



# **CITY OF MASSILLON STORM WATER MANAGEMENT PLAN**

Ohio Environmental Protection Agency Issued Permit No.:

OHQ000004

(Effective April 1, 2021)



# Table of Contents

<b>Certification</b> _____	<b>3</b>
<b>Executive Summary</b> _____	<b>4</b>
<b>Legal Authority</b> _____	<b>4</b>
<b>Permit Coverage Area</b> _____	<b>4</b>
<b>Reporting Requirements</b> _____	<b>5</b>
<b>Storm Water Management Plan (SWMP)</b> _____	<b>5</b>
<b>MCM 1: Public Education and Outreach</b> _____	<b>6</b>
<b>MCM 2: Public Participation and Involvement</b> _____	<b>9</b>
<b>MCM 3: Illicit Discharge Detection and Elimination</b> _____	<b>11</b>
<b>MCM 4: Construction Site Runoff Control</b> _____	<b>13</b>
<b>MCM 5: Post Construction Storm Water Management in New Development / Redevelopment</b> _____	<b>15</b>
<b>MCM 6: Pollution Prevention / Good Housekeeping for Municipal Operations</b> _____	<b>17</b>

**FIGURES:**

**Figure 1 – Table of Organization**

**APPENDICES:**

**Appendix A – City of Massillon MS4 Map**

**Appendix B – City of Massillon Codified Ordinance Chapter 923: Illicit Discharge  
and Illegal Connection Control**

**Appendix C – City of Massillon Codified Ordinance Chapter 920:  
Erosion/Sediment Control**

**Appendix D – City of Massillon Long Term Maintenance Agreement**

**Appendix E – City of Massillon Storm Water Pollution Prevention Plan**

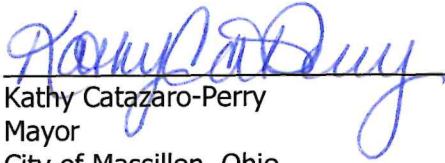
**Appendix F – City of Massillon Municipal Inspection Forms**

**Appendix G – City of Massillon Organizational Chart**

# City of Massillon

## **Storm Water Management Plan Certification**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



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Kathy Catazaro-Perry  
Mayor  
City of Massillon, Ohio

## **Executive Summary**

The City of Massillon is required to prepare a Storm Water Management Plan (SWMP) in accordance with 40 CFR 123.25 and Ohio law (OAC 3745-39). This document outlines the City's program to develop, implement and enforce a storm water management program designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate requirements of the Clean Water Act (CWA) in accordance with the Ohio Environmental Protection Agency (OEPA) National Pollutant Discharge Elimination System (NPDES) Phase II program. The SWMP addresses the Six Minimum Control Measures as required by state regulations. The plan also identifies the City's legal authority to implement the requirements of the OEPA's general permit, OHQ000004.

The overall goal of the plan is to protect water quality by reducing or preventing pollutants from mixing with stormwater runoff and flowing into the City's owned and operated small municipal storm sewer system (MS4) and into waterways. A MS4 system is a conveyance or system of conveyances owned and operated by the City, designed or used for the collecting and conveying stormwater into surface waters of the state.

A copy of the City of Massillon MS4 Map is provided in Appendix A.

## **Legal Authority**

The Charter and Code of the City of Massillon provides the City with the authority to fully implement its storm water management plan. The City will adopt this storm water management plan for the five-year permitting period, as shown in the attached documentation.

## **Permit Coverage Area**

The SWMP traverses all areas within the incorporated City limits. The City of Massillon has an estimated population of 32,163 (US Census Bureau, 2020) and encompasses 19.227 square miles. The City is located in the Tuscarawas Watershed, split by the river in the North/South direction. The City is largely residential, with concentrations of commercial areas throughout the City along main arterials, and a concentration of industrial on the south side of the City.

## **Reporting Requirements**

The City of Massillon will annually prepare a report during the permit cycle. The report is required to be submitted to the OEPA by April 1<sup>st</sup> of each year. The report will include the status of compliance with the permit conditions, an assessment of the appropriateness of the best management practices (BMPs) and progress towards achieving measurable goals for each of the six Minimum Control Measures (MCM).

A summary of the activities the City will undertake during the subsequent annual reporting cycle and any changes to the BMPs or measurable goals will be included in the annual report.

The City will also summarize all data collected and analyzed during the course of the permit cycle and include said summary as part of the annual report.

## **Storm Water Management Plan (SWMP)**

The SWMP outlines the Six Minimum Control Measures that are expected to result in reductions in the adverse effects of storm water discharged by the City of Massillon. The OEPA has completed the 2008 Integrated Water Quality Monitoring and Assessment Report (the 305(b) and the 303(d) TMDL list). The City is located within the Tuscarawas watershed contained on the 303(d) List of Prioritized Impaired Waters.

Where applicable, the OEPA requires Best Management Practices (BMPs) to be selected as part of the overall SWMP to address US EPA approved Total Maximum Daily Load (TMDL) recommendations for identified water quality problems associated with MS4 discharges within the City's MS4 watershed. TMDLs identify and evaluate water quality problems in impaired water bodies and propose solutions to bring those waters into attainment.

The SWMP Six Minimum Control Measures (MCMs) are:

1. Public Education and Outreach
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

Each measure is addressed separately within the plan. Generally, the plan identifies the goals, strategies, existing programs and proposed programs for each minimum control measure. A table of organization outlines who will be responsible for completing each MCM under this plan (Appendix B)

### ***MCM 1: Public Education and Outreach***

The City of Massillon has chosen a mix of BMPs for public education and outreach. This control measure will target homeowners, commercial property owners, contractors, and the general public (those visiting Massillon and non-homeowners).

The program for the City of Massillon is predicated largely on increasing awareness of how the City's municipal separate storm sewer system (MS4) functions through information dissemination. As awareness increases, the program will be enhanced to include more active public participation.

Public education and outreach programming must target at least five different storm water themes or messages over the permit term and reach 50% of the City's total population. At a minimum, at least one theme or message must be targeted to the development community. The City must report each mechanism used to educate the community, including each storm water theme. The City must also report the audience targeted and estimate how many people were reached through each mechanism.

#### ***Education Materials and Strategies***

The City utilizes sources and materials for education through several agencies, including the Ohio EPA, the Northeast Ohio Stormwater Training Council, and Cuyahoga County Soil and Water Conservation District. The City has a number of existing programs specifically for the dissemination of information to its citizens. These include the City website, City newsletters, and a brochure stand in City Hall.

The City is planning to implement additional means of distributing educational information to the public by developing a stormwater specific page within the City's website, and providing information booth at local public events.

#### ***Reaching Diverse Audiences***

The City's program will use a variety of strategies in which to reach a diverse audience. The City's local strategies include reaching commercial areas through brochures and publications, homeowners through utility bill inserts and web page updates, and local contractors through the permitting process.

### ***Education Themes and Target Pollutant Sources***

The education materials and strategies the City will implement over the permit period will cover a variety of themes or messages, including but not limited to the following:

2021: Effects of Sand and Salt

2022: Home Improvement Project water friendly

2023: Pollution Prevention (P2) at Home

2024: Water Quality: Small Impacts

2025: Natures Revenge

The distribution of educational material addressing the above-mentioned themes will assist with stormwater pollution prevention and improving water quality by targeting the following pollutant sources:

1. Sediment within construction runoff
2. Fertilizers and pesticides
3. Oils and greases
4. Litter and debris

### ***Minimum Control Measure Evaluation***

To evaluate the success of this portion of the overall program, the City will annually review the number of people reached by the outreach efforts and review the tracking of water quality related concerns and complaints received by the City from the public. The program can be modified based upon the results of the annual review to determine if additional means of outreach are needed to target specific audiences or pollutants resulting from the concerns and complaints received.

Each BMP implemented will be tracked through spreadsheet with the amount of residents/contractors/developers/students reached. For example, in the case of the storm water display in city hall the amount of daily foot traffic past the display will be monitored and an appropriate figure estimating residents and students reached will be estimated from this data gathered. In the case of bi-annual storm water articles/handouts a detailed number of exactly how many households reached will be recorded. These figures will help gauge the effectiveness of certain BMP's being implemented and if a BMP is deemed ineffective from the data gathered it will be replaced by a more effective BMP.



<b>BMP</b>	<b>Strategy</b>	<b>Measurable Goal</b>	<b>Responsible Party</b>	<b>Targeted Audience</b>
<b>Existing Programs</b>	The City will continue with existing programs that have a positive effect on storm water education.	Continued use of City Hall for the display of educational material. Continued use of the City Newsletter for the distribution of educational articles and events. Continued use of the City website for the distribution of educational information and events.	City of Massillon	<b>Residents (5% / year)</b>
<b>Website Update</b>	Update the City's current website to include a stormwater page to educate the public as well as provide a contact to the City for complaints or concerns.	Update website to provide a specific page to provide the means for the public and contractors to view the SWMP and provide a comment/complaint to the City.	City of Massillon	<b>Residents/Contractors (10% / year)</b>
<b>Educational Articles and Mailings</b>	The City will distribute educational information based on themes and distribute them to the public.	Provide information on stormwater within the City newsletters	City of Massillon	<b>Homeowners (5% / year)</b>
<b>Development Community Education</b>	Develop educational material to present to developers/contractors regarding construction site storm water management	Develop a list of requirements associated with developer and contractor responsibilities. Provide the educational material at pre construction meetings	City of Massillon	<b>Contractors and Developers (10% / year)</b>
<b>Educational Information Distribution at Public Events</b>	Distribute theme related information at public events	Distribute educational material related to the current theme at a display stand or booth at public events held within the City.	City of Massillon	<b>Residents / Students (5% / year)</b>

## ***MCM 2: Public Participation and Involvement***

The City of Massillon recognizes that a successful storm water program relies not only on the MS4 owners and operators and the regulatory community, but also upon the input, assistance and understanding of the general public. The City's program includes means and methods to give the public opportunity to play an active role in both the development and implementation of the NPDES Phase II program, through Stark Soil and Water programming.

