

VILLAGE OF HANOVER

ORDINANCE 20-2026

AN ORDINANCE TO ADOPT EROSION AND SEDIMENT CONTROL FOR THE VILLAGE OF HANOVER, OHIO AND TO AMEND CONTRARY AND INCONSISTENT ORDINANCES BY REPEALING AND AMENDING PARTS THEREOF AND DECLARING AN EMERGENCY.

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PREAMBLE

WHEREAS, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; damages water resources and wetlands by reducing water quality; and causes the siltation of aquatic habitat; and

WHEREAS, communities throughout the watershed(s) in which the Village of Hanover is located have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased State and Federal regulation; and

WHEREAS, there are watershed-wide efforts to reduce sedimentation in the rivers to which the Village of Hanover drains and to protect and enhance the unique water resources and wetlands of the rivers to which the Village of Hanover watershed(s) drains;

WHEREAS, the Village of Hanover recognizes its obligation to reduce sedimentation and to protect water quality by controlling soil disturbing activities within its borders; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, referred to as NPDES Storm Water Phase II, require designated communities, including the Village of Hanover to develop and implement a Storm Water Management Program to address, among other components, erosion and sediment control during soil disturbing activities; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments; and

NOW, THEREFORE BE IT ORDAINED by the Council of Village of Hanover, county of Licking, State of Ohio, that:

SECTION 1: EROSION AND SEDIMENT CONTROL, is hereby adopted to read in total as follows: PURPOSE AND INTENT

The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of Village of Hanover. The objectives of this regulation are:

1. To allow development while minimizing increases in erosion and sedimentation.
2. To reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

02 APPLICABILITY

- A. This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional,

or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in this Section.

- B. This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

03 DEFINITIONS

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

- A. Abbreviated Stormwater Pollution Prevention Plan (SWP3): means the written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- B. Acre: means a measurement of area equaling 43,560 square feet.
- C. 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 (both structural and non-structural) to prevent or reduce the pollution of water resources and wetlands. BMPs also include treatment practices, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.
- D. Commercial or Industrial Site Development: means any development area that is intended to be used entirely or partially for commercial or industrial purposes and/or activities.
- E. Construction Activity: NPDES stormwater permits are required for construction projects resulting in land disturbance of one acre or more. Such construction activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition. All construction activities must conform to the most current Ohio EPA regulations for construction activity.
- F. Construction Entrance: means the permitted points of ingress and egress to development areas regulated under this regulation.
- G. Development Area: means a parcel or contiguous parcels owned by one Site Owner/Operator, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- H. Disturbed Area: means an area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
- I. Drainage: means:
1. The area of land contributing surface water to a specific point.

2. The removal of excess surface water or groundwater from land by surface or subsurface drains.
- J. Erosion: means the process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- K. Erosion and Sediment Control: means the control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- L. Final Stabilization: means all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.
- M. Landscape Architect: means a Professional Landscape Architect registered in the State of Ohio.
- N. Larger Common Plan of Development or Sale: means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- O. Maximum Extent Practicable: means the level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.
- P. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA or by a State under authority delegated pursuant to 33 USC Section 1342(b) that authorized the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.
- Q. Ohio EPA NPDES General Construction Permit: means the most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of storm water discharges associated with construction activities issued by Ohio EPA.
- R. Parcel: means a tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the Licking County Auditor's Office.
- S. Site Owner/Operator: means any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.
- T. Phasing: means clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

- U. 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 discharged or abandoned objects, floatable materials, pesticide, 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.
- V. Professional Engineer: means a Professional Engineer registered in the State of Ohio.
- W. Qualified Inspection Site Owner/Operator: means a Site Owner/Operator knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of storm water discharges from the construction activity.
- X. Rainwater and Land Development Manual: means Ohio's standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.
- Y. Runoff: means the portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.
- Z. Sediment: means the soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
- AA. Sedimentation: means the deposition or settling of sediment.
- BB. Site Owner/Operator: means any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.
- CC. Soil Disturbing Activity: means clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
- DD. Stabilization: means the use of BMPs, such as seeding and mulching, which reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- EE. Storm Water Pollution Prevention Plan (SWP3): means the written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- FF. Surface Waters of the State: means all streams, lakes, reservoirs, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined

as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

- GG. Water Resource: means any public or private body of water including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.
- HH. Wetland: means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

04 DISCLAIMER OF LIABILITY

Compliance with the provisions of this regulation shall not relieve any Site Owner/Operator from responsibility for damage to any Site Owner/Operator otherwise imposed by law. The provisions of this 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.

