

ORDINANCE NO. 9-2020

ADOPTING AMENDED ARTICLE I, III, AND V RULES AND REGULATIONS FOR THE HAMILTON COUNTY STORM WATER DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the Storm Water Phase II Permit Program (the "Phase II Program") of the National Pollutant Discharge Elimination System ("NPDES") of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., 40 C.F.R. Parts 122.30 through 122.37; the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111); and Ohio Administrative Code Chapter 3745-39, referred to as Phase II Storm Water Rules for Small Municipal Separate Storm Sewer Systems ("MS4"); dischargers of storm water from Small MS4s must obtain a NPDES permit from the Ohio Environmental Protection Agency; and

WHEREAS, the Phase II Program, as administered by USEPA and the Ohio EPA, requires designated communities, including the County of Hamilton (the "County") and various local independent jurisdictions which own and/or operate an MS4, to develop a Storm Water Management Program under the Phase II Permit to address the quality of storm water runoff within their jurisdictions; and

WHEREAS, the Board of County Commissioners of Hamilton County (the "Board") has created the Hamilton County Storm Water District ("HCSWD") under Chapter 6117 of the Ohio Revised Code to address the requirements of the Phase II Program in the unincorporated regions of Hamilton County ("County"), and within those incorporated municipal corporations within the County which have assented to the formation of the HCSWD and consented to its operation within their corporate limits ("Member Municipalities", or "Members", or "Co-Permittees"); and

WHEREAS, the attached amended Rules and Regulations which have been adopted by the Hamilton County Board of County Commissioners on September 12, 2019 in order to carry out the responsibilities of MS4's under the Phase II Permit Program, are intended to apply to non-storm water discharges, storm water discharges generated by construction and/or earth disturbing activities, and post-construction storm water discharges from development and previously developed sites within the unincorporated regions of the County and within municipal corporations which are co-permittees under the MS4 permit; and

WHEREAS, the Council of the Village of Fairfax, State of Ohio ("Council"), as a co-permittee municipal corporation under the Phase II Permit, has previously adopted through ordinance and is implementing the HCSWD Rules and Regulations to protect the health, safety and welfare of its citizens by

preventing non-storm water discharges and controlling storm water discharges from construction, development, and re-development sites; and

WHEREAS, the above adopted ordinance states that these Rules and Regulations of the HCSWD may be duly amended or modified by the Board of County Commissioners of Hamilton County, Ohio from time to time, and that Council will adopt said amendments or modifications to these Rules and Regulations of the HCSWD unless Council enacts alternative rules and regulations that are mutually agreed to be as equally stringent or more stringent than the Rules and Regulations of the HCSWD;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Fairfax, State of Ohio:

SECTION I: That Council hereby adopts, establishes and implements within the Village of Fairfax, the amended Rules and Regulations of the Hamilton County Storm Water District, Article I – Definitions, Article III – Earthworks Regulations, and Article V – Post-Construction Storm Water Quality Regulations (“Post