ILLICIT DISCHARGE ELIMINATION REGULATIONS

LUCAS COUNTY, OHIO

AS APPROVED BY THE BOARD OF LUCAS COUNTY COMMISSIONERS

EFFECTIVE: , 2022

REVISED:

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# Purpose and Scope

* 1. The Board of Lucas County Commissioners (BLCC) adopts these Illicit Discharge Elimination Regulations within the Lucas County Storm Water District. On May 10, 2011, the Board of Lucas County Commissioners established the Lucas County Stormwater District (LCSWD) by Resolution 11-408 for the purposes of promoting the public health and welfare by funding capital improvements related to drainage and to comply with the requirements of Phase II of the stormwater program of the National Pollution Discharge Elimination System established in 40 CFR 122, which includes all parcels entirely or partially within the seven townships named by the U.S. EPA that must comply with the Phase II regulations.

Ohio Revised Code Section 6117.01(D) provides the BLCC may adopt, publish, administer, and enforce rules for the … protection, and use of county-owned or county-operated… drainage facilities outside municipal corporations, and… of drainage facilities within municipal corporations that are owned and operated by the county or that discharge into… drainage facilities that are owned or operated by the county… The rules shall not be inconsistent with the laws of this state or any applicable rules of the Director of Environmental Protection.

* 1. These Regulations establish methods and standards for Best Management Practices (BMPs) for controlling and eliminating the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II permit process as required by the Lucas County and Others Storm Water Management Program Plan (SWMP). These regulations are created and enacted by the statutory authority contained in Ohio Revised Code Sections 307.15, 6117.01(D), and 6117.01.2, as amended.
  2. The objectives of these regulations are:
     1. To regulate the contribution of pollutants to the MS4 owned or operated by Lucas County and member jurisdictions of the LCSWD by stormwater discharges by any user of the MS4;
     2. To prohibit illicit connections and discharges to the MS4
     3. To protect water quality and satisfy the requirements of the Clean Water Act, Ohio Law, and the Ohio Revised Code, including Section 6111 thereof; and
     4. To establish legal authority to carry out all inspection, surveillance, and monitoring necessary to ensure compliance with the regulations.

# Terms Defined

* 1. Interpretation of Terms and Words

2.1.1 Words used in the present tense include the future tense and the singular include the plural, unless the context clearly indicates the contrary.

2.1.2 The term "shall" is always mandatory and not discretionary. The word "may" is permissive. The term "should" is permissive but indicates strong suggestion.

2.1.3 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.

* 1. Definitions

Administrator: The person or entity having the responsibility and duty of administering and ensuring compliance with these Rules. The Administrator shall be the Lucas County Engineer for those matters for which Lucas County has jurisdiction. When this Regulation is used by a Local Jurisdiction that has its own statutory or home rule powers and responsibility for compliance with an NPDES permit, such as a municipality, this definition shall include such local jurisdiction or its legally authorized designee, as determined by the Local Jurisdiction. This definition shall also include any employees, agents, and or contractors retained to enforce and provide compliance with these Rules and Regulations.

Best Management Practices (BMP): 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 directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment requirements, operating and maintenance procedures, or other practices to control site runoff, leaks, or waste disposal.

Board of Appeals: The Board of Lucas County Commissioners or their designee.

Channel: A natural bed that conveys water or a ditch excavated for the flow of water.

Clean Water Act: The Federal Water Pollution Control Act (33 USC 1251 et. seq.), as amended.

Commercial Activity: Activities which are undertaken as a part of a commercial enterprise. These activities include, but are not limited to warehouses, building supply facilities, retail gasoline stations, automobile service stations, junk yards, automobile dealerships, retail warehouses, repair and service establishments for appliances and other goods, professional offices, banks and credit unions, office buildings, retail businesses selling food or merchandise, golf courses, hospitals and clinics, religious institutions, hotels, motels, and parking facilities.

Construction Activity: Activities subject to the NPDES Construction General Permit. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but not limited to clearing and grubbing, grading, excavating, demolition, or other alterations of land surface where natural or man-made ground cover is destroyed in a manner exposing underlying soil.