The City's public participation / involvement programming includes a least five (5) public involvement activities over the permit term through Stark Soil and Water or contractor meetings. Documentation of the number of people participating in events and a brief description of each activity is required by the permit. The public events will be chosen to address the stormwater themes as identified within the Public Education / Outreach Minimum Control Measure.

### ***Strategies***

The target audience for the program can be divided into three general categories: residential, commercial, and construction/development. Public events will be provided for the opportunity for residents, both adult and children, to participate in. The City will also provide commercial opportunities by providing information on educational events that can assist them with the means of improving stormwater quality from the runoff discharges from their property, as well as illicit discharge types and prevention. Developers and contractors will be provided with educational materials during the pre-construction meeting, as well as during the construction process.

### ***Minimum Control Measure Evaluation***

To evaluate the success of this portion of the overall program, the City will annually review the number of people that participate in the public events and review the tracking of water quality related concerns and complaints received by the City from the public. The program can be modified based upon the results of the annual review and determined if additional public events are needed to target specific audiences or stormwater themes.

<b>BMP</b>	<b>Strategy</b>	<b>Measurable Goal</b>	<b>Responsible Party</b>	<b>Targeted Audience</b>
<b>Existing Programs</b>	The City will continue with existing programs that have a positive effect on storm water education.	Continued use of City Hall for the display of participation/involvement events. Continued use of the City Newsletter for the display of participation/involvement events. Continued use of the City website for the display of participation/involvement events.	City of Massillon	<b>Residents (5% / year)</b>
<b>Website Update</b>	Update the City's current website to include a stormwater page to educate the public as well as provide a contact to the City for complaints or concerns.	Update website to provide a specific page to provide the means for the public and contractors to view upcoming events as well as provide a means to notify the City of issues or complaints.	City of Massillon	<b>Residents/Contractors (10% / year)</b>
<b>Public Involvement Events</b>	The City will hold or promote a public event related to the stormwater theme	Sponsor and/or hold event	City of Massillon	<b>Residents / Students (5% / year)</b>

### ***MCM 3: Illicit Discharge Detection and Elimination***

The City of Massillon has minimized the potential of illicit discharges to the storm water system through ordinance and the use of a centralized sanitary sewer system.

The City will initiate an education program to increase public awareness of the storm water system and illicit discharge control. As the public education and outreach program results in greater awareness of the system, local citizens may become involved using the website to report illicit discharge locations.

As necessary, the City will proactively target land uses that have a high potential for illicit discharges.

#### ***Strategies***

The County has a geographic information system (GIS) in place that includes a map of the storm water system. The City has a defined approach for updating the map to include all new developments and annexations. The GIS map will be updated to include all drainage ditches, streams and the limits of each drainage basin associated with the storm water system. The City will coordinate with the Stark County Health District to identify on-site treatment systems within the incorporated City limits. This information will be added to the City's GIS map.

The control of illicit discharges is part of City Codified Ordinances, Chapter 929. This chapter establishes that the discharge of any material other than storm water into the MS4 is a violation of the regulations.

#### ***Minimum Control Measure Evaluation***

To evaluate the success of this portion of the overall program, the City will review the results of the stormwater outfall dry weather screenings and compare the results to the screening conducted under the previous SWMP. The program can be modified based upon the results of the review and determine if additional public education mechanisms are needed to target specific audiences or stormwater pollutants.

<b>BMP</b>	<b>Strategy</b>	<b>Measurable Goal</b>	<b>Responsible Party</b>	<b>Targeted Audience</b>
<b>Existing Programs</b>	The City will continue with existing programs that have a positive effect on storm water education.	Continued updates to the storm system and outfall map in GIS Illicit discharge ordinance in place.	City of Massillon	<b>Residents and business owners within MS4</b>
<b>Website Update</b>	Update the City's current website to include a stormwater page to educate the public as well as provide a contact to the City for complaints or concerns.	Update website to provide a specific page to provide the means for the public and contractors to view upcoming events as well as provide a means to notify the City of issues or complaints.	City of Massillon	<b>Residents/Contractors</b>
<b>Outfall screenings</b>	Renew the MOU with the Stark Soil and Water to screen outfalls	Complete MOU for the dry-weather screening of MS4 outlets	City of Massillon	<b>N/A</b>
<b>MS4 Mapping</b>	The City will continue to review and update the current MS4 map	The City will update the MS4 map to assist with tracing sources of noted illicit discharges into the MS4 system and investigate surface water outfall locations.	City of Massillon	<b>N/A</b>

## ***MCM 4: Construction Site Storm Water Runoff Control***

The City of Massillon recognizes that sediment laden runoff from construction sites, if unchecked, can deposit more sediment and pollutants in a stream than would be deposited over the course of decades from other land use types. The resulting siltation, and other pollutants, can cause physical, chemical, and biological harm to the waterways.

The MS4 permit requires that the City's program include pre-construction storm water pollution prevention plan review of all projects from construction activities that result in a land disturbance of greater than or equal to one acre. To ensure compliance, these applicable sites must be initially inspected. The frequency of follow-up inspection is on a monthly basis.

### ***Strategies***

The City relies on a two-fold approach to construction site runoff control. First, the City reviews the Storm Water Pollution Prevention Plan (SWPPP) for all submitted construction drawings within the City, per chapter 920 of the codified ordinances. This chapter requires developers to prepare a SWPPP in accordance with the OEPA General Permit associated with construction site stormwater runoff. The SWPPP is required to be submitted to the City and construction can't commence until the plan has been approved. Second, the City conducts monthly erosion and sediment control inspections to ensure that the approved SWPPP is being properly implemented. Inspection reports are prepared and submitted to the project contact. The City has established enforcement capabilities as outlined in Chapter 920.

### ***Minimum Control Measure Evaluation***

To evaluate the success of this portion of the overall program, the City will track the number of SWPPPs reviewed and site inspection conducted. The program can be modified based upon the results of the monthly inspections and determine if additional education mechanisms or enforcement procedures are needed in addressing construction site stormwater runoff.

<b>BMP</b>	<b>Strategy</b>	<b>Measurable Goal</b>	<b>Responsible Party</b>
<b>Existing Programs</b>	The City will continue with the existing programs that have a positive effect on stormwater pollution prevention.	Continue to review SWPPPs that are submitted to the City to ensure compliance with the OEPA requirements. Continue monthly SWPP inspections and provide reports to the developer/contractor.	City of Massillon/Stark Soil and Water
<b>Preconstruction Meetings</b>	The City will notify developers/contractors of their required roles and responsibilities during the construction process	Notice of Intent (NOI) submittal requirements. Weekly inspection requirements. BMP installation and maintenance.	City of Massillon/Stark Soil and Water
<b>Construction Map and Records</b>	The City will note active construction sites on the MS4 map, and continue to keep records of all inspection reports and preconstruction meeting minutes	Update MS4 mapping with active construction sites. Retain records of monthly inspections and preconstruction meetings.	City of Massillon/Stark Soil and Water

## ***MCM 5: Post-Construction Storm Water Management in New Development / Redevelopment***

The City addresses the post-construction storm water management in new development and redevelopment with structural and non-structural post-construction water quality Best Management Practices (BMPs). As part of this minimum control, the City seeks to effectively manage stormwater runoff from new construction impervious areas tributary to the MS4 system and the protection of existing stream riparian corridor areas.

Chapter 920 of the City's codified ordinance address the requirements of post-construction storm water management in new development and redevelopment, including the requirement that the developer prepare and submit to the City for review and approval, a long term operation and maintenance (O&M) plan. The plan identifies the post-construction operator and inspection and maintenance procedures. The post-construction operator is additionally required to enter into an agreement with the City that the BMP will be properly inspected and maintained.

### ***Strategies***

The City reviews the Storm Water Pollution Prevention Plans (SWPPPs) for all submitted construction drawings with the City, per City codified ordinances, in accordance with OEPA requirements. The SWPPP includes the location and design of the post-construction water quality BMP that is to be installed per the proposed site improvement. The City ordinances also require the develop to prepare and submit for review and approval, a long-term operation and maintenance manual.

### ***Minimum Control Measure Evaluation***

To evaluate the success of this portion of the overall program, the City will track the number of SWPPP and O&M plans reviewed, O&M agreements established, and the number of annual BMP inspection conducted. The program can be modified if it is determined the plans are not being properly prepared and the required inspection conducted. Additional education to the development community may be necessary based upon the results of the program evaluation.



<b>BMP</b>	<b>Strategy</b>	<b>Measurable Goal</b>	<b>Responsible Party</b>
<b>Existing Programs</b>	The City will continue with the existing programs that have a positive effect on stormwater pollution prevention.	<p>Continue to review SWPPPs that are submitted to the City to ensure compliance with the OEPA requirements.</p> <p>Continue to review O&amp;M plans that are submitted to the City to ensure compliance.</p> <p>Continue to establish agreements with the post-construction operators to ensure that the post-construction BMPs will be properly inspected and maintained.</p>	City of Massillon/Stark Soil and Water
<b>Post Construction Water Quality BMP Inspection</b>	The City will ensure that post-construction water quality BMPs are being properly inspected and maintained.	<p>Determine the BMPs that are required to be annually inspected.</p> <p>Review inspection reports submitted to the City.</p> <p>Contact post-construction operators and notify of obligations if reports are not submitted to City.</p>	City of Massillon/Stark Soil and Water
<b>Post Construction BMP Mapping</b>	The City will map the locations of post construction BMPs that are installed.	<p>Update MS4 mapping with installed BMPs.</p> <p>Retain records of annual inspection reports and Long Term Maintenance Agreements shall be kept on record and noted on the map.</p>	City of Massillon

## ***MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations***

### ***Strategies***

The City of Massillon has a variety of procedures in place to provide good housekeeping. These procedures include the following:

The proper disposal of waste oils and greases used in the City's maintenance facility.

The careful use of salt during snow removal periods using measures appropriate to conditions.

Removal of pollutants from City right-of-way

The City will conduct inspections at their maintenance facility to determine if the BMPs are being properly implemented per the prepared SWPPP.

The City will continue to take advantage of any training opportunities presented by state or local agencies whenever possible associated with municipal activities and operations of water quality improvements. Performance standards under the permit require, at a minimum, one annual employee training event.

