteration, construction, installation, demolition or removal of a structure, impervious surface or drainage facility; or clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.

Director: The Director of the Department of Public Utilities, City of Columbus, or designee.

Erosion: The wearing or washing away of soil by the action of water due to either natural or manmade causes.

Exempt: Those activities that are not subject to the land disturbance stormwater pollution control requirements contained in this regulation.

Final stabilization: Means either:

1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover ( evenly distributed, without large bare areas) with a density of at least 70 percent cover for the area has been established on all unpaved areas and areas not covered by

permanent structures or equivalent stabilization measures (such as the use of mulches, rip-rap, gabions or geotextiles) have been employed. In addition, all temporary construction pollution prevention controls are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion; or

2. For individual lots in residential construction final stabilization means either:
  - a. The homebuilder has completed final stabilization as specified above, or
  - b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for and benefits of, final stabilization;or
3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization is accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters of the state and which are not being returned to their pre-construction agricultural use, must meet the final stabilization criteria in (1) above.

Land disturbance or Land disturbing: Any construction, construction material storage or construction support activities; clearing; grading; grubbing; denuding; stripping; excavating; filling; rutting; dewatering; stockpiling; outdoor soil, aggregate, mineral or vegetative material processing; demolition; or other alteration of land surface where un-stabilized soil or construction materials are exposed to precipitation and stormwater runoff; and any other activities eligible for coverage under the Ohio EPA Construction General Permit.

Landscaping: Planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and similar activities to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained for ornamentation or other nonagricultural purpose.

Mulching: The application of suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

Natural channel design: An engineering technique that uses knowledge of the natural process of a stream to create a stable stream that will maintain its form and function over time.

Notice of Intent (NOI): Refers to a notice of intent to be covered by the General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System issued by Ohio EPA.

Notice of Termination (NOT): Refers to a notice of termination from coverage under conditions of the General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System issued by Ohio EPA.

Ohio EPA: The Ohio Environmental Protection Agency

Ohio EPA Construction General Permit: Current version of the General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System issued by Ohio EPA and any revisions and amendments thereto.

Open Channel: A natural stream that conveys water; a ditch excavated and/or constructed for the flow of water.

Person: As defined in Columbus City Code, Chapter 1145.

Pollution or Stormwater Pollution: Any liquid, solid, or semi-solid substance, or combination thereof, that enters stormwater runoff in concentrations or quantities large enough to contribute to the degradation of the beneficial uses of the body of water receiving the discharge or are prohibited by state law.

Post-construction Stormwater Control Practice (SCP): Is a permanent, structural practice intended to capture or treat stormwater runoff; reduce stormwater runoff rate or volume; or minimize contact between pollutant sources and precipitation or runoff.

Rainwater and Land Development Manual: A manual describing construction and post-construction stormwater control practices (SCPs) and associated specifications. A copy of the manual may be obtained by contacting the Ohio Environmental Protection Agency.

Riparian Setback: The required setback distances along a surface water of the state designated under the Ohio EPA Construction General Permit as areas in which no construction activity shall occur without appropriate mitigation.

Runoff: Precipitation, snow melt, or irrigation water not absorbed by soil.

Sediment: Solid material, whether mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Sediment settling pond: A temporary sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of the Rainwater and Land Development Manual.

Stabilization: The prevention of erosion by any vegetative and/or structural means.

1. “Permanent stabilization” means the establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further land disturbance is expected for at least one year.
2. “Temporary stabilization” means the establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between land-disturbance operations.

Storm sewer: A control, conveyance or system of conveyances designed or used for collecting controlling and conveying stormwater which is not a combined sewer. A storm sewer includes but is not limited to detention basins, green infrastructure, catch basins, curbs, gutters, ditches,

man-made channels, or storm drains and the roads or streets that include or are drained by these features.

Stormwater (Storm water): Discharges to surface waters that originate from precipitation events.

Stormwater Drainage Manual: A rule adopted by the Director that regulates the collection, control and discharge of stormwater runoff from development activities within the City of Columbus.

