

**WORKING AGREEMENT**  
**BETWEEN THE COMMISSIONERS OF MADISON COUNTY, OHIO**  
**AND THE**  
**MADISON COUNTY ENGINEER**  
**AND THE MADISON SOIL AND WATER CONSERVATION DISTRICT**

**PURPOSE:**

It is recognized that our soil and water are important aspects of our environment. It is further recognized that they can, with care and joint effort, be protected or renewed. Cooperation in the consideration of these natural resources prior to and during land use changes will do much toward minimizing potential damage.

Recognizing this mutual concern, this Working Agreement is entered into by and among the Madison Soil and Water Conservation District, hereinafter called the District and the Madison County Commissioners, State of Ohio, hereinafter called the County, and the Madison County Engineer, hereinafter called the Engineer, for the purpose of mutual cooperation to protect the soil and water of Madison County in the development process of land which the County regulates.

The Working Agreement is entered into on the 18<sup>th</sup> day of December, 2023, and becomes effective on the date of the last signature.

Within the limitations of its authorities, resources, and established policies,

**THE DISTRICT WILL:**

1. Make consultative technical services available to the County and the Engineer upon request. Services include but are not necessarily limited to site investigations to include soils sustainability, stormwater runoff management, erosion control, drainage, and related technical assistance.
2. Carry out a continued public information program relating to the wise use of natural resources and provide to the County and Engineer and their representatives, information and educational materials relating to the management of soil, water, and related resources.
3. Assist in an inventory of the natural resources base and the location of potential or active problem areas in regard to resource management for present or future land use.
4. Interpret and evaluate the effect of land use changes upon the resources base and assist in preparing alternatives in relation to the long-range objectives of the County.

5. Make technical specifications available to the County and to the Engineer, which can be used to maintain and protect the natural resource base.
6. Review and comment on Erosion, Sediment, and Stormwater Control plans as per Madison County Resolution. These plans will be reviewed according to the criteria of the Rainwater and Land Development Manual: Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection, originally published by Ohio Department of Natural Resources and provided online by the Ohio Environmental Protection Agency.
7. Provide technical assistance in follow-up and inspection of Erosion, Sediment, and Stormwater Control Plans in coordination with the Engineer.
8. Assist the County and the Engineer by making annual inspections on all ditches under permanent maintenance and assist with other ditch petition project activities as able and needed.

Within the limitations of its statutory authority, and resources.

**THE COUNTY WILL:**

1. Cooperate with the District in the development and implementation of the long-range land and water use programs, utilizing such resource information as made available.
2. Confer with the District in the development of alternatives for soil and water conservation during County sponsored or supervised land use changes located outside of county road rights of way.
3. Observe sound soil and water conservation principles for water management, sediment control, soil stabilization and vegetative protection. For land areas to be developed outside of the county road rights of way the County shall require incorporation of recommended District practices in development of building site plans under County jurisdiction, insofar as these practices are not in conflict with practices of higher authority which are in full force and effect.

Within the limitation of its statutory, and resources.

**THE ENGINEER WILL:**

1. Observe sound soil and water conservation principles for water management, sediment control, soil stabilization and vegetative protection.
2. Require Erosion, Sedimentation, and Stormwater Control plans as per Madison County Resolution, or other regulations, as appropriate.
3. Retain oversight for the conservation practices and techniques to be used on areas within existing or proposed road rights of way.

**IT IS MUTUALLY AGREED:**

1. That the County, the Engineer, and the District will meet when necessary to review and coordinate activities and programs with the aim of developing a multi-disciplined approach to resource management.
2. That standards and specifications developed by the Ohio Department of Natural Resources or Natural Resources Conservation Service will be used in planning and application of conservation measures outside of road right of way. Within all county road right of way, the Madison County Engineer may use whatever conservation standards they deem appropriate.
3. If the County publications are made including the input of the District, the County, or the Engineer, the type of materials and technical data used will be reviewed by all parties and credit be given in said publication to the assisting agencies, prior to publication.
4. This Agreement may be amended or terminated at any time by mutual consent of the parties hereto or may be terminated by with party by giving sixty (60) days notice in writing to the others.

In witness whereof this Agreement was executed and agreed to on the day, month, and year written above.