### ***Minimum Control Measure Evaluation***

To evaluate the success of this portion of the overall program, the City will annually review the SWPPP and inspection reports of all applicable locations and BMPs. Results will be evaluated to determine if pollutant source applications can be reduced or additional pollutants removed prior to mixing with stormwater and flowing into the MS4. Additionally, the City will determine if existing BMPs require additional maintenance, or if the need for additional BMPs are warranted. The City will also track training events attended by City staff.

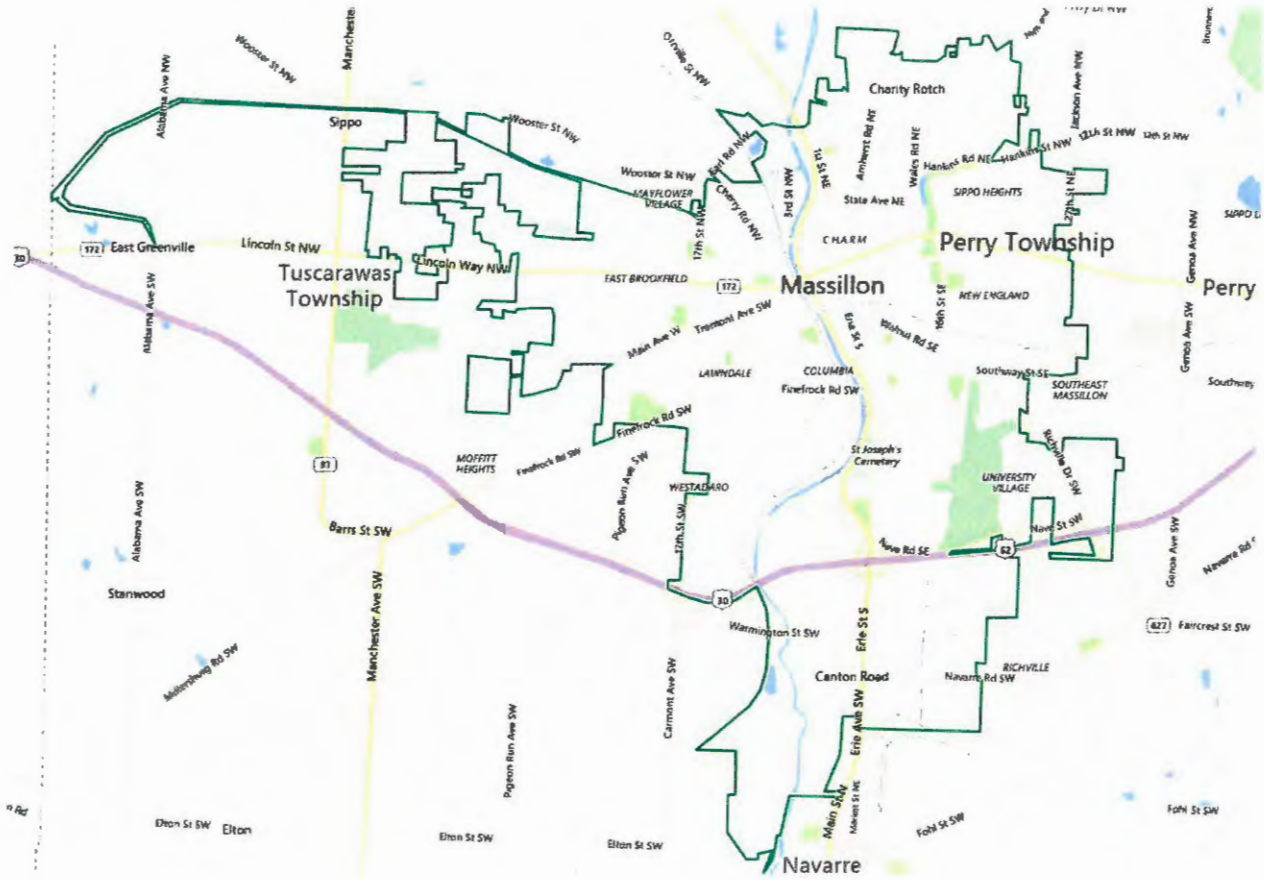
<b>BMP</b>	<b>Strategy</b>	<b>Measurable Goal</b>	<b>Responsible Party</b>
<b>Existing Programs</b>	The City will continue with the existing programs that have a positive effect on stormwater pollution prevention.	<p>Continue to document the amount of deicing salt applied to streets.</p> <p>Continue to document the number of outfalls and inlets cleaned annually. Document the amount of material collected and properly disposed of.</p> <p>Continue to document the amount of pesticides, herbicides, and fertilizers used annually.</p> <p>Continue to document the amount of waste oils and grease used by the City or collected from residents and properly disposed of.</p>	City of Massillon
<b>City Facility SWPPP</b>	The City will create a SWPPP to meet the requirements of Ohio EPA's Industrial Storm Water General Permit for all owned properties.	<p>Create SWPPP and inspection forms for all City owned property</p> <p>Identify required stormwater discharge visual assessment procedures to assist with ensuring that BMPs installed are being properly implemented.</p>	City of Massillon
<b>Maintenance and Inspection of City facilities</b>	The City will create, use, and retain for records all required inspection reports as applicable per the SWPPP and Ohio EPA Industrial Storm Water General Permit	Develop, provide, use and record all inspection forms for City facilities per the Ohio EPA requirements	City of Massillon

**APPENDIX A**

**CITY OF MASSILLON**

**MS4 MAP**

# CITY OF MASSILLON – MS4 MAP



**APPENDIX B**

**CITY OF MASSILLON**

**CODIFIED ORDINANCE CHAPTER 923: ILLICIT DISCHARGE AND  
ILLEGAL CONNECTION CONTROL**

## **CHAPTER 923**

### **Illicit Discharge and Illegal Connection Control**

- 923.01 Purpose and scope.
- 923.02 Applicability.
- 923.03 Definitions.
- 923.04 Disclaimer of liability.
- 923.05 Conflicts, severability, nuisances and responsibility.
- 923.06 Responsibility for administration.
- 923.07 Discharge and connection prohibitions.
- 923.08 Monitoring of illicit discharges and illegal connections.
- 923.09 Enforcement.
- 923.10 Remedies not exclusive.

#### **923.01 PURPOSE AND SCOPE.**

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Massillon through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Agency (Ohio EPA). The objectives of this regulation are:

- (a) To regulate the contribution of pollutants to the (MS4) by stormwater discharges by any user.
- (b) To prohibit illicit discharges and illegal connections to the MS4.
- (c) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

(Ord. 53-2008. Passed 3-17-08.)

#### **923.02 APPLICABILITY.**

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Massillon, except for those discharges generated by the activities detailed in Section 923.07(a)(1) to (a)(3) of this regulation.

(Ord. 53-2008. Passed 3-17-08.)

#### **923.03 DEFINITIONS.**

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

(a) **Best Management Practices (BMPs):** means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(b) **Community:** means the City of Massillon, its designated representatives, boards, or commissions.

(c) **Environmental Protection Agency or United States Environmental Protection Agency (USEPA):** means the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.

(d) **Floatable Material:** in general this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.

(e) **Hazardous Material:** means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(f) **Illicit Discharge:** as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 923.07 of this regulation.

(g) **Illegal Connection:** means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.

(h) **Municipal Separate Storm Sewer System (MS4):** as defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(1) Owned or operated by a state, city, town, borough, county, parish, district, municipality, township, association, or other public body (created by or pursuant to state law) having jurisdiction over sewage, industrial wastes, including special districts under state law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the United States;

(2) Designed or used for collecting or conveying storm water;

(3) Which is not a combined sewer; and

(4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.

(i) **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** means a permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(j) **Off-Lot Discharging Home Sewage Treatment System:** means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(k) **Owner/Operator:** means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(l) **Pollutant:** means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

(m) **Storm Water:** any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(n) **Wastewater:** The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

(Ord. 53-2008. Passed 3-17-08.)

#### 923.04 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of the regulation 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. 53-2008. Passed 3-17-08.)

#### 923.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Massillon, shall prevail.

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

(c) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City of Massillon 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 Massillon, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 53-2008. Passed 3-17-08.)



#### 923.06 RESPONSIBILITY FOR ADMINISTRATION.

The City of Massillon shall administer, implement, and enforce the provisions of this regulation. The City of Massillon may contract with the Stark County Board of Health to conduct inspections and monitoring and to assist with enforcement actions.

(Ord. 53-2008. Passed 3-17-08.)

#### 923.07 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

(1) 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 condensate; 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. These discharges are exempt until such time as they are determined by the City of Massillon to be significant contributors of pollutants to the MS4.

(2) Discharges specified in writing by the City of Massillon as being necessary to protect public health and safety.

(3) Discharges from off-lot discharging home sewage treatment systems permitted by the City of Massillon Health Department and the Stark County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701- 29-02 (6) until such time as the Ohio Environmental Protection Agency issues a NPDES permitting mechanism for residential 1, 2, or 3 family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the City of Massillon Health Department and/or the Stark County Board of Health.

In compliance with the City of Massillon Storm Water Management Program, discharges from all off-lot discharging home sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available, discharges from off-lot discharging household sewage treatment systems will no longer be exempt from the requirements of this regulation.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

(Ord. 53-2008. Passed 3-17-08.)

#### 923.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.

(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program. The City of Massillon shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and home sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as a result of these inspections.

(b) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

(1) The City of Massillon shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

(2) The City of Massillon shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Massillon.

(3) The City of Massillon shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to

measure storm water flow and quality shall be calibrated by the owner/operator to ensure their accuracy with certificates of said calibration provided to the City.

(4) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City of Massillon and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

(5) Unreasonable delays in allowing the City of Massillon access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

(6) If the City of Massillon is refused access to any part of the facility from which storm water is discharged, and the City of Massillon demonstrates probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety and welfare, the City of Massillon may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(7) Any costs associated with these inspections shall be assessed to the facility owner/operator.

(Ord. 53-2008. Passed 3-17-08.)