Stormwater Pollution Prevention Plan (SWP3): A plan subject to review and approval by the approving agency that identifies land disturbance activity sources of pollutants, temporary construction pollution prevention controls and post-construction SCPs that will be implemented both during and after the land disturbance activities to manage the site runoff.

Stream: A body of water running or flowing on the earth's surface shown on USGS 7.5 minute Quad maps as solid or dashed blue lines or a surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodic flowing water.

Stream Corridor Protection Zone (SCPZ): A zone that allows for the natural, lateral movement of open watercourses and prevents structures from being impacted by natural streambank erosion. A corridor with natural vegetation is left in its natural state, typically vegetated to provide stream stabilization and water quality benefits through infiltration.

Steep slopes: Slopes that are 15 percent or greater in grade.

“Surface waters of the state” or “water bodies”: All streams, lakes, reservoirs, ponds, marshes, wetlands or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do not combine or effect a junction with natural surface or underground waters. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the ORC are not included.

Temporary Construction Pollution Prevention Controls or Controls: Also referred to as Best Management Practices in the Ohio EPA Construction General Permit, means schedules of activities, prohibitions of practices, maintenance procedures and other management practices (both structural and non-structural) of a temporary nature to prevent or reduce the pollution of a combined sewer, storm sewer or surface waters of the state during land disturbing activities. Temporary Construction Pollution Prevention Controls also include treatment requirements, operating procedures and practices to control runoff from land disturbing activities, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

Waiver: A conditional exemption from the regulation in part or in whole, as specified by the approving agent, in a formal written statement. A waiver from the regulation shall not be assumed to be in effect, without the expressed written statement from the City.



## ARTICLE 3: STANDARDS FOR LAND DISTURBANCES ELIGIBLE FOR COVERAGE UNDER OHIO EPA'S CONSTRUCTION GENERAL PERMIT

Land disturbing activities eligible for coverage under Ohio EPA's Construction General Permit shall be performed in compliance with this regulation and all requirements of the Ohio EPA Construction General Permit. The City will require more stringent standards if a site is determined by the Director to be a source of water quality degradation or cause restriction or damage to the storm sewer or surface waters of the state.

### 3.1 Submittal Requirements

In accordance with the Ohio EPA Construction General Permit and prior to the commencement of land disturbing activities, any person(s) performing land disturbing activities eligible for coverage under Ohio EPA's Construction General Permit shall submit the following to the City for review: (1) a copy of a complete NOI application form; (2) a copy of written correspondence from the Ohio EPA authorizing coverage under the Ohio EPA Construction General Permit; and (3) a copy of a Stormwater Pollution Prevention Plan (SWP3) prepared and certified by a professional engineer registered in the state of Ohio. SWP3 contents shall include, but are not limited to: all pertinent elements, controls and post-construction SCPs needed to comply with the requirements of the Ohio EPA Construction General Permit, the City of Columbus Stormwater Drainage Manual and those controls required by these regulations. With respect to this regulation, SWP3 components specific to the preservation methods, erosion control practices, runoff control practices, and sediment control practices during construction as specified in the Construction General Permit and included under the items listed in the City's Stormwater Pollution Prevention Plan Review Checklist for Construction Activities shall be provided in the SWP3. A copy of a completed Stormwater Pollution Prevention Plan Review Checklist for Construction Activities shall be provided with the SWP3 submittals for City review. The Stormwater Pollution Prevention Plan Review Checklist for Construction Activities is available on the City's Department of Public Utilities Stormwater Drainage Manual Webpage located at: <https://www.columbus.gov/stormwater>. Land disturbing activities shall not commence until the SWP3 is approved by the City.

### 3.2 Modifications to Submittal or Controls:

**The SWP3 shall be kept onsite and must be modified or revised to reflect the current state of installed control measures at all times.** The SWP3 shall be modified as necessary during land disturbing activities to reflect any changes needed to manage site stormwater runoff during the various phases of land disturbance. SWP3 revisions needed to reflect changes to sediment settling ponds, diversion channels, post-construction SCPs, permanent stormwater conveyance systems or disturbance of areas beyond those identified in the approved SWP3 shall be submitted for approval to the City prior to modification in the field.

