

CHAPTER 1353
Erosion and Sediment Control

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CROSS REFERENCES

Storm water management - see BLDG. Ch. 1352
Top soil, sand and gravel removal - see BLDG. Ch. 1355

1353.01 PURPOSE AND SCOPE.

(a) The purpose of this chapter is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of the City of Mentor.

(b) This regulation will:

- (1) Allow development while minimizing increases in erosion and sedimentation.
- (2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

(c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing and/or grading; all land disturbances previously permitted; and all other uses that are not specifically exempted in Section 1353.01(d).

(d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.
(Ord. 10-O-91. Passed 10-5-10.)

1353.02 DEFINITIONS.

For purpose of this chapter, the following terms shall have the meaning herein indicated:

- (a) **ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN (ABBREVIATED SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (b) **BEST MANAGEMENT PRACTICES (BMPs):** Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and wetlands. BMPs also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.
- (c) **CONSTRUCTION ENTRANCE:** The permitted points of ingress and egress to development areas regulated under this regulation.
- (d) **DEVELOPMENT AREA:** A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- (e) **DISTURBED AREA:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
- (f) **DRAINAGE:**
 - (1) The area of land contributing surface water to a specific point.
 - (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.
- (g) **EROSION:** The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- (h) **EROSION AND SEDIMENT CONTROL:** The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- (i) **FINAL STABILIZATION:** The time at which all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least seventy percent (70%) coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.
- (j) **LANDSCAPE ARCHITECT:** A Professional Landscape Architect registered in the State of Ohio.
- (k) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (l) **MAXIMUM EXTENT PRACTICABLE:** The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.
- (m) **NPDES:** National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.

- (n) **PARCEL:** Means a tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the Lake County Auditor's Office.
- (o) **PERSON:** Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.
- (p) **PHASING:** Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
- (q) **PROFESSIONAL ENGINEER:** A Professional Engineer registered in the State of Ohio.
- (r) **QUALIFIED INSPECTION PERSONNEL:** A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of storm water discharges from the construction activity.
- (s) **RAINWATER AND LAND DEVELOPMENT MANUAL:** Ohio's standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this chapter.
- (t) **RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.
- (u) **SEDIMENT:** The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
- (v) **SEDIMENTATION:** The deposition or settling of sediment.
- (w) **SETBACK:** 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. Soil disturbing activities in this area are restricted by this chapter.
- (x) **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
- (y) **SOIL & WATER CONSERVATION DISTRICT:** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Lake County SWCD.
- (z) **STABILIZATION:** The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- (aa) **STORM WATER POLLUTION PREVENTION PLAN (SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this chapter.
- (bb) **SURFACE WATERS OF THE STATE:** All streams, lakes, reservoirs, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

- (cc) **UNSTABLE SOILS:** A portion of land that is identified by the City Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having low soil strength.
- (dd) **WATER RESOURCE:** Any public or private body of water; including wetlands; the area within the ordinary high water level of lakes and ponds; as well as the area within the ordinary high water level of any brook, creek, river, or stream having a defined bed and bank (either natural or artificial) which confines and conducts continuous or intermittent flow.
- (ee) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).
(Ord. 10-O-91. Passed 10-5-10.)

1353.03 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this chapter shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this chapter are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.
(Ord. 10-O-91. Passed 10-5-10.)

1353.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where any provision of this chapter is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.

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

(c) Nothing contained in this chapter shall be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this chapter shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City of Mentor to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Mentor, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 10-O-91. Passed 10-5-10.)

1353.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.

(a) This chapter requires that a Storm Water Pollution Prevention Plan be prepared and implemented for development on all parcels resulting in a land disturbance of one (1) acre or more and on which any regulated activity of Section 1353.01(c) is proposed.

(b) For development on parcels that results in a total land disturbance of less than one (1) acre of land, an Abbreviated Storm Water Pollution Prevention Plan shall be prepared and implemented in conformance with Section 1353.10 of this chapter as required by the City Engineer.

- (1) An Abbreviated Storm Water Pollution Prevention Plan is not required for landscaping disturbances of less than one (1) acre of land made upon a single family residential lot on which there exists a dwelling.
- (2) An Abbreviated Storm Water Pollution Prevention Plan is not required for construction related disturbances of less than one tenth (1/10th) acre of land made upon a single family residential lot on which there exists a dwelling.

(c) Activities that do not require the submittal of a Storm Water Pollution Prevention Plan or an Abbreviated Storm Water Pollution Prevention Plan are not exempt from and shall comply with all other provisions of this chapter.
(Ord. 10-O-91. Passed 10-5-10.)