#### 923.09 ENFORCEMENT.

(a) Notice of Violation. When the City of Massillon finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Massillon may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges or illegal connections;
- (3) That violating discharges, practices, or operations cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
- (5) The implementation of source control or treatment BMPs.

(b) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(c) Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.

(d) Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the City of Massillon shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail. The Administrative Hearing shall take place at a regularly scheduled Planning Commission Meeting.

(e) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to O.R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City of Massillon may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

(Ord. 53-2008. Passed 3-17-08.)

#### 923.10 REMEDIES NOT EXCLUSIVE.

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the City of Massillon to seek cumulative remedies.

(Ord. 53-2008. Passed 3-17-08.)

**APPENDIX C**

**CITY OF MASSILLON**

**CODIFIED ORDINANCE CHAPTER 920: EROSION/SEDIMENT  
CONTROL**

## **CHAPTER 920**

### **Erosion/Sediment Control**

- 920.01 Findings/purpose and scope.
- 920.02 Administration.
- 920.03 Terms defined.
- 920.04 Regulated activities.
- 920.05 Performance standards.
- 920.06 Application procedures for ESC Plan.
- 920.07 Fee.
- 920.08 Monitoring the permit for compliance.
- 920.09 Variance to rules.
- 920.10 Water quality.
- 920.11 Disclaimer of liability.

#### 920.01 FINDINGS/PURPOSE AND SCOPE.

(a) The City of Massillon finds that erosion and sedimentation from land-disturbing activities detrimentally affects the public health, safety and general welfare in the following ways:

(1) Increases the risk of flooding because streams and storm water facilities that receive excessive sediment have a reduced capacity to convey water;

(2) Damages fisheries and habitat quality in streams and wetlands when siltation clogs spawning gravel and when excessive turbidity impairs the survivability of aquatic organisms;

(3) Increases public expenditures for maintenance of stormwater facilities, ditches, culverts and storm sewers that receive excessive amounts of sediment;

(4) Damages adjacent properties, including public right-of-ways, when sediment is deposited on these properties;

(5) Promotes transport of nutrients to lakes causing algal blooms and oxygen depletion.  
(Ord. 84-2004. Passed 5-3-04.)

(b) All performance and criteria specified in this section shall meet the specifications provided in the most recent Ohio EPA Construction General Permit. Should any conflict between these ordinances and the Construction General Permit exist, the Construction General Permit shall prevail. These rules are adopted in accordance with the City of Massillon's authorization for small municipal separate storm sewer systems (MS4's) to discharge storm water under the national pollutant discharge elimination system and shall apply to all soil-disturbing activities on land within the incorporated area of the City of Massillon used or being developed for non- farm commercial, industrial, residential, or other non-farm purposes, including, but not limited to, individual or multiple lots, subdivisions, multi-family developments, condominium units, commercial and industrial developments, recreational projects, general clearing and grading projects, underground utilities, highways, building activities on farms, redevelopment of urban areas and all other uses unless expressly excluded as follows:

(Ord. 54-2008. Passed 3-17-08.)

(1) Activities related to producing agricultural crops and silviculture operations or areas regulated by the Ohio Agricultural Sediment Abatement Rules. (H.B. 88)

(2) Strip mining and surface mining operations regulated under Revised Code 1513.01, 1514.01.

(3) Normal landscape maintenance activities and gardening/horticulture.

(4) An Erosion Sediment Control Plan is not required before clearing, grading, excavating, filling or otherwise wholly or partially less than 1 (one) contiguous acres of land owned by one

person or operated as one development unit; however, areas of less than 1 (one) contiguous acres are not exempt from compliance with all other provisions of these rules. (See, 920.04(a))

(Ord. 84-2004. Passed 5-3-04.)

#### 920.02 ADMINISTRATION.

(a) Authorized Agents. The Stark Soil & Water Conservation District, acting as the City of Massillon's duly authorized representative, shall administer these regulations. Staff of the Stark SWCD shall be responsible for the determination of compliance with these regulations and shall, through the Stark SWCD board of supervisors, issue notices and orders as may be necessary. Reference the most recent mutual Agreement for Technical Assistance on file in the City Engineer's Office.

(b) Disbursement of Funds. The fees provided for in Section 920.07 shall be made payable to the Stark County Soil and Water Conservation District.

(Ord. 141-2005. Passed 12-19-05.)

#### 920.03 TERMS DEFINED.

(a) Interpretation of Terms and Words.

(1) Words used in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary.

(2) The term "shall" is always mandatory and not discretionary; the word "may" is permissive. The term "should" is permissive but indicates strong suggestion.

(3) The word or term not interpreted or defined by this section shall be construed according to the rules of grammar and common usage so as to give these Rules their most reasonable application.

(b) Acre: A unit of measure equaling 43,560 square feet.  
(Ord. 84-2004. Passed 5-3-04.)

(b.1) As-built Survey: A survey shown on a plan or drawing prepared and sealed by a Professional Surveyor and/or Engineer licensed in the State of Ohio indicating information such as, but not limited to: actual dimensions, elevations, and locations of any structures and their components, underground utilities, roads, swales, ditches, detention/retention facilities, storm and sanitary sewers, water quality practices, or other infrastructure and facilities after construction has been completed to the satisfaction of the City Engineer.

(Ord. 54-2008. Passed 3-17-08.)

(c) Stark SWCD: The office responsible for administering sediment pollution and/or storm water run-off control programs.

(d) Best Management Practice or BMP: means physical, structural, non-structural and managerial practices that when used singly or in combination prevent or reduce erosion.

(e) Channel: A natural bed that conveys water. A ditch excavated for water flow.  
(Ord. 84-2004. Passed 5-3-04.)

(e.1) CPESC: Certified Professional in Erosion and Sediment Control.  
(Ord. 54-2008. Passed 3-17-08.)

(f) Critical storm: That storm which is calculated by means of the percentage increase in volume of runoff by a proposed development. The critical storm is used to calculate the maximum allowable storm water discharge rate from a developed site.

(g) Cut: An excavation that reduces an existing elevation, as in road or foundation construction.

(h) Detention Structure: A permanent storm water management structure whose primary purpose is to temporarily store water runoff and release the stored runoff at controlled rates.

(i) Development Area: Any contiguous area owned by one person or persons, or operated as one development unit, and use being developed for non-farm commercial, industrial, residential or other institutional construction or alteration which changes the runoff characteristics of a parcel of land.

(j) Disturbed Area: An area of land subject to erosion due to the removal of vegetative cover and/or soil moving activities, including filling.

(k) Ditch: An open channel, either dug or natural, for the purpose of drainage or irrigation with intermittent flow.

(l) Drainage: The removal of excess surface water or ground water from land by surface or subsurface drains.

(m) Drainage Surface Area: An area, measured in a horizontal plane, enclosed by a topographic divide from which surface run-off from precipitation normally drains by gravity into a stream, river or lake above the specified point of measurement.

(n) Drainage Improvement: As defined in Ohio R.C. 6131.01(C), and/or conservation works of improvement, Ohio R.C. 1511 and 1515.

(o) Earth Material: Soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.

(p) Engineer: A Professional Engineer registered by the State of Ohio.

(q) 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.

(r) Erosion & Sediment Control: A system of structural and vegetative measures that minimize soil erosion and offsite sediment pollution. The control of soil material, both mineral and organic, during soil disturbing activity to prevent its transport out of the disturbed area by means of wind, water, ice or gravity.

(s) Farm: Land or water devoted to growing crops and nursery crops.

(t) Grading: Excavating, filing, or stockpiling of earth material or any combination thereof, including the land in its excavated or filled condition.

(u) Impervious: That which does not allow infiltration.

(v) **Landslide:** A rapid mass movement of soil rock materials downhill under the influence of gravity.

(w) **Multi-family Development:** Apartments, condominiums, duplexes or other similar buildings housing more than one family.

(x) **One Hundred-Year Frequency Storm:** A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a 1 percent chance of being equaled or exceeded in any given year.

(y) **Person:** Any individual, corporation, firm, trustee, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government or any combination thereof.

(z) **Pre-construction Meeting:** A meeting between the Stark SWCD and all principal parties, prior to the start of any construction, at a site that requires an Erosion and Sediment Control Plan.

(aa) **Pre-Winter Stabilization Meeting:** A meeting between the Stark SWCD and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires an Erosion and Sediment Control Plan.

(bb) **Qualified Person:** Professional Engineer or Surveyor, Landscape Architect, Soil Conservationist, Certified Professional in Erosion/Sediment Control or any person having completed a minimum of 20 hours of accredit training in erosion sediment control.

(cc) **Retention Structure:** A permanent structure whose primary purpose is to permanently store a given volume of storm water runoff for release of the given volume by infiltration and/or evaporation.

(dd) **Sediment:** Soils or other surface materials that can be transported or deposited from its site of origin by the action of wind, water, ice or gravity as a product of erosion.

(ee) **Sedimentation:** Deposition of sediment particles in water bodies.

(ff) **Sediment Basin:** A temporary barrier or other suitable retention structure built across an area of water flow to intercept runoff and allow transport sediment to settle and be retained prior to discharge into waters of the State.

(gg) **Sediment Pollution:** Degradation of Waters of the State by sediment as a result of failure to apply management or conservation practices to abate wind or water soil erosion, specifically in conjunction with soil-disturbing activities on land used or being developed for commercial, industrial, residential or other non-farm purposes.

(hh) **Sloughing:** A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.

(ii) **Soil Conservation:** The use of the soil within the limits of its physical characteristics and protecting it from unalterable limitations of climate and topography.

(jj) Soil-Disturbing Activity: A clearing, grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed, which may result in, or contribute to, erosion and sediment pollution.

(kk) Soil and Water Conservation District: The agency responsible for implementing these regulations as organized under Chapter 1515 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as the Stark SWCD.

(ll) Soil Loss: Soil moved from a given site by the forces of erosion, measured using "T".

(mm) Stabilization: The installation of vegetative and/or structural measures to establish a soil cover in order to reduce soil erosion by storm water runoff, wind, ice, and gravity.

(nn) Storm Drain: A conduit, pipe, or human-made structure, which serves to transport storm water runoff.