County: means Lucas County, Ohio, and its designated agencies, agents and representatives

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

Ditch: An excavated channel for the purpose of drainage or irrigation. It may or may not be maintained by a public entity.

Drainage: The removal of excess surface water or groundwater from land by surface or subsurface drains.

Drainage Improvement: An improvement as defined in O.R.C. 6131.01(C), and/or conservation works of improvement as defined in O.R.C. 1511 and 1515.

Drainage Way: A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity. See also watercourse, channel, or stream.

Hazardous Material: Any material, including 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.

Illegal Discharge: Any direct or indirect discharge to the Storm Drainage System that is not entirely composed of storm water, except as otherwise exempted in this Regulation.

Illicit Connection: Defined as the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an Illegal Discharge to enter the Storm Drainage System including but not limited to any conveyances which allow any Non-Storm Water Discharge including sewage, process wastewater, and wash water to enter the Storm Drainage System and any connections to the Storm Drainage System from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Administrator; or
2. Any drain or conveyance connected from a commercial or industrial land use to the Storm Drainage System which has not been documented in plans, maps, or equivalent records and approved by the Administrator.

Illicit Discharge: See Illegal Discharge

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR 122.6 (b) (14), or activities of an industrial nature not covered by the NPDES Industrial Permit.

Local Jurisdiction: A city, township, or village within Lucas County and which operated an MS4, and has ultimate authority for compliance with an NPDES permit for Storm Drainage Systems from MS4’s.

Maximum Extent Practicable: The level of pollutant reduction that operators of Small Municipal Separate Storm Sewer Systems (MS4) regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.

MS4: Small Municipal Separate Storm Sewer Systems (MS4) regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II. A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, natural or man-made channels or storm drains) that are:

1. Owned and operated by the state, municipality, township, county, district(s) or other public body (created pursuant to State or Federal law) including special districts under state law such as a sewer or drainage district, conservancy district, flood control district, or drainage districts or similar entity or a designated or approved management agency than discharges into the surface waters of the state;
2. Designed or used for collecting or conveying solely storm water,
3. Which is not a combined sewer; and
4. Which is not part of a publicly owned treatment works.

Natural Waterway: A waterway that is part of the natural topography which usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course.

NPDES: National Pollutant Discharge Elimination System; a regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.

NPDES Permit: A permit issued by the U.S. Environmental Protection Agency (or by Ohio EPA under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants of Water of the State and/or the United States, whether the permit is applicable to an individual, group, or a general area-wide basis.

Non-Point Source Pollution: Substances that are harmful to the environment that are generated by various land use activities rather than from an identifiable or discrete source, and which is conveyed to waterways through natural processes such as rainfall, storm runoff, or ground water seepage, rather than by direct discharge.

Non-Storm Water Discharge: Any discharge to the Storm Drainage System that is not composed entirely of Storm Water.

Ohio EPA General Construction Permit: A general storm water permit issued by the Ohio EPA that is required for discharges associated with construction activities of > 1 acre.

Person: An individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, federal government or any combination thereof, or other entity recognized by law and acting as either the owner or as the owner’s agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but not limited to: paints, varnishes, and solvents, oil or other automotive fluids, non-hazardous liquids or solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded and/or abandoned objects, ordnances, and accumulations of the same that may cause or contribute to pollution; floatables, pesticides, herbicides, and fertilizers, de-icing materials, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, sediment, animal wastes, wastes and residues that result from constructing a building or structure, and noxious or offensive materials of any kind.

Pollution: The placement of any noxious or deleterious substance in any Waters of the State or affecting the properties of any Waters of the State in a manner which renders such waters harmful or inimical to the public health, or to animal or aquatic life, or to the use of such water for domestic water supply, or industrial or agricultural purposes, or for recreation.

Premises: Any building, lot, parcel or tract of land, or portion of land, whether improved or not improved, including adjacent sidewalks and parking areas associated with the adjacent land.

Runoff: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources or wetlands.

Riparian Area: The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soils, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

Sediment: The 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.

Sedimentation: The deposit of sediment in water bodies.