1353.06 APPLICATION PROCEDURES.

(a) Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan. The applicant shall submit the SWP3 to the City Engineer as follows:

- (1) For subdivisions. After the approval of the preliminary plans and with submittal of the improvement plans for detailed review.
- (2) For other construction projects. With the building permit application.
- (3) For general clearing/grading projects. With the grading permit application.

(b) Soil Disturbing Activities Submitting an Abbreviated Storm Water Pollution Prevention Plan. The applicant shall submit the Abbreviated SWP3 to the City Engineer as follows:

- (1) With the building permit application.

(c) The City Engineer shall review the plans submitted as required by Sections 1353.06(a) and (b) for conformance with this regulation and approve, or return them for revisions with comments and recommendations for revisions.

(d) Soil disturbing activities shall not begin and building and/or grading permits shall not be issued without an approved SWP3 or Abbreviated SWP3.

(e) Approvals issued in accordance with this chapter shall remain valid for the period of time the associated permit remains valid.
(Ord. 10-O-91. Passed 10-5-10.)

1353.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this chapter do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these state and federal regulations as required by the City Engineer shall be submitted with Storm Water Pollution Prevention Plans or Abbreviated Storm Water Pollution Prevention Plans.

- (a) Ohio EPA NPDES Permits Authorizing Storm Water Discharges Associated with Construction Activity or the Most Current Version Thereof. Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- (b) Section 401 of the Clean Water Act. Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- (c) Ohio EPA Isolated Wetland Permit. Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- (d) Section 404 of the Clean Water Act. Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
 - (1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.
 - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
(Ord. 10-O-91. Passed 10-5-10.)

1353.08 STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit a SWP3 in accordance with the requirements of this chapter.

(b) The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

(c) The SWP3 shall incorporate measures as recommended by the most current edition of the Rainwater and Land Development manual as published by the Ohio Department of Natural Resources and shall include the following information:

1. Site Description. The SWP3 shall provide:
 - A. A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).
 - B. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).

- C. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity. Include a calculation of the runoff coefficients for both the pre-construction and post construction site conditions.
- D. Existing data describing the soil and, if available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.
- E. A description of prior land uses at the site.
- F. An implementation schedule which describes the sequence of major soil-disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence.
- G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).
- H. The areal (plan view) extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project. For discharges to the City's MS4, the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a stream or water resource must be indicated.
- I. 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.
- J. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the best management practices to address pollutants in these storm water discharges.
- K. Site map showing:
 - 1. Limits of soil-disturbing activity of the site, including off site spoil and borrow areas that are not addressed by a separate Ohio EPA Notice of Intent (NOI) and associated SWP3.
 - 2. Soils types depicted for all areas of the site, including locations of unstable or highly erodible soils.
 - 3. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres.
 - 4. 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 applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
 - 5. Existing and planned locations of buildings, roads, parking facilities, and utilities.
 - 6. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.

7. Sediment ponds, including their sediment settling volume and contributing drainage area.
 8. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling.
 9. The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.
 10. The location of any in-stream activities including stream crossings.
- (2) A soils engineering report. The City Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the City Engineer shall be incorporated in the grading plans and/or other specifications for site development.
- A. Data regarding the nature, distribution, strength, and erodibility of existing soils.
 - B. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.
 - C. Conclusions and recommendations for grading procedures.
 - D. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.
 - E. Design criteria for corrective measures when necessary.
 - F. Opinions and recommendations covering the stability of the site.
(Ord. 10-O-91. Passed 10-5-10.)

1353.09 PERFORMANCE STANDARDS.

The SWP3 must contain a description of the controls appropriate for each construction operation and the applicant must implement such controls. The SWP3 must clearly describe for each major construction activity the appropriate control measures and the general sequence during the construction process under which the measures will be implemented. The SWP3 shall indicate that a written document containing the signatures of all contractors and subcontractors involved in the implementation of the SWP3 shall be maintained at the job site as proof acknowledging that they reviewed and understand the conditions and responsibilities of the SWP3. The SWP3 shall indicate that the document shall be created and signatures of each individual contractor shall be obtained prior to their commencement of work on the construction site. The document shall indicate which contractor is responsible for implementation of specific control measures (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).

The controls shall include the following minimum components:

- (a) Non-structural Preservation Measures. The SWP3 must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.

- (b) **Erosion Control Practices.** The SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.