Approved by:

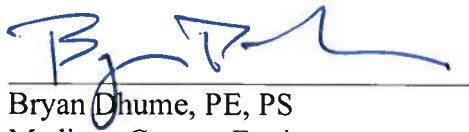


Nicolas A. Adkins, Madison County Prosecutor

Accepted by:



Dr. Tony Xenikis



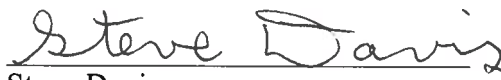
Bryan Dhume, PE, PS  
Madison County Engineer  
Date: 12-12-23



Chris Wallace



Mark Forrest



Steve Davis

Madison County Commissioners,  
Madison County, Ohio  
Date: December 12, 2023

Madison Soil & Water Conservation District  
Date: 12-18-23

## **ARTICLE I: GENERAL PROVISIONS**

### **Section 1.1: Title**

These regulations shall be cited as the Madison County Erosion, Sediment, and Stormwater Control Regulations and are hereinafter referred to as "These regulations".

### **Section 1.2: Statutory Authorization**

These regulations of Madison 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 rules to abate soil erosion and water pollution by soil sediment.

### **Section 1.3: Purpose**

The Board of Madison County Commissioners adopts these Erosion, Sediment, and Stormwater Control Regulations to establish feasible and economically reasonable standards aimed at achieving a level of management and conservation practices which will minimize erosion of the soil and degradation of the waters of the state by soil sediment, caused by non-farm earth-disturbing activities.

These regulations further intend but are not to:

- A. Permit development while keeping downstream flooding, erosion and sedimentation at minimal levels.
- B. Reduce damage to receiving streams which may be caused by increases in the quantity and/or rate of water discharged, and impairment of their capacity which may be caused by sedimentation, other pollutants, or other hydrologic modifications.
- C. Establish a basis for the design of all storm drainage systems which will preserve the rights and options of dominant and servient property owners, will help assure the long-term adequacy of storm and drainage systems, and will ensure post-construction water quality meets or exceeds pre-construction levels.

### **Section 1.4:**

These regulations shall apply to all non-farm, earth-disturbing activities performed on lands of Madison County, Ohio, including but not limited to the construction of nonfarm buildings, nonfarm water impoundments ( $\geq 750$  sq. ft.), structures, utilities, recreational areas, or other similar nonfarm uses, 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 Code;
- C. Public highways, transportation, and drainage improvements or maintenance thereof undertaken by a government agency or political subdivision provided that its standard erosion and sediment control policies have been approved by the Board of Madison County Commissioners or the Chief of the Division of Soil and Water Conservation and that the applicable erosion, sediment and stormwater control policies are no less restrictive than these regulations.

Stormwater permits, however, are required through the Ohio Environmental Protection Agency for these activities. These sites as well will be subject to inspections.

### **Section 1.5: Disclaimer of Liability**

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

### **Section 1.7: Effective Date**

These regulations shall be effective immediately upon adoption by the Madison County Board of Commissioners.

## **ARTICLE II: DEFINITIONS**

### **Section 2.1: Interpretation of Terms and Words**

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

- A. Words 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 never discretionary; the word "may" is permissive. The term "should" is permissive, but indicates strong suggestion.
- C. The word or term not interpreted or defined by this article shall be construed according to the rules of grammar and common usage so as to give these regulations their most reasonable application.

## **Section 2.2: Words and Terms Defined**

**Approving Agency:** The governing body of the county or its duly designated representative. The Madison County Board of Commissioners hereby designates the Office of the Madison County Engineer to be the approving agency under the advice and technical assistance in review of the Madison Soil & Water Conservation District.

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

**Channel:** A natural swale or depressed area of land that conveys water; a ditch excavated for the flow of water.

**Conservation:** The wise use and management of natural resources.

**Cut and Fill slopes:** A portion of land surface or area from which soil material is excavated and/or filled forming a slope or embankment.

**Denuded area:** A portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed, or covered and which may result in or contribute to erosion and sedimentation.

**Detention structure:** A permanent or temporary 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 affect a subdivision of land hereunder for himself or for another.

**Development:** The division of land into two or more parcel, the carrying out of any building, or the making of any material change in the use or appearance of any land through activities of construction, erection, or alteration.

**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.

**District:** A Soil and Water Conservation District, organized under Chapter 940 of the Ohio Revised Code.

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

**Drainage Improvement:** As defined in Ohio Revised Code Section 6131.01(C), and/or conservation works of improvement, Ohio Revised Code Section 940.

