

RESOLUTION 231-09

A RESOLUTION ADOPTING OKLAHOMA COUNTY STORMWATER QUALITY AND EROSION CONTROL REGULATIONS PURSUANT TO THE CLEAN WATER ACT (33 USC 1251 et seq.), FEDERAL STORMWATER REGULATIONS (40 CFR PART 122) AND THE OKLAHOMA ENVIRONMENTAL QUALITY ACT (TITLE 27A OS §1-1-101 et seq.)

WHEREAS, the Clean Water Act (33 USC 1251, et seq.) THE Oklahoma Environmental Quality Act (Title 27A OS §1-1-101, et seq.) and Federal stormwater regulations (40 CFR Part 122) require Oklahoma County to obtain a permit from the Oklahoma Department of Environmental Quality (ODEQ) and to develop a Stormwater Management Program under the permit addressing stormwater runoff quality; and

WHEREAS, said Stormwater Management Program requires Oklahoma County to establish Stormwater Quality and Erosion Control Regulations; and

WHEREAS, the Oklahoma County Planning Commission did on July 16, 2009 approve the Oklahoma County Stormwater Quality and Erosion Control Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Oklahoma County hereby adopts the Oklahoma County Stormwater Quality and Erosion Control Regulations.

APPROVED this 3RD day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
OKLAHOMA COUNTY, OKLAHOMA

Raymond R. Vaughn

Chairman

Willie A. [Signature]

Member

Brian Maughan

Member

Stacey Trumbo

County Engineer
Stacey Trumbo, PE



ATTEST

Carolyn Caudill

Carolyn Caudill, County Clerk

APPROVED as to form and legality this 23rd day of Aug, 2009.

Gretchen Crawford

Assistant District Attorney

Gretchen Crawford

STORMWATER QUALITY AND EROSION CONTROL

Section I. Purpose and Intent

According to the EPA, Oklahoma's leading pollutants and stresses of surface waters are from sediment pollution. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat. Soil erosion can cause damage to property and necessitate repair of sewers, ditches, streams, ponds, and lakes. In addition, clearing and grading during construction causes loss of native vegetation necessary for terrestrial and aquatic habitat.

This Regulation was developed to safeguard persons, protect property, and prevent damage to the environment in Oklahoma County. The Regulation also seeks to control the creation of sediment and to prevent the occurrence of erosion at the source during construction and development. This Regulation promotes the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Oklahoma County.

This Regulation establishes methods to regulate the introduction of pollutants into the MS4 and enables the County to comply with all applicable State and Federal laws including, but not limited to, the Clean Water Act (33 USC 1251, et seq.), the Oklahoma Environmental Quality Act (Title 27A OS §1-1-101, et seq.), and Federal stormwater regulations (40 CFR Part 122). The objectives of this Regulation are to allow the County to:

- Regulate pollutants into the MS4 by stormwater discharges by any user;
- Control spills, dumping, or the disposal of materials, other than stormwater, into the MS4
- Prohibit illicit discharges to the MS4
- Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the Regulation;
- Comply with the conditions in the ODEQ OKR04 General Permit that has been issued to Oklahoma County, and comply with any other State or Federal laws pertaining to stormwater quality to which the County is subject.

Section II. Definitions:

Agricultural stormwater runoff – any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CRF Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CRF Section 122.24 and any addition or amendment thereto.

BMPs (Best Management Practices) – schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce pollution of the waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff.

Clearing – any activity that removes the vegetative surface cover.

CWA – The Clean Water Act, Public Law 92-500

DEQ – The State of Oklahoma Department of Environmental Quality

Discharge – to cause or allow to throw, drain, release, dump, spill, empty, emit, blow, or pour any pollutant or non-permitted substance into the MS4, any watercourse of the County, or any Water of the State or United States.

Discharger – any person who causes, allows, permits, or is otherwise responsible for a discharge,

including, without limitation, any operator of a land disturbance site or a construction site or an industrial facility, any owner of a commercial property or a residential property or an agricultural property, and any owner or transporter of a source discharge.

Drainage Way – any channel that conveys surface runoff throughout the site.

EPA – The United States Environmental Protection Agency

Erosion Control – A County approved measure that prevents erosion.

Erosion and Sediment Control Plan – A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading – excavation or fill of material, including the resulting conditions thereof.

Illicit discharge – any intentional discharge to the MS4, any watercourse of the County, or any Water of the State or United States that is not composed entirely of stormwater, except discharges pursuant to any OPDES or NPDES Permit and discharges allowed per this Regulation.

Motor vehicle fluid – any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in or from within a motor vehicle.