### 3.3 Temporary Construction Pollution Prevention Controls

Any person(s) performing land disturbing activities eligible for coverage under Ohio EPA's Construction General Permit are required to implement temporary construction pollution prevention controls that are selected and appropriately designed to conform to the latest versions of the Rainwater and Land Development Manual and the City of Columbus Construction and Material Specifications unless otherwise noted in this regulation.

The design and construction of post-construction SCPs shall be in accordance with the latest versions of the City's Stormwater Drainage Manual and the City of Columbus Construction and Material Specifications.

### 3.3.1 Minimum Controls

At a minimum, controls shall be designed, properly installed, maintained and implemented to:

1. Control the discharge of sediment from all areas of land disturbance.
2. Control and contain all waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary wastewater at the site.
3. Minimize the exposure to precipitation for all building materials, building products, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, petroleum products and other materials present on the site.

### 3.3.2 City-specific Control Requirements

The following specific control requirements and restrictions also apply:

1. Preservation: Disturbances within any area designated for protection, including any areas designated as a Stream Corridor Protection Zone in accordance with the City's Stormwater Drainage Manual or Riparian Setback areas as required by the Ohio EPA Construction General Permit are prohibited.
2. Volume verification for temporary sediment settling ponds and sediment traps: Within thirty (30) days from the date of construction for each sediment settling pond and sediment trap included in the SWP3, Applicants shall include in the SWP3 a copy of an as-built survey along with a City of Columbus, Department of Public Utilities Sediment Settling Pond and Sediment Trap Volume Verification Form signed by a professional engineer registered in the state of Ohio attesting that, according to the as-built survey, the sediment storage and dewatering storage volumes provided in the constructed temporary sediment settling pond or sediment trap equals or exceeds the volumes required by the plans. The Engineer shall provide as-built and plan sediment storage and dewatering storage volumes where indicated in the City of Columbus, Department of Public Utilities Sediment Settling Pond and Sediment Trap Volume Verification Form. The City of Columbus, Department of Public Utilities Sediment Settling Pond and Sediment Trap Volume Verification Form is available on the City's Department of Public Utilities Stormwater Drainage Manual Webpage located at: <https://www.columbus.gov/stormwater..Pumping>: Regardless of whether discharges are received by a sediment settling pond, water pumped from excavations or other areas where water is in contact with exposed soils must be discharged into a sediment bag specifically designed for the rate of pumped flow. The bag shall be securely attached to the pump discharge line to prevent separation and leaking during pumping operations and placed above-ground to allow for visual monitoring of the bag while in use. The bag shall be located on a stable surface to prevent sediment transport during discharge. Discharge from the bag shall be monitored to ensure that no turbid discharges into the storm sewer or surface waters of the state are occurring. If turbid discharges are observed, additional practices must be used.

Sediment bags are not designed to contain other pollutants and therefore water contaminated with pollutants other than sediment may not ultimately be discharged to the storm sewer system or waters of the state under any circumstances.

3. Saw-cutting: Slurry from saw-cutting operations must be contained and removed to prevent entry into the storm sewer or surface waters of the state.
4. Tracking: Sediment deposited on streets or roadways from vehicle or equipment tracking shall be removed from the roadway surface, including all curb lines and gutters, to prevent discharge into the storm sewer or surface waters of the state. If determined by the Director that tracked sediments from a site continues to be a source of water quality degradation or cause restriction or damage to the storm sewer or surface waters of the state, revision to the SWP3 to mandate removal of tracked sediments with vacuum-assisted street sweeping equipment or controls of equal effectiveness, at a frequency acceptable to the City, will be required.
5. Vehicle and Equipment Fueling and Maintenance: Vehicle fueling and maintenance activities, including oil changes, shall be performed in an area designated for such purposes away from surface waters of the state and storm sewers. The designated area shall be equipped for containing oil and catching spills. Spill kits shall be provided near all designated vehicle and equipment fueling and maintenance areas and shop fabricated double-walled tanks meeting UL standards shall be provided for all non-portable fuel and oil storage containers located onsite. Portable fuel and oil storage containers shall be stored in a containment system with sufficient capacity to contain 10% of the volume of all containers stored or the volume of the largest container, whichever is greater.