**Drainage Way:** An area of concentrated flow other than a river, stream, ditch, or grassed waterway.

**Dumping:** Grading: pushing, piling, throwing, unloading, or placing of earthen material.

**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 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 the channel due to overflow and flooding.
- D. Gully Erosion: The erosion process in 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 (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. Normal Erosion: The gradual erosion of land used by man which does not greatly exceed natural erosion.
- G. 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.
- H. Sheet Erosion: The removal of a fairly uniform layer of soil from the land surface as a result of raindrop splash and runoff.

**Erosion, Sediment, and Stormwater Control:** A system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

**Erosion, Sediment, and Stormwater Control Plan:** An erosion and sediment control strategy or plan to minimize erosion and prevent off-site sedimentation by containing sediment offsite or

by passing sediment laden runoff through a sediment measure, prepared and approved in accordance with the specific requirements of these regulations, and designed in accordance with the Rainwater and Land Development manual: Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection, originally published by Ohio Department of Natural Resources and provided online by the Ohio Environmental Protection Agency. The erosion and sediment control plan is equivalent to the Ohio Environmental Protection Agency's Stormwater Pollution Prevention Plan (SWPPP).

**Farm:** Land or water devoted to agriculture.

**Field Tile:** See Subsurface Drainage

**Frequency storm:** A rainfall event of a magnitude with a specified average recurrence interval and is calculated with SCS type II twenty-four-hour (24) curves or depth duration frequency curves.

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

**Highly Erodible Soil:** A portion of land surface which is very susceptible to erosive forces and is characterized by steep or long slopes.

**Impervious:** Not allowing infiltration.

**Landscaping:** The addition or retention of lawns, fields, trees, shrubs, flowering plants and other natural and decorative features to the land.

**Landslide:** Rapid movement downslope of a mass of soil.

**Low Impact Development (LID):** An ecologically friendly approach to land development and stormwater management. The LID approach emphasizes site design and planning techniques that retain water on-site and mimic the natural infiltration based, groundwater-driven hydrology of the natural landscape in order to protect water quality and associated aquatic habitat.

**Outfall:** Area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is by the velocity of flow in the structure.

**Open Space:** Open space is sometimes used interchangeably with greenspace. Open space can serve the immediate property and users of that property but can also be an amenity for the surrounding community and encourage social interaction. Designated open space can help establish and/or protect the presence of the natural environment while also contributing to the overall aesthetics of the area.

**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, 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 water pool.

**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.

**Sensitive area:** An area or water resource delineated by the approving authority prior to plan approval that requires special management because of its susceptibility to sediment pollution or because of its importance to the well-being of the surrounding communities, region, or the state and includes:

- A. ponds, wetlands, or small lakes with less than five acres of surface area;
- B. small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms; and
- C. the Big Darby Creek watershed and its tributaries.

**Site:** Any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership where clearing, stripping, grading, or excavating is performed.

**Slip:** Landslide as defined above.

**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 940 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 Madison Soil and Water Conservation District.

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

**Soil stabilization:** Vegetative or structural soil cover controlling erosion, and includes permanent and temporary seed, mulch, sod, pavement, etc.

**Stream setback:** An area adjacent to a stream channel that is left in or restored to a natural vegetated state. It provides space for natural stream processes that support water quality to freely occur. Setbacks are appropriate for all sizes of channels from ephemeral or intermittent streams up to large rivers.

**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 conveyance system:** All storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated stormwater runoff or storing stormwater runoff.

**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.

**Subsurface Drainage:** Subsurface drainage improvements include perforated drainpipes, commonly referred to as “tile”, installed below the soil surface to help drain excess soil water. Modern drainpipes are commonly made of plastic, but older materials frequently encountered in the field include clay and concrete. Subsurface drainage can improve field conditions for wet soils by improving trafficability and growing conditions for crops. Typically, drainpipes are installed 30 to 40 inches deep, but depths may vary. These pipes can be placed in random patterns connecting wet areas or systematically placed in parallel runs with regular offsets and are connected by one main drainpipe that leads the water to the outlet. The main drainpipe generally outlets to an open ditch or stream but may cross several properties before it does so. Many properties may often use a common main drainpipe to outlet several systems, which increases the importance of properly maintaining the drainage system throughout the development process.

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

**Unstable soil:** A portion of land surface or area which is prone to slipping, sloughing, or landslides.

**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.

**Water Impoundments:** Ponds, lakes, or wetlands that could affect the surface and subsurface drainage of adjacent properties.