Sediment Settling Pond: A temporary barrier or other suitable retention structure built across an area of water flow to intercept runoff and allow transported sediment to settle and be retained prior to discharge into waters of the State.

Sediment Pollution: The 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.

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.

Storm Drainage System: Any publicly or privately owned or operated facilities and infrastructure by which Storm Water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which serves to transport stormwater runoff.

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

Storm Water Pollution Prevention Plan (SWPPP): A document which describes the BMPs and activities to be implemented by a Person to identify sources of pollution or contamination at a site and the actions to eliminate or reduce Pollutant Discharges to Storm Water Runoff, Storm Water Conveyance Systems, and/or receiving waters to the Maximum Extent Practicable.

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

Violator: Any Person, property owner, occupant, or operator who causes and allows an illicit discharge, or any other discharge not allowed by the Clean Water Act, to enter the MS4.

Wastewater: Any water or other liquid, other than uncontaminated Storm Water Runoff, discharged from a facility.

Watercourse: A definite channel with banks and beds within which concentrated water flows, either continuously or intermittently.

Waters of the State: Defined in Ohio Revise Code Section 6111.01(H). Any stream, lake, reservoir, pond, marsh, wetland, or other waterway 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 sewage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

Waters of the United States: Defined in 33 CFR 328.1 through 328.3, inclusive, as amended.

# 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 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.

# Conflicts, Severability, Nuisances, and Responsibility

* 1. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.
  2. 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.
  3. This regulation shall not be construed as authorizing any person 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.
  4. Failure of the County of Lucas 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 there from, and shall not result in the Community, its officers, employees, or agents being responsible for any condition or damage resulting there from.

# Discharge Prohibitions

* 1. Prohibitions of Illegal Discharges

No Person shall, or allow another Person under its control to, discharge or cause to be discharged into the MS4 or watercourses any materials, including but not limited to Pollutants or waters containing any Pollutants that cause or contribute to a violation of applicable water quality standards, other than Storm Water Runoff.

The commencement, conduct, or continuance of any Illegal Discharge to the Storm Drainage System and MS4 is prohibited, except as described as follows:

5.1.1 The following discharges shall not constitute a violation of the discharge prohibitions: discharges from firefighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water from trench or well point dewatering and foundation or footing drains where flows are not contaminated with process materials such as solvents, and any other water source not containing pollutants.

5.1.2 Discharges specified in writing by the Administrator as being necessary to protect public health and safety, or which are otherwise permitted under these Regulations and applicable law, including those matters set forth in Ohio Revised Code Section 6111.04.

5.1.3 Dye testing is an allowable discharge, but requires written notification to the Administrator prior to commencement of the test.

5.1.4 Prohibitions herein do not apply to any Non-Storm Water Discharge permitted under a valid and unexpired NPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal or Ohio Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws, rules, and regulations, and further provided that prior written approval has been granted for any discharge to the Storm Drainage System and MS4 by the Administrator.

5.1.5 No Person shall discharge backwash water from the cleaning of private residential swimming pool filtration medium and/or filter elements to the MS4. The discharge of non-backwash water from private residential swimming pools to the MS4 is allowed, provided the swimming pool water is dechlorinated by resting the water for at least 48 hours following the addition of chlorine, or the chlorine level is below 0.1 milligrams per liter (mg/L). Chlorine may be tested using a standard swimming pool water chlorine test kit. In addition, the pH of any non-backwash swimming pool water discharged to the MS4 shall not be less than 6.5 or greater than 8.5 at the time of discharge to the MS4. The pH may be measured with a standard swimming pool water pH test kit.

5.1.6 Discharge from Home Sewage Treatment Systems (HSTS) to the MS4 is prohibited except where permitted by the Toledo/Lucas County Health Department. Discharge from improperly functioning HSTS is prohibited under any circumstances.

* 1. Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of illicit connections to the Storm Drainage System and MS4 is strictly prohibited.

5.2.1 This prohibition expressly includes, without limitation, illicit connections made prior to the enactment of these Rules and Regulations, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of such connection, subject to Ohio Revised Code Section 6111.04 (A) and (B), and applicable law.