(oo) Storm Water Management: Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

Storm Water Runoff: The direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a stream, ditch, storm sewer or other concentrated flow during and following the precipitation.

(pp) Stream: A body of water running or flowing on the earth's surface in which flow may be perennial and/or seasonally intermittent.

(qq) Subsoil: That portion of the soil below the topsoil or plow layer, beginning 6- 12" below surface down to bedrock parent material.

(rr) T: The soil loss tolerance expressed in tons per acre per year as determined by the USDA Revised Universal Soil Loss Equation (RUSLE)

(ss) Temporary Soil Erosion and Sediment Control Measures: Interim control measures which are installed or constructed to control soil erosion or sedimentation until permanent soil erosion control measures are established.

(tt) Top soil: The upper layer of soil that is usually darker in color and richer in organic matter and nutrients than the subsoil.

(uu) Unstable Soils: A portion on land surface or area which is prone to slipping, sloughing, landslides or is identified by Natural Resource Conservation Service, USDA methodology as having low soil strength.

(vv) Watercourse: A definite channel with bed and banks within which concentrated water flows, either continuously or intermittently; e.g. streams.

(ww) Watershed: The total drainage area contributing runoff to a single point.



(Ord. 84-2004. Passed 5-3-04.)

#### 920.04 REGULATED ACTIVITIES.

No person shall cause or allow soil-disturbing activities, land clearing, grading, excavating or filling within the scope of these rules without full compliance with the requirements set forth in these rules.

(a) When a proposed soil-disturbing activity on land used or being developed, either wholly or partially, for non-farm residential, commercial, industrial, recreational or other non-farm purposes consisting of one (1) or more contiguous acres of land owned by one person or operated as one development unit for the construction of non-farm buildings, structures, utilities, recreational areas or other limited non-farm uses, the owner of said land shall prepare and file with the Stark SWCD an Erosion and Sediment Control (ESC) plan. Areas of less than one (1) contiguous acres shall not be exempt from compliance with other provisions of these rules including but not limited to installing and maintaining erosion/sediment control practices to prevent sediment from depositing into local creeks, ditches, ponds, streets, highways or public lands or onto existing landowners properties.

(b) The owners must obtain an approved plan before starting any soil-disturbing activity. It is mandatory that a qualified person with knowledge of erosion/sediment control design the ESC Plan.

(c) The owner shall submit three ESC plans to the City of Massillon Engineer and to the Stark SWCD no less than thirty (30) days before any soil-disturbing activity at the proposed site. This process is explained in Section 920.06 .

(Ord. 54-2008. Passed 3-17-08.)

(d) The owner or owner's delegated representative of said land shall notify the City of Massillon Engineer and Stark SWCD no less than two (2) working days before the start of soil-disturbing activity. The owner shall also notify the City of Massillon Engineer and Stark SWCD no later than five (5) working days after project completion.

(e) The ESC plan shall contain narrative and drawings that explain practices to be used to prevent soil erosion and off-site disposal of soil sediment during and after land development. (See Section 920.05 for plan requirements and review schedules)

(Ord. 84-2004. Passed 5-3-04.)

(f) Erosion and sediment control practices used to satisfy the performance criteria of these Rules shall meet the specifications provided in the most current edition of Rainwater & Land Development Manual, Ohio's Standards for Storm Water Management and Land Development, and Urban Stream Protection, published by Ohio Department of Natural Resources. The SWPPP shall meet the minimum requirements listed in the most recent Ohio EPA Construction General Permit. The City in conjunction with the Stark SWCD shall review any new or innovative practice before incorporating them into a plan. (See Section 920.05 for performance standards and requirements.)

(Ord. 54-2008. Passed 3-17-08.)

(g) The ESC plan shall contain all items in Section 920.05 of these rules and shall be accompanied by proof of compliance and/or notification with required natural resource permits and documentation relevant to the project, including:

(1) Proof of compliance with the Ohio Environmental Protection Agency (OEPA) General Storm Water National Pollution Discharge Elimination System (NPDES) permit. Proof of compliance shall be, but not limited to, a copy of NPDES General Storm Water permit Notice of Intent, and/or a copy of NPDES General Storm Water permit number, and/or a copy of OEPA Director's Acceptance Letter for NPDES permit.

(2) Proof of compliance with Section 404 of the Clean Water Act administered by the US Army Corps to streams, wetlands, and waterways under its jurisdiction. Proof of compliance shall be, but is not limited to, a copy of the US Army Corps of Engineers permit number, and/or project approval letter from a US Army Corps of Engineers agent.

(3) Proof of compliance with the Ohio Dam Safety Law administered by ODNR Division of Water. Proof of compliance shall be, but is not limited to, a copy of the ODNR Division of Water permit number, and/or project approval letter from the ODNR Division of Water. If the dam is exempt from the Ohio Dam Safety Laws, a letter from the designer stating the criteria for exemption is satisfactory.

(4) Wetland Delineation verified by the US Army Corps of Engineers.

(h) The owner and/or developer of said land and/or the developer's delegated representative shall meet with the Stark SWCD for a Pre-Construction Meeting no less than seven (7) days prior to soil-disturbing activity at the site.

(i) The Developer's delegated representative shall perform first inspection of erosion and sediment control practices to certify that the practices comply with the approved plan no less than two (2) working days after the start of the project. An inspection report confirming this should be completed by the Developer's delegated representative and if requested, sent to the Stark SWCD confirming said inspection. Stark SWCD will perform bi-monthly inspections of on going construction sites sending a verbal report of any deficiencies.

(j) All permitted activity shall be subject to monitoring. Site inspection by the Stark SWCD shall record compliance. (See Section 920.06 for monitoring schedule, inspection reports and findings of non-compliance).

(k) If the site is, or plans to remain active through the winter months, a Pre-Winter Stabilization Meeting shall be held by the developer of said land and/or delegated representative of the project and the Stark SWCD prior to October 1, in order to plan winter erosion and sediment controls as defined in the most current edition of Rainwater & Land Development Manual, Ohio's standards for Storm Water Management and Land Development, and Urban Stream Protection, published by Ohio Department of Natural Resources.

(l) Upon completion of all construction and final stabilization of the entire construction site, the owner or delegated representative of said land shall contact the Stark SWCD through written notification that construction is complete and final stabilization, as specified in the Rainwater & Land Development Book, has been achieved. (Ord. 84-2004. Passed 5-3-04.)

#### 920.05 PERFORMANCE STANDARDS.

(a) All properties adjacent to the site of soil-disturbing activity shall be protected to the maximum extent practicable, from soil erosion and sediment runoff and drainage, including, but not limited to private properties, natural and artificial waterways, wetlands, storm sewers and public lands.

(b) Construction site erosion and sediment control practices used to satisfy this requirement shall conform, as a minimum, to State of Ohio standards as set forth in the most-current edition of the Rainwater and Land Development Manual, defined by the Ohio Department of Natural Resources Division of Soil and Water Conservation and Natural Resources Conservation Service and shall conform to the most current Ohio Environmental Protection Agency, Ohio Revised Code Chapter 6111 requirements.

(c) Erosion and sediment control plan approvals issued in accordance with these Rules do not relieve the owner of responsibility for obtaining all other necessary permits and/or approvals from federal state, and/or county agencies. If requirements vary, the most stringent requirements shall be followed.

(d) Erosion and sediment control practices at the site, and as identified in the ESC plan shall comply with the following:

(1) An approved erosion and sediment control plan or approval letter from the Stark SWCD shall be located on site for review.

(2) Limits to clearing and grading shall be shown on ESC plans. Limits to clearing and grading shall be clearly marked on site with signage, flagging, and/or fencing etc.

(3) Install erosion and sediment perimeter controls as a first action of construction as specified by construction sequence. This shall include and is not limited to protective BMP's for stream corridors and crossings, wetlands, site entrance, sediment traps & basins, barriers, and diversion dikes.

(4) Concentrated storm water runoff shall pass through a sediment control device before exiting the site boundaries. Concentrated runoff from bare soil areas shall be diverted into a settling pond or sediment control structure, or other approved sediment barrier before leaving the site.

(5) Earthen structures such as dams, basins, stream modifications and water diversions shall be seeded and mulched within seven (7) days of the completion of installation. Dams shall conform to the Ohio Dam Laws (ORC 1521.06). Permanent storm water basins modified for sediment control must be permanently seeded and mulched. Gullies, rills and/or slippage along the banks and/or dam must be repaired immediately.

(6) Stabilization of critical areas such as flood plains or within 50 feet of any stream or wetland shall be temporarily stabilized within two (2) days of disturbance if area will remain inactive for fourteen (14) days or longer. Construction vehicles shall avoid streams and the 50 foot buffer areas. If an active drainage-way must be crossed by construction vehicles repeatedly during construction, a temporary stream crossing shall be constructed according to the specifications in the most recent Rainwater & Land Development Book. Construction of bridges, culverts or sediment control structures shall not place soil, debris and other fine particulate material into or close to water resource in such a manner that it may slough, slip or erode.

(7) Storm sewer inlets (and sanitary) shall be protected so that sediment- laden runoff will not enter the storm sewer system without first being filtered and/or treated. Sediment deposits must be cleaned from the storm water pipes once the site is stabilized with vegetation.

(8) Re-vegetate soil: Temporary soil stabilization shall occur within seven (7) days after rough grading if the area will remain idle longer than thirty (30) days. Vegetation must be the result of the seeding or the site must be re-seeded. Permanent soil stabilization shall be installed within seven (7) days after final grade is reached on any portion of the site. Permanent vegetation is a ground cover dense enough to cover eighty percent (80%) of the soil surface and mature enough to survive winter weather condition.

(9) Soil stockpiles shall be stabilized or protected to prevent soil loss. Stabilization, such as seeding and mulching, shall be required if stockpiles are located within critical areas near streams or wetlands, or if determined by the Stark SWCD that sediment from stockpiles will leave the site.