Any person(s) utilizing aboveground petroleum storage containers greater than 1,320 gallons in aggregate or buried storage tanks greater than 42,000 gallons must comply with Spill Prevention, Control and Countermeasures requirements as specified in 40 CFR Part 112.

6. Straw or Hay Bales: The use of straw or hay bales for catch basin and curb inlet protection and check dams is prohibited.
7. Inlet protection: Storm sewer systems that receive drainage during construction from unprotected inlets discharging to downstream sediment settling ponds shall be cleaned after permanent stabilization is achieved and prior to project acceptance and closeout by the City.
8. Conversion of Centralized Temporary Construction Pollution Prevention Control Practices: In order to assure successful operation of post-construction SCPs, the following shall apply in instances where temporary construction pollution prevention controls are designated for conversion to post-construction SCPs by an approved SWP3.
  - a. Prior to SCP conversion, the SWP3 for each project or phase tributary to the converted post-construction SCP shall include, or shall be revised to include, additional temporary construction pollution prevention controls to control sediment from any areas that have not received final stabilization. Those additional, controls shall be implemented prior to post-construction SCP conversion.

- b. Ownership of the post-construction SCP shall be transferred to the SCP owner for ongoing maintenance and operation in accordance with the post-construction SCP maintenance plan.

### 3.3.3 Timing and Notification

Temporary construction pollution prevention controls shall be installed prior to commencement of land disturbing activities in accordance with the Ohio EPA Construction General Permit and shall be maintained throughout the duration of land disturbance until final stabilization of disturbed areas is achieved. Any person(s) performing land disturbing activities eligible for coverage under Ohio EPA's Construction General Permit shall provide notice to the City 48-hours prior to commencement of land disturbing activities.

Any person(s) performing land disturbing activities eligible for coverage under Ohio EPA's Construction General Permit shall notify the City whenever Ohio EPA NPDES permit coverage is transferred to another owner by providing a copy of the permit transfer approval from Ohio EPA when a site or portion of a site is sold or transferred. Such notification shall include a copy of permit transfer approval from Ohio EPA when lots within a single-family development are transferred by means of an Individual Lot NOI. All notifications shall be made to the following address:

Stormwater and Regulatory Management Program Manager  
City of Columbus  
Department of Public Utilities  
1250 Fairwood Ave., Suite 1051  
Columbus, Ohio 43206

### 3.3.4 Termination

Upon completion of land disturbing activities and after final stabilization is achieved, all temporary construction pollution prevention controls shall either be removed or converted to their permanent post-construction SCP configuration in accordance with the SWP3. All centralized temporary construction pollution prevention controls that are to remain as permanent post-construction SCPs shall be equipped with a permanent control structure, cleaned of sediment, graded to final grade and stabilized with permanent vegetation in accordance with the SWP3. Written or electronic authorization from the City of Columbus, Stormwater and Regulatory Management Section is required before any temporary sediment settling ponds, sediment traps and associated diversion swales are removed at any time during land disturbing activities or prior to conversion to a permanent stormwater practice. With the exception of temporary sediment settling ponds, sediment traps and associated diversion swales, authorization from the City of Columbus, Stormwater and Regulatory Management Section is not required for the removal of temporary construction pollution prevention controls that are authorized for removal at the conclusion of each respective construction sequence specified within a City-approved SWP3.

Any person(s) performing land disturbing activities eligible for coverage under Ohio EPA's Construction General Permit shall prepare and submit a signed Notice of Termination (NOT) form to the Ohio EPA once the following occurs:

1. Conditions for NOT submittal as required by the Ohio EPA Construction General Permit are met,
2. Written acceptance of the post-construction SCPs is issued by the City, if applicable.

