



Hamilton County Storm Water District

Administered by the Hamilton County Engineer's Office – Theodore B. Hubbard, County Engineer
 in partnership with the Hamilton County Soil and Water Conservation District
 the Hamilton County Department of Planning & Development,
 and the Hamilton County Public Health Department

Website: <http://www.hcswd.org>

Hamilton County Storm Water District

March 27, 2019

2:00 p.m.

Springfield Township Administration Building

Allen Paul Room

Board Members Present	Board Members Absent
Joseph Honerlaw – Hamilton County Township Association	Andrew Pappas – Hamilton County Township Association
Theodore Hubbard – Hamilton County Engineer	Jenny Kilgore – Hamilton County Municipal League
Mark Quarry – Hamilton County Municipal League	
Todd Portune – Hamilton County Commissioner's Office	
Alternates Present	Alternates Absent
Tim Gilday – Hamilton County Engineer's Office	Victoria Parks – Hamilton County Commissioner's Office
Jim Obert – Hamilton County Township Association	Jennifer Kaminer – Hamilton County Municipal League
Frank Birkenhauer – Hamilton County Township Association	
Merrie Stillpass – Hamilton County Municipal League	

Guest Name	Organization
Karen Ball	Hamilton County/MSD
Chris Calpin	CDM Smith
Nancy Ellwood	CDM Smith
Dora Hamblin	CDM Smith
Todd Long	Hamilton County Engineer's Office
Bill Luchsinger	Hamilton County Engineer's Office
Kate Moran	CDM Smith
Gordon Perry	City of Blue Ash
Ben Poole	Hamilton County Planning & Development
Holly Utrata-Halcomb	Hamilton County Soil & Water Conservation District
Kathleen Wade-Dorman	Village of Lockland
Ryan Wuest	Hamilton County Public Health

1) Meeting Called to Order

Chairman Honorlaw called the Oversight Board Meeting to order at 2:13 p.m.

2) Introductions

Introductions of the Oversight Board and Alternate Members were made.

3) Approval of Minutes:

Board Member Portune requested to be excused from vote on the prior meeting minutes as he was not part of the Board at the last meeting.

Board Member Hubbard moved to approve the minutes from the Oversight Board Meeting dated September 13, 2018; seconded by Vice Chairman Quarry; and the motion carried.

4) Unfinished Business:

None

5) New Business:

A) Acknowledgement of receipt of a Resolution:

Mr. Long acknowledged receipt of the Resolution from the Hamilton County Board of Commissioners with their recommendations for appointing their Member representative and Alternate Member positions to the HCSWD Oversight Board.

B) Motion recommending the slate of Officers Board Members and Board Alternates to the Hamilton County Storm Water District Oversight Board for the calendar year 2019:

Mr. Long made a formal request for motion for 2019 Officers, Board Members, and Board Alternates to the Hamilton County Storm Water District Oversight Board (copy of Slate and Proposed Resolution provided).

Board Member Hubbard moved to approve the slate of officers for the Oversight Board, seconded by Vice Chairman Quarry, and after the vote the motion carried.

Board Member Portune stated he was glad to receive the appointment and is looking forward to District work as it fits in with other work he is involved in.

C) Proposed 2019/Early 2020 District Meeting Schedule

Mr. Long made a formal request for motion to approve the 2019/Early 2020 District Meeting Schedule.

Alternate Board Member Birkenhauer moved to approve the meeting schedule, seconded by Vice Chairman Quarry, and after the vote the motion carried.

D) District Regulation Revisions:

- 1) Mr. Long presented a high-level overview of revisions to the District regulations impacted by the latest Ohio EPA Construction General Permit (CGP) (hand out provided). Mr. Long stated that there has not been a regulation change since 2009 and any recommendation provided by this Board will be taken to the Board of County Commissioners for consideration and vote.
- 2) Mr. Long referenced the handout outlining 24 significant changes in the regulations that were presented at an earlier working session. The table identifies specific permit requirements and their location in the District's proposed revisions to the rules and regulations.
- 3) Mr. Long presented the process used to integrate the newest Construction General Permit issued by Ohio EPA on April 23, 2018, into the District rules and regulations requirements.
- 4) The District as an MS4 is required to comply with 6 Minimum Control Measures (MCM). The emphasis at this meeting is on MCMs 4 and 5 and changes required by the CGP to their associated District Earthworks and Post-Construction regulations.
- 5) Mr. Long gave an overview of what the CGP requirements; how they impact the District; and how they are implemented in the proposed revised HCSWD regulations.
 - All MS4s are required to update their rules and regulations to meet the Construction General Permit requirements. All new construction plans in Ohio are required, as of October 20, 2018, to comply with the changes to the CGP to meet permit requirements.
 - There is a primary change regarding how the plans are submitted and approved. Plans must be submitted to and approved by the Hamilton County Soil and Water Conservation District and Hamilton County Department of Planning and Development before the submittal of a Notice of Intent (NOI) by EPA. This requires coordination of reviews. The District has been performing this coordination to meet state mandates even though the District rules and regulations have not yet been formally updated.
 - Earthworks Regulation changes:
 - Erosion and sediment control has a new emphasis on minimizing the stream impacts.
 - The site description and site map must identify contaminated soils and identify prior land use.
 - Anticipated imperviousness must be quantified not estimated.
 - Sediment traps and settling basins are required for all areas where storm water runoff collects and where it is concentrated.
 - The plan must identify temporary construction site controls and permanent controls at each site.

Please refer to agenda packet for schedule details

- A stormwater pollution prevention plan is required for the site. This is part of the District rules and regulations.
- Velocity dissipation must be incorporated into the plan to better accommodate for erosion.
- The definition of non-sediment erosion controls has been expanded.
- An implementation schedule is required.
- Post Construction Regulation changes:
 - All sites with disturbed areas greater than 1 acre must comply with the CGP.
 - Requires pretreatment for post construction controls and inlet and outlet protection.
 - There are new types of standard post construction controls and new performance criteria and standards for these controls.
 - The opportunity to allow for potential new and innovative post construction controls also exists in the new permit.
 - The equation for the water quality volume (WQV), which is a calculation that determines the amount of runoff that must be managed by post construction controls, includes an increase from 0.75 to 0.9 inches of for depth of precipitation. This increases the size of the of the post construction runoff control practices.
 - Plans for post construction, inlet, and outlet controls require more detailed drawings/calculations that demonstrate the amount of runoff being controlled in each catchment. Question from Board Member Portune - On the site water quality volume increase from $\frac{3}{4}$ of an inch to $\frac{9}{10}$ of an inch, is that for the entire stormwater event or for any particular timeframe that is covered?
 - Mr. Long answered it is on an event by event basis. The controls themselves are sized based on the first flush of a rainfall event. In an event that does not produce $\frac{9}{10}$ of an inch all of it will be controlled. In an event that has more than that only the first $\frac{9}{10}$ of an inch will be controlled.
 - Question from Board Member Portune - A couple weeks ago we had severe weather warning and there were different bands of severe thunderstorms that came through with high winds. As one band would come through then end, there was clearing for a little bit and then the other band would come through. Would that be considered three separate events or one single event since it all happened within a single day?

Please refer to agenda packet for schedule details

- Mr. Long answered that it is a matter of perspective. What happens in these controls to be able to get the removal of sediment and filtration involves a timing element. Filtration takes time. When 9/10 of an inch of runoff reaches the control and there is enough time before the next event hits, it will be able to handle the next event. If there is not enough time for filtration of the first event before that next event, runoff will bypass the control. It a little difficult to answer directly without the exact timing of the storm and the knowledge of the time that the filtration takes to complete.
- Question from Board Member Portune - Somewhat related to the equipment and its ability to filter the stormwater, is there a standard volume of filtration that is used in the industry? Different filters will filter in different times, so would that have an effect if you have a single event or multiple events?
- Mr. Long answered that if events occur in rapid succession the first one, if it is less than the 9/10 of an inch event, will be controlled. Others could be controlled by a secondary control if a more advanced system is in place. Rapid succession of rainfall events is going to be challenging.
- Question from Board Member Hubbard – Doesn't the drainage area have a lot to do with it as well. If you have 9/10 of an inch in one drainage area it's going to be a lot more than 9/10 of an inch in another area, so it will be site specific.
- Mr. Long answered that is a valid point. These controls are also sized based on the size of a catchment area or drainage area. He also stated that storms are moving, so it will start at one point and keep moving. There could exist a condition where a specific area gets hit by the first one and something else comes in and hit in rapid succession.
- Question from Board Member Hubbard – The first flush is the most polluted flush and that is what we are trying to take care of correct?
- Mr. Long answered that is correct
- Post construction controls must meet the permit requirement for managing the water quality volume. An existing control can be used if it can meet the current requirements for the new site.
- Operation and maintenance plans are now required upfront with the plan submittal.

- Operation and maintenance details must be shown on the submitted plan drawings including those for the post construction controls, and inlet and outlet practices.
- A mechanism must be installed and identified in the plans to indicate when accumulated sediment must be removed.
- The operation and maintenance plan must include a map or plat for the access easements for the maintenance controls. There must be easement way provided to clean them out.
 - Question from Board Member Hubbard – Someone needs to be responsible for checking the elevations and as the sediment builds up trigger a clean-up period, correct?
 - Mr. Long answered that it needs to be part of the plan and needs to be maintained. Post construction controls are inspected by the Department of Planning and Development or the local enforcing official.
- Mr. Long explained that these changes are going to affect three different District rules and regulations including:
 - Article I – Definitions
 - Article III – Earthworks Regulations
 - Article V – Post-Construction Storm Water Management Regulations
- The revised regulations are included in the meeting packets in addition to the highlight document with the 24 significant changes that came out of the work session.
- Mr. Long stated that these changes have an impact to our partner agencies. Some changes have been made and there will be more changes moving forward.
 - Question from Alternate Board Member Birkenhauer – If you have a detention area filling with sediment; would the Stormwater District or some entity be checking these on a regular basis to make sure they are functioning properly?
 - Mr. Long answered that often a post construction control for a site is the basin that is used first as a sediment basin during construction, and then it is cleaned out and modified to handle the post-construction water quality volume and/or water quantity. These are inspected after they are completed for compliance with plan designs and requirements. Hamilton County Planning and Development also inspect these controls on a routine schedule.