Municipal Separate Storm Sewer System (MS4) – a conveyance or system of conveyances (including roads with drainage systems, County streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned or regulated by the County and designed or used for collecting or conveying stormwater.

Oil – any kind of oil in any form including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof, sludge, oil refuse, and oil mixed with waste.

Oklahoma County Engineer – The Oklahoma County Engineer or an authorized representative

Oklahoma Pollutant Discharge Elimination System (OPDES) Permit – see National Pollutant Discharge Elimination System (NPDES).

NOI – Notice of Intent, as required by DEQ prior to construction activities on sites one (1) acre in size or larger

NOT – Notice of Termination, as required by DEQ when construction activities cease

NPDES – The National Pollutant Discharge Elimination System – a permit issued by the EPA or by the State as on OPDES Permit under authority delegated pursuant to 33 USC §1342 (b) that authorizes the discharge of pollutants to Waters of the United States (or Waters of the State), whether the permit is applicable on an individual, group, or general area-wide basis.

Nonpoint source – any source of any discharge of a pollutant that is not a “point source.”

Permit – the authorization to conduct work in accordance with applicable regulations

Perimeter Control – a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing – clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Point source – any discernible, confined, and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

Pollutant – including but not limited to any sewage, sewage sludge, dredged spoil, solid waste, oil, grease, garbage, biological materials, radioactive materials, chemical wastes, heat, wrecked and/or discarded equipment, rock, sand, loose soil, sediment from construction sites and graded areas, any characteristics of wastewater (i.e., acidity, or alkalinity (pH), temperature, total suspended solids (TSS), turbidity, color, biological oxygen demand (BOD), chemical oxygen demand (COD), toxicity, odor), and industrial, and agricultural waste discharged into water.

Sediment Control – County approved measures that prevent eroded sediment from leaving the site.

Site – a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development Permit – permit issued by the state, county, or local authority for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

Spill – any release that, in the opinion of the County Engineer or his authorized representative, negatively impacts the quality of water within or discharges from the County’s MS4, or causes damaging or deleterious effects to the County’s MS4 including all structures or appurtenances, and/or the County’s watercourses or the Waters of the State or United States.

Stabilization – the use of practices that prevent exposed soil from eroding.

Start of Construction – the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Storm water – storm water runoff, snowmelt runoff, surface runoff, and drainage

Stormwater drainage system – any facility, structure, improvement, development, equipment, property or interest therein, or other structural or nonstructural element made, constructed, used, or acquired for the purpose of collecting, containing, storing, conveying, and controlling stormwater wherever located, including, but not limited to, storm sewers, streets, gutters, curbs, street drains, conduits, natural and manmade channels, pipes, culverts, and detention and retention ponds whether public or private.

Watercourse - any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by Oklahoma County.

Waterway – a channel that directs surface runoff to a watercourse or to the public storm drain.

Section III. Authority

The County Engineer or his authorized representative may carry out all inspections, surveillance, enforcement, and monitoring procedures necessary to determine compliance and administer the County’s compliance with its OKR04 Permit;

The County Engineer or his authorized representative may investigate violations of and enforce those aspects of the Clean Water Act which are within the authority of local governments, and investigate violations of and enforce this Regulation;

The County Engineer or his authorized representative may create, promote, and publicize educational programs for environmental awareness and may provide quantitative data through field screening programs.

Section IV. Permits

No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of one (1) acre or more without obtaining a site development permit from the Oklahoma County Engineer.

Each application shall bear the name(s) and address (s) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when construction or grading activity takes place.

The applicant will be required to file with Oklahoma County a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by Oklahoma County to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by Oklahoma County, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Section V. Review and Approval

The Oklahoma County Engineer will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 7 working days after receiving an application, the Oklahoma County Engineer shall, in writing:

- Approve the permit application;
- Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

Failure of the Oklahoma County Engineer to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the County Engineer. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the County Engineer.

Section VI. Erosion and Sediment Control Plan

The Erosion and Sediment Control Plan shall include the following:

- A natural resources map identifying streams, wetlands, and other waterbodies, soils, forest cover, and resources protected under other chapters of this code.
- A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
- All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction through project completion (permanent erosion control/stormwater facilities). Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
- Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and type and quantity of mulching for both temporary and permanent vegetative control measures.
- Provisions for maintenance of control facilities, including easements, sediment removal, and estimates of the cost of maintenance.