Erosion control practices must meet the following requirements:

- (1) **Stabilization.** Disturbed areas must be stabilized as specified in Tables 1 and 2 below.

Table 1: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one year or more.	Within 7 days of the most recent disturbance.
Any areas within 50 feet of a stream and at final grade.	Within 2 days of reaching final grade.
Any other areas at final grade.	Within 7 days of reaching final grade within that area.

Table 2: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed area 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, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to November 1.
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.	

- (2) **Permanent stabilization of conveyance channels.** Applicants shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques, or rock check dams, all as defined in the most recent edition of the Rainwater and Land Development manual published by the Ohio Department of Natural Resources.

- (c) Runoff Control Practices. The SWP3 shall incorporate measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.
- (d) Sediment Control Practices. The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than fourteen (14) days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.

Sediment control practices must meet the following requirements:

- (1) Timing. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
- (2) Sediment settling ponds. A sediment settling pond, or equivalent best management practice upon approval from the City Engineer is required for any one of the following conditions:
- A. Concentrated storm water runoff (e.g. storm sewer or ditch).
 - B. Runoff from drainage areas that exceeds the design capacity of silt fence or inlet protection as determined in Table 3 below.
 - C. Ten (10)-acres or more of common disturbed drainage area.

The sediment-settling pond shall provide both a sediment storage zone and a dewatering zone. The volume of the dewatering zone shall be at least 67 cubic yards of storage per acre of total contributing drainage area and have a minimum of forty-eight (48)-hour drain time for sediment basins serving a drainage area over five (5) acres.

The volume of the sediment storage zone shall be calculated by one of the following methods: (1) The volume of the sediment storage zone shall be 1000ft³ per disturbed acre within the watershed of the basin. OR (2) The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with a generally accepted erosion prediction model.

When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five (5) feet. The configuration between the inlets and the outlet of the basin must provide at least two units of length for each one unit of width ($> 2:1$ length:width ratio), however a length to width ration of 4:1 is recommended. Sediment must be removed from the sediment-settling pond when the design capacity has been reduced by forty percent (40%). This limit is typically reached when sediment occupies one-half of the basin depth. When designing sediment settling ponds, the applicant must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

- (3) Silt fence and diversions. Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties, water resources, and wetlands from sediment transported via sheet flow. Where intended to provide sediment control, 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. 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 ten (10) acres. Placing silt fence in parallel does not extend the permissible drainage area to the silt fence.

Table 3: Maximum Drainage Area to Silt Fence

Maximum Drainage Area (acres) to 100 linear feet of silt fence	Range of Slope for a drainage area (%)
0.5	$< 2\%$
0.25	$\geq 2\%$ but $< 20\%$
0.125	$\geq 20\%$ but $< 50\%$

- (4) Inlet protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond. Straw or hay bales are not acceptable forms of inlet protection.
- (5) Off-site tracking of sediment and dust control. Best management practices must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These best management practices must include, but are not limited to, the following:

- A. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be constructed in conformance with specifications in the most recent edition of the Rainwater and Land Development Manual.
 - B. Streets directly adjacent to construction entrances and receiving traffic from the development area shall be cleaned daily or more frequently as required by the City Engineer to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly. Based on site conditions, the City Engineer may require additional best management practices to control off site tracking and dust. These additional BMPs may include:
 - C. Silt fence or construction fence installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.
 - D. Designated wheel-washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment-settling pond, or to a sump pump for dewatering in conformance with Section 1353.09(g) of this regulation.
 - E. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The City Engineer may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles, temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.
- (6) Surface Waters of the State Protection. Construction vehicles shall avoid water resources and wetlands. If the applicant is permitted to disturb areas within fifty (50) feet of a water resource or wetland, the following conditions shall be addressed in the SWP3:
- A. All BMPs and stream crossings shall be designed as specified in the most recent edition of the Rainwater and Land Development Manual.
 - B. Structural practices shall be designated and implemented on site to protect water resources or wetlands from the impacts of sediment runoff.
 - C. No structural sediment controls (e.g., the installation of silt fence or sediment settling pond in-stream) shall be used in a water resource or wetland.
 - D. Where stream crossings for roads or utilities are necessary and permitted, the project shall be designed such that the number of stream crossings and the width of the disturbance are minimized.
 - E. Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.
 - F. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.
- (7) Modifying controls. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the applicant shall replace or modify the control for site conditions.