Please refer to agenda packet for schedule details

- Question from Alternate Board Member Birkenhauer – In a situation where five years from now in a subdivision where, everything was cleaned out turned over after construction, but it is now it has silted up and not functioning the way it was designed: How would such a condition go about getting fixed and functioning properly the way it was designed?
 - Mr. Long explained how an inspection is done and the process that needs to be followed based on the Ohio Revised Code. Primarily a notice or letter to the owner or home owner's association.
 - Question from Alternate Board Member Birkenhauer – If a Hamilton County resident that calls and says this is overflowing and filled with mud, they can call the Stormwater District and report it, correct?
 - Mr. Long answered that it can be reported. If this happens and it wasn't on the inspection cycle or it was but not inspected yet, it would be put on the District's radar for inspection.
- Mr. Long presented the overall regulation revision status. The District has identified the necessary changes, revised the regulations, held partner agency coordination meetings, and assembled different drafts which were reviewed by the partner agencies, and shared with the Oversight Board in a working session.
 - Mr. Long stated that today the District is seeking a recommendation from the Oversight Board to move forward.
 - Mr. Long explained that the next step to move forward prior to going to the Board of County Commissioners would be to seek prosecutorial input. The rules and regulations contain no changes related to bonding or enforcement. The revisions to requirements for specific engineering controls will not change things legally. He stated that the District needs to move fast as the two affected regulations that impact the District are out of sync with the State permit and that developers are already required to comply with the state requirements.
 - Question from Vice Chairman Honerlaw – The general changes in the regulations, these are all the changes we are seeing in yellow, the redline changes, these are ones that are required in the changes in the Ohio Construction Regulations, correct?
 - Mr. Long answered that is correct
 - Question from Vice Chairman Honerlaw – These are what are required to be in sync with the new Ohio Construction Regulations?
 - Mr. Long answered yes.

- Question from Vice Chairman Honerlaw – We are not going beyond, we are not instituting more restrictive regulation than what Ohio has?
- Mr. Long answered no. What we have presented here is keeping the District in line with what the state has promulgated. The District is trying to be in compliance to provide consistency across the county.
- Question from Chairman Honerlaw – Any discussion or feedback from the construction community from engineers, any discussion on what does this do to the cost to developing a particular property? Are these tweaks or is this more like we are doing something completely different?
- Mr. Long answered that he has not received egregious feedback. He stated that it will add cost and that the District is not seeing a decrease in projects that are being submitted.
- Statement from audience – Jim Obert on the Board of Directors of Home Builders Association, and Board of Directors Ohio Valley Building Council. We have looked at these regulations, as much as we hate to see them implemented, they are consistent with what we are seeing in other jurisdictions - Be it Warren County, Butler County, Clermont County, I am dealing with Green County, Montgomery County, it's pretty uniform across all those jurisdictions. Regulations cost one-third of a new house to answer your question, so it is painful, it is something that is passed on to the consumer. We are on board with it, it is consistent across the board in the state of Ohio.
- Statement from Vice Chairman Honorlaw – Todd, what are you looking for today?
- Mr. Long stated that the District is seeking a motion of recommendation from the Board to support the changes as presented in the Rules and Regulations as draft to be submitted to the Board of County Commissions so that they can be adopted by the communities.

Statement by Chairman Quarry – Thank you Todd for your explanation. Also, thank you, the partner agencies, and everyone who has been involved in the oversight meetings to get through this information and redline it or yellow line it for us; there is a lot of work that goes into this. Thank you to everyone involved. It is very much appreciated and very important.

Statement by Board Member Portune – Just to add to what Mark said, Jim, I also want to thank you for the work that HBA has done and others in the construction industry and looking over this and doing all the advanced work before it gets to us here as well as when it comes before the Board of County Commissioners we can confidently know what the option is of the construction industry around all this. Thanks for doing that leg work.

Chairman Quarry moved to approve the motion as stated, seconded by Alternate Board Member Birkenhauer, and after the vote the motion carried.

5) Further Announcements:

A) Next Meeting Dates:

- Partner Agency Coordination Meeting – Thursday, April 11, 2019 – Hamilton County Public Health, 250 William Howard Taft, 2nd Floor 9:00 A.M.
- Oversight Board Working Session – Wednesday, April 17, 2019 – Springfield Township Allen Paul Room 2:00 P.M.
- Oversight Board Meeting – Wednesday, May 22, 2019 – Springfield Township Allen Paul Room 2:00 P.M.

6) Other Business:

None

7) Adjournment:

With no further business, the Oversight Board meeting was adjourned by Chairman Honerlaw.

Respectfully submitted,

Theodore B. Hubbard, P.E.-P.S.
Secretary/Treasurer for HCSWD