A copy of the signed NOT shall be provided to the City of Columbus at the same time the NOT is submitted to Ohio EPA. A copy of the signed NOT shall be submitted to the address provided in Section 3.3.3.

### 3.4 City Inspection

The City will inspect, at a frequency determined by the City, the temporary stormwater pollution prevention controls for land disturbing activities and post-construction SCPs eligible for coverage under Ohio EPA's Construction General Permit. City inspections shall not remove the permittee's obligation to perform the inspections of temporary construction pollution prevention controls and post-construction SCPs as specified by the Ohio EPA Construction General Permit. When temporary construction pollution prevention controls and post-construction SCPs are not installed or maintained according to approved plans or this regulation, the City will use its explicit authority to compel compliance with the approved plan and the objectives and standards of this regulation.

The following records shall be maintained onsite and made readily available for review by the City during inspections:

1. A copy of the NOI
2. Written notification from Ohio EPA signifying that coverage under the Ohio EPA Construction General Permit is granted
3. A copy of the approved SWP3 that has been updated to include the configuration of controls currently installed at the site
4. A complete and up-to-date SWP3 log that documents grading and stabilization activities, amendments to the SWP3, pumping activities, and training of employees or subcontractors.
5. An as-built survey for each temporary sediment settling pond or sediment trap provided in the SWP3 and a complete City of Columbus, Department of Public Utilities Sediment Settling Pond and Sediment Trap Volume Verification Form signed by a professional engineer attesting that the sediment storage and dewatering storage volumes provided in the constructed temporary sediment settling pond or sediment trap equals or exceeds the volumes required by the plans.
6. A copy of all inspection reports and completed inspection checklists as required by the Ohio EPA Construction General Permit.

The City will provide written or electronic notification to person(s) performing land disturbing activities of any non-compliant or deficient items noted during the inspection. Persons performing land disturbing activities shall repair or maintain installed controls; install controls required by the SWP3; or replace failing controls with alternative controls noted during the inspection. Timeframes to address noted deficiencies will be as stipulated in the Ohio EPA Construction

General Permit and will commence on the date written or electronic notification is issued by the City.

## ARTICLE 4: LAND DISTURBANCES NOT ELIGIBLE FOR COVERAGE UNDER OHIO EPA'S CONSTRUCTION GENERAL PERMIT

Any person(s) performing land disturbing activities not eligible for coverage under Ohio EPA's Construction General Permit are required to implement temporary construction pollution prevention controls in compliance with this regulation unless otherwise exempt.

### 4.1 Submittal Requirements

Unless otherwise determined by the Director to be a source of water quality degradation or cause restriction or damage to a combined sewer, storm sewer or surface waters of the state, any person(s) performing land disturbing activities not eligible for coverage under Ohio EPA's Construction General Permit are not required to submit a SWP3 for City approval. In instances where land disturbances not eligible for coverage under Ohio EPA's Construction General Permit are determined by the Director to be a source of water quality degradation or cause restriction or damage to the combined sewer, storm sewer or surface waters of the state, a SWP3 shall be prepared and submitted, upon request by the City, in accordance with Section 3.1 of this regulation.

### 4.2 Temporary Construction Pollution Prevention Controls

Any person(s) performing land disturbing activities not eligible for coverage under Ohio EPA's Construction General Permit are required to implement temporary construction pollution prevention controls that are selected and appropriately designed to conform to the latest version of the Rainwater and Land Development Manual and the City of Columbus Construction and Material Specifications. All temporary construction pollution prevention controls shall be maintained throughout the duration of land disturbance until final stabilization of disturbed areas is achieved. Those controls specified under Section 3.3.1 and Section 3.3.2 of this regulation, and the following minimum temporary construction pollution prevention controls, shall be implemented:

1. Erosion Controls – Stabilization: Erosion controls that provide cover over disturbed soils shall be used and may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of land disturbing activities, use of construction entrances and the use of alternative ground cover. Disturbed areas shall be stabilized in accordance with Table 1.