(10) Unstable soils prone to slipping or sloughing shall not be cleared, graded, excavated, filled or have loads imposed upon them unless the work is Planned by a qualified professional engineer and installed in accordance with the ESC plan. Cut and fill slopes should be designed to minimize erosion problems. Adequate slope design includes use of rough soil surface along the face of the slope; water diversion along the top of the slope away from the face; terraces to reduce slope length; delivery of concentrated storm water flows to the base of the slope via adequate channel or pipe; and drainage for water seeps in the slope that endanger slope stability.

(11) Soil shall be removed from paved surfaces and/or public roads at the end of each day in such a manner that does not create off-site sedimentation in order to ensure safety and abate off-site soil loss. Collected sediments shall be placed in a stable location on site or taken off-site to a stable location.

(12) Stabilize disturbed or modified drainage ways. Reduce erosive effects of storm water by using and/or maintaining grassed swales, infiltration structures, or water diversions.

(13) Sediment and erosion controls shall be inspected once every seven (7) days and within 24 hours of a 0.5" or greater rainfall event. A written log of these inspections and improvements to controls shall be kept on site. The inspections shall include the date of inspection, name of inspector, weather conditions, actions taken to correct any problem and the date corrective actions were taken.

(14) Trenches for underground utility lines and pipes shall be temporarily stabilized within seven (7) days if they are to remain inactive for thirty (30) days. Trench dewatering devices shall discharge in a manner that filters soil-laden water before discharging it to a receiving drainage ditch or pond. If seeding, mulching, or other erosion and sediment control measures were previously installed, these protective measures shall be reinstalled. (Ord. 84-2004. Passed 5-3-04.)

#### 920.06 APPLICATION PROCEDURES FOR ESC PLAN.

(a) Three (3) copies of the ESC Plan for all projects which are subject to the City of Massillon Subdivision Regulations, as adopted and administered by the City of Massillon Engineering Department in accordance with Section 711.10 of the Ohio Revised Code, shall be submitted to the City of Massillon Engineering Department and to the Stark SWCD thirty (30) working days prior to any earth-disturbing activity for general clearing projects. (Ord. 54-2008. Passed 3-17-08.)

(b) The Stark SWCD shall review the ESC plan and approve, or return for revision with comments and recommendations for revision, within twenty-five (25) working days of receipt of said plan. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and procedure for filing a revised plan. At the time of receipt of a revised plan, another 25-day review period shall be commenced. If no letter is received from the Stark SWCD after twenty-five (25) working days the plan is automatically approved.

(c) The applicant may be required to provide additional copies of ESC plan if required by the City of Massillon or its agents.

(d) Approved plans shall remain valid for three years from the date of approval. The Stark SWCD shall forward a copy of the approved plan and/or its review report to the City of Massillon, Engineering Department.

(e) A plan is considered complete when it contains two sets of the following:

(1) Site construction plans intended for contractor's bid, for erosion/sediment control.

(2) Contact information for the owner of the land, the developer, the ESC plan designer and person responsible for the implementation and maintenance of the plan; project's name; project vicinity map.

(3) Permit verification.

A. Jurisdictional wetland: In areas where jurisdictional wetlands as defined by an on-site delineation verified by the United States Army Corps of Engineers will be affected, a copy of the wetland delineation report and a copy of the appropriate permit showing project approval and any restrictions that apply to site activities shall be submitted with the ESC Plan, or notification thereof.

B. An Ohio Environmental Protection Agency (OEPA) National Pollutant Discharge Elimination System (NPDES) permit with permit verification number or Notice of Intent shall be submitted with the ESC Plan.

(4) Project Description: A brief description of the project and types of soil- disturbing activities. Note specifically items not self-evident from the plan drawings. The project description shall list total project acreage, north arrow, and adjacent property boundaries.

(5) Existing site conditions shown with maximum scale of 1"=200' and 2' contour intervals; locations and names of soil type boundaries, vegetation, ditches, springs, streams, lakes, wetlands, woods, agricultural fields; location of downstream lakes and wetlands within 1000' of project based on Wetland Inventory Maps; existing drainage patterns including direction of flow and watershed acreage.

(6) Grading plan-showing types of soils and boundaries; limits of disturbance; areas of excavation and fill; final contours; and proposed drainage pattern including storm sewer inlets and permanent storm water basins. Basin detail shall be drawn to scale and show volumes, size of contributing drainage area and method of calculating trapping efficiency. Basins and/or ponds must conform to the Ohio Dam Laws.

(ORC 1521.06)

(7) Erosion and Sediment Control plan showing location, type, and construction detail for perimeter controls; sediment settling devices; limits of disturbances; buffers for streams, wetlands, ponds, and drainage's; seeding mixtures and rates; type of mulching and fertilizer. Erosion and sediment control plans shall also provide a detailed construction sequence. Updates and/or corrections to schedules and/or sequencing shall be clearly marked or listed on approved plans, which shall be located at the site.

(8) Contractor's Construction Sequence that estimates the time frame required for the following:

- A. Pre-Construction Meeting.
- B. Initial clearing and grubbing to gain access, and installation of perimeter controls within seven (7) days of clearing and grubbing.
- C. Clearing and grubbing followed by excavation of sediment traps and basins; temporary soil stabilization for these sediment settling devices within fourteen (14) days of excavation.
- D. Maintenance inspection schedule and party responsible for inspection and repair of erosion and sediment control devices.
- E. Pre-Winter Stabilization meeting if project is to be through the winter.
- F. Final grading and permanent soil stabilization within 30 days of finishing final grade.
- G. Removal of temporary erosion and sediment control devices.
- H. Final Stabilization meeting with provisions for long-term maintenance of storm water facilities including mechanisms for notification of future responsible parties and/or property owners.

(Ord. 84-2004. Passed 5-3-04.)

#### 920.07 FEE.

(a) For the purpose of these regulations, the fee schedule shall be the most current: SWCD Fee Schedule.

#### 920.08 MONITORING THE PERMIT FOR COMPLIANCE.

(a) Following the initial inspection of erosion and sediment control devices by the developer's delegated representative, regular inspections will be performed by the Stark SWCD for compliance with these rules. If it appears that a violation of any of these rules has occurred, the owner and developer will be notified of deficiencies or non-compliance in writing through a notice of violation by proof of delivery mail. If within 30 days after receipt of the letter, the owner or developer has not rectified the deficiency or received approval of plans for its correction, a second notice of violation will be issued. The owner or developer has another 15 days to rectify the violation or a

"stop work order" will be issued immediately. The deficiency or non-compliance shall be reported to the City of Massillon Engineering Department for consideration of referral to the Prosecuting Attorney's Office for immediate enforcement of these regulations. (Ord. 7-2012. Passed 3-5-12.)

(b) If the City of Massillon Engineer determines that a violation exists and requests the City of Massillon Director of Law in writing, the Director of Law shall seek an injunction to cease work immediately until compliance with these rules. A court may also order the construction of sediment control improvements for implementation or other control measures.

(c) The Stark SWCD may require revisions to the ESC plan as necessary to achieve compliance to these Rules.

(d) A final inspection will be made to determine if the criteria of these Rules have been satisfied and a report sent to the City of Massillon Engineer on the compliance status of the site. (Ord. 84-2004. Passed 5-3-04.)

#### 920.09 VARIANCE TO RULES.

(a) The City of Massillon Engineer upon consulting the Stark SWCD the responsible party for plan review and approval may grant a written variance from any requirement of these Rules if there are special conditions applicable to the site such that strict adherence to the provisions of these rules will result in unnecessary hardship and not fulfill the intent of these Rules. A written request for variance shall be provided to the City of Massillon Engineer and shall state the specific variances sought and the reasons with supporting data for their granting. The City of Massillon Engineer shall not grant a variance unless and until the applicant provides sufficient specific reasons justifying the variance. The City of Massillon Engineer in conjunction with the Stark SWCD will conduct a review of the requests for variance within 20 (twenty) working days.

(b) Adverse economic conditions shall not be a valid reason to grant a variance. (Ord. 84-2004. Passed 5-3-04.)

#### 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 nonstructural 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 one 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. Water Quality Volume (WQv) 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:

(1) 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.

(2) The water quality orifice cannot be less than two and one-half inches in diameter.

(3) Nonstructural 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.

(4) Any manufactured water quality practice must be of 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 managements 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 each 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 (BMP's) 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.

(Ord. 51-2008. Passed 3-17-08.)

(d) Enforcement.

(1) If the City of Massillon Engineer determines that a violation exists and makes a request to the City of Massillon Law Director in writing, the Law Director shall seek an injunction to cease work immediately until compliance with these rules occur.

(2) Any proceeding brought or instituted pursuant to this section may also include a claim for payment or reimbursement of any and all costs or obligations assessed or incurred or associated with any occurrence or event in violation of the provisions and regulations established in this chapter.

(3) Nothing in this section and no action taken thereunder shall be held to exclude such criminal proceedings as may be authorized under the Ohio Revised Code.

(Ord. 149-2009. Passed 12-7-09.)

920.11 DISCLAIMER OF LIABILITY.

Neither approval of a plan under these provisions, nor compliance with provisions of these regulations, shall relieve any person from responsibility for damage to any person or property otherwise imposed by law. (Ord. 84-2004. Passed 5-3-04.)



**APPENDIX D**

**CITY OF MASSILLON**

**LONG TERM MAINTENANCE AGREEMENT**

## **INSPECTION AND MAINTENANCE AGREEMENT**

This Inspection and Maintenance Agreement, made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by and between the [party responsible for the project on which the storm water best management practices will be located] (hereafter referred to as the Owner) and the City of Massillon hereafter referred to as the Community, provides as follows:

**WHEREAS**, the Owner is responsible for certain real estate shown as Tax Map No. (parcel number) that is to be developed as (development's official name) and referred to as the Property; and,

**WHEREAS**, the Owner is providing a stormwater management system consisting of the following stormwater control measures (SCMs) (list all components of the storm water management system) as shown and described on the attached Comprehensive Storm Water Management Plan; and,

**WHEREAS**, to comply with Section 920 of the Codified Ordinances of the City of Massillon, pertaining to this project, the Owner has agreed to inspect, maintain, and repair the SCMs in accordance with the terms and conditions hereinafter set forth.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and undertaking of the parties, the parties hereby agree as follows:

### **A. FINAL INSPECTION APPROVAL**

The Owner shall certify in writing to the City of Massillon within 30 days of completion of the SCMs that the SCMs are constructed in accordance with the approved plans and specifications and per the approved Comprehensive Stormwater Management Plan. The Owner shall further provide an As-Built Certification, including As-Built Survey and Inspection, as described in Chapter 920, a copy of this complete Inspection and Maintenance Agreement, and the approved Inspection and Maintenance Plan.