05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY

- A. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.
- B. If any clause, section, or provision of this 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 Site Owner/Operator to maintain a private or public 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 Village of Hanover 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 Village of Hanover, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

06 RESPONSIBILITY FOR ADMINISTRATION

The Village of Hanover shall administer, implement, and enforce the provisions of this regulation. The Village of Hanover may contract with the Licking County Soil and Water Conservation District or similar entity to perform inspections and monitoring and to assist with enforcement actions.

07 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS

- A. This regulation requires that a Storm Water Pollution Prevention Plan be developed and implemented for all earth disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land. The Village of Hanover Engineer may require a SWP3 for sites disturbing less than one (1) acre.
- B. The following activities shall submit an Abbreviated Storm Water Pollution Prevention Plan:
 - 1. All commercial and industrial site development disturbing more than half (0.5) of an acre but less than one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land.

08 APPLICATION PROCEDURES

- A. Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the SWP3 and the applicable fees based on the Village of Hanover's current fee schedule to the Village of Hanover as follows:
 - 1. For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.
 - 2. For other construction projects: Before issuance of a zoning permit by the Zoning Inspector.
 - 3. For general clearing projects: No less than 30 days prior to beginning the planned general clearing project.
- B. Soil disturbing activities submitting an Abbreviated Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the Abbreviated SWP3 and the applicable fees based on the Village of Hanover's current fee schedule to the Village of Hanover as follows:
 - 1. For subdivisions: Before issuance of a zoning permit by the Zoning Inspector.
 - 2. For other construction projects: Before issuance of a zoning permit by the Zoning Inspector.
 - 3. For general clearing projects: No less than 30 days prior to beginning the planned general clearing project.
- C. For general clearing projects: Prior to issuance of a zoning permit by the Zoning Inspector. The Village of Hanover shall review the plans submitted under (A) or (B) for conformance with this regulation and approve or return for revisions with comments and recommendations

for revisions. A plan rejected because of deficiencies shall receive a report stating specific problems and the procedures for filing a revised plan.

- D. Soil disturbing activities shall not begin and zoning permits shall not be issued without:
1. An approved SWP3 or Abbreviated SWP3.
 2. An Ohio EPA NPDES General Construction Stormwater Permit Notice of Intent form number from Ohio EPA or a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit for all earth disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land.
 3. Physical marking in the field of protected areas or critical areas, including wetlands and riparian areas.
 4. Installation of construction entrances, perimeter sediment barriers and other erosion and sediment controls that must be in place to address initial site conditions.
- E. SWP3 for individual sub-lots in a subdivision will not be approved unless the larger common plan of development or sale containing the sub-lot is in compliance with this regulation.
- F. The developer, engineer and contractor, and other principal parties, shall meet with the Village Engineer for a pre-construction meeting no less than seven days prior to soil disturbing activity at the site to ensure that erosion and sediment control devices are properly delineated and construction personnel are aware of such devices and areas. Preconstruction meetings for abbreviated SWP3s may be waived at the discretion of the Village engineer.
- G. Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.
- H. If a Storm Water Pollution Prevention Plan is required by this regulation, the Village of Hanover may require a surety bond to be deposited with the Village of Hanover prior to any soil disturbing activities taking place. The bond will be used for the Village of Hanover to fulfill the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned, less administrative fees, after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the Village of Hanover.

09 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most

restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals are required to show proof of compliance with these state and federal regulations and shall be submitted with Storm Water Pollution Prevention Plans or Abbreviated Storm Water Pollution Prevention Plans.

- A. Ohio EPA NPDES General Construction Permit authorizing storm water discharges associated with construction activity or the most current version thereof, if applicable. Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA or a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit.
- B. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that Section 401 of the Clean Water Act is not applicable.
- C. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that Ohio EPA's Isolated Wetlands Permit is not applicable.
- D. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
 - 1. A letter from the site owner certifying that Section 404 of the Clean Water Act is not applicable.
 - 2. A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- E. Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying that the Ohio Dam Safety Law is not applicable.

10 STORM WATER POLLUTION PREVENTION PLAN

- A. In order to control sediment pollution of water resources and wetlands, the applicant shall submit a SWP3 that meets the requirements of the Ohio EPA NPDES General Construction Permit and in accordance with the requirements of this regulation, whichever is more restrictive.