Table 1 - Stabilization Timeframe Requirements

Area requiring <b>permanent stabilization</b>	Time frame to apply erosion controls
Areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Areas within 50 feet of a surface water of the state and at final grade	Within two days of reaching final grade
Other areas at final grade	Within seven days of reaching final grade
Area requiring <b>temporary stabilization</b>	Time frame to apply erosion controls
Disturbed areas within 50 feet of a surface water of the state and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 14 days
Disturbed areas that will be dormant for more than 14 days but less than one year, and not within 50 feet of a surface water of the state	Within seven days of the most recent disturbance
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

Special measures shall be used to stabilize open channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding (as defined in the most current edition of the Rainwater and Land Development Manual), mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams.

2. **Runoff Controls:** Measures which control the flow of runoff from disturbed areas so as to prevent erosion from occurring. Such controls may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These controls shall divert runoff away from disturbed areas and steep slopes where practicable. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
3. **Sediment Controls:** Structural controls shall be implemented that store runoff allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural controls shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such controls may include, among others: sediment settling ponds, sediment barriers, earth diversion dikes or channels which direct runoff to a sediment settling pond and storm drain inlet protection. All sediment controls must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.

Sediment control structures shall be functional throughout the course of land disturbing activity. Sediment settling ponds and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of land disturbing activities. They shall continue to function until the upslope development area is stabilized with permanent cover. As land disturbance progresses and the topography is altered, appropriate controls shall be constructed, or existing controls altered to address the changing drainage patterns.



Sediment settling ponds are required if stormwater runoff from drainage areas is, or will be, concentrated (e.g., collected and conveyed through a storm sewer or ditch), exceeding the design capacity of silt fence or other sediment barriers, or exceeding the design capacity of inlet protection.

4. Surface Waters of the State, Combined Sewer and Storm Sewer Protection: If land disturbances are to occur adjacent to surface waters of the state, a combined sewer, a storm sewer or open channel, structural controls shall be designed and implemented on site to protect all adjacent surface waters of the state, combined sewers and storm sewers from the impacts of sediment runoff. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond) shall be used in a surface water of the state or open channel unless the open channel is constructed to serve as a diversion swale to meet the pollution control requirements of this regulation.

Disturbances within any area designated for protection, including any areas designated as a Stream Corridor Protection Zone in accordance with the City's Stormwater Drainage Manual or Riparian Setback areas as required by the Ohio EPA Construction General Permit are prohibited. In areas where land disturbing activities are to occur adjacent to surface waters of the state or streams and neither a Stream Corridor Protection Zone nor Riparian Setback is established, a 50-foot undisturbed natural buffer around surface waters of the state or streams shall be provided and maintained, if feasible, to increase sediment removal and maximize stormwater infiltration from stormwater discharges directed to such waters. Where impacts within this buffer area are unavoidable, due to the nature of land disturbing activities (e.g., stream crossings for roads or utilities), the project shall be designed such that the number of stream crossings and the width of the disturbance within the buffer area are minimized. If it is infeasible to provide and maintain an undisturbed 50-foot natural buffer, the stabilization requirements provided in Section 4.2, Item 1 within this regulation for areas within 50 feet of surface water of the state or stream shall apply.

5. Non-Sediment Pollutant Controls: No solid (other than sediment) or liquid waste, including building materials, shall be discharged in stormwater runoff. All necessary controls to prevent the discharge of non-sediment pollutants to a combined sewer, storm sewer or surface waters of the state shall be implemented. Under no circumstance shall wastewater from the washout of concrete trucks, stucco, paint, form release oils, curing compounds, and other construction materials be discharged into a combined sewer, storm sewer or surface waters of the state. Also, no pollutants from vehicle fuel, oils, or other vehicle fluids may be discharged to surface waters of the state. Controls must be implemented to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, stormwater runoff, and snow melt. Measures shall also be implemented to prevent and respond to chemical spills and leaks.
  - a. Equipment washing: Methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters shall be implemented. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment settling ponds or alternative control that provides equivalent treatment prior to discharge.