### **B. MAINTENANCE PLANS FOR STORMWATER CONTROL MEASURES**

1. The Owner agrees to maintain in perpetuity the SCMs in accordance with approved Maintenance Plans described in #2 below and in a manner that will permit the SCMs to perform the purposes for which they were designed and constructed, and in accordance with the standards by which they were designed and constructed, all as shown and described in the approved Comprehensive Stormwater Management Plan. This includes all pipes and channels built to convey stormwater to the SCMs, as well as structures, improvements, and vegetation provided to control the quantity and quality of the stormwater.
2. The Owner shall provide a Maintenance Plan for each SCM. The Maintenance Plans shall include the following:
  - i. The location of each SCM and identification of the drainage areas served by each SCM.
  - ii. Photographs of each SCM, including all inlets and outlets upon completion of construction.
  - iii. A schedule of inspection.
  - iv. A schedule for regular maintenance for each aspect of the SCM and description of routine and non-routine maintenance tasks to ensure continued performance of the SCM as is detailed in the approved Comprehensive Stormwater Management Plan. The Owner shall also provide a maintenance inspection checklist written so the average person can understand it shall be incorporated. The maintenance plan will include a detailed drawing of each SCM and outlet structures with the parts of the outlet structure labeled. This schedule may include additional standards, as required by the City of Massillon engineer, to ensure continued performance of SCMs permitted to be located in, or within 50 feet of, water resources.
  - v. Location and documentation of all access and maintenance easements on the Property.

Alteration or termination of these stipulations is prohibited. The Owner must provide a draft Inspection and Maintenance Plan as part of the Comprehensive Stormwater Management Plan submittal. Once a draft is approved, a recorded copy of the Plan must be submitted to the City of Massillon to receive final inspection approval of the site, as noted above in Section A

3. The Owner shall maintain, update, and storm the maintenance records for the SCMs.
4. The Owner shall perform all maintenance in accordance with the Inspection and Maintenance Plan and shall complete all repairs identified through regular inspections, and any additional repairs as requested in writing by the City of Massillon.

C. INSPECTION, MAINTENANCE AND REPAIRS OF SCMs

1. The Owner shall inspect all SCMs listed in this Agreement, every three (3) months and after major storm events for the first year of operation.
2. The Owner shall inspect all SCMs listed in this Agreement at least once every year thereafter.
3. The Owner shall submit Inspection Reports in writing to the City of Massillon engineer within 30 days after each inspection. The reports shall include the following:

The date of inspection: \_\_\_\_\_

Name of inspector; \_\_\_\_\_

The condition and/or presence of:

- (i) \_\_\_\_\_
- (ii) \_\_\_\_\_
- (iii) \_\_\_\_\_
- (iv) \_\_\_\_\_
- (v) \_\_\_\_\_
- (vi) \_\_\_\_\_
- (vii) \_\_\_\_\_
- (viii) Any other item that could affect the proper function of the Facility.

4. The Owner grants permission to the City of Massillon to enter the Property with prior notification to the Owner to inspect all aspects of the SCMs and related drainage whenever the City of Massillon deems necessary to verify that the SCMs are being maintained and operated in accordance with the terms and conditions hereinafter set forth. The City of Massillon shall maintain public records of the results of site inspections and shall provide the Owner copies of the inspection findings and shall indicate in writing any corrective actions and repairs to bring the SCMs into proper working condition if necessary.
5. The Owner shall make all repairs within five (5) working days of their discovery through Owner inspections or through a request from the City of Massillon. If repairs will not occur within this five (5) day period, the Owner must receive written approval from the City of Massillon engineer for a repair schedule.
6. In the event of any default or failure by the Owner in the performance of any of the covenants and warranties pertaining to the maintenance of the SCMs, or the Owner fails to maintain the SCMs in

accordance with the approved design standards and Inspection and Maintenance Plan, or, in the event of an emergency as determine by the City of Massillon, it is the sole discretion the City of Massillon, after providing reasonable notice to the Owner, to enter the property and take whatever steps necessary to correct deficiencies and to charge the cost of such repairs to the Owner. The Owner shall reimburse the City of Massillon upon demand, within ten (10) days of receipt thereof for all actual cost incurred by the City of Massillon, or more with written approval from the City of Massillon engineer. All costs expended by the City of Massillon in performing such necessary maintenance or repairs shall constitute a lien against the properties of the Owner. Nothing herein shall obligate the City of Massillon to maintain the SCMs.

**D. INDEMNIFICATION**

1. The Owner hereby agrees that it shall save, hold harmless, and indemnify the City of Massillon and its employees and officers from and against all liability, losses, claims, demands, costs and expenses arising from, or out of, default or failure by the Owner to maintain the SCMs, in accordance with the terms and conditions set forth herein, or from acts of the Owner arising from, or out of, the construction, operation, repair or maintenance of the SCMs.
2. The Owner hereby releases the City of Massillon from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against the City of Massillon from the presence, existence, or maintenance of the SCMs
3. The parties hereto expressly do not intend by execution of this Inspection and Maintenance Agreement to create in the public, or any member thereof, any rights as a third party beneficiary or to authorize anyone not a party hereof to maintain a suit for any damages pursuant to the terms of this Inspection and Maintenance Agreement.
4. This Inspection and Maintenance Agreement shall be a covenant that runs with the land and shall inure to the benefit of and shall be binding upon the parties hereto, their respective successors and assigns, and all subsequent owners of the property.
5. The current Owner shall promptly notify the City of Massillon when the Owner legally transfers any of the Owners responsibilities for the SCMs. The Owner shall supply the City of Massillon with a copy of any document of transfer, executed by both parties.
6. Upon execution of this Inspection and Maintenance Agreement, it shall be recorded in the Recorder 's Office of Cuyahoga County, Ohio, at the Owner's expense.

**IN WITNESS WHERE OF**, the Owner has caused this Inspection and Maintenance Agreement to be signed in its names by a duly authorized person.

\_\_\_\_\_  
Owner (signature)

\_\_\_\_\_  
Owner (Please type)

By: \_\_\_\_\_  
Appropriate Community official

**APPENDIX E**

**CITY OF MASSILLON**

**STORM WATER POLLUTION PREVENTION PLAN**

**(TO BE SUBMITTED BY APRIL 1, 2023)**

**APPENDIX F**

**CITY OF MASSILLON**

**MUNICIPAL INSPECTION FORMS**

## Facility Stormwater Inspection Checklist

City of Massillon Municipal Operations Pollution Prevention/Good Housekeeping Program

**Date:** \_\_\_\_\_

Item	Completed
Annual Site Inspection	
<b>NON- STORMWATER INSPECTIONS</b>	
January – March Non-Storm Water Visual Inspection	
April – June Non-Storm Water Visual Inspection	
July – September Non-Storm Water Visual Inspection	
October - December Non-Storm Water Visual Inspection	
<b>STORMWATER INSPECTIONS</b>	
January – March Storm Water Visual Inspection	
April – June Storm Water Visual Inspection	
July – September Storm Water Visual Inspection	
October - December Storm Water Visual Inspection	

**File this Form for Stormwater Audit Records**

# Spill/Release Incident Reporting Form

City of Massillon Municipal Operations Pollution Prevention/Good Housekeeping Program

1. Date of spill/release: \_\_\_\_\_
2. Location: \_\_\_\_\_
3. Time of spill/release: \_\_\_\_\_ a.m. / p.m.
4. Material spilled/released: \_\_\_\_\_
5. Amount spilled/released: \_\_\_\_\_
6. Cause of spill/release: \_\_\_\_\_

**Promptly file a copy of  
this form when completed  
for stormwater audit  
records.**

7. Description of scene (e.g., type of media contaminated (e.g., soil), distance to storm sewers, if spill/release was contained):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Description of clean-up actions taken (e.g., how spill/release was contained (e.g., absorbent pillows), where recovered material was placed, how much material was not recovered, remaining actions to be taken): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. List of offsite emergency responders contacted:  
\_\_\_\_\_  
\_\_\_\_\_

10. List of offsite emergency responders at scene:  
\_\_\_\_\_  
\_\_\_\_\_

11. Action taken to prevent recurrence: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

*Use back of form for additional space as needed. Completed forms should be filed.*



## Non-StormWater Discharge Visual Inspection Form

City of Massillon Municipal Operations Pollution Prevention/Good Housekeeping Program

To be completed during daylight facility operating hours once during each of the following periods: January-March, April-June, July-September, and October-December. Promptly file a copy of this form when completed for stormwater audit records.

Issue Being Evaluated	Yes	No	N/A	Comments (Stains, Odors, Leaks, Trash & Debris)
<b><u>OUTFALL(S):</u></b> Any water flowing?(If YES, define the source):				
Irrigation				
Water line flushing				
Broken water line				
Firefighting activities				
Illicit discharge				
Unknown  The connection to the source must be identified and eliminated as soon as possible.				
<b><u>SITE HOUSEKEEPING:</u></b> Clean of debris (paper, leaves, etc.)?				
Storm drain inlets clean?				
<b><u>VEHICLE MAINTENANCE/STORAGE AREAS:</u></b> Dirt and grease buildup?				
Clean of debris (paper, leaves, etc.)?				
Stains on the asphalt?				
<b><u>MATERIALS STORAGE AREAS:</u></b> Are recyclable materials accumulating?				
Are stored drums covered?				
Are oily parts exposed to storm water contact?				