**Water resources:** All streams, lakes, ponds, wetlands, watercourses, waterways, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface waters.

**Wetland setback:** An area surrounding an existing or created wetland that is left in or restored to a natural vegetated state.

## ARTICLE III: REGULATIONS

### Section 3.1: Requirements

No person shall cause or allow earth-disturbing activities on a development area except in compliance with Article III and as follows:

- A. When a proposed development area consists of one (1) or more acres and earth-disturbing activities are proposed for the whole area or any part thereof, the owner of record shall develop and submit for review of adequacy and erosion, sediment, and stormwater control plan. Such a plan shall contain sufficient information, drawings, and notes to describe how soil erosion and off-site sedimentation will be kept to a minimum, both during and after construction. No earth-disturbing activities shall commence prior to approval of the erosion, sediment, and stormwater control plan by the Madison County Engineer under the advice of the Madison Soil and Water Conservation District.
- B. When a proposed development area involves less than one (1) acre, it is not necessary to submit an erosion, sediment, and stormwater control plan; however, the responsible person must comply with other provisions in these regulations. Submittal of specific information may be required to determine compliance.
- C. The erosion, sediment, and stormwater control plan shall be sealed by a professional engineer registered in the State of Ohio.

- D. The erosion, sediment, and stormwater control plan shall incorporate measures as recommended by the most current edition of Rainwater and Land Development Manual from Ohio Department of Natural Resources and Ohio Environmental Protection Agency.
- E. All plans should be submitted to the Madison Soil and Water Conservation District directly.
- F. The Madison Soil and Water Conservation District shall be notified 72 hours before the commencement of earth-disturbing activities. However, in the event activities are scheduled to begin on a Monday, the Madison Soil and Water office must be notified by 3:00 p.m. the preceding Thursday. The Madison Soil and Water Conservation shall also be notified when the project is completed.
- G. All improvements will be constructed in conformity with approved plans. Those recommendations made on-site will be formalized in letter form, and in the event of necessity, the responsible party must adhere to the advice of the individual making the inspection.

### **Section 3.2: Exceptions**

3.21: Any person seeking approval to construct a single-family residence shall be exempted from having to prepare an erosion, sediment, and stormwater 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 one thousand feet (1000') of the proposed development site.
- B. Do not disrupt, alter, or expose more than ten thousand (10,000) square feet (.23 acre) of the existing natural surface of the total development site at a time; and
- C. Submit and follow a standard plan for controlling runoff erosion and sediment impacts foreseeable to result during and from site development which is acceptable to the Approving Agency.
- D. The plan shall identify existing and proposed surface and subsurface drainage tile and contain sufficient information to protect and reroute existing agricultural surface and subsurface drainage tile to ensure neighboring properties are not negatively impacted in ways such as blocking flow paths, impounding water beyond the site extents, or altering where a flow path leaves the site.

Exemption under this section of any person for the preparation and submission of an erosion, sediment, and stormwater control plan does not, however, exempt them from complying with the other provisions of these regulations. The Approving Agency may require the responsible person to submit information deemed necessary to determine compliance.

### Section 3.3: Criteria

#### 3.31: Non-structural preservation measures

Development should fit around the natural site conditions such as topography and drainage, thus involving less grading and fewer offsite impacts. The erosion, sediment, and stormwater control plan must make use of practices that preserve the existing natural condition to the maximum extent practicable, particularly in areas that are designated as open space or greenspace, to avoid soil compaction and sustain natural infiltration. Such practices may include preserving riparian areas, minimized phased disturbance, designation of tree preservation areas or protective clearing and grubbing (see Chapter 7: Soil Stabilization; Rainwater and Land Development Manual). Areas not to be disturbed must be shown on construction plans and clearly marked in the field.

#### 3.32: Stabilization of denuded areas and soil stockpiles

- A. Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site. Any such area which will not be regraded for longer than 15 days shall also be stabilized. Areas that will be idle over winter shall be stabilized prior to November 1.

Soil stabilization refers to measures which protect soil from the erosive forces of raindrop impact and flowing water. 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. The upper most organic layer of soil (topsoil) should be stripped and stockpiled away from areas being graded to enable topsoil reapplication on the newly graded areas to the same or greater depth as preconstruction. Soil stockpiles left idle for more than 21 days shall be stabilized or protected with trapping measures to prevent soil loss.