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

C. The SWP3 shall incorporate measures as recommended by the most current edition of *Rainwater and Land Development Manual* as published by the Ohio Department of Natural Resources and shall include the following information:

1. Site description: The SWP3 shall provide:

- a. A description of the nature and type of the construction activity (e.g., residential, shopping mall, highway, etc.)
- b. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
- c. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity.
- d. Existing data describing the soil and, if available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.
- e. A description of prior land uses at the site.
- f. An implementation schedule which describes the sequence of major soil-disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence.
- g. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).
- h. The aerial (plan view) extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.
- i. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.
- j. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the best management practices to address these storm water discharges.

k. Site map showing:

- (1) Limits of soil-disturbing activity of the site, including off-site spoil and borrow areas.
- (2) Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils.
- (3) Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres.
- (4) Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
- (5) Existing and planned locations of buildings, roads, parking facilities, and utilities.
- (6) The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.
- (7) Sediment ponds, including their sediment settling volume and contributing drainage area.
- (8) Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including Dumpster areas, areas designated for cement truck washout, and vehicle fueling.
- (9) The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.
- (10) The location of any in-stream activities including stream crossings.

2. A soils engineering report. The Village of Hanover Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings and shall contain all the information listed below. Recommendations included in the report and approved by the Village of Hanover Engineer shall be incorporated in the grading plans and/or other specifications for site development.

- a. Data regarding the nature, distribution, strength, and erodibility of existing soils.
- b. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.
- c. Conclusions and recommendations for grading procedures.
- d. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.
- e. Design criteria for corrective measures when necessary.
- f. Opinions and recommendations covering the stability of the site.

11 PERFORMANCE STANDARDS

The SWP3 must contain a description of the controls appropriate for each construction operation and the applicant must implement such controls. Best Management Practice selection and design must meet the criteria established within the current Ohio EPA NPDES General Construction Permit and be installed to meet the specifications in *Rainwater and Land Development Manual* or another design manual acceptable to the Village of Hanover. The SWP3 must clearly describe for each major construction activity the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the contractor responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization). The SWP3 shall identify all subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3.

The controls shall include the following minimum components:

- A. Non-Structural Preservation Measures. The SWP3 must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.
- B. Erosion Control Practices. The SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.

Erosion control practices must meet the following requirements:

1. Stabilization. Disturbed areas must be stabilized as specified in Tables 1 and 2 below.

Table 1: Permanent Stabilization

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

Table 2: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed area within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 21 days.
For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to November 1.
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.	

2. Permanent stabilization of conveyance channels. Applicants shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques, or rock check dams, all as defined in the most recent edition of *Rainwater and Land Development Manual* or the *Field Office Technical Guide* available at www.nrcs.usda.gov/technical/efotg/.
 - a. Runoff Control Practices. The SWP3 shall incorporate measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.
 - b. Sediment Control Practices. The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise

limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.

Sediment control practices must meet the following requirements:

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

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

The volume of the sediment storage zone shall be calculated by one of the following methods:

- i. The volume of the sediment storage zone shall be 1000 cubic feet per disturbed acre within the watershed of the basin.
- ii. The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with a generally accepted erosion prediction model. When determining the

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

- (3) Silt fence and diversions. Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties, water resources, and wetlands from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres. Placing silt fence in parallel does not extend the permissible drainage area to the silt fence.

Table 3: Maximum Drainage Area to Silt Fence

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

- (4) Inlet protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond. Straw or hay bales are not acceptable forms of inlet protection.
- (5) Off-site tracking of sediment and dust control. Best management practices must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These best management practices must include, but are not limited to, the following:
 - i. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than 2 in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the *Rainwater and Land Development Manual*.
 - ii. Streets directly adjacent to construction entrances and receiving traffic from the development area shall be cleaned as needed or as directed by the Village Engineer to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly.

Based on site conditions, the Village of Hanover Engineer may require additional best management practices to control off site tracking and dust.

These additional BMPs may include:

- iii. Silt fence or construction fence installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.
- iv. Designated wheel-washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment-settling pond, or to a sump pump for dewatering in conformance with this regulation.
- v. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The Village of Hanover Engineer may require dust controls including the use of water trucks to wet disturbed areas,

tarping stockpiles, temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.