- (e) Non-sediment Pollutant Controls. No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands. These practices shall include but are not limited to the following:
- (1) Waste Materials. A covered dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.
 - (2) Concrete Truck Wash Out. The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available.
 - (3) Fuel/Liquid Tank Storage. All fuel/liquid tanks and drums shall be stored in a marked storage area. Secondary containment shall be provided for all fuel oil storage tanks.
 - (4) Toxic or Hazardous Waste Disposal. Any toxic or hazardous waste shall be disposed of properly.
 - (5) Contaminated Soils Disposal and Runoff. Contaminated soils from redevelopment sites shall be disposed of properly. Runoff from contaminated soils shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites or redevelopment sites.
- (f) Compliance with Other Requirements. The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.
- (g) Trench and Ground Water Control. There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
- (h) Internal Inspections. All controls on the site shall be inspected at least once every seven calendar days and within twenty-four (24) hours after any storm event greater than one-half inch of rain per twenty-four (24) hour period. The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen). A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if prior written approval has been attained from the City Engineer and all of the following conditions are met:
- (1) The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e. more than one (1) month).
 - (2) Land disturbance activities have been suspended, and temporary stabilization is achieved.
 - (3) The beginning date and ending dates of the waiver period are documented in the SWP3.

The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls. These inspections shall meet the following requirements:

- (4) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for, pollutants entering the drainage system.
 - (5) Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. The applicant shall utilize an inspection form provided by the City of Mentor or an alternate form acceptable to the City Engineer. The inspection form shall include:
 - A. The inspection date.
 - B. Names, titles and qualifications of personnel making the inspection.
 - C. Weather information for the period since the last inspection, including a best estimate of the beginning of each storm event, duration of each storm event and approximate amount of rainfall for each storm event in inches, and whether any discharges occurred.
 - D. Weather information and a description of any discharges occurring at the time of inspection.
 - E. Locations of:
 1. Discharges of sediment or other pollutants from site.
 2. BMPs that need to be maintained.
 3. BMPs that failed to operate as designed or proved inadequate for a particular location.
 4. Where additional BMPs are needed that did not exist at the time of inspection.
 - F. Corrective action required including any necessary changes to the SWP3 and implementation dates.
 - (6) Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.
 - (7) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
 - (8) The applicant shall maintain for three (3) years following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the SWP3, a certification as to whether the facility is in compliance with the SWP3, and information on any incidents of non-compliance determined by these inspections.
- (i) Maintenance. The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all up slope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the City Engineer. When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

- (1) When practices require repair or maintenance. If an internal 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 (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
 - (2) When practices fail to provide their intended function. If an internal inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.
 - (3) When practices depicted on the SWP3 are not installed. If an internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (j) Final Stabilization. Final stabilization shall be determined by the City Engineer. Once a definable area has achieved final stabilization, the applicant may note this on the SWP3 and no further inspection requirement applies to that portion of the site. (Ord. 10-O-91. Passed 10-5-10.)

1353.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.

(b) The Abbreviated SWP3 shall include a minimum of the following BMPs. The City Engineer may require other BMPs as site conditions warrant.

- (1) Construction Entrances. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be constructed in conformance with specifications in the most recent edition of the Rainwater and Land Development Manual.
- (2) Concrete Truck Wash Out. The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available.
- (3) Street Sweeping. Streets directly adjacent to construction entrances and receiving traffic from the development area shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.
- (4) Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Stabilization

Area requiring stabilization	Time frame to apply erosion controls
Any disturbed area 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, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area
Disturbed areas that will be idle over winter	Prior to November 1.
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.	

- (5) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems.
- (6) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within twenty-four (24) hours after any storm event greater than one-half inch of rain per twenty-four (24) hour period. Maintenance shall occur as detailed below:
- A. When practices require repair or maintenance. If the internal 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 (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
- B. When practices fail to provide their intended function. If the internal inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.
- C. When practices depicted on the Abbreviated SWP3 are not installed. If the internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (7) Final Stabilization. Final stabilization shall be determined by the City Engineer. (Ord. 10-O-91. Passed 10-5-10.)

1353.11 SURETY.

The City may require the posting of a surety bond in a form approved by the Law Director, when in the judgment of the City Engineer the project provides the potential for extreme environmental damage. The bond shall be in such form and amount as is necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be

completed. In lieu of a surety bond, with the approval of the City, the applicant may file a cash bond or instrument of credit that has been approved by the Law Director in an amount equal to that which would be required in the surety bond. (Ord. 10-O-91. Passed 10-5-10.)