5.2.2 A Person is considered to be in violation of these Rules and Regulations if the Person connects a line conveying sewage to the MS4, or allows such a connection, whether new or existing, to continue after the approval of these Rules and Regulations, unless otherwise exempted by the Administrator or otherwise permitted by law.

# Suspension of MS4 Access

* 1. Suspension due to Illicit Discharges in Emergency Situations

The Administrator may, in an emergency, without prior notice, suspend MS4 discharge access to a Person when such suspension is necessary to stop an actual or threatened discharge which presents imminent and substantial danger to the environment, or to the health and welfare of persons, or to the MS4, Waters of the State and/or Waters of the United States. The Administrator shall make a reasonable attempt to contact the Property Owner prior to such a suspension. If a violator fails to comply with a suspension order issued in an emergency, the Administrator may take such steps as it deems necessary to prevent or minimize damage to the MS4, or Waters of the State, or to minimize danger to Persons and the public.

* 1. Suspension due to Detection of Illicit Connections and/or Illicit Discharges

Any Person discharging or connecting to the MS4 in violation of these Rules and Regulations may have their MS4 access terminated if such termination would abate or remove an illicit discharge. The Administrator shall notify a property owner or other alleged violator in writing, via certified mail and ordinary mail to the tax mailing address of the property owner. The property owner or other alleged violator may petition to the Administrator for a reconsideration and hearing pursuant to Section 13 (Appeals) thereof.

A Person commits an offense if the Person reinstates MS4 access to Premises that were otherwise terminated pursuant to this Section, without the prior written approval of the Administrator.

# Industrial or Construction Activity Discharges

Any Person subject to an Industrial of Construction Activity NPDES Storm Water Discharge Permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Administrator prior to allowance of discharges into the MS4.

# Monitoring of Discharges and Connections

* 1. Applicability

This section applies to all premises and facilities that have Storm Water discharges associated with Residential, Industrial, Commercial, and Construction Activity

* 1. Access to Facilities

8.2.1 Facility operators shall permit the Administrator to enter and inspect Premises facilities during the hours of 8:00 am to 6:00 pm, Monday through Saturday, at other reasonable times as may be warranted, and at any time in the event of an emergency, subject to Regulation under these Rules and Regulations as often as necessary to determine compliance with these Rules and Regulations or to determine whether an MS4 connection or discharge exists. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements to allow access for the Administrator as required herein.

8.2.2 Facility operators shall allow the Administrator ready access to all parts of the premises for the purposes of inspecting, sampling, surveying, examining, and copying of records that must be kept under the conditions of an NPDES permit, or which pertains to the discharge of Storm Water, in a NPDES or non-NPDES regulated facility, and the performance of any additional duties as defined by applicable state and federal law.

8.2.3 Facility operators shall permit the Administrator the right to set-up on any permitted facility such devices as are necessary in the opinion of the Administrator to conduct monitoring and/or sampling of the facilities Storm Water drainage.

8.2.4 The Administrator has the right to require the discharger to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be installed and maintained at all times in a safe and proper operating condition by the discharger at the discharger’s expense. All devices used to measure Storm Water flow and quality shall be regularly calibrated to ensure their accuracy.

8.2.5 Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Administrator and shall not be replaced. The costs of clearing such access shall be borne by the operator of the facility.

8.2.6 Unreasonable delays in allowing the Administrator access to a permitted facility is a violation of a Storm Water Discharge Permit and of these Rules and Regulations. A Person who is the operator of a facility which discharges Storm Water associated with Industrial activity or Construction activity commits an offense if the Person denies the Administrator reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by these Rules and Regulations.

8.2.7 If the Administrator has been refused access to any part of the Premises from which Storm Water is discharged, and the Administrator is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or there is a need to inspect and/or sample as a part of a routine inspection and sampling program designed to verify compliance with these Rules and Regulations or any order issued hereunder, or to protect the public health, safety and welfare of the public, then the Administrator may seek issuance of a search warrant or injunction from any court of competent jurisdiction after conferring and receiving concurrence from the Lucas County Prosecutor.