- (6) Surface Waters of the State protection. Construction vehicles shall avoid water resources and wetlands. If the applicant is permitted to disturb areas within 50 feet of a water resource or wetland, the following conditions shall be addressed in the SWP3:

- i. All BMPs and stream crossings shall be designed as specified in the most recent edition of the *Rainwater and Land Development Manual*.
- ii. Structural practices shall be designated and implemented on site to protect water resources or wetlands from the impacts of sediment runoff.
- iii. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond in-stream) shall be used in a water resource or wetland.
- iv. Where stream crossings for roads or utilities are necessary and permitted, the project shall be designed such that the number of stream crossings and the width of the disturbance are minimized.
- v. Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.
- vi. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.

- (7) Modifying controls. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the applicant shall replace or modify the control for site conditions.

C. Non-Sediment Pollutant Controls: No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands. These practices shall include but are not limited to the following:

1. Waste Materials: A covered dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.

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

The applicant shall assign a certified storm water inspector to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls.

These inspections shall meet the following requirements:

- a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for, pollutants entering the drainage system.
 - b. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. The applicant shall utilize an inspection form provided by the Village of Hanover or an alternate form acceptable to the Village of Hanover Engineer. The inspection form shall include:
 - (1) The inspection date.
 - (2) Names, titles and qualifications of personnel making the inspection.
 - (3) Weather information for the period since the last inspection, including a best estimate of the beginning of each storm event, duration of each storm event and approximate amount of rainfall for each storm event in inches, and whether any discharges occurred.
 - (4) Weather information and a description of any discharges occurring at the time of inspection.
 - (5) Locations of:
 - i. Discharges of sediment or other pollutants from site.
 - ii. BMPs that need to be maintained.
 - iii. BMPs that failed to operate as designed or proved inadequate for a particular location.
 - iv. Where additional BMPs are needed that did not exist at the time of inspection.
 - (6) Corrective action required including any necessary changes to the SWP3 and implementation dates.
4. Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.

5. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
 6. The applicant shall maintain for three (3) years following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the SWP3, a certification as to whether the facility is in compliance with the SWP3, and information on any incidents of non-compliance determined by these inspections.
- G. Maintenance. The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all up-slope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the Village of Hanover Engineer.

When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

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

12 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN

- A. In order to control sediment pollution of water resources and wetlands, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation, as applicable.
- B. The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.
- C. The Abbreviated SWP3 should include a minimum of the following BMPs. Village of Hanover may require other BMPs as site conditions warrant.
1. Construction Entrances: Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than 2 in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the Rainwater and Land Development Manual.
 2. Concrete Truck Wash Out: The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available if applicable.
 3. Street Sweeping: Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned as needed or as directed by the Village Engineer to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.
 4. Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Stabilization

Area requiring stabilization	Time frame to apply erosion controls
Any disturbed area within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 21 days.
For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to November 1.

Area requiring stabilization	Time frame to apply erosion controls
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.	

5. Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. Straw or hay bales are not acceptable forms of inlet protection.
6. Silt Fence and other perimeter controls. Silt fence and other perimeter controls approved by the Village of Hanover shall be used to protect adjacent properties and water resources from sediment discharged via sheet flow. Silt fence shall be placed along level contours and the permissible drainage area is limited to those indicated in the Construction General Permit.
7. Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period. Maintenance shall occur as detailed below:
 - a. When practices require repair or maintenance. If the internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
 - b. When practices fail to provide their intended function. If the internal inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.
 - c. When practices depicted on the Abbreviated SWP3 are not installed. If the internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

13 COMPLIANCE INSPECTIONS

- A. The Village of Hanover, and any authorized officer, employee, agent, contractor, consultant, or inspector designated to act on behalf of the Village, shall be permitted to enter and inspect property subject to this regulation as often as may be necessary to determine compliance with this regulation.

- B. The Village of Hanover shall have the right to set up, at properties 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 Village of Hanover.
- C. The Village of Hanover shall have the right to require the Site Owner/Operator responsible for the property 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 Site Owner/Operator responsible for the property at the Site Owner/Operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the Village of Hanover to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and reasonable access to the property to be inspected and/or sampled shall be promptly removed by the Site Owner/Operator responsible for the property at the written or oral request of the Village of Hanover and shall not be replaced. The costs of clearing such access shall be borne by the Site Owner/Operator who is responsible for the property.
- E. Unreasonable delays in allowing the Village of Hanover access to a property subject to this regulation for the purposes of inspection is a violation of this regulation.
- F. If the Village of Hanover is refused access to any part of the property from which storm water is discharged, and the Village of Hanover demonstrates probable cause to believe that there may be a violation of this regulation, 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 Village of Hanover 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.
- G. Any costs associated with these inspections shall be assessed to the Site Owner/Operator.

