

ARTICLE XXI—EROSION AND SEDIMENT CONTROL (ESC)SECTION 2100 – PURPOSE AND INTENT

A. The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.

B. These regulations are intended to:

1. Allow development while minimizing increases in downstream flooding, 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. These regulations apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this zoning resolution, except as otherwise provided herein.

SECTION 2101 – WORDS AND TERMS DEFINED

For the purpose of these regulations, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Mahoning County Erosion and Sediment Control Rules. Said terms are adopted and made a part of these regulations as though full rewritten herein.

SECTION 2102 – REQUIREMENTS AND APPLICATION PROCEDURES

A. Two (2) sets of Erosion and Sediment Control (ESC) Plan shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, and uses or off-street parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto.

B. ESC Plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-street parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than one (1) acre of land area.

C. The contents of the ESC Plan shall meet all requirements and recommendations for erosion and sediment control contained in the most recent version of the Mahoning County Erosion and Sediment Control Rules.

D. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental protection Agency's (EPA) NPDES Permit No. OHC00002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate ESC Plan. In situations of conflict between OEPA requirements and these regulations. The most restrictive shall prevail.

E. The zoning inspector shall review the ESC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within twenty-one (21) working days after receipt of the Plan. The zoning inspector shall advise that the ESC Plan may be forwarded to the Mahoning County Engineer's Office and Mahoning SWCD for technical assistance and review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filling a revised Plan to ensure compliance with the Mahoning county Erosion and Sediment Control Rules. At the time the zoning inspector receives a revised Plan, Another twenty-one (21) day review period shall begin.

F. Soil disturbing activities shall not begin and zoning as zoning certificates or conditional zoning certificates shall not be issued with an ESC Plan approved by the zoning inspector in accordance with these regulations.

G. Any addition or alteration to the site design as shown on the approved ESC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector may consult with the Mahoning County Engineers and/or Mahoning SWCD. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

SECTION 2103 – COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

A. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate issued.

If requirements vary, the most restrictive requirement shall prevail.

B. Soil-disturbing activities regulated under these regulations shall not begin until all necessary state and federal permits have been granted to the owner. These permits may include, but are not limited to, the following:

1. 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 a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.

2. Section 401 of the Clean Water Act. Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetland and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corp of Engineers at the time of application of this regulation.

3. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice, or project approval or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of that State. Such a letter shall be noted on site plans submitted to the zoning inspector, isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time of application of these regulations.

4. 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, if an Individual Permit is required for the development project, public notice or project approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corp of Engineer's Nationwide Permit Program. This shall include one of the following:

a. A Letter from the lot owner verifying that a qualified professional has surveyed the site and found no water of the United States. Such a letter shall be noted on site plan submitted to the zoning inspector.

b. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific 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 Corp of Engineers at the time of application of these regulations.

5. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a letter from the lot owner or a qualified professional explaining why the Ohio Dam Safety is not applicable.