# Use of Best Management Practices

The Administrator shall adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to Pollution or contamination of Storm Water, the Storm Drainage System, or Waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 and Storm Drainage System or Watercourses through the use of these structural and non-structural BMPs. Further, any Person responsible for a property or premises, which is the source of an Illicit Discharge, shall be required to implement, as said Person’s expense, additional structural and non-structural BMPs to prevent further discharge of Pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing discharge of Storm Water associated with Industrial Activity and Construction Activity, to the Maximum Extent Practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of the Facility’s Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with the requirement of the NPDES permit.

# Watercourse Protection

Every Person owning or operating property through which a watercourse passes, or such person’s lessee or vendee, shall keep and maintain that part of the watercourse within the legal boundaries of the property and areas adjacent to the watercourse within such person’s direct control, free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard or hinder the free flow of water through the watercourse or otherwise place such items in a location that would allow pollution to enter the watercourse. In addition, the owner, operator, or other person in control of the premises, shall maintain existing privately owned (either permanent or temporary) structures, buildings, and improvements within or adjacent to a watercourse, so that such structures, building, or improvements will not become a hazard to the use, function, or physical integrity of the watercourse.

# Notification of Spills

Notwithstanding other requirements of law, as soon as any Person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in Illegal Discharges of Pollutants discharging into the Storm Water, the Storm Drainage System, MS4, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release to protect the health, safety and welfare of the public and to mitigate damage to the environment and the MS4.

In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services (911) and the Administrator via telephone or electronic communication. Emergency

response agencies shall include without limitation the local fire department, Lucas County Emergency Management Agency, and the Ohio Environmental Protection Agency. Such notification in no way alleviates other federal, state, or local reporting obligations imposed by law.

In the event of a release of non-hazardous materials, said Person shall notify the Administrator in person, by telephone, or by electronic communication no later than the next business day after the date of said incident. Such notice shall be confirmed by written notice addressed to the Administrator within three business days of the verbal or electronic notification.

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent is recurrence. Such records shall be retained for three (3) years. Upon request, a copy of such records shall be provided to the Administrator at the expense of the operator.

The Administrator, if not the Lucas County Engineer, shall provide reports required of property owners hereunder to the Lucas County Engineer within 14 calendar days of receipt.

The Administrator, if not the Lucas County Engineer, shall provide periodic reports to the Lucas County Engineer , in a format determined by the Lucas County Engineer, and with sufficient detail to support the jurisdiction’s compliance with the Ohio EPA’s NPDES General Permit for MS4s.

Unless a local municipality has designated its enforcement obligations to the Lucas County Engineer hereunder, compliance with the permit enforcement and reporting obligation in this Section shall be the responsibility of the municipality.

# Enforcement

Whenever the Administrator determined that a Person has violated a prohibition or failed to meet a requirement of these Rules and Regulations, the Administrator may order compliance by written notice of violation to the responsible Person. The notice shall state and describe the violation and may require, without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of Illicit Connections or Illicit Discharges;
3. That violating discharges, practices, or operations shall immediately cease and desist;
4. The abatement or remediation of Storm Water Pollution or contamination hazards and the restoration of any affected property;
5. Payment of a fee to recover administrative and/or remediation costs incurred by the Administrator for such violation per ORC 6117.012 (D) and as otherwise permitted by law, including civil and administrative penalties;
6. The implementation of source control and/or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within such remediation, abatement or restoration shall be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be completed by a designated governmental agency or contractor and the total cost and expense thereof shall be charged to the violator, as permitted by applicable law, or pursuant to an order from a court of competent jurisdiction.

In addition to seeking civil and/or criminal penalties and/or damages for any violation, the Administrator may petition a court of competent jurisdiction for injunctive relief, which may include, but is not limited to, enforcement of these Rules and Regulations or any Notice of Violation, order or penalty issued by the Administrator, restraining any continuing or threatened future violations of these Rules and Regulations, ordering the abatement of any violation or threatened violation, compelling remediation of contamination hazards and restoration of affected property, including the MS4, or any other relief, penalty or costs that justice may require.