- b. Contaminated Sediment: Where land disturbing activities are to occur on sites with contamination from previous activities, the discharge of contaminated runoff from these areas shall be prevented from entering surface waters of the state, a combined sewer or a storm sewer. If feasible, areas of contamination shall be covered to minimize contact with precipitation. Contaminated runoff shall be collected and disposed of in accordance with local and state regulations.

Upon completion of land disturbing activities and after final stabilization is achieved, all temporary construction pollution prevention controls shall be promptly removed.

### 4.3 Inspection by the City

The City may inspect, at a time and frequency determined by the City, the temporary construction pollution prevention controls for land disturbing activities not eligible for coverage under Ohio EPA’s Construction General Permit. When temporary construction pollution prevention controls are not installed or maintained according to approved plans (if applicable) or this regulation, the City will use its explicit authority to compel compliance with the approved plan (if applicable) and the objectives and standards of this regulation.

The City will provide written or electronic notification to persons performing land disturbing activities of any non-compliant or deficient items noted during the inspection. Persons performing land disturbing activities shall repair or maintain installed controls, install controls required by the SWP3 (if applicable), or replace failing controls with alternative controls noted during the inspection. Timeframes to address noted deficiencies will be as specified in the following table and will commence on the date written or electronic notification is issued by the City.

Nature of Non-compliance	Timeframe to Remedy Non-compliance*
When an inspection reveals that a control practice is in need of repair or maintenance.	Controls, with the exception of sediment settling ponds, shall be repaired within 3 days  Sediment settling ponds shall be repaired within 10 days
When an inspection reveals that a control fails to perform its intended function or that another, more appropriate control practice is required.	New control practice is to be installed or implemented within 10 days
When an inspection reveals that a control depicted on the SWP3 (if applicable) or a control required by these regulations has not been implemented in accordance with the schedule or design depicted in the SWP3 (if applicable) or these regulations.  If the inspection reveals that the planned control practice is not needed, persons performing land disturbing activities shall	Control practice is to be installed or implemented within 10 days

Nature of Non-compliance	Timeframe to Remedy Non-compliance*
provide a written statement explaining why the control practice is not needed. Written justification shall be included in the SWP3 where a SWP3 is applicable under this section.	

\* From the date when written or electronic City notification is issued

**ARTICLE 5: LAND DISTURBANCES TRIBUTARY TO THE COMBINED SEWER SYSTEM**

Land disturbing activities of one acre or greater that are tributary to a combined sewer area shall be performed in compliance with the following Articles in this regulation and with the following exceptions. Post-construction SCPs for water quality control are not required for land disturbing activities of one acre or greater that are tributary to a combined sewer area.

Article	Exceptions
3.1	A copy of a complete NOI application form and a copy of written correspondence from the Ohio EPA authorizing coverage under the Ohio EPA Construction General Permit are not applicable.
3.2	No exceptions
3.3	No exceptions
3.3.1	No exceptions
3.3.2	No exceptions
3.3.3	City notification about Ohio EPA NPDES permit coverage transfer is not applicable
3.3.4	The preparation and submittal of a Notice of Termination (NOT) is not applicable
3.4	The onsite retention of a copy of a complete NOI and a copy of written correspondence from the Ohio EPA authorizing coverage under the Ohio EPA Construction General Permit is not applicable

Land disturbing activities of less than one acre that are tributary to a combined sewer area shall be performed in compliance with Article 4 in this regulation.

The City will require more stringent standards if a site is determined by the Director to be a source of water quality degradation or cause restriction or damage to the combined sewer or surface waters of the state.

## ARTICLE 6: ENFORCEMENT, APPEALS AND DISCLAIMERS

### 6.1 Violations

Any person(s) who fail to comply with the requirements and standards set forth in this regulation may be subject to enforcement action as provided in Chapters 1145.90 through 1145.119 of Columbus City Codes.

### 6.2 Disclaimer of Liability

Neither submission of a SWP3 under provisions of this regulation, nor compliance with provisions of this regulation shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the City of Columbus for damage to any person or property.

### 6.3 Severability

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