#### 3.33: Establishment of permanent vegetation

A permanent vegetative cover shall be established on areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which is mature enough to control soil erosion satisfactorily and to survive severe weather conditions. The majority of the landscaping shall include native species that support that surrounding landscape. Subsoiler, plow, or other implement shall be used to decompact the soil at a minimum depth necessary to achieve deep root regrow and allow maximum drainage infiltration. Topsoil shall be applied where needed to establish vegetation.

#### 3.34: Protection of adjacent properties, streams, and wetlands

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.

Vegetated filter strips may be used alone only where runoff in sheet flow is expected. Filter strips should be at least fifteen (15) feet in width. If at any time it is found that a vegetated filter strip alone is ineffective in stopping sediment movement onto adjacent property, additional perimeter controls shall be provided.

Water impoundments shall not restrict or block existing surface or subsurface drainage systems. Any alteration of the natural drainage patterns shall ensure neighboring properties are not negatively impacted in ways such as blocking flow paths, impounding water beyond the site extents, or altering where a flow path leaves the site. Water impoundments must have permitted access to a free-flowing creek or county-maintained ditch or tile for long term maintenance of the overflow.

Streams, including ephemeral or intermittent streams (including grassed and un-grassed waterways), shall be protected with a stream setback as measured from the top of the bank to accommodate natural stream function and water quality. For existing grass, the minimum width is twenty-five (25) feet; for existing trees; the minimum width is fifty (50) feet. For methodology to determine the appropriate stream setback, see Chapter 1.5: Stream Setback; Rainwater and Land Development Manual.

Wetlands shall be protected with a wetland setback to protect water quality based on the type of wetland. Wetland setbacks are measured perpendicular to the defined wetland boundary. For methodology to determine the appropriate setback, see Chapter 1.6: Wetland Setback; Rainwater and Land Development Manual.

Prior to any soil disturbing activities occurring, the setbacks along streams and wetlands must be clearly delineated by the applicant on site with construction fencing as shown on the site plan. Such identification must be completed prior to the initiation of any soil disturbing activities and must be maintained throughout soil disturbing activities.

### 3.35: 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 fifteen (15) days of completion of installation. These structures will be inspected every seven (7) days or within twenty-four (24) hours of a rain event greater than 0.5” and will be maintained until vegetative cover sufficient enough to control erosion is established.

### 3.36: Sediment Basins

Where five 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 or greater storage capacity. Sediment basins or traps may be required for smaller disturbed areas if deemed necessary. The sediment basin requirement may also be waived, by variance, if the Approving Agency agrees that site conditions do not warrant its construction.

Unless otherwise designed, sediment basins are temporary and shall be removed following final stabilization of the site when vegetation is sufficient enough to control erosion.

### 3.37: 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 year after construction shall be avoided with additional slope stabilizing measures by the developer until the problem is corrected. The following guidelines are provided to aid in developing and adequate design.

Roughened soil surfaces are generally preferred to smooth surfaces on slopes (see Chapter 7.6: Grade Treatment; Rainwater and Land Development Manual).

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 (see Chapter 4.5: Diversion; Rainwater and Land Development Manual).

Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate channel, flume or slope drain structure (see Chapter 4.1: Grassed Swale and Chapter 4.7: Subsurface Drainage; Rainwater and Land Development Manual).

Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided. A geotechnical engineer may be utilized to evaluate the site in questionable situations (see Chapter 4.3: Rock Lined Channel; Chapter 4.4: Rock Outlet Protection; and Chapter 4.7: Subsurface Drainage; Rainwater and Land Development Manual).

### 3.38: Stormwater Management Criteria

To control pollution of public waters by soil sediment from accelerated stream channel erosion and to control floodplain erosion caused by accelerated stormwater runoff from development areas, the increased peak rates and volumes of runoff shall be controlled such that:

- A. The peak rate of runoff from the critical storm and all more frequent storms occurring on the development area does not exceed the peak rate of runoff from a one year frequency storm (of 24 hours duration) occurring on the same area under pre-development conditions.
- B. Storms of less frequent occurrence than the critical storm, up to the one hundred year storm, have peak runoff rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions.
- C. The critical storm for a specific development area is determined as follows:

- a. Determine by appropriate hydrologic methods the total volume of runoff from a one-year frequency, 24-hour storm occurring on the development area before and after development.
- b. From the volumes determined in (a), determine the percentage increase in volume of runoff due to development, and using this percentage, select the 24-hour critical storm from this table.