Violations of these Rules and Regulations which threatens the public health, safety, or welfare may constitute a public nuisance under applicable law, subject to abatement by the Administrator or other appropriate authority, or by civil action to abate or enjoin, as may be available under applicable law, rule, or regulation.

Any person violating any of the provisions of these Rules and Regulations shall become liable to Lucas County by reason of such violation. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, no later than twenty (20) calendar days after the decision of the Appeals Board upholding the decision of the Administrator, then the Administrator may, as permitted by applicable law or pursuant to an order from a court of competent jurisdiction, enter upon the premises and take any and all measures necessary to abate the violation and/or restore the premises. Written notice shall be provided at least seventy-two (72) hours prior to entry upon the Premises by the Administrator. If the operator of the premises is not the owner, the Administrator shall make reasonable efforts to notify the operator of the premises at the time of notice to the owner. It shall be a violation of these Rules and Regulations and unlawful per Ohio Revised Code Section 6117.99 for any person, owner, agent, or Person in possession of any Premises to refuse to allow the Administrator to enter upon the premises for the purposes set forth above.

Within sixty (60) calendar days after abatement of the violation by the Administrator, the owner of the premises will be notified of the cost of such abatement, including administrative costs. The property owner may file a written protest to the Administrator objecting to the invoiced amount of the of the abatement costs within twenty (20) days of the date of such notice. Within fourteen (14) calendar days of receiving the written protest, the Administrator shall issue a written decision either granting or denying the objection in whole or in part. If the property owner continues to object to the amount, an appeal may be filed in accordance with Section 13.

If the amount due is not paid within sixty days of the expiration of the time to file an appeal under Section 13, or of the final decision of the appeal, the charges shall them become a special assessment against the premises and shall constitute a lien on the Premises for the amount of the abatement. Interest for the special assessment shall be calculated at the highest rate permitted under the Ohio Revised Code, beginning on the first day of the requested payment.

Any person that has violated or continues to violate these Rules and Regulations may be liable to criminal prosecution to the fullest extent of the law, and may be subject to criminal penalty for a minor misdemeanor as established hereon and pursuant to Ohio Revised Code Section 6117.99.

The Administrator may recover all attorney fees, court costs, filing fees, consultant fees, and all other expenses associated with enforcement of these Rules and Regulations including, without limitation sampling, testing, and monitoring expenses.

The remedies listed in these Rules and Regulations are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the Administrator to seek cumulative remedies.

# Appeals

Any Person receiving a Notice of Violation as described in Section 12 hereof, may appeal the determination of the Administrator. The notice of appeal must be received by the Administrator within twenty (20) calendar days from the date of the Notice of Violation. Hearing on the Appeal before the Storm Water Appeals Board shall take place within thirty (30) days from the date of the Administrator’s receipt of the notice of appeal.

Hearings by the Storm Water Appeals Board shall be heard in accordance with the Rules of Procedure of the Storm Water Appeals Board. The Appeals Board shall have all the appropriate powers and duties prescribed by law, and by these Rules and Regulations as follows:

1. Administrative Review: To hear and decide appeals only in such cases where it is alleged that there is an error in any order, requirement, decision, or determination made by the Administrator in the enforcement of these Rule and Regulations.
2. Variances: No variances relating to the enforcement or requirements of these Rules and Regulations shall be granted by the Appeals Board and no such authority to grant variances is contained herein.

# Compliance does not Affect Compliance with Other Laws

Compliance with these Rules and Regulations does not affect compliance with other laws. The standards, duties, and obligations set forth in these Rules and Regulations constitute minimum standards. Neither compliance or noncompliance with these Rules and Regulations nor any action or inaction by the Administrator shall be construed as any of the following:

1. Authorizing the discharge of Pollutants or contaminants otherwise prohibited under other applicable laws, rules, and regulations.
2. Relieving any Person from complying with any other applicable state and/or federal laws, rules, or regulations that may address illicit discharges, hazardous spills and/or discharges or releases of any Pollutant or contaminant.
3. Relieving any Person from responsibility for injury or damage to any person or property.

Furthermore, the same shall not impose any liability on the County, any Local Jurisdiction in Lucas County, or their respective officers, agents, and employees for such injury or damage.