Modifications to the plan shall be processed and approved or disapproved in the same manner as Section V of this regulation, may be authorized by Oklahoma County Engineer by written authorization to the permittee, and shall include:

- Major amendments of the erosion and sediment control plan submitted to Oklahoma County Engineer.
- Field modifications of a minor nature

Section VII. Design Requirements

Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the Best Management Practices (BMP) identified by the U.S. Environmental Protection Agency and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Oklahoma County Engineer. Cut and Fill slopes shall be no greater than 3:1 except as approved by the County Engineer to meet other community or environmental objectives.

Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this regulation and state and federal law. Site grading must meet the following requirements:

- The site must drain away from all buildings and toward the street or a dedicated drainage ditch (bar ditch)
- The site should be graded to provide a maximum of 6" of fall in 10 feet away from building foundations.
- Drainage should be directed away from adjacent lots to the maximum extent possible.
- Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and stabilized according to the requirements of the site development permit.
- Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review. Phasing shall be in accordance with the Oklahoma County Subdivision Regulations Section 3.6, and as approved by the County Engineer.

Erosion control requirements shall include the following:

- Soil stabilization shall be completed within one (1) week of clearing or inactivity in construction.
- If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the Oklahoma County Engineer may require the site to be reseeded or a non-vegetative option employed.
- Special techniques that meet the design criteria outlined by the Oklahoma County Engineer, on steep slopes or in drainage ways shall be used to ensure stabilization.
- Soil stockpiles must be stabilized or covered at the end of each workday.
- The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
- Techniques that meet the Best Management Practices (BMP) identified by the U.S. Environmental Protection Agency will be employed to prevent the blowing of dust or sediment from the site.
- Techniques that divert upland runoff past disturbed slopes shall be employed.

Sediment control requirements shall include:

- Settling basins, sediment traps, or tanks and perimeter controls.
- Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by the Oklahoma County Engineer.
- Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

Waterway and watercourse protection requirements shall include:

- A temporary stream crossing if a wet watercourse will be crossed regularly during construction.
- Stabilization of the watercourse channel before, during, and after any in-channel work
- All on-site stormwater conveyance channels designed according to the criteria outlined by the Oklahoma County Engineer.
- Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
- Construction site access requirements shall include a graveled, temporary access road provided at all sites (see Appendix A).
- Other measures required by the Oklahoma County Engineer in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Section VIII. Inspection

County personnel or their designated agent shall have full access to the site for inspections to insure compliance with the approved Erosion and Sediment Control Plan. A copy of the site development permit and approved Erosion and Sediment Control Plan shall be maintained at the site throughout site development.

The permit holder or his/her representative shall make regular inspections of all control measures to insure compliance with the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections and inspection dates shall be documented in written form and available on site for review.

Section IX. Illicit Discharge & Illegal Dumping

(a) No person shall conduct, allow, or permit the direct or indirect discharge of any material other than stormwater into the MS4, the watercourses in the unincorporated areas of Oklahoma County, or the Waters of the State or United States. The following direct or indirect discharges are examples of prohibited discharges; this list is not all-inclusive:

1. Sewage dumping or dumping of sewage sludge
2. Chlorinated swimming pool discharge
3. Discharge of any polluted household wastewater, such as, but not limited to, laundry wash water and dishwater, except to a sanitary sewer or properly operating sewage disposal system
4. Leaking sanitary sewers and connections
5. Leaking water lines
6. Commercial, industrial or non-exempt public vehicle wash or power wash discharge and commercial, industrial, or non-exempt cosmetic cleaning
7. Leaking or improperly operating sewage disposal system, private or otherwise
8. Garbage, rubbish, litter, trash, or sanitary waste disposal
9. Dead animals, animal fecal waste, or fecal absorbent such as cat litter or cedar mulch
10. Non-stormwater discharges, except pursuant to a permit issued by the State or Federal agency
11. Dredged or spoil material
12. Solid waste and commercial or industrial process by-products
13. Chemical waste, industrial waste, and hazardous waste and substances
14. Wrecked or discarded vehicles, appliances, or equipment
15. Wastewater
16. Motor vehicle fluid
17. Oil or used oil
18. Paint
19. Yard waste such as grass clippings, leaves, or limbs

20. Sediment, litter, building materials, chemicals, concrete wash-out or slurry, or sanitary waste from a construction site
21. Municipal solid waste

(b) The following non-stormwater sources are the “Allowable and Occasional Incidental Discharges” which Oklahoma County has determined to not be substantial contributors of pollutants to the MS4 and are therefore allowed:

1. Water line flushing
2. Landscape irrigation
3. Rising ground waters
4. Residential building wash water without detergents
5. Uncontaminated pumped ground water
6. Discharges from potable water sources
7. Foundation drains
8. Air conditioning condensate
9. Irrigation water
10. Springs
11. Water from crawl space pumps
12. Footing drains
13. Lawn Watering
14. Individual residential car washing
15. De-chlorinated swimming pool discharges
16. Street wash water
17. Fire hydrant flushings
18. Non-commercial or charity car washes
19. Discharges from riparian areas and wetlands
20. Discharges in compliance with a separate Oklahoma Pollutant Discharge Elimination System (OPDES) or National Pollutant Discharge Elimination System (NPDES) permit
21. Discharges or flows from emergency fire fighting activities provided that the Incident Commander, Fire Chief, or other on-scene fire fighting official in charge makes an evaluation regarding potential releases of pollutants from the scene. Measures shall be taken to reduce any such pollutant releases to the maximum extent practicable subject to all appropriate actions necessary to ensure public health and safety. Discharges or flows from the fire fighting training activities are not authorized by OKR04 as allowable discharges.

Section X. Enforcement

Stop-Work Order; Revocation of Permit

In the event that any person holding a site development permit pursuant to this regulation violates the terms of the permit or this regulation the Oklahoma County Engineer may suspend or revoke the site development permit and any associated building or development permits.

Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, without first having obtained a Stormwater Site Development Plan permit; or construct, enlarge, alter, repair or maintain any grading, excavation, or fill, or cause the same to be done in violation of any term or terms of these regulations or the Oklahoma County Floodplain Regulations.

Any person who shall fail to obtain a Stormwater Site Development Plan permit or violate any of the provisions of these regulations shall be subject to the provisions set forth in 19 O.S.

§868.11A. Any person who fails to correct a violation may be assessed a fine or penalty for each ensuing day during which such failure or violation continues. Other appropriate legal action may be instituted to abate a violation, including injunctive relief or proceedings to prevent or remove a violation or for failure to obtain a Stormwater Site Development Plan permit. In addition to any

penalty or legal relief, any person, partnership, corporation or other legal entity violating any of the provision of these regulations shall be required to bear the expense of restoration.

Section XI. Severability

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this regulation shall not affect the validity of the remainder.

References:

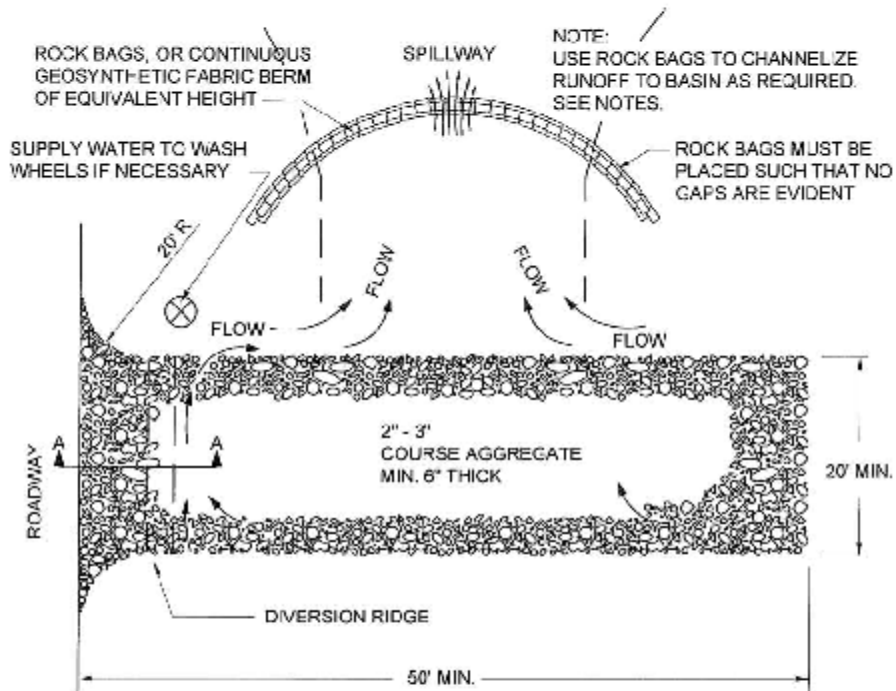
Claytor, R. 1997. Practical Tips for Construction Site Phasing. *Watershed Protection Techniques* 2(3): 413-417.

APPENDIX A

**TEMPORARY GRAVEL ROAD
CONSTRUCTION ENTRANCE/EXIT
DETAIL SHEET**



SECTION A -- A



PLAN

NOTES:

1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAYS. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.
2. WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.
3. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.
4. ROCK BAGS OR SANDBAGS SHALL BE PLACED SUCH THAT NO GAPS ARE EVIDENT. SEE NOTES ERO-03.

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE / EXIT

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