**If the percentage of increase in volume of runoff is:**

Equal to or Greater Than	And Less Than	The Critical Storm for Peak Rate Control will be
	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year
250	500	50 year
500		100 year

### 3.39 Controlling the Runoff Volume

Use of the critical storm method shall be used in conjunction with Low Impact Development practices that lessen the hydrologic impact of a development by retaining water on-site and mimicking the natural infiltration-based, ground water-driven hydrology of the natural landscape. Reducing peak discharge without measures to reduce runoff volume simply lengthens the duration of outflows. These lower, sustained outflows may not mimic pre-development hydrology and can still be erosive.

The erosion control plan shall include a minimum of two Low Impact Development structural practices and management methods such as soil quality restoration, grassed swales, bioretention cells, infiltration trenches, native landscaping, rain gardens, green roof, rainwater harvesting and permeable pavement to control the increase of stormwater runoff volume in urbanizing areas. Stormwater flow should be routed to lower the time of concentration using practices such as grass swales, filter strips, and impervious surface disconnection. Stormwater practices, such as permeable pavement or bioretention, should be uniformly distributed to create manageable runoff volumes for storage and infiltration. The stormwater pond shall not be the only method for controlling increases in stormwater peaks and volumes.



Methods for controlling increases in stormwater runoff peaks and volumes may include but are not limited to the following (refer to Rainwater and Land Development Manual for more information):

- A. Soil restoration reestablishes pervious area within a development where the soil has been disturbed by clearing, grading, excavation, equipment traffic, or other construction activity. Soil restoration supports revegetation and the return to good hydrologic condition by putting in place the components that rebuild soil structure and associated properties. Two components are (1) reconstruction of the shallow (12”) rooting zone by replacing the topsoil removed during construction and (2) redevelopment of the soil profile (> 24”) by alleviating subsoil compaction prior to replacing topsoil. See Chapter 1.4: Soil Restoration.
- B. Retarding flow velocities by increasing friction. (For example, using grassed road ditches rather than paved street gutters where practical, and discharging roof water to naturally vegetated conservation areas, or grass and rock lined drainage channels.) See Chapter 2: Runoff Reduction Practices; Rainwater and Land Development Manual.
- C. Induced infiltration of increased stormwater runoff into the soil where practical. (For example, constructing special infiltration areas where soils are suitable, retaining topsoil for all areas to be revegetated, or providing good infiltration areas with proper emergency overflow facilities.) See Chapter 2: Post Construction Structural Practices; Rainwater and Land Development Manual.
- D. Provisions for detention and retention. (For example, utilizing permanent ponds and lakes with proper drainage; and multiple use areas for stormwater detention, recreation, wildlife, fire protection and aesthetics; or subsurface storage areas.)

### 3:40: 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 from a 10-year frequency storm without erosion (see Chapter 4.1: Grassed Swale). Stabilization adequate to prevent erosion shall also be provided at the outlets of all pipes and paved channels (see Chapter 4.4: Rock Outlet Protection; Rainwater and Land Development Manual). Roadway ditches shall be designed according to the Regulations adopted by the Board of Commissioners of Madison County pursuant to O.R.C. 711.101.

### 3.41: Storm Sewer Inlet Protection

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

### 3.42: Working In or Crossing Watercourses

- A. Construction vehicles should be kept out of watercourse 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 Crossing shall be provided (see Chapter 5: Temporary Stream Crossing; Rainwater and Land Development Manual).
- C. No construction vehicles or construction activities shall be permitted in a sensitive area without prior written approval of the Approving Agency.

### 3.43: Disposition of Temporary Measures

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

### 3.44: Internal Inspections

All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWPPP is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls.

### 3.45: Maintenance

All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended function. If an internal inspection reveals a control practice is in need of repair or maintenance, it must be repaired or maintained within three (3) days of inspection. The developer will be responsible for such maintenance until the final inspection by the Madison SWCD. For long term maintenance, see Section 4.5.

## ARTICLE IV: ADMINISTRATION

### Section 4.1: Erosion, Sediment, and Stormwater Control Plan and Filing

4.11: Every person required to submit an erosion and sediment control plan pursuant to Section 3.1 (a) of these Regulations shall submit one (1) original and one (1) copy of such plan to the Approving Agency, and one (1) copy to the Madison Soil and Water Conservation District office for review. Also, one (1) copy shall be submitted to the Madison County Department of Building and Zoning.