1353.12 MONITORING FOR COMPLIANCE.

(a) All development areas may be subject to external inspections by City of Mentor to ensure compliance with the approved SWP3, Abbreviated SWP3, and this regulation.

(b) If an external inspection determines that operations are being conducted in violation of the approved SWP3, Abbreviated SWP3, or this regulation the City of Mentor may take action as detailed in Section 1353.13. (Ord. 10-O-91. Passed 10-5-10.)

1353.13 VIOLATIONS.

(a) 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 such provisions or with any lawful requirements of any public authority made pursuant to this chapter, or knowingly use or cause or permit the use of any lands in violation of this chapter or in violation of any permit granted under this chapter.

(b) Upon notice, the City Engineer and/or designee may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this chapter. Such notice shall be in writing and shall state the reason for suspending the work, the violation or violations committed, what must be done to correct same and a reasonable period of time to correct or abate said violation. Such notice shall be served to the owner of the subject property, or to his agent, or to the person in charge of the work at the site. Additionally, a copy of the notice, in the case of work for which there is a permit, shall be mailed by first class mail, postage pre-paid, addressed to the person or persons responsible at the subject property or to the tax mailing address as indicated by the records of the Lake County Treasurer, or by hand delivery to the property owner and/or occupant at the property. In the event no tax mailing address exists or notice cannot be delivered, notice shall be considered served by publication of a notice in a newspaper of general circulation. In instances, however, where the City Engineer and/or designee find that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice. (Ord. 10-O-91. Passed 10-5-10.)

1353.14 FAILURE TO COMPLY.

Whenever the owner of the subject property neglects or refuses to comply with any notice of violation within the time period specified in said notice, the City shall proceed as provided in Section 1353.15 or 1353.16 whichever is applicable. (Ord. 10-O-91. Passed 10-5-10.)

1353.15 ABATEMENT OF VIOLATIONS.

Where the owner of the subject property fails to comply with a notice of violation of any of the provisions of this chapter within the time period specified in said notice, the City shall cause such violation to be corrected, removed, or abated. The City may contract with a private person or firm to accomplish said task. The actual cost of bringing the property into compliance plus fifteen percent (15%) for inspections and administration shall be billed to the owner of the subject property. If said bill is not paid within thirty days after submission then the Clerk of Council shall certify said costs together with a ten percent (10%) penalty to the Lake County Auditor for placement on the tax duplicate to be collected as other taxes for return to the City. (Ord. 10-O-91. Passed 10-5-10.)

1353.16 PROSECUTION OF VIOLATIONS.

Where the owner of the subject property fails to comply with a notice of violation of any of the provisions of this chapter, said owner shall be considered to be in violation of this code and the City may proceed at law to compel compliance and to prosecute said violation.

(Ord. 10-O-91. Passed 10-5-10.)

1353.17 VARIANCES TO THE PROVISIONS.

A request for a variance shall be in writing and shall state specifically the reasons for the request and shall include all data and information in support of the request. The request shall be reviewed and approved, disapproved, or approved with modifications. All variances issued shall be in writing and signed by the City Engineer. The City Engineer may grant a variance to these provisions if any of the following are found to exist:

- (a) There are exceptional or extraordinary circumstances or conditions applying to the land.
- (b) Literal enforcement of the provisions would cause undue hardship or practical difficulties.
- (c) The exceptional or extraordinary circumstances or conditions and the undue hardship or practical difficulties were not the result of any prior actions of the owner of the land.
- (d) The variance is necessary for the preservation and enjoyment of substantial property rights of the owner of the land.
- (e) The variance will not be a substantial detriment to adjacent lands.

A decision of the City Engineer may be appealed to the Board of Building and Zoning Appeals within ten (10) days from the date of its receipt by the appealing party and, if not so appealed, the City Engineer's decision shall be final and the Board of Building and Zoning Appeals shall be without jurisdiction to hear same.

(Ord. 10-O-91. Passed 10-5-10.)

1353.99 PENALTY.

(a) Any person, firm, entity or corporation, including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who fails to file an erosion and sediment control plan pursuant to the provisions of this chapter and obtain approval prior to disturbing the soil or violates or fails to comply with any provision of this chapter shall be guilty of a misdemeanor of the third degree and shall be subject to the penalty as set forth in Section 501.99 of the Codified Ordinances for a third degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the City of Mentor 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 chapter or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Mentor.

(Ord. 10-O-91. Passed 10-5-10.)