

5. STORM WATER DRAINAGE SYSTEM

A. GENERAL

The operation and management of Dayton's Storm Water Utility became a Department of Water function in March 1997 with the passage of Ordinance No. 29358-97. Ordinance No. 30811-08 was passed on November 26, 2008 replacing the original ordinance. That ordinance will not be replicated herein. The major elements of the ordinance are as follows:

- 1) The establishment of the Storm Water Utility for the purposes of managing and protecting the municipal separate storm sewer system (MS4), the prevention of pollution thereof, to classify storm sewer services, and to regulate the rates charged for services.
- 2) Defining the Director of Water powers with respect to the MS4,
- 3) Establishing a system of storm water charges based upon impervious areas.
- 4) Addressing earth-disturbing activities regarding erosion and sediment control and the prevention of the pollution runoff from construction sites.
- 5) Establishing requirements for the review and approval of the designs of storm water drainage systems occurring as part of site development or subdivision planning.
- 6) Defining private drainage facilities and establishing the maintenance requirements for such facilities.
- 7) Establishing the City's right to enter private property for the purpose of inspecting, investigating, obtaining samples, or determining compliance with the ordinance, approved construction plans or an approved storm water pollution prevention plan.
- 8) Establishing prohibitions concerning the connection to or construction over the MS4. Illicit discharges into the MS4 are prohibited; exceptions or acceptable discharges are listed.
- 9) Authorizing enforcement remedies in reaction to violations of the provisions of the Ordinance. These remedies include written notice of violation, cost of abatement of the violation, administrative fines, the recovery of fines levied against the City by the Ohio EPA or the USEPA and stop work orders.

B. EXTENSIONS OF OR CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

- 1) No person shall extend or connect to the MS4 or increase their discharge volume or rate into the MS4 prior to applying for and receiving written approval for such connection or extension from the Department of Water, Division of Water Engineering.
- 2) The Director of the Department of Water may publish "Engineering Design Standards for Public Improvements to the Water Distribution System, Sanitary Collection System and Storm Water Collection System and Requirements for Storm Water Management and Erosion Control." Best Management Practices and Low Impact Development designs will be submitted to and approved by Department of Water, Division of Water Engineering. These Standards include design criteria for storm drainage facilities, construction details and specifications and erosion and sediment control criteria. These Standards may be obtained from the offices of the Division of Water Engineering.
- 3) Areas that are natural tributaries to any segment of the MS4 are provided with service. Diversion of runoff from its natural drainage basin to an adjoining basin is prohibited. When the runoff characteristics of a site are altered resulting either in an increased runoff rate or volume, the Water Department may require the site developer to improve the MS4 and/or regulate the discharge rate from the site. The installations of new dry wells are prohibited in the Source Water Protection Area.
- 4) A storm water drainage plan must be submitted for any subdivision or site development with an area of one acre or more
- 5) New storm sewer mains shall be a minimum of fifteen (15) inches in diameter and catch basin leads shall be a minimum of twelve (12) inches in diameter.

C. RETENTION/DETENTION BASINS

- 1) All detention/retention basins installed to serve private developments or individual building sites shall remain the property of the development or building site owner. Basins serving multiple lots must be located on a parcel of ground held in common by the properties served by the basin. Ownership of these basins cannot be transferred to the City. Basins serving individual lots shall be located on those lots.
- 2) No person shall deny a City employee, presenting proper identification, access to a Customer's premises for the purpose of inspecting detention/retention facilities, pipes and orifice plates or any other reasonable purpose related to operation of the Customer's storm water drainage facilities.

- 3) All maintenance of privately owned retention/detention facilities is the basin owner(s) responsibility. When a basin exists on commonly owned property serving multiple properties, a property owner's association shall be established with the responsibility of performing all necessary maintenance and repair functions.

D. PRIVATE DRAINAGE FACILITIES

- 1) The property owner is responsible for all maintenance associated with a private storm lateral from a building or an inlet structure to the MS4. Repairs of private laterals, beyond the customer's property line, in the right-of-way or easement, require the services of a licensed plumber and a City permit. The Customer's plumbing contractor shall contact the City Department of Water when a cut is made in a dedicated street or alley. The City shall perform all said excavations, repairs and restoration and shall bill the contractor for the work. For any work on the private lateral, City permits and inspections are required.
- 2) The property owner shall perform maintenance of the following:
 - a) Dry wells – A maintenance plan is required addressing the routine measures to prevent overflow and cause an illicit discharge to the municipal separate storm sewer system. The installation of new dry well are prohibited in the Source Water Protection Area
 - b) Detention/Retention Basins - Maintain detention/retention basins on property, prevent flooding of storm water into the City MS4 and keep the flow free from litter, debris and other pollutants.
 - c) Floor Drains - All floor drains within a commercial or industrial facility that connect to the MS4 are considered a point source per R.C.G.O. 54.01(I). The property owner must obtain a National Pollutant Discharge Elimination System (“NPDES”) permit for the discharge or reconnect it to the sanitary sewer system or plug it at the owner's expense.
 - d) Storm Sewer Laterals - All existing and new storm sewer laterals that require NPDES permitting also require a storm water pollution prevention plan (SWP3) to prevent illicit discharges to the MS4.
 - e) Storm Ditches and Swales – The property owner shall maintain the storm ditches and swales to preserve the flow from the natural upstream drainage area, to prevent flooding of storm water to the City MS4 and to keep the flow free from litter, debris and other pollutants.

E. SEDIMENT AND EROSION CONTROL

- 1) The property owner shall take measures to control erosion and sediment deposition resulting from construction. A storm water pollution prevention plan must be submitted to Water Engineering for approval for all construction projects disturbing one (1) or more acres of land. The storm water pollution prevention plan must include provisions for phasing construction to minimize exposure to erosion, measures to control erosion and sediment deposition, and an ultimate plan to stabilize the site upon completion of construction. Although an approved storm water pollution prevention plan is not required for earth disturbing activities on sites smaller than one (1) acre; the smaller sites are not exempt from applying the same principles required for larger sites regarding controlling soil erosion and sediment deposition.

F. BILLING AND DELINQUENT ACCOUNTS

- 1) Storm water charges are levied upon premises that have impervious surface areas within the City. Residential premises are charged a flat rate fee as established by City ordinance. Non-residential properties are charged a fee based upon the impervious area as calculated by the Director of Water. Unpaid storm water service charges shall constitute a lien against the property affected. Unpaid storm water charges may be certified to the County Auditor for collection with the property owner's real property tax payment.
- 2) Water service may be shut off to a property where the storm water charges are delinquent. This shut off must follow the delinquency procedures contained in the Water Department Rules and Regulations. Delinquent charges may be transferred to another property with an active utility account owned by the same owner.

G. BILLING COMPLAINTS AND APPEALS

- 1) Customers with a storm service billing complaint shall submit such complaint to the Division of Water Engineering, Customer Relations Section. Water Engineering shall review the complaint for conformance to the City's storm water billing ordinances. The applicant may appeal Water Engineering's decision to the BWSCR and to the Board of Water and Sewer Charge Appeals in accordance with the procedures outlined in Section 2(N). Written appeals to the BWSCR must be made within two (2) billing quarters of the date of the disputed bill, otherwise the bill cannot be disputed.