4.12: Such plan, which shall be accompanied by a map or maps of the proposed development area or areas, drawn to a scale of one inch (1 equals one hundred feet (100')), shall contain the following information:

- A. Location of the area and its relation to its general surroundings but not limited to;
  1. Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff,
  2. Off-site areas affecting potential accelerated runoff and erosion control.
- B. Existing topography of the development area and adjacent land within two hundred feet (200') of the boundaries. The topographic map shall contain existing contours at an interval of not greater than one foot (1') if the slope of the ground is six percent (6%) or less and not greater than two feet (2') where the slope is more than six percent (6%) to clearly portray the conformation and drainage pattern of the area. Pre-construction and post-construction contours shall be provided;
- C. The location of the existing buildings, structures, utilities, water resources, drainage facilities (including drainage tiles, even agricultural, utilized by upland property owners), vegetative cover, paved areas (roads, streets, driveways, sidewalks, etc.) and other significant natural or man-made features on the development area and adjacent land within one hundred feet (100') of the boundaries;
- D. A general description of the predominant soil types, their location, and their limitations for the proposed use (refer to the Web Soil Survey produced by the National Cooperative Soil Survey);
- E. Proposed use of the development area including present development and ultimate utilization with detail on soil cover, both vegetative and impervious. The amount of vegetative and impervious areas shall be written in either total square footage or acres as well as a percent of total project area;
- F. All proposed earth disturbance including:
  1. Areas of excavation, grading, and filling;
  2. The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes;

3. Kinds of utilities and proposed areas of installation;
  4. Proposed paved and covered areas in square feet or to scale on a plan map;
  5. Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: lawn, turfgrass, meadow, prairie, shrubbery, trees, forest cover, rip-rap, mulch, etc.
  6. Proposed construction sequence.
- G. Provisions for temporary and permanent erosion control, including topsoil stockpile location(s);
  - H. Provisions for the management of stormwater, derived both on-site and from upper watershed areas, including the control of acceleration of on-site runoff, to a stable receiving outlet;
  - I. Provisions for maintenance of temporary and permanent erosion control improvements during construction;
  - J. Provisions for maintenance of control facilities including easements or agreements to insure short as well as long term erosion and sediment pollution control and stormwater management;
  - K. Proposed construction sequence a time schedule for all earth-disturbing activities and installation of provisions for erosion and stormwater management;
  - L. Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow must be given for all surface water conveyance. This information shall also be provided for surface water outlets;
  - M. Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures;
  - N. Estimate of cost of erosion and sediment control and water management structures and features;
  - O. Title, scale, direction, legend, and date of all plan maps;
  - P. Names and address of the person(s) preparing the plan, the owner, and the person responsible for the development area;
  - Q. Certification that all earth disturbance, construction, and development will be done pursuant to the plan.

4.13: The Approving Agency may waive specific requirements for plan detail or may require additional information to show that work will conform to basic requirements of this resolution.

4.14: Within fifteen (15) calendar days of receipt of each such plan, the Madison Soil and Water Conservation District shall submit its comments and recommendations to the County Engineer, and the Zoning Inspector regarding plan adequacy.

#### **Section 4.2: Plan Review**

4.21: The Approving Agency shall, within twenty (20) calendar days of receipt of an erosion, sediment, and stormwater control plan, indicate its status of compliance or non-compliance to the person who filed the plan. Indication of non-compliance shall include the plan deficiencies and the procedures for filing a revised plan. Pending preparation and determination of a status of compliance of a revised plan, earth-disturbing activities shall proceed only in accordance with conditions outlined by the Approving Agency.

4.22: Any individual disturbing a site greater than five acres will be bonded to assure the completion of the project in just manner. A contract bond will be signed by the responsible party, and a cashier's check for 110% the estimated cost of erosion and sediment controls will be issued to the Madison County Commissioners. This will be reimbursed upon proper stabilization of the site when the project has been completed and a final inspection has been conducted.

4.23: The Approving Authority may charge fees to defray the costs of administering permits in accordance with Section 307.79 of the Ohio Revised Code. The permittee shall pay the Approving Authority fees calculated as 2% of the estimated cost of erosion and sediment controls. Said fees are for administering the application, reviewing plans, construction inspection, ensuring compliance with the regulations and issuing the permit and shall be collected as a part of the application process for the permit.

