

DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 51 - 2008

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, by renumbering existing Section 920.10 to 920.11 and enacting a new Section 920.10 "WATER QUALITY", and declaring an emergency.

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

Section 1:

Existing Section 920.10 is renumbered to 920.11 and there be and is hereby enacted a new Section 920.10 "WATER QUALITY" of CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon. Said newly created Section shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

This ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that these changes would bring the city into compliance with the Ohio Environmental Protection Agency's (OEPA) NPDES Phase II requirements. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 17th DAY OF March, 2008

APPROVED:

Mary Beth Bailey
MARY BETH BAILEY, CLERK OF COUNCIL

Glenn E. Gamber
GLENN E. GAMBER, PRESIDENT

APPROVED:

March 18, 2008

Francis H. Cicchinelli, Jr.
FRANCIS H. CICCHINELLI, JR., MAYOR

I hereby certify that the foregoing ordinance
is a true copy of the original, as passed by
the Council of the City of Massillon, Ohio,
and approved as noted thereon:

Mary Beth Bailey
Clerk of Council

Date 3/17/08

920.10 WATER QUALITY

(A) POST CONSTRUCTION WATER QUALITY

- (1) In order to control Post Construction water quality damage and damage to public and private lands, the owner/developer of each development area or redevelopment area shall be responsible for incorporating appropriate water quality measures both structural and non structural practices into the Storm Water Pollution Prevention Plan (SWPPP) for the project. Post Construction BMP's are required on all sites where the larger common plan of development or sale calls for 1 or more acres of land disturbance and shall comply with the most recently amended Construction General Permit for storm water discharges associated with construction activities. If requirements vary, the most stringent requirements shall be followed.
- (2) Construction activities shall be exempt from these requirements if it can be demonstrated that these post construction storm water management requirements have been provided as part of a larger common plan of development or they are addressed in a regional or local storm water management plan. Linear projects which can show that they will not create impervious surfaces are exempted from these requirements.
- (3) Roadway and highway transportation projects that fall under these regulations are to be in compliance with the current City of Massillon requirements/specifications and the most current ODOT Location and Design Manual for Post Construction Water Quality submittals.

(B) WATER QUALITY VOLUME DETERMINATION REQUIREMENTS

- (1) Water Quality Volume (WQv) shall be the equivalent to the volume of runoff from a $\frac{3}{4}$ inch rainfall. This shall be determined according to the methods and specifications outlined in the most recently amended Construction General Permit for storm water discharges associated with construction activities in addition to the following criteria:
 - a) The storm water quantity volume must be stacked on top of the storm water quality volume for any storm water facility that will also serve as the post construction water quality facility.
 - b) The water quality orifice cannot be less than 2 $\frac{1}{2}$ inches in diameter.
 - c) Non structural practices must be protected in perpetuity through the use of appropriate legal tools. All legal easements or buffer areas must appear on the final plat per the City subdivision regulations and be disclosed to potential buyers.
 - d) Any manufactured water quality practice must be construction certified by a representative of the company or engineer representing the developer of its correct installation. Certifications must be submitted in writing to the City Engineer by the Developer.

(C) MAINTENANCE REQUIREMENTS

- (1) Any portion of the permanent post construction water quality management systems that are constructed by the landowner/developer will be continuously maintained into perpetuity. The project landowner/developer is only required to maintain all temporary and permanent facilities throughout the construction process and until the final inspection and as built documentation. At that time, maintenance responsibility will transfer to the controlling entity/operator (i.e. the person/parties named in the post construction maintenance plan). Workshops for these controlling entities will be made available through the Stark SWCD detailing the long term responsibilities.
- (2) The Stark SWCD will inspect post construction practices that fall under the categories in Table 2 of the Ohio EPA GCP. A separate Memorandum of Understanding (MOU's) with the City outlines the extent of these inspections and any applicable appropriations. Inspection reports, detailing the maintenance needs and a timeline to complete them, will be sent to the City and person/parties responsible for long term maintenance. The City Administration shall ensure the work is done in accordance with the recommendations in the inspection report.
- (3) An as built survey shall be submitted to the City Engineer and the Stark SWCD for all water quality structural practices prior to the Notice of Termination (N.O.T) submittal. The survey is to be sealed by a Professional Engineer or Professional Surveyor licensed by the State of Ohio.
- (4) Detail drawings and maintenance plans shall be provided to the City Engineer and the Stark SWCD for all Post Construction Best Management Practices (BMPs) prior to plan approval and shall include the following information:
 - a) Cover sheet with site name and date.
 - b) Name and number of the party or association responsible for post construction long term maintenance.
 - c) List of all post-construction BMP's, structural and non-structural with all supporting design data.
 - d) Instructions on how and when the practices are to be maintained along with an inspection schedule.
 - e) A detail drawing of the BMP's listed.
 - f) A copy of any required easements and/or deed restrictions.
- (5) Maintenance plans must ensure that pollutants collected within structural post construction BMP practices are disposed of in accordance with local, state and federal guidelines.