**Non-Storm Water Visual Inspection Form**

City of Massillon Municipal Operations Pollution Prevention/Good Housekeeping Program

Issue Being Evaluated	Yes	No	N/A	Comments (Stains, Odors, Leaks, Trash & Debris)
<u><b>MATERIALS STORAGE AREAS:</b></u> Are the loading and unloading areas clean? Swept salt from lot?				
Are potential pollutants properly stored beneath covered areas?				
Are areas around waste containers clean? Are covers closed?				
<u><b>VEHICLE FUELING AREAS</b></u> Fuel stains evident? Is there a spill kit accessible?				
<u><b>SITE CONSTRUCTION ACTIVITIES</b></u> Materials covered? Seeded?				
Erosion controls in place?				
Construction debris/litter exposed to storm water? Soils piles seeded or covered				
<b>Summary of recommended actions to eliminate unauthorized non-stormwater discharges and reduce or prevent pollutants from contacting non-storm water discharges:</b>				

**Promptly file a copy of this form when completed for stormwater audit records.**

Inspected By: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Signature: \_\_\_\_\_

**Stormwater Discharge Visual Inspection Form**  
 City of Massillon Municipal Operations Pollution Prevention/Good Housekeeping Program

To be completed during daylight facility operating hours once during each of the following periods: January-March, April-June, July-September, and October-December. Promptly file a copy of this form to when completed for stormwater audit records.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Issue being evaluated	Yes	No	N/A	Comments (Stains, Odors, Color, Leaks, Trash, Debris, etc.)
<b><u>OUTFALL(S):</u></b> Clean of debris (paper, leaves, etc.)?				
<b><u>DISCHARGE WATER (Circle below):</u></b>				
Turbidity?	Clear	Cloudy	Muddy	
Oil & Grease sheen present?	Clear	Discontinuous	Continuous	
Floating Material present?	No	Yes If yes, describe material:		
Odors present?	No	Yes If yes, describe (i.e. petroleum, sewage, etc.):		
Discoloration present?	No	Yes If yes, describe color:		

**Stormwater Discharge Visual Inspection Form**  
 City of Massillon Municipal Operations Pollution Prevention/Good Housekeeping Program

Issue Being Evaluated	Yes	No	N/A	Comments (Stains, Odors, Color, Leaks, Trash, Debris, etc.)
<b><u>SITE AREA(S):</u></b>				
Are stored materials exposed to storm water contact?				
Are oily parts and/or drums exposed to storm water contact?				
Are the loading and unloading areas clean and swept?				
Are areas around containers clean?				
Is the area around the covered salt storage area free of significant salt?				
Is there a buildup of oil and grease in the parking lots or equipment storage areas? Are there drip pans?				
Are there leaks or stains around drums or aboveground storage tanks? Is it contained?				
Are the drainage swales, catch basins and/or grates clean of debris (leaves, paper, etc.)?				
<b><u>OTHER OBSERVATIONS:</u></b>				

**Promptly file a copy of this form to when completed for stormwater audit records.**

Inspected by: \_\_\_\_\_

Signature: \_\_\_\_\_

## Annual Site Inspection Form

City of Massillon Municipal Operations Pollution Prevention/Good Housekeeping Program

To be completed once each year by March 1 for the Annual Report submittal. Promptly file a copy of this form when completed for annual report and stormwater audit.

Inspector's Name and Title: \_\_\_\_\_

Date and Time of Inspection: \_\_\_\_\_

### I. STORMWATER MONITORING PROGRAM COMPLIANCE

1. Have 4 non-stormwater inspections been performed and documented? Yes/No  
If no, indicate reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Have 4 stormwater inspections been performed and documented? Yes/No  
Give dates: \_\_\_\_\_  
If no, indicate reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Have there been any corrective actions recommended as a result of site inspections? Yes/No  
If yes, have the actions been included in updates to the SWPPP/SWMP? Yes/No  
If corrective action updates have not been made, indicate reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### II. REVIEW SITE STORMWATER POLLUTION CONTROL PROGRAM (PPGHP)

1. Are there any changes to the site operations/activities? Yes/No
2. Are there any changes to stormwater BMPs? Yes/No
3. Are there any changes to potential pollutant sources or activities? Yes/No
4. Are there any changes to stormwater program personnel? Yes/No
5. Has employee training been conducted and documented? Yes/No  
If no, indicate reason: \_\_\_\_\_

### III. SITE INSPECTION

1. Are preventive maintenance activities being implemented and documented? Yes/No  
(catch basins cleaned, parking areas cleaned, etc.?)  
If no, indicate reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Are housekeeping activities being implemented (covered trash bins, wipe up drips and spills, place drip pans under leaking vehicles, clean oily parts before storing outside, drip pans etc.)? Yes/No  
If no, indicate reason: \_\_\_\_\_  
\_\_\_\_\_

3. Are any special stormwater BMPs being implemented (sediment erosion, curbs, spill prevention and containment, etc.)? Yes/No  
 If no, indicate reason: \_\_\_\_\_

4. Have spill prevention and response procedures been implemented, and is spill prevention equipment operational and ready (secondary containment, personnel training, inspection of chemical storage areas, etc.)? Yes/No  
 If no, indicate reason: \_\_\_\_\_

5. Have sediment erosion controls been implemented? Yes/No  
 If no, indicate reason: \_\_\_\_\_

6. Are there any additional stormwater controls recommended as a result of the site inspection? Yes/No  
 If yes, describe here: \_\_\_\_\_

**IV. UPDATE STORMWATER POLLUTION CONTROL PROGRAM (PPGHP)**

1. Have all updates been made to the PPGHP? Yes/No

If no, indicate reason: \_\_\_\_\_

**V. EVALUATION OF EXISTING BEST MANAGEMENT PRACTICES (BMPs)**

Inspect the facility using this list of existing BMPs:

BMP Description	Existing BMP (E)	New BMP	Status (FI, PI NI, NA)	Implementation Schedule
Keep vehicle maintenance areas clean				
Regular pavement sweeping				
Control spills				
Practice proper waste disposal or recycle				
Eliminate non-storm water discharges				
Properly store materials to minimize exposure				
Store wastes and recycling materials in proper place				
Cover road salt storage area and swept				
Routinely clean catch basins				
Keep equipment and vehicles clean				

Use drip pans under parked, stored vehicles				
Implement construction BMPs as necessary				
Wash equipment and vehicles in designated areas				
Provide spill protection at the fuel islands				
Cover trash bins				

E = Existing BMP  
 FI = Fully Implemented  
 PI = Partially Implemented  
 NI = Not Implemented  
 NA = Not Applicable

**From the table above, answer the following questions:**

1. Do the existing BMPs appear to be effective in reducing the potential for stormwater pollution? Yes/No  
 If no, indicate reason: \_\_\_\_\_

\_\_\_\_\_

2. Are additional BMPs needed to address sources of pollutants at the site (i.e., more frequent inspections of certain areas of operations, changes in operations, etc.)? Yes/No  
 If yes, describe the BMPs needed to address sources of pollutants and a time schedule for implementation: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_

**General Comments:**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

**APPENDIX G**

**CITY OF MASSILLON**

**ORGANIZATIONAL CHART**



**City of Massillon NPDES Storm Water Management Program Table of Organization**



*Kathy Catazaro-Perry, Mayor*  
(330) 830-1700  
[mayorkathy@massillonohio.gov](mailto:mayorkathy@massillonohio.gov)

*Barb Sylvester, Public Safety and Service*  
(330) 830-1702  
[bsylvester@massillonohio.gov](mailto:bsylvester@massillonohio.gov)

Public Education and Outreach MCM #1

*Greg McCue, Civil Engineer IV*  
- Renew annual agreement (MOU) with Stark SWCD  
- Assist and coordinate with Stark SWCD

Public Involvement/Participation MCM #2

*Greg McCue, Civil Engineer IV*  
*Tony Ulrich, WWTP Manager*  
- Coordinate illicit discharge investigations and source tracking  
- Coordinate investigation & enforcement of failing private sewage  
- Coordinate Outfall Screening/Sampling  
- Coordinate mapping and updates of outfall and HSTS locations  
- Coordinate Storm Sewer Mapping

Illicit Discharge Detection & Elimination MCM #3

*Greg McCue, Civil Engineer IV*  
*Jason Haines, Engineering Technician II*  
- Oversight of storm water pollution prevention plans  
- Plan review of construction sites  
- Enforcement of SWP3  
- Coordination with Stark SWCD

Construction Site Stormwater Runoff Control MCM #4

*Greg McCue, Civil Engineer IV*  
*Jason Haines, Engineering Technician II*  
- Oversight of stormwater management  
- Inspection maintenance oversight  
- Design review of stormwater management plans  
- Enforcement of BMP implementation  
- Coordination with Stark SWCD

Post-Construction Site Stormwater Runoff Control MCM #5

*Tom Burgasser, Operations Superintendent*  
- Maintain SWP3 for municipal facilities and operations  
- Oversight of street sweeping, road salt use  
- Storage and handling of materials

Pollution Prevention/Good Housekeeping MCM #6

*John S. Weedon, Stark Soil and Water Conservation District*  
(330)-451-7645  
[jsweedon@starkcountyohio.gov](mailto:jsweedon@starkcountyohio.gov)  
- Educational materials  
- Public Presentations, Newspaper articles  
- Community Involvement Opportunities

*Terry Agent, Health Commissioner*  
(330) 830-1712  
[tagent@massillonohio.gov](mailto:tagent@massillonohio.gov)  
- Inventory of MS4 outfall locations  
- Dry weather screening and sampling of outfall locations  
- IDDE Source Tracking

*John S. Weedon, Stark Soil and Water Conservation District*  
(330)-451-7645  
[jsweedon@starkcountyohio.gov](mailto:jsweedon@starkcountyohio.gov)  
- Plan Review of Construction Sites  
- Construction Site Erosion/Sediment Control Inspections  
- Post-Construction BMP Inspections

*John S. Weedon, Stark Soil and Water Conservation District*  
(330)-451-7645  
[jsweedon@starkcountyohio.gov](mailto:jsweedon@starkcountyohio.gov)  
- Design Review of Storm Water Management Plans  
- Long-Term Maintenance and Post-Construction Practices  
- Inspections Maintenance

*John S. Weedon, Stark Soil and Water Conservation District*  
(330)-451-7645  
[jsweedon@starkcountyohio.gov](mailto:jsweedon@starkcountyohio.gov)  
- Provide Training to City Employees