#### **Section 4.3: Inspection to Ensure Compliance**

The Madison Soil and Water Conservation District may inspect development areas to determine compliance with these Regulations. If it is determined that a violation of these regulations exists, the owner or his appointed representative shall be notified of the deficiencies or non-compliance by the Approving Agency 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 the plans have not been approved by the Approving Agency for its correction, said deficiency or non-compliance shall be reported to the Madison County Board of Commissioners for consideration.

#### **Section 4.4: Violations**

4.41: If it is determined by the Approving Agency that a violation of these regulations exists, the owner or his appointed representative shall be notified of the deficiencies or non-compliance by the Approving Agency 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 the plans have not been approved by the Approving Agency for its correction, said deficiency or non-compliance shall be reported to the Madison County Board of Commissioners for consideration.

4.42: If the Madison County Board of Commissioners determines that a violation exists and requests the Prosecuting Attorney of Madison County in writing, the Prosecuting Attorney shall seek an injunction or other appropriate relief to abate excessive erosion and 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.

4.43: A final inspection by the Approving Agency shall be made to determine if the criteria of these Regulations have been satisfied.

#### **Section 4.5: Appeals**

Any person aggrieved by an order, requirement, determination, or any other action in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made within twenty (20) calendar days of an order or decision and shall specify the grounds for appeal.

#### **Section 4.6 Compliance with Regulations**

##### **4.61: Enforcement**

Pursuant to ORC § 307.79, no person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor, shall violate, cause or knowingly permit to be violated any provision of this regulation, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use, cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

##### **4.62: Penalties**

If the Board of County Commissioners or its duly authorized representative determines that a violation of this regulation exists, the board or representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.

If the board or representative determines that a rule violation of this regulation 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.

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 Madison County Prosecutor, if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly authorize representative shall request, in writing, that the Madison County Prosecutor seek an injunction or other appropriate relief in the Court of Common Pleas to abate excessive erosion or sedimentation and secure compliance with the regulations. If the Madison County Prosecutor 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 (\$100) or more than five hundred (\$500) 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.

#### 4:63: Prohibited Conduct

The imposition of any other penalties herein shall not preclude Madison County from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of Madison County.

### **Section 4.7: Maintenance**

#### 4.71: Permanent Runoff Control Installations

When permanent runoff control installations are necessary, the maintenance responsibility shall be determined by the Approving Agency. The maintenance responsibility of said installation(s) will be either by Madison County, through appropriate sections of the Ohio Revised Code, or privately maintained by the property owner or a group of property owners.

#### 4.72: Maintenance by Madison County

When determined appropriate by the Approving Agency, the person(s) developing a site shall petition the County for maintenance of permanent runoff control installations through Chapter 6131 of the Ohio Revised Code, provided such required installations:

- A. Benefit two or more property owners; and
- B. Are designed for cost-effective maintenance.

#### 4.73: Maintenance by the Property Owner or Group of Property Owners

When determined appropriate by the Approving Agency, permanent runoff control installation which are to be privately maintained by the property owner or a group of property owners shall be:

- A. Designed and constructed by the person(s) developing the site with easements or agreements sufficient to allow adequate access for inspections and corrective actions, if necessary, by the Approving Agency;
- B. Regularly inspected by the Approving Agency and/or the Madison Soil and Water Conservation District to ensure that privately maintained installations are properly maintained and, if not, maintained at the expense of the responsible owner(s) by order of the Approving Agency. In any controversy arising between the owner(s) and the Approving Agency regarding the maintenance of said installations, the decision of the Approving Agency shall be final;
- C. Maintained and installed by the person(s) developing the site according to the approved design and not altered unless approved by the Approving Agency. In the event of a change in ownership, the new party is responsible for compliance.

4.74: Should the maintenance of any permanent runoff control installations be within the subdivision plat; the maintenance responsibilities shall be described on the recorded plat of the said subdivision.

### **Section 4.8: Compliance with State and Federal Regulations**

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. All submittals may be required to show proof of compliance with these state and federal regulations.



## **ARTICLE V: ENFORCEMENT**

Enforcement of the provisions of this resolution is limited to a judicially imposed injunction or other appropriate relief including court-ordered implementation of sediment control measures. However, nothing herein contained shall prevent Madison County from taking such other lawful action as is necessary to prevent or remedy any violation.