

CITY OF FAIRBORN



Storm Water Management Program

Ohio EPA MS4 Permit Number OHQ000003

Permit Term: 2014-2019

City of Fairborn, Ohio
Storm Water Management Program
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Executive Summary

The previous National Pollutant Discharge Elimination System (NPDES) permit for authorization for small Municipal Separate Storm Sewer Systems (MS4s) to discharge storm water (NPDES Permit No. OHQ000002) required the development and implementation of a Storm Water Management Program (SWMP) that satisfied the appropriate water quality requirements of Ohio Revised Code (ORC) 6111 and the Clean Water Act. The SWMP document is intended to identify and describe the best management practices (BMPs) selected by the City of Fairborn (City) to meet the requirements of the six minimum control measures (MCMs) described in the permit, why those BMPs were selected and performance standards for BMP implementation. The six MCMs are:

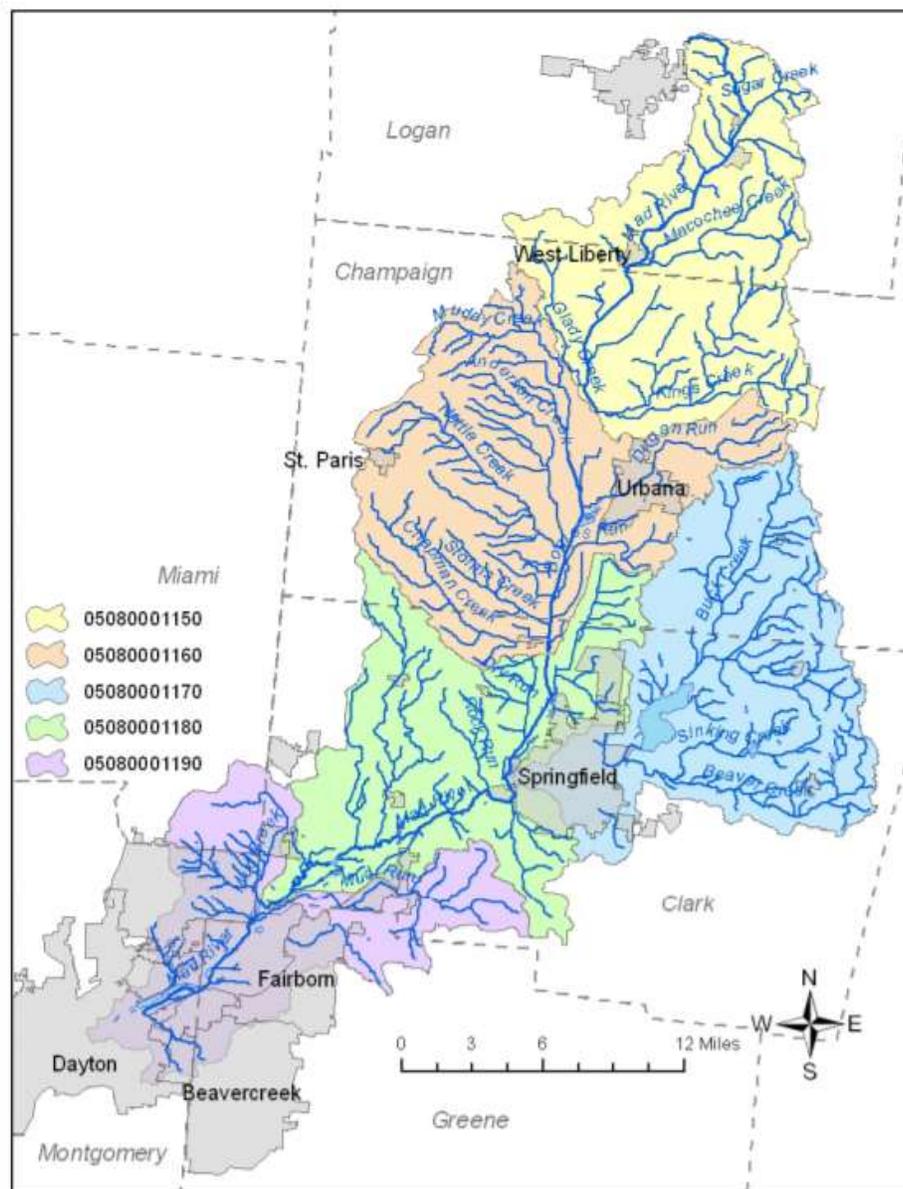
1. Public Education and Outreach on Storm Water Impacts
2. Public Participation / Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm Water Runoff Control
5. Post-Construction Storm Water Management in New Development and Redevelopment
6. Pollution Prevention / Good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

The NPDES small MS4 permit was reissued on September 11, 2014 (NPDES Permit No. OHQ000003), and requires MS4 communities which are renewing coverage under this permit to update their SWMP to be consistent with the permit and submit the updated SWMP to Ohio EPA for review. Permit No. OHQ000003 requires that where applicable, BMPs shall be selected to address U.S. EPA approved Total Maximum Daily Load (TMDL) recommendations for identified water quality problems associated with MS4 discharges within the City of Fairborn's watershed(s).

Total Maximum Daily Load (TMDL) Overview

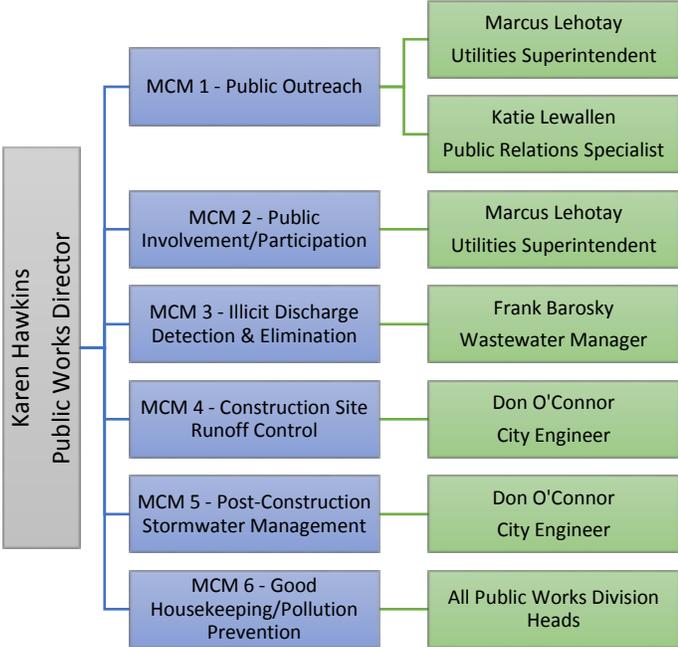
The MS4 Permit requires that where applicable, BMPs shall be selected to address U.S. EPA approved TMDL recommendations. The City of Fairborn is located entirely within the Mad River watershed, and according to the 2010 Ohio EPA Mad River Watershed TMDL Report, the watershed has water quality problems at some of the locations measured. Projects have been undertaken within the city limits of Fairborn to improve water quality including wetlands preservation by B-W Greenway and the Hidden Hills Detention Basin project to decrease nutrient runoff into the Hebble Creek.

The City has selected BMPs within this permit period to provide overall water quality protection.



Organizational Chart

The City of Fairborn’s MS4 program is implemented through various departments/divisions within the City. The following organizational chart provides a visual representation of how these entities work collaboratively to accomplish the goals outlined in this Storm Water Management Program.



Minimum Control Measure 1: Public Education and Outreach

Minimum Control Measure 1: Public Education and Outreach

The City of Fairborn’s MS4 permit requires the public education and outreach efforts to accomplish the following:

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

Performance Standards: Program shall include more than 1 mechanism and at least five different storm water themes or messages over the permit term, at least one theme shall be targeted to the development community, and reach at least 50% of the population.

The following table outlines the best management practices (BMPs) selected by the City of Fairborn to accomplish MCM 1.

The five themes the City will focus on include: (1) Sediment Pollution / Erosion Control, (2) Best Management Practices for Lawn Care, (3) Best Management Practices for Pet Waste (4) Litter and Trash, and (5) Best Management Practices for Car Washing. The City anticipates these outreach strategies will reach well beyond 50 percent of the population within its service area during the permit term. The City has the legal authority to implement all identified BMPs.