14 ENFORCEMENT

- A. Notice of Violation. When the Village of Hanover finds that a Site Owner/Operator has violated a prohibition or failed to meet a requirement of this regulation, the Village of Hanover may order compliance by written notice of violation. Such notice must specify the violation and shall follow one or more of the methods listed in the Service of Notices, to the Site Owner/Operator. Such notice may require the following actions:
 - 1. The performance of monitoring, analyses, and reporting;
 - 2. The elimination of causes of violations pertaining to the requirements set forth in the Ohio EPA General Construction Stormwater Permit;
 - 3. That violating discharges, practices, or operations shall cease and desist;
 - 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

5. The implementation of source control or treatment BMPs; and/or
 6. Payment of penalties.
- B. Service of Notice. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:
1. A copy is delivered personally.
 2. A copy is sent by certified mail or registered mail addressed to the owner at the last known address with return receipt requested.
 3. A copy is sent by U.S. Postal Service First-Class mail, addressed to the owner at the last known address as listed on the county auditor's site
 4. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

- C. 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 Site Owner/Operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.
- D. Any Site Owner/Operator receiving a notice of violation must meet compliance standards within the time established in the notice of violation.
- E. If the Site Owner/Operator fails to remediate the violation within the established deadline, the work may be done by the Village of Hanover or a contractor, and the expense thereof shall be charged to the Site Owner/Operator through means designed by the Village of Hanover.

In the event a surety bond was required, the Village of Hanover may use the funds from the surety bond to pay for such expenses.

Within 30 calendar days after abatement of the violation by the Village of Hanover, the Site Owner/Operator shall be notified by the Village of Hanover of the cost of abatement, including administrative costs. The Site Owner/Operator may file a written protest with the Village of Hanover objecting to the amount of the assessment within 15 calendar days of receiving the assessment. If the amount due is not paid within a timely manner as determined by the decision of the Village of Hanover, the charges shall become a special assessment against the Site Owner/Operator's property and shall constitute a lien on the property for the amount of the assessment.

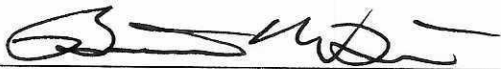
- F. Appeal of Notice of Violation: Any Site Owner/Operator receiving a notice of violation may appeal the determination of Village of Hanover. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or their designee shall take place within a reasonable amount of time from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final. Notice of the administrative hearing shall be delivered in one of the manners listed in the "Service of Notice" section.
- G. Civil Penalties: Any Owner/Operator violating any provisions of the requirements of this Section shall be subject to a fine of up to \$500.00 per day for each day the violation exists, beginning the first day of the violation and continuing each day thereafter until the violation is corrected. Each day that a violation of this Section exists shall constitute a separate offense.
- H. Injunctive Relief: It shall be unlawful for any Site 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 a Site Owner/Operator has violated or continues to violate the provisions of this regulation, the Village of Hanover may petition the Licking County Common Pleas Court for a preliminary or permanent injunction, as appropriate, restraining the Site Owner/Operator from activities that would create further violations or compelling the Site Owner/Operator to perform abatement or remediation of the violation.
- I. Equitable Relief: The Village of Hanover may also seek such other action as is appropriate for legal and/or equitable relief, including bringing legal action to enforce the requirements of this Section. Filing a suit shall not be a bar against, or a prerequisite for taking any other action against a Site Owner/Operator.
- J. Costs: The Village of Hanover may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Village of Hanover.
- K. Publication of Violations and/or Enforcement Actions: The Village of Hanover may publish violations and/or enforcement actions at any time. The cost of such publication will be recovered from the Site Owner/Operator in violation of the requirements of this Section.

15 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 Village of Hanover to seek cumulative remedies.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village, and for the further reason that it is necessary to timely account for and disburse funds related to engineering review services; therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

Adopted: June 10, 2026



Brett Wright, President of Council

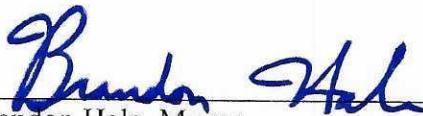
Attest: 
Nicole D. Gieseler, Fiscal Officer

Submitted to the Mayor this

10 day of June, 2026

Approved by the Mayor this

10 day of June, 2026


Brandon Hale, Mayor

Approved as to form this 10 day of June, 2026

First reading 6-10-26 Second Reading: waived Third Reading: waived