BMP Type: Sediment Pollution/Erosion Control		
<p>Description of BMP: The City will provide erosion prevention and sediment control information to developers on all new development and re-development projects to ensure that the development community remains educated on water quality impacts associated with construction site runoff and the importance of adequate erosion prevention and sediment control measures.</p>		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Document the number of erosion control pamphlets distributed to developers, to be provided to the developer of every new development and re-development project.	Ongoing	City Engineer
<p>Rationale for BMPs: Written communication is a proven way to target specific groups of people with key information related to the storm water program, including the development community. Local developers will be able to utilize the information in the erosion control pamphlets to understand the importance of erosion prevention and sediment control measures on all active construction sites.</p> <p>Target Audience: Development community.</p>		

BMP Type: Social Media Communications		
Description of BMP: The City will utilize Facebook and Twitter to promote education and outreach of the storm water program and related issues.		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Develop storm water messages for publication on social media related to public education and outreach of storm water management themes.	Annually	Public Relations Specialist
Rationale for BMP: Facebook and Twitter communication is a means to provide current information to the public in engaged with social media Target Audience: General public.		

BMP Type: Annual Water Quality Report		
Description of BMP: The annual water quality report is provided to all water/sewer customers. An article regarding a storm water best management practice will be included in each report		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Develop a storm water message for publication in the annual water quality report.	Annually	Utilities Superintendent
Rationale for BMP: The annual water quality report reaches all of our water and sewer customers. Target Audience: Water and Sewer customers		

BMP Type: Signage/Waste Bags in Parks		
Description of BMP: Provide pet waste bags and signage in City parks to encourage cleanup		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Provide a means for park visitors to clean up after their pets.	Ongoing	Parks and Recreation Superintendent
Rationale for BMP: Encourages cleanup of waste by park visitors to reduce impact on stormwater from runoff. Target Audience: Park Visitors		

BMP Type: City Channel Stormwater Programming		
Description of BMP: Include stormwater videos as part of the city channel programming		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Include stormwater videos such as “Tempest in a Channel”, “After the Storm”, and “Reduce Runoff” in monthly programming	Monthly	Utilities Superintendent/IT Dept.
Rationale for BMP: The city channel is available to all cable subscribers as well as through the city’s website.		
Target Audience: General Public		

MCM 1 Decision Process - Rationale Statement

The rationale statement shall include the following information, at a minimum:

i. How you will inform individuals and households about the steps they can take to reduce storm water pollution?

The City of Fairborn’s public education campaign targets individuals and households regarding how their personal habits impact the health of local streams. It will help inform individuals and households about steps they can take to reduce storm water pollution.

ii. How you plan to inform individuals and groups on how to become involved in the storm water program.

Outreach through social media, the annual water quality report, city channel programming, website updates, the Mayor’s forum and Council meetings are all means to notify individuals about the importance of storm water management and a variety of water quality topics.

iii. Who are the target audiences for your education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected?

This control measure will target homeowners, developers, and the general public. An informed and knowledgeable community helps ensure the success of the storm water management program.

iv. What are the target pollutant sources your public education program is designed to address?

The City has chosen to focus on proper trash disposal, pet waste cleanup, proper car washing, and appropriate lawn care to reduce the impact of citizens’ activities on our streams. In addition, education of developers regarding sedimentation prevention and erosion control will have a similar impact.

- v. *What is your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people do you expect to reach by your outreach strategy over the permit term.***

The City will utilize a variety of methods to reach our target audiences including social media, bill inserts, annual water quality report, city website, newspaper articles, city channel programming and pamphlets. It is anticipated that at least half of our citizens will be reached through our annual report alone.

- vi. *Who (person or department) is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.***

Refer to the tables above for the responsible party for each BMP included in the program. The City of Fairborn is responsible for all BMPs for this program.

- vii. *How will you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs?***

The measurable goals were selected to be specific, measureable, achievable and realistic. The City of Fairborn intends to evaluate the effectiveness of the public education and outreach BMPs by tracking and documenting information as described in the tables above.

Minimum Control Measure 2: Public Involvement/Participation

Minimum Control Measure 2: Public Involvement/Participation

The City of Fairborn’s MS4 permit requires the public involvement/participation efforts to accomplish the following:

Comply with State and local public notice requirements and satisfy this minimum control measure’s minimum performance standards when implementing a public involvement/ participation program.

Performance Standards: *Include five public involvement activities.*

The following table outlines the best management practices (BMPs) selected by the City of Fairborn to accomplish MCM 2. The City has the legal authority to implement all identified BMPs.

BMP Type: Public Forums		
Description of BMP: Continue to hold routine Mayor Forums as well as Council meeting which allow the public to participate in discussion of stormwater issues		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Document the date and discussions related to stormwater issues	Ongoing	Utilities Superintendent
Rationale for BMP: Engaging the public in discussions regarding stormwater allows them the opportunity for input into decisions regarding the same and educates them about their impact on our streams Target Audience: General public		

BMP Type: Adopt a Road		
Description of BMP: Utilize volunteers for cleanup of major roadways		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Continue to recruit and support volunteers for cleanup of major roads to prevent pollution from entering storm sewer system	At least three cleanups annually of major roads	Street and Sanitation Superintendent
Rationale for BMP: Involving volunteers in cleanup opportunities develops a sense of ownership and has a positive impact on stormwater quality. Target Audience: Volunteer Groups		

BMP Type: Neighborhood Cleanup Day		
Description of BMP: Undertake neighborhood cleanup opportunities		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Provide dumpsters and personnel assistance to allow targeted neighborhoods to dispose of bulk items	Two during this permit period	Neighborhood Betterment
Rationale for BMP: Providing a means for residents to dispose of bulk items at no cost which encourages cleanup of property and reduces impact of same on streams. Target Audience: General Public		

MCM 2 Decision Process - Rationale Statement

The rationale statement shall include the following information, at a minimum:

i. Have you involved the public in the development and submittal of your NOI and SWMP description?

The City of Fairborn has included public concerns in development of the SWMP. In addition, the plan is available through the city's website.

ii. What is your plan to actively involve the public in the development and implementation of your program?

As outlined in the tables above, the proposed SWMP includes various opportunities for members of the public to get involved in the implementation of the SWMP.

iii. Who are the target audiences for your public involvement program, including a description of the types of ethnic and economic groups engaged? You are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.

This program targets the general public and makes opportunities available for all ethnic and economic groups.

iv. What are the types of public involvement activities included in your program? Where appropriate, consider the following types of public involvement activities: citizen representatives on a storm water management panel, public hearings, working with citizen volunteers willing to educate others about the program, volunteer monitoring or stream/beach clean-up activities.

The selected activities are specified in the tables above.

- v. *Who (person or department) is responsible for the overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.*

Refer to the tables above for the responsible party for each BMP included in the program. The City of Fairborn is responsible for all BMPs for this program.

- vi. *How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.*

The measurable goals were selected to be specific, measureable, achievable and realistic. The City of Fairborn intends to evaluate the effectiveness of the public involvement BMPs by tracking and documenting information as described in the tables above.

Minimum Control Measure 3: Illicit Discharge Detection and Elimination

Minimum Control Measure 3: Illicit Discharge Detection and Elimination

The City of Fairborn's MS4 permit requires the illicit discharge detection and elimination efforts to include the following:

Shall develop, implement and enforce a program to detect and eliminate illicit discharges.

Shall develop a comprehensive storm water system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls; MS4 system (catch basins, pipes, ditches, detention/retention ponds, post construction water quality BMPs), and private water quality BMPs.

Shall submit to EPA a list of HSTSs including addresses; a map of HSTS's including type and size of conduits that receive discharges.

Shall effectively prohibit through ordinance, or other regulatory mechanism, illicit discharges including enforcement procedures.

Shall development and implement a plan to detect and eliminate non-storm water discharges, including illegal dumping and HSTS. At a minimum this includes:

- i. Working with applicable agencies and/or departments to identify HSTS's that could be connected to central sewers, and require connection for any HSTS not operating properly.***
- ii. Working with the health department to develop a proactive O&M program.***
- iii. Actively investigating contamination sources during dry weather screening.***
- iv. Evaluating the planned/possible installation of sewers in areas with high densities of HSTS's.***

Shall informs public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

Shall address the following categories of non-storm water discharges or flows if identified as significant contributors of pollutants: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire-fighting activities.

Performance Standards: Initial dry weather screening of all storm water outfalls over the permit term. Establish priorities and goals for long-term system wide surveillance of MS4. System map shall be updated as needed.

The following table outlines the best management practices (BMPs) selected by the City of Fairborn to accomplish MCM 3. The City has the legal authority to implement all identified BMPs.

BMP: Update System Mapping		
Description of BMP: The City of Fairborn will complete the storm sewer system GIS mapping		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Complete the Storm Sewer System GIS map	Within permit cycle	City Engineer
Rationale for BMP: Complete the storm system mapping to provide an accurate representation of the entire storm system network.		

BMP: Dry-Weather Screening of Storm Water Outfalls		
Description of BMP: The City of Fairborn will conduct dry-weather screening of all known storm water outfalls within the MS4 service if/when a stormwater utility is implemented to allow for the staffing required to do so.		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Track the location and number of outfalls screened for illicit discharges during dry weather.	Upon adoption of a stormwater utility	Utilities Superintendent
Rationale for BMP: Screening storm water outfalls will assist the City in identifying illicit discharges throughout the storm sewer system.		

BMP: Eliminating Illicit Discharges		
Description of BMP: The City of Fairborn will implement its illicit discharge detection and elimination program to systematically eliminate illicit discharges to the MS4.		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Document the number of illicit discharges identified and eliminated.	Ongoing	City Engineer
Rationale for BMP: Eliminating illicit discharges results in a successful program.		

MCM 3 Decision Process - Rationale Statement

The rationale statement shall include the following information, at a minimum:

- i. How you will develop a comprehensive storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information you used for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, describe how your map will be regularly updated.*

The City conducts GIS map development in house. The City will utilize interns to collect field data to allow for completion of the stormwater map.

- ii. The mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the MS4 and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.*

The City put in place ordinances in Chapter 921 of the City of Fairborn Codified Ordinances as included as an Appendix to this document.

- iii. Your plan to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented.*

The ordinances described above include penalties for non-compliance – this is the enforcement mechanism.

- iv. Your plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your plan shall include dry weather field screening for non-storm water flows and Ohio EPA recommends field tests of selected chemical parameters as indicators of discharge sources. You shall describe the mechanisms and strategies you will implement to ensure outfalls which have previously been dry-weather screened will not have future illicit connections. Your plan shall also address on-site sewage disposal systems (including failing on-lot HSTs and off-lot discharging HSTs) that flow into your storm drainage system. Your description shall address the following, at a minimum:*

- 1. Procedures for locating priority areas which include areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches;**

The City of Fairborn provides sanitary sewers for all properties located within its boundaries.

- 2. Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source;**

City crews have the ability to provide general field investigations, CCTV inspection, and dye testing, to help locate the source of illicit discharges. The Water Reclamation Center can provide sampling capabilities that can help determine types of potential pollution

- 3. Procedures for removing the source of the illicit discharge.**

Illicit discharges will be resolved on a case by case basis.

- 4. Procedures for program evaluation and assessment.**

All outfalls have been mapped and records are maintained of all responses to potential illicit discharges through a work management program.

- v. ***How you plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.***

Education on the proper disposal of waste will be covered as outlined under MCM 1 earlier in this document.

- vi. ***Who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.***

The City of Fairborn is responsible for all BMPs for this program.

- vii. ***How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.***

The measurable goals were selected to be specific, measurable, achievable and realistic. The City of Fairborn intends to evaluate the effectiveness of the IDDE BMPs by tracking and documenting information as described in the tables above.

**Minimum Control Measure
4: Construction Site
Storm Water Runoff Control**

Minimum Control Measure 4: Construction Site Storm Water Runoff Control

The City of Fairborn’s MS4 permit requires the construction site storm water runoff control efforts to include the following:

Shall develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre including projects less than one acre that are part of a larger common plan of development. At a minimum this includes:

- i. Ordinance or other requirements for construction site operators to require erosion and sediment controls as well as sanctions to ensure compliance.***
- ii. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs.***
- iii. Requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality.***
- iv. Procedures for storm water pollution prevention plan review which incorporates consideration of potential water quality impacts.***
- v. Procedures for the receipt and consideration of information submitted by the public.***
- vi. Procedures for site inspection and enforcement of control measures.***

Performance Standards: Program shall include a pre-construction SWPPP for all land disturbances greater than or equal to one acre. Applicable sites shall be initially inspected. Frequency of follow up shall be monthly unless otherwise documented.

The following table outlines the best management practices (BMPs) selected by the City of Fairborn to accomplish MCM 4. The City has the legal authority to implement all identified BMPs.

BMP: Tools and Program Update		
Description of BMP: The City will maintain ordinances regarding sediment and erosion control, appropriate BMPs, and site plan review procedures.		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Maintain existing ordinances included in Chapter 921 of the City of Fairborn Codified Ordinances	Ongoing	City Engineer
Document number of plan reviews completed.	Ongoing	City Engineer
Rationale for BMP: Maintaining the ordinance and reviewing all plans for compliance will aid the City in the successful implementation of this MCM.		

BMP: Construction Site Runoff Control Implementation		
Description of BMP: The City will ensure that on-site inspections are implemented to address and correct issues and that contractors are asked to address violations and correct as needed.		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Document the number of construction site inspections completed.	Ongoing	City Engineer
Document and respond to all complaints received regarding construction site issues	Ongoing	City Engineer
Rationale for BMP: Implementation of construction site runoff inspections and response to complaints are critical for a successful construction site runoff control program.		

MCM 4 Decision Process - Rationale Statement

The rationale statement shall include the following information, at a minimum:

- i. The mechanism (ordinance or other regulatory mechanism) you will use to require erosion and sediment controls at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your SWMP description.*

This is covered in the Codified Ordinances of Fairborn, Chapter 921.

- ii. Your plan to ensure compliance with your erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms you will use to ensure compliance. Describe your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties (such as a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.*

This is covered in the Codified Ordinances of Fairborn, which include penalties for non-compliance.

- iii. Your requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes, but is not limited to, discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste;*

This is covered in the Codified Ordinances of Fairborn, Chapter 921.

- iv. Your procedures for pre-construction storm water pollution prevention plan review which incorporate consideration of potential water quality impacts. Describe the estimated number of sites that will have pre-construction site plans reviewed;*

All construction sites go through the City's plan review process.

- v. ***Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program;***

The public may call, write, e-mail, utilize our web based complaint system, or raise a concern in person.

- vi. ***Your procedures for site inspection and enforcement of control measures, including how you will prioritize sites for inspection;***

Construction site inspections are performed by the City of Fairborn Engineering Division staff. Added inspections occur if public complaints are received regarding muddied streets or debris escaping the construction area. It is our goal to respond to same within one work day of receipt.

- vii. ***Who is responsible for overall management and implementation of your construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program;***

Refer to the tables above for the responsible party for each BMP included in the program. The City of Fairborn is responsible for all BMPs for this program.

- viii. ***Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.***

The measurable goals were selected to be specific, measurable, achievable and realistic. The City of Fairborn intends to evaluate the effectiveness of the construction site runoff control BMPs by tracking and documenting inspections and complaint resolution as described in the tables above.

**Minimum Control Measure 5:
Post-Construction Storm Water
Management in New and Redevelopment**

Minimum Control Measure 5: Post-Construction Storm Water Management in New and Redevelopment

The City of Fairborn’s MS4 permit requires the Post Construction Storm Water Management in New and Redevelopment efforts to include the following:

Shall develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development.

Shall develop and implement strategies which include a combination of structural and/or non-structural BMPs.

Shall use an ordinance, or other regulatory mechanism, to address post-construction runoff from new and redevelopment.

Shall ensure adequate long-term operation and maintenance of BMPs.

Performance Standards: *Post construction SWMP shall include a pre-construction SWPPP review of all projects which disturb greater than 1 acre. Site shall be inspected to ensure controls are installed per requirements. Program shall ensure long term O&M plans are developed and agreements are in place.*

The following table outlines the best management practices (BMPs) selected by the City of Fairborn to accomplish MCM 5. The City has the legal authority to implement all identified BMPs.

BMP: Tools and Program Update		
Description of BMP: The City will review the ordinance, requirements, and procedures necessary to ensure plans provide for effective BMPs.		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Maintain existing ordinances in Chapter 921.	Ongoing	City Engineer
Rationale for BMP: Maintaining and reviewing the existing ordinance will aid the City in the successful implementation of this MCM.		

BMP: Post-Construction Runoff Control Implementation		
Description of BMP: The City will focus on implementation and ongoing documentation of the post-construction MCM during plan review and post-inspections.		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Document the number post-construction BMPs installed.	Ongoing	City Engineer
Document complaints regarding post construction BMP's and refer to appropriate party for resolution	Ongoing	City Engineer
Implement a program that addresses the long term O&M of water quality BMPs on new developments.	Dependent on implementation of a stormwater utility	City Engineer
Rationale for BMP: Ongoing management and implementation of the post-construction program is the key to the program being successful and impactful.		

MCM 5 Decision Process - Rationale Statement

The rationale statement shall include the following information, at a minimum:

- i. Your program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.***

The City of Fairborn requires by ordinance all new and redevelopment projects that disturb greater than or equal to one acre to implement post-construction storm water management controls to address both water quantity and water quality.

- ii. How your program will be specifically tailored for your local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.***

This program will follow the ordinance which meets the MS4 permit requirements.

- iii. Any non-structural BMPs in your program, including, as appropriate: green infrastructure storm water management techniques, policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.***

The City's ordinance meets the MS4 permit requirements.

- iv. Any structural BMPs in your program, including, as appropriate: green infrastructure storm water management techniques, storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches.***

Structural BMPs are evaluated and approved by City staff on a case by case basis.

- v. The mechanisms (ordinance or other regulatory mechanisms) you will use to address post-construction runoff from new developments and redevelopments and why you chose the mechanism(s). If you need to develop a mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.***

The City of Fairborn codified ordinances includes Chapter 921 - storm water management which addresses post-construction runoff requirements in accordance with the MS4 permit requirements.

- vi. How you will ensure the long-term operation and maintenance (O&M) of your selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between you and another party such as the post-development landowners or regional authorities.***

O&M responsibilities and requirements will be incorporated into O&M language which will be included with all recorded plats and will be transferrable to the property owner in perpetuity.

- vii. Who is responsible for overall management and implementation of your post-construction SWMP and, if different, who is responsible for each of the BMPs identified for this program.***

Refer to the tables above for the responsible party for each BMP included in the program. The City of Fairborn is responsible for all BMPs for this program.

- viii. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.***

The measurable goals were selected to be specific, measurable, achievable and realistic. The City of Fairborn intends to evaluate the effectiveness of the Post-Construction Stormwater Management MCM tracking and documenting information as described in the tables above.

**Minimum Control Measure 6:
Pollution Prevention/Good
Housekeeping For Municipal
Operations**

Minimum Control Measure 6: Pollution Prevention/Good Housekeeping For Municipal Operations

The City of Fairborn's MS4 permit requires the Pollution Prevention/Good Housekeeping For Municipal Operations efforts to include the following:

Shall develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

Using training materials available from OEPA or other organizations, program shall include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance,

Shall include a list of industrial facilities owned and operated by the City. SWP3 plans shall be developed and implemented as required.

Performance Standards: *Include an annual employee training. Operation and maintenance shall include appropriate documented procedures, controls, maintenance schedules, and record keeping.*

The following table outlines the best management practices (BMPs) selected by the City of Fairborn to accomplish MCM 6. The City has the legal authority to implement all identified BMPs.

BMP: Employee Training		
Description of BMP: The City will utilize available storm water training materials to train City staff on storm water related issues and best management practices for pollution prevention		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Educate Public Works employees on appropriate best management practices for pollution prevention.	Annually	Utilities Superintendent
Rationale for BMP: Training City staff is important to reducing pollution from municipal facilities and practices.		

BMP: Operation and Maintenance Program		
Description of BMP: The City will continue implementation of City’s Operation and Maintenance Program for Municipal facilities.		
Measureable Goal	Implementation Schedule and Frequency	Responsible Party
Follow best management practices for various tasks that could impact stormwater	Annually	All Public Works Divisions
Document the feet of storm sewers and number of catch basins cleaned.	Annually	Utilities Superintendent
Document the amount of herbicides and pesticides applied annually.	Annually	Street & Equipment Superintendent
Document waste collected for recycling	Annually	Street & Equipment Superintendent
Document the amount of road salt, beet juice and brine applied to roads.	Annually	Street & Equipment Superintendent
Document the debris collected by the street sweeper.	Annually	Street & Equipment Superintendent
Rationale for BMP: Implementing the SWPPP and practicing good housekeeping is critical for reducing pollution from municipal facilities.		

MCM 6 Decision Process - Rationale Statement

The rationale statement shall include the following information, at a minimum:

- i. Your operation and maintenance program to prevent or reduce pollutant runoff from your municipal operations. Your program shall specifically list the municipal operations that are impacted by this operation and maintenance program.***

See tables above for specific activities.

- ii. Any government employee training program you will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials you plan to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.***

The City will conduct training annually. This includes a purchased commercial program, in-house training on good housekeeping practices, and division specific third party training attendance.

- iii. Your program description shall specifically address the following areas:***
 - 1. Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your MS4.**

The City conducts routine street sweeping, catch basin cleaning, creek and ditch cleaning. In addition, any complaints regarding trash, clogged catch basins, or other situations that could impact the storm sewer system are documented and addressed in a timely manner.

- 2. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas you operate. A description of the materials used for roadway and municipal parking lot winterization (use of salt, sand, bottom ash, etc. or combination thereof), associated application rates, and the rationale for the selected application rates shall be included. Also identify controls or practices to be used for reducing or eliminating discharges of pollutants resulting from roadway and municipal parking lot winterization activities.**

The City conducts routine street sweeping and catch basin cleaning. The City will follow the SWPPP for each municipal facility to reduce pollution from those sites.

- 3. Procedures for the proper disposal of waste removed from your MS4 and your municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.**

Street sweepings and catch basin clean out debris will be treated as solid waste and hauled to the landfill.

- 4. Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.**

All projects are reviewed by the City Engineer which includes requirements for water quality controls.

- iv. Who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.*

Refer to the tables above for the responsible party for each BMP included in the program. The City of Fairborn is responsible for all BMPs for this program.

- v. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.*

The measurable goals were selected to be specific, measurable, achievable and realistic. The City of Fairborn intends to evaluate the effectiveness of the pollution prevention/goodhousekeeping by tracking and documenting information as described in the tables above.

Appendix A
Chapter 921 of Fairborn's Codified
Ordinances
Storm Water Management

CHAPTER **921** Stormwater Management

Preamble

921.01 Definitions.

921.02 Intent and scope.

921.03 Performance standards.

921.04 Site Development Plan.

921.05 Stormwater Management Plan (SMP) requirements.

921.06 Compliance responsibility.

Appendix A - Ohio EPA Construction Activity Permit

CROSS REFERENCES

Illicit discharge and illegal connection control - S.U.P.S. Ch. 919

PREAMBLE

Whereas, the City of Fairborn finds that the lands and waters of the City of Fairborn are limited resources and that their quality is of primary importance in promoting and maintaining the health, safety, and general well being of all life within its jurisdictional boundaries; and,

Whereas, the City of Fairborn desires to establish standards, principles, and procedures for the regulation of construction- and development-related earth disturbing activities that cause or may cause adverse water resource impacts resulting from stormwater runoff and soil erosion; and,

Whereas, in order to promote the public health and safety and sound economic development in the City of Fairborn and throughout the (Great Miami Watershed, i.e. Hebble Creek, Beaver Creek) it is important to provide homebuilders, developers, and landowners with consistent, technically feasible, and economically reasonable standards for erosion control and stormwater management; and,

Whereas, the enactment of this chapter by the City of Fairborn is in partial fulfillment of its responsibility as a local Designated Management Agency to implement non-point source control activities set forth by the Miami Valley Regional Planning Commission (MVRPC) and authorized under **Section** 208 of the Federal Water Pollution Control Act (P.L. 92 500, 86 Stat. 816), 33 USC 1288, as amended by the Clean Water Act of 1977 (P.L. 95 217, 91 Stat. 156); and,

Whereas, 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Stormwater Phase II, and Ohio EPA's Phase II Storm Water Program require designated communities, including City of Fairborn to develop a Stormwater Management Program to address the quality of stormwater runoff during and after earth disturbing activities; and,

Whereas, Article XVIII, **Section** 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments and Chapter 1511 of the Ohio Revised Code grants municipalities the legal authority to adopt sediment and erosion control practices; and,

Whereas, Chapter 519 of the Ohio Revised Code grants Townships the authority to enact zoning regulations to regulate land use to control drainage of stormwater; and,

Whereas, Chapters 307.37, 307.79, 711.10 and 711.101 of the Ohio Revised Code grant Counties the authority to adopt standards and rules pertaining to stormwater management in unincorporated areas.

(Ord. 7-09. Passed 3-2-09.)

921.01 DEFINITIONS.

All words used in this chapter shall have their customary meanings as defined in *Webster's New World Dictionary* and/or *Rainwater and Land Development*¹, except those specifically defined in this Section.

[¹ *Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection*. Second Edition, 1996. Ohio Department of Natural Resources, as amended.]

- (1) Approval Authority: An official, organization, or group designated to review and approve/disapprove Storm Water Pollution Prevention Plans.
- (2) Authorized Agent: An official, organization, or group designated to provide technical guidance in the development and implementation of Site Development and Storm Water Pollution Prevention Plans and to review and approve/disapprove such plans as authorized.
- (3) Buffer: A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited.
- (4) Critical Storm: A storm which is calculated by means of the percentage increase in volume of runoff by a proposed earth disturbing activity or development area. The critical storm is used to calculate the maximum allowable storm water discharge rate from a site.
- (5) Cut: An excavation. The difference between a point on the original grade and a designated point of lower elevation on the final grade.
- (6) Detention basin: An impoundment area created by constructing an embankment, excavating a pit, or both, for the purpose of temporarily storing stormwater.
- (7) Detention facility: A detention basin or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.
- (8) Development Area: Any contiguous area owned by one person or operated as one development unit included within the scope of these regulations, upon which earth-disturbing activities are planned or underway.
- (9) Earth-Disturbing Activity: Any grading, excavation, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed
- (10) Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.
- (11) Non-structural controls: Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require

extensive construction efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.

(12) Parcel: Any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency.

(13) Peak Rate of Runoff: The maximum rate of runoff for any 24 hour storm of a given frequency.

(14) Pre-Development Conditions: Site conditions as they existed prior to manmade alterations and/or earth disturbing activities.

(15) Sediment Basin: A barrier, dam or other facility built to reduce the velocity of water in order to settle and retain sediment.

(16) Site Development Plan: The written document or set of plans meeting the requirements of this chapter that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth disturbing activities.

(17) Steep Slope: A slope over eighteen percent (18%) grade, which is characterized by increased run-off, erosion and sediment hazards.

(18) Stop-work order: An order issued which requires that all work on the site must cease except work associated with bringing the site into compliance with the approved SWP3 or Site Development Plan.

(19) Stormwater Management Plan (SMP): The written document meeting the requirements of this chapter regulation that sets forth the plans and practices to be used to minimize storm water runoff from a site and to safely convey or temporarily store and release post-development storm water runoff at an allowable rate to minimize flooding and erosion.

(20) Storm Water Pollution Prevention Plan (SWP3): The document required by the Ohio EPA for compliance with its NPDES Construction Activity General Permit #OHC000002. The requirements of the SWP3 are required as part of the local jurisdiction's Stormwater Management Plan as described above and in this regulation.

(21) Storm Frequency: The average period of time in years within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

(22) Storm Sewer: A sewer that carries storm water and surface water, street wash and other wash waters, but excludes domestic wastewater and industrial wastes. Also called a storm drain.

(23) Structural controls: Any human-made facility, structure, or device that is constructed to provide temporary storage and/or treatment of storm water runoff. Examples include retention and detention basins, rock check dams, swales, and constructed wetlands.

(24) Swale: A low lying stretch of vegetated land which gathers and carries surface water.

(25) Temporary vegetation: Short term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

(26) Watercourse: Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways,

gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

(27) Watershed: Any region of land where water from rain or snowmelt drains downhill into a body of water (stream, river, pond, lake, etc.); the watershed includes both streams and rivers that convey the water as well as the land surfaces which drain into the bodies of water.

(Ord. 7-09. Passed 3-2-09.)

921.02 INTENT AND SCOPE.

(a) The intent of this chapter is to protect the land and water resources of City of Fairborn by establishing standards to achieve a level of soil erosion and stormwater control that will minimize and abate degradation of land and water resources and damage to public and private property resulting from earth disturbing activities. In addition this regulation further intends to:

(1) Assure that those involved in earth-disturbing activities minimize both soil erosion and the volume and rate of stormwater runoff from their sites.

(2) Preserve to the extent practicable the natural drainage characteristics of the site and minimize the need to construct, repair, and replace enclosed, subsurface storm drain systems.

(3) Assure that stormwater controls are incorporated into site planning and design at the earliest possible stage and that all stormwater management practices are properly designed, constructed, and maintained.

(4) Prevent unnecessary stripping of vegetation and loss of soil and to promptly re-vegetate and stabilize the site following earth disturbing activities.

(5) Reduce the need for costly maintenance and repairs to roads, embankments, ditches, water resources, wetlands, and stormwater management practices.

(6) Encourage the construction of stormwater management practices that serve multiple purposes such as flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.

(7) Preserve to the maximum extent practicable natural infiltration and groundwater recharge.

(b) Any person or persons proposing to develop or redevelop land within the City of Fairborn for any of the uses listed in subsection (c) hereof shall design, develop, and submit a Site Development Plan as described in Section [921.04](#). Said plan will be evaluated to determine the potential for erosion, runoff, and sedimentation impacts that may result from such development activities and the need for submission of a Stormwater Management Plan (SMP) described in Section [921.05](#) to minimize these impacts.

(c) This chapter shall apply to both the development and redevelopment of land proposed for the following:

- (1) Residential, institutional, commercial, office, and industrial purposes, including subdivision and land development proposals for non agricultural uses in rural areas.
- (2) Recreational facilities, non-agricultural water impoundments and waterway construction or improvement.
- (3) Public infrastructure uses, including transportation and utilities.
- (4) Any earth disturbing activity within critical and sensitive natural areas, including floodplains, highly erodible lands (HEL) and wetlands.

(d) This chapter does not apply to earth disturbing activities associated with agricultural activities.

Agricultural producers are subject to a variety of federal, state and local regulations that deal with erosion control and water quality. Each regulation applies to certain circumstances, so all regulations do not apply to all producers at the same time. Local Soil and Water Conservation Districts, USDA Natural Resources Conservation Service, Ohio Environmental Protection Agency, the Ohio Department of Agriculture, and the Army Corps of Engineers provide technical assistance and/or regulatory enforcement as authorized.

(e) No earth disturbing activity subject to regulation under this chapter shall be undertaken for any land proposed for development or redevelopment for uses specified under subsection (c) hereof without an approved Site Development Plan as required under Section [921.04](#), and, if appropriate, a Stormwater Management Plan (SMP) as required under Section [921.05](#).

(f) Final approval of a proposed development or redevelopment shall not be given unless:

(1) A determination is made by the authorized agent(s) based on submission of a Site Development Plan as detailed in Section [921.04](#) that the proposed earth disturbing activity will not cause accelerated runoff, erosion, and/or sediment impacts harmful to the quality of off-site lands and waters, or

(2) A SMP as detailed in Section [921.05](#) has been approved by the Planning Commission of the City of Fairborn based on the recommendation of its City Engineer (authorized agent) that determines that the proposed earth disturbing activity will not cause accelerated runoff, erosion, and/or sediment impacts harmful to the quality of off-site lands and waters.

(g) Any person or persons seeking approval for an earth disturbing activity listed below shall prepare a SMP as described in Section [921.05](#).

(1) Activities disturbing greater than or equal to one (1) acre, or less than one (1) acre, if part of a larger common plan of development or sale.

Ohio EPA's Phase II NPDES Small MS4 General Permit (#OHQ000001) and NPDES Construction Activity General Permit (#OHC000002) require the implementation of water quality-focused erosion and sediment control and post construction stormwater management on development sites disturbing one (1) or more total acres. Ohio EPA's Construction Activity General Permit requires the development of Storm Water Pollution Prevention Plans (SWP3) for such sites.

(2) Activities that require the extension of public utilities (roadways, water mains, sanitary sewer mains, storm sewers, etc.).

(3) Activities that will modify an existing and/or approved drainage way, drainage structure, and/or drainage easement.

(4) Activities that will channelize, straighten, and/or modify a watercourse within the identified 100 year floodplain (studied and unstudied).

(h) Any person or persons seeking approval to construct a structure shall be exempted from having to prepare a Site Development Plan and a SMP provided they meet all of the following:

(1) Construction takes place on one parcel.

(2) The earth disturbing activity does not affect more than one acre of the development site at a time.

(3) Is not located within 500 feet of a sensitive natural area as described in subsection (c)(4) hereof.

(4) Earth disturbing activities will not modify the general existing site drainage pattern(s), drainage structure, drainage tiles, drainage easements, etc.

(5) One or both of the following:

A. Specifications are obtained and followed for controlling potential off-site stormwater and erosion impacts from small lot building sites set forth by the City of Fairborn and/or its authorized agent(s).

B. The parcel is part of an overall development plan which has received approval of a SMP and the developer certifies that they will comply with said Plan.

(I) Exemption under subsection (h) hereof does not exempt any person or persons from other provisions of this chapter or liability from their activities.

(Ord. 7-09. Passed 3-2-09.)

921.03 PERFORMANCE STANDARDS.

(a) All Erosion and Sediment Kept on Site. Erosion and sedimentation caused by accelerated wind or stormwater runoff over the site due to earth disturbing activities shall be stabilized and confined to within the boundaries of the development site or approved facility.

(b) Discharge of Untreated Stormwater. To the maximum extent practicable the site shall not discharge untreated stormwater directly into a receiving body of water.

(c) Structural and Nonstructural Best Management Practices.

(1) Nonstructural stormwater management practices shall be used to the maximum extent practicable. Such practices may include, but not be limited to, preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction, and designation of tree preservation areas.

(2) Nonstructural and structural stormwater management practices shall be designed in accordance with requirements and standards specified in this chapter and/or by the authorized agent(s).

(3) Structural and nonstructural stormwater management practices shall be placed in easements and recorded on the property deeds on which they are located and shall remain unaltered unless first approved by the City of Fairborn Engineer.

(4) In designing stormwater detention and retention facilities, water quality benefits shall be considered to the maximum extent practicable.

(d) Stream and Wetland Riparian Buffers. (a) The site owner and/or applicant shall leave an undisturbed riparian buffer on both sides of and/or surrounding water resources, except for crossings and other riparian area and wetland impacts approved by the City of Fairborn Engineer. Buffer width will be determined on a case by case using criteria such as floodplain, topography, vegetative cover, canopy cover, and soil types, etc.

(e) Channel Protection. To protect stream channels from degradation a specific channel protection criteria shall be provided as prescribed in the latest edition of *Rainwater and Land Development*.

(f) Temporary Stabilization of Disturbed Areas and Soil Stockpiles.

(1) A temporary vegetative cover shall be established on disturbed areas as specified in Table 1 below.

Table 1: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 21 days.
For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 21 days but less than one year.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to onset of winter weather.

(2) Application practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be appropriate for the time of year, site conditions and estimated time of use.

(3) Topsoil removed shall be stored on site and shall be stabilized with quick growing plants or other means, so that it is protected from wind and water erosion. Topsoil shall be maintained in a usable condition for sustaining vegetation and reused on the site.

(g) Permanent Stabilization.

(1) A permanent vegetative cover shall be established on disturbed areas as specified in Table 2 below.

Table 2: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any area that will lie dormant for 6 months or more.	Within 7 days of the most recent disturbance.
Any area at final grade.	Within 7 days of reaching final grade within that area.

(2) Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion and will survive severe weather conditions.

(h) Cut And Fill Slopes. Cut and fill slopes shall be designed, constructed and stabilized 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. If after final grading excessive erosion takes place, additional slope stabilizing measures by the owner, developer or builder will be required until the problem is corrected. The following guidelines are provided to aid in developing an adequate design.

(1) Roughened soil surfaces are generally preferred to smooth surfaces on slopes.

(2) 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.

(3) Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate channel, flume or slope drain structure.

(4) Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.

(I) Protection Of Adjacent Properties/Public Rights-of-Way. Properties, public rights-of-way, and thoroughfares adjacent to the site of an earth disturbing activity shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer

at the perimeter of the site, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures.

(j) Sediment Control Structures.

(1) Sediment control structures shall be used to control erosion and trap sediment on a site remaining disturbed for more than 14 days. Such structures may include, but are not limited to, silt fences, storm drain inlet protection, sediment basins and diversions or channels which direct runoff to a sediment basin. All sediment control practices must be capable of ponding runoff in order to be considered functional.

(2) Sediment control structures shall be constructed as a first step in grading and be made functional before upslope earth disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched as soon as the installation is complete. Sediment control structures shall be functional throughout the course of earth disturbing activity and until the site is stabilized with permanent vegetation.

(3) Sheet flow runoff from the site shall be intercepted by silt fence or diversions. Silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below.

Table 3: Maximum Drainage Area to Silt Fence

Maximum drainage area (in acres) to 100 linear feet of silt fence	Range of slope for a particular drainage area (percent)
0.5	< 2%
0.25	> 2% but < 20%
0.125	> 20% but < 50%

(4) Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres.

(5) Whenever stormwater detention is required the stormwater runoff from the site shall pass through a sediment basin or other suitable sediment trapping facility before discharge to a receiving water body. The City Engineer (authorized agent) may require sediment basins or traps for smaller disturbed areas where deemed necessary.

(k) Stabilization Of Waterways And Outlets. All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow without erosion. Methods adequate to prevent erosion shall also be provided at the outlets of all pipes and paved channels.

(l) Storm Sewer Inlet Protection. All storm sewer inlets shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

(m) Working In Or Crossing Watercourses.

(1) All activities shall be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall be restored to its original cross-section and all disturbed area stabilized immediately after in-channel work is completed.

(2) Where a watercourse will be crossed regularly during construction, a temporary stream crossing shall be provided, used for the shortest period practical, removed following site construction, and restored as described in Subsection (m)(1) hereof.

(n) Maintenance and Removal Of Temporary Measures.

(1) All temporary erosion and sediment control practices shall be maintained and repaired to assure continued performance.

(2) All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall have the final grade re-established and be permanently stabilized to prevent further erosion and sedimentation.

(o) Control Of Construction Site Debris and Wastes. All owners, applicants, contractors and developers shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste on construction sites and shall keep streets and gutters clear of all sediment and debris from the site.

(p) Use, Safety, and Maintenance of Stormwater Practices.

(1) Stormwater management practices (structural controls) shall be designed for the ultimate use of the site and function safely and with minimal maintenance.

(2) If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within 10 days of the inspection.

(q) Inspection of Stormwater Controls. (See Section [921.06\(g\)](#) for specific requirements)

(1) All on-site control practices shall be periodically inspected to ensure proper function and to identify failures

(2) On- and off-site discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.

(3) Detailed records of inspections shall be maintained for three (3) years following the final stabilization of the site.

(r) Accessibility and Easements (See Section [921.06\(h\)](#) for specific requirements) All permanent stormwater management measures shall have easements sufficient to cover the facility and to provide access for inspection and maintenance.

(s) Status Of Standards. The standards identified in this Section are general guidelines. Each application shall be reviewed on a case by case basis and some may require additional and more stringent requirements, while others may have individual requirements waived by the authorized agent.

(Ord. 7-09. Passed 3-2-09.)

921.04 SITE DEVELOPMENT PLAN.

(a) Any person seeking approval of land development proposals for use types listed in Chapter 921.02(c) shall develop and submit a Site Development Plan as detailed in subsection (c) hereof.

(b) The applicant is encouraged to have a pre-submission meeting with the City of Fairborn City Engineer (authorized agent).

(c) Site Development Plan Requirements. Each applicant shall provide information that details the location of the area proposed for development, the site in relation to its general surroundings, predevelopment site conditions, existing characteristics of the site, and the extent of proposed earth disturbing activities. At a minimum the Plan shall include the following elements:

(1) General location map that shows the area proposed for development and pertinent adjacent areas and features.

(2) A description of the nature and type of the earth disturbing/construction activity (e.g. residential, commercial, highway, etc.) *

(3) A photocopy of the appropriate soil survey sheet found in the USDA Soil Survey of Greene County with location of site identified.

(4) A Site Plan Map that shows the location of existing features and proposed improvements on the site including:*

A. Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, cleaning, excavation, filling or grading, including off-site borrow areas).*

B. Surface water locations, including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA.*

C. The general directions of surface water flow and 100-year floodplain when applicable.

D. All improvements, including buildings, retaining walls, sidewalks, streets, parking lots, driveways, utilities and stormwater basins, drainage impoundments, channels and outlets, etc.*

(5) An estimate of the impervious area and percent imperviousness created by the earth disturbing activity.*

The information required in subsection (c) hereof is the minimum information needed for planning and engineering staffs to determine possible stormwater impacts and to make decisions regarding the need for the development of more detailed Stormwater Management Plans. The items in subsection (c) hereof marked with an asterisk (*) are also requirements of the Storm Water Pollution Prevention Plans (SWP3s) required in the Ohio EPA's NPDES Construction Activity Permit #OHC000002, Effective April 21, 2003.

(d) Site Development Plan Submission, Review and Action.

(1) Submission of a Site Development Plan by an applicant seeking approval initiates the review process.

(2) The City of Fairborn City Engineer (authorized agent) shall review the Site Development Plan and conduct a site inspection of the proposed site.

(3) Review of the complete and acceptable Site Development Plan shall be completed within thirty (30) working days of submittal to the City Engineer.

(4) Following its review the City Engineer (authorized agent) shall:

A. Approve the Site Development Plan; or

B. Conditionally approve the Site Development Plan pending additional information and/or the incorporation of required changes; or

C. Require the submission of a Stormwater Management Plan (SMP) based on written findings of the authorized agent(s).

(Ord. 7-09. Passed 3-2-09.)

921.05 STORMWATER MANAGEMENT PLAN (SMP) REQUIREMENTS.

(a) Stormwater Management Plans (SMPs) are intended to provide information on all soil erosion and runoff control activities and Best Management Practices (BMPs) to be used and incorporated on the site both during and after site development. This information includes, but is not limited to, site grading, pad elevation certification, stormwater management facilities and practices, erosion and runoff control information, maintenance plans, and other measures that focus on managing the effects of earth disturbing activities that occur as a result of site development.

(b) Each SMP shall provide site designs that meet the Performance Standards presented in Section [921.03](#) and provide practical treatment for both water quality and quantity of stormwater from the site as appropriate.

(c) In general, SMPs need to address:

(1) Erosion and sediment control. Providing measures to insure that earth disturbing activities at the site during and after development will be managed in a manner that will not result in increased erosion and sedimentation from the site resulting in impacts to water quality and that meet the Performance Standards specified in Section [921.03](#).

(2) Runoff control. Providing measures to insure that the quantity of surface water runoff from the development site during and after construction will mimic the pre-development conditions and that meet the Performance Standards specified in Section [921.03](#).

(d) If a SMP is required under Section [921.02](#)(h) or [921.04](#)(d)(4)C., such Plan shall specifically include all the following:

(1) The minimum elements required in the Site Development Plan described in Section [921.04](#)(c)(1) to (4).

(2) The contents of the Storm Water Pollution Prevention Plan (SWP3) required by the Ohio EPA's NPDES Construction Activity Permit #OHC000002 and incorporated here by reference (a copy of this permit is included in Appendix A). This Plan may be submitted as developed for the Ohio EPA, in conjunction with the other requirements of subsection (d) hereof. The contents of the Ohio EPA's SWP3 include, but are not limited to:

A. A description of prior land uses at the site.

B. Existing data describing the soils on the site and, if available, the quality of any discharge from the site.

C. A determination of runoff coefficients for both the pre-construction and post construction site conditions.

D. For all large earth-disturbing activities (involving the disturbance of five or more acres of land or will disturb less than five acres, but part of a larger common plan of development or sale which will disturb five or more acres of land), a description of post construction BMP(s) chosen and designed to detain and treat a water quality volume (WQv) equivalent to the volume of runoff from a 0.75-inch rainfall (See Ohio EPA Construction Activity Permit for methodology).

E. For all small earth-disturbing activities (which disturb one or more, but less than five acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land), a description of measures that will be installed during the development process to control pollutants in storm water discharges that will occur after construction operations have been completed.

F. An implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and

the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence.

G. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

H. A detailed description of the stormwater controls to be incorporated and how these meet or exceed the appropriate Performance Standards presented in Section [921.03](#). This shall include the identification of which entity (developer, contractor, owner) is responsible for implementation of each individual control (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).

I. A detailed maintenance plan that describes procedures (e.g. inspections) needed to ensure the continued performance of control practices. Such plans must ensure that pollutants collected within structural post-construction practices, be disposed of in accordance with local, state, and federal regulations.

J. A Site Map that includes:

1. Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas.
2. Soil types on the site, including locations of unstable or highly erodible soils.
3. Existing and proposed contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres.
4. Existing and planned locations of buildings, roads, parking facilities and utilities.
5. The location of all erosion and sediment control practices, including areas likely to require temporary stabilization during site development.
6. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area.
7. Permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed.
8. Areas designated for the storage or disposal of solid, sanitary, and toxic wastes, including dumpster areas, cement truck washout areas, and vehicle fueling and maintenance.
9. The location of designated construction entrances where vehicles will access the site.
10. The location of any in-stream activities, including stream crossings.

(3) Copies of pertinent Notices of Intent (NOI), permits, public notices and letters of authorization must be included with SMP submissions. These may include, but are not limited to, Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity, Ohio EPA Phase II Stormwater Permits, Section 401 and 404 Clean Water Act Permits, Ohio EPA Isolated Wetland Permit, and Ohio Dam Safety Law Permits.

(4) Supplemental requirements as provided in subsection (f) hereof.

To ensure consistency between State and local requirements and to reduce duplication of effort this model requires the minimum SWP3 requirements of Ohio's Construction Activity General Permit (subsection (d)(2) hereof), in addition to local supplemental requirements (subsection (f) hereof). This allows applicants to use the SWP3 information developed for the State to be used toward fulfillment of the local requirements of this model.

(e) Stormwater discharge to critical areas with sensitive resources (i.e. wetlands, steep slopes, scenic river designation, recharge areas, etc.) shall be subject to additional criteria, or shall need to utilize or restrict certain stormwater practices.

(f) Supplemental Requirements.

(1) Determination of post development runoff.

A. Stormwater runoff shall not be diverted from its existing watershed.

B. Each SMP shall include an evaluation of pre-development conditions together with during, and post-development impacts that quantifies the volume and rate of runoff from the site by subdrainage areas. This evaluation shall be prepared according to methods prescribed in the latest edition of Rainwater and Land Development or other appropriate sources. The evaluation shall:

1. Show delineation and sequence of subdrainage units which comprise the area proposed for development.
2. Indicate the hydraulic length of slope per individual subdrainage unit and the length of the natural or manmade watercourse which accommodates the surface runoff from each subdrainage unit.
3. Indicate within the legend the average percent slope, erosion factor (K) and runoff curve number (CN) per individual subdrainage unit for a 24-hour storm of a one-year frequency.
4. Include a hydrograph for a 24-hour storm of the critical frequency to be controlled as determined according to subsection (f)(1)D hereof and all calculations made pertinent to evaluating the effects of the proposed development on the pre-development runoff conditions of the site.

C. Calculations for the design of stormwater management facilities shall demonstrate the following for each subdrainage unit:

1. The peak rate of runoff from the Critical Storm and all more frequent storms occurring on the site does not exceed the peak rate of runoff from a one (1) year frequency, twenty-four (24) hour storm occurring on the same site under pre-development conditions.
2. Storms of less frequent occurrence than the Critical Storm, up to the 100 year storm shall have its peak runoff rates no greater than the peak runoff rates from equivalent storms under pre-development conditions. Consideration of the 1, 2, 5, 10, 25, 50, and 100 year storms in design and construction will be considered meeting this standard.

D. Calculation of a critical storm for each subdrainage unit of the site shall be determined as follows:

1. Calculate by appropriate hydrologic methods, such as the NRCS Technical Release 55 ², the total volume of runoff from a one year frequency, 24 hour storm occurring on the development area before, during, and after development.

[² Urban Hydrology for Small Watersheds, Technical Release 55. 1986. Natural Resources Conservation Service.]

2. From the volumes determined in subsection (f)(1)D.1.above, determine the percentage increase in volume of runoff due to the proposed development, and using this percentage, select the 24 hour critical storm from this table:

If the percentage of increase in volume of runoff is
(see chart below):

% Equal To or Greater Than	% Less Than	The Critical Storm for Peak Rate Control
-	10	1 year
10	20	2 years
20	50	5 years
50	100	10 years
100	250	25 years
250	500	50 years
500	-	100 years

E. The City of Fairborn’s City Engineer (authorized agent) shall approve or reject any calculation method based on its technical validity for the given situation.

(2) Off-site stormwater control facilities. Exceptions to requiring permanent on-site runoff control on the site shall be considered by the City of Fairborn Planning Commission and the authorized agent(s) provided the applicant can prove that:

A. The intent and standards of this chapter for runoff control can be best achieved by the utilization of off site stormwater control facilities.

B. Runoff from the site can be conveyed to off site stormwater facilities in a manner and by means which satisfies or surpasses the standards of this chapter).

C. The applicant has ownership of or the right to use the off-site facility in question.

(g) Stormwater Management Plan Submission, Review and Action.

(1) The applicant is encouraged to have a pre-submission meeting with the City of Fairborn ‘s City Engineer (authorized agent).

(2) Submission of two (2) sets of the SMP and other supporting data required by this regulation to the Planning Commission of the City of Fairborn and its authorized agent (City Engineer) completes the applicant’s responsibilities and initiates the review process.

(3) The SMP shall be reviewed by the City of Fairborn Planning Commission and/or its authorized agent (City Engineer) to:

A. Verify background information furnished by the applicant and evaluate the proposed development in relation to existing site conditions.

B. Assess the SMP in relation to the Performance Standards and requirements of this chapter.

(4) Upon submission of the SMP, the City of Fairborn Planning Commission and the authorized agent (City Engineer) shall complete a review of the SMP by the next regularly scheduled Planning Commission meeting, provided that the applicant has submitted all information required at least 20 working days prior to a regularly scheduled meeting.

(5) The City of Fairborn Planning Commission shall either:

A. Approve the SMP as submitted by the applicant; or

B. Conditionally approve the SMP and require the submission of additional and/or revised information by the applicant, in order to fully meet the intent and standards of this chapter; or

C. Disapprove the SMP.

(6) Revisions to conditionally approved SMPs shall be prepared and submitted by the applicant to the City of Fairborn Planning Commission and/or its authorized agent (City Engineer) for review.

(7) Action by the City of Fairborn Approval Authority and the authorized agent (City Engineer) approving or disapproving the SMP is a final order for purposes of judicial review.

(Ord. 7-09. Passed 3-2-09.)

921.06 COMPLIANCE RESPONSIBILITY.

(a) Performance Liability. No provision of this chapter shall limit, increase or otherwise affect the liabilities of the applicant nor impose any liability upon City of Fairborn not otherwise imposed by law.

(b) No Release From Other Requirements. No condition of this permit shall release the applicant from any responsibility or requirements under other federal, state, or local environmental regulations. If requirements vary, the most restrictive requirement shall prevail.

Other permit requirements commonly associated with construction activities include, but are not limited to, section 401 water quality certifications, isolated wetland permits, permits to install sanitary sewers or other devices that discharge or convey polluted water, permits to install drinking water lines, wells or well abandonment, and single lot sanitary system permits.

(c) Proceeding with Activity. Soil disturbing activities regulated under this regulation shall not begin until all necessary state and federal permits and appropriate approvals of Site Development Plans or Stormwater Management Plans have been granted to the site owner/applicant.

(d) Performance Responsibility. The applicant is responsible for carrying out all provisions of the approved Site Development Plan or SMP and for meeting all the standards and requirements of this regulation.

(e) Enforcement.

(1) All development sites are subject to inspections by the City of Fairborn authorized agent(s) to ensure compliance with the approved Site Development Plan or SMP.

(2) After each inspection, a status report shall be prepared and distributed to the appropriate person(s).

(3) If it is found that the operations are being conducted in violation of the approved Site Development Plan and SMP, a stop work order may be issued until the identified violations cease.

(4) After the issuance of a stop-work order provided for in subsection (e)(3) above, but before the imposition of any fines, the applicant shall have the opportunity to request a hearing before the City of Fairborn Engineer to show cause why work should not be stopped. A hearing shall be scheduled at the time that a request for such a hearing is made to the City of Fairborn Engineer.

(5) Following the issuance of a stop-work order, the City of Fairborn authorized agent(s) shall determine if and when the development may proceed. Any determination by the authorized agent(s) pursuant to this section is a final order for purposes of judicial review.

(f) Penalties Subsequent To Issuance Of Stop-Work Order. Subsequent to the issuance of a stop work order, one or more of the following penalties may be imposed.

(1) If the earth disturbing activity involves a subdivision, the applicable penalties (including fines) provided for in the Subdivision Regulations of the City of Fairborn shall apply.

(2) The authorized agent(s) on behalf of the City of Fairborn may enter the site and make any modifications necessary to correct the situation(s) involving excessive erosion or sedimentation, and place the cost of such corrective actions on the tax duplicate of the developer/owner.

(3) The authorized agent(s) may request the legal representative of the City of Fairborn to seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with this chapter. In granting such relief, the court may order the construction of sediment control improvements and/or the implementation of other control measures and/or fines as identified in subsection (l)(1) hereof or any other relief the court determines.

(g) Internal Inspections.

(1) 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 site owner and/or applicant shall assign certified inspection personnel experienced in the installation and maintenance of erosion and runoff controls to conduct these inspections to ensure that all stormwater control practices are functional, that all

provisions of the SMP and this regulation are being met, and whether additional control measures are required.

(2) The site owner shall maintain for three (3) years following the final stabilization of the site a record summarizing inspections, names(s) and qualifications of personnel making the inspections, the date(s) of inspections, major observations relating to the implementation of the SMP and a certification as to whether the site is in compliance with the SMP and identify any incidents of non-compliance.

(h) Ownership and Maintenance of Stormwater Facilities.

(1) In cases where stormwater control facilities are proposed on single private properties, the City of Fairborn authorized agent(s) shall approve an inspection and maintenance agreement. This agreement shall bind all current and subsequent owners of land served by the stormwater facilities.

(2) In the case of proposed subdivisions, inspection and maintenance agreements shall be approved before the City of Fairborn accepts the final plat of the proposed subdivision. This agreement shall bind all current and subsequent owners of land served by the stormwater facilities.

(3) All inspection and maintenance agreements shall do the following:

A. Designate the party(ies) responsible for the maintenance of all stormwater management facilities and practices including mowing, landscaping, debris pick-up, and to ensure all inlet and outlet structures are free of obstructions and in good repair.

1. For subdivisions, unless otherwise approved by the City of Fairborn, responsible party(ies) this shall be an entity of common ownership (e.g. Land/Homeowner's Association) within the proposed subdivision. Each parcel sold in the proposed subdivision shall require continued membership in the Land/Homeowners Association.

B. Prohibit unauthorized alterations of all stormwater management facilities.

C. Provide adequate access to all stormwater management facilities for inspection by the City of Fairborn authorized agent(s) and corrective actions by the owner.

(4) All stormwater management facility easements shall be on the final plat, prior to approval by the City of Fairborn, and a reference shall be made to the entity or individual(s) responsible for their maintenance.

(5) The owner/developer shall submit four (4) sets of as-builts of all stormwater facilities and improvements to the City of Fairborn.

(6) The City of Fairborn Planning Commission may require the owner and/or the applicant to follow the maintenance procedure outlined in Chapter 6131.63 of the Ohio Revised Code. The City of Fairborn authorized agent(s) may require of the owner and/or applicant any one or all of the following prerequisites:

A. Benefit two or more property owners.

B. Are designed for cost effective maintenance.

C. Are determined by the City of Fairborn Planning Commission or authorized agent(s) to be appropriate additions to this jurisdiction's existing storm drainage system.

D. Are not better suited for private maintenance by an individual or group of property owner(s), with ultimate responsibility for maintenance in the event of default on the part of the owner(s) remaining with jurisdiction.

(7) The following conditions shall apply to all drainage easements:

A. Easements shall be approved by the authorized agent(s) prior to approval of the final plat and shall be recorded with said plat.

B. Unless otherwise required by the authorized agent(s), drainage easements shall be no less than twenty (20) feet wide, plus the width of the stormwater facility(ies).

C. Unless otherwise required by the authorized agent(s), stormwater management facilities, including basins, ponds or other retention/detention practices, shall be on separate lots held and maintained by an entity of common ownership (Land/Homeowners Association).

D. Those lots that contain and/or are crossed by a drainage easement shall have the following restriction – “Any lot area reserved for drainage purposes, shall at all times be kept free of any obstructions to the flow of water. No improvements or modifications within the identified drainage easement area will be allowed without the approval of the City of Fairborn Engineer. Maintenance of the drainage easement area, stormwater control facility(ies), and ditches shall be the responsibility of the owner(s) of the lot on which these facilities and/or ditches are located.”

(i) Schedule Of Fees. The City of Fairborn shall establish a schedule of fees, charges, expenses, and collection procedure for same and other matters pertaining to this chapter. The schedule of fees shall be posted at the applicable City of Fairborn offices. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(j) Complaints. The City of Fairborn authorized agent(s) shall investigate any complaint related to earth disturbing activities covered by this chapter.

(k) Violations. No person shall violate or cause or knowingly permit to be violated any of the provisions of this chapter, or fail to comply with any of its provisions or with any lawful requirements of any public authority made pursuant to it, or knowingly use or cause or permit the use of any lands in violation of this chapter or in violation of any approval permit granted under this chapter.

(l) Penalties.

(1) Violation of any provision of this chapter or any amendment or supplement thereto, or failure to comply with any of the requirements herein shall constitute a misdemeanor. Any person or persons violating any of the provisions herein shall upon conviction be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars or imprisoned for not more than thirty (30) days, or both and in addition shall pay all

costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(2) Upon notice from the City of Fairborn and/or its authorized agent(s), that work is being done contrary to this chapter , such work shall immediately stop. Such notice shall be in writing and shall be given to the applicant, and shall state the conditions under which such work may resume; provided, however, in instances where immediate action is deemed necessary for the public safety or the public interest, the City of Fairborn's authorized agent may require that work be stopped upon verbal order pending issuance of the written order.

(3) The imposition of any other penalties provided herein shall not preclude the City of Fairborn, by or through its City Solicitor and/or any of its assistants, 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 the authorized agent(s).

(m) Effective Date And Validity. This chapter shall become effective within City of Fairborn on and after April 2, 2009. If any section, subsection, paragraph, clause, phrase, or provision of this chapter is adjudged invalid or held unconstitutional, such a decision shall not affect or void any of the remaining portions.

(Ord. 7-09. Passed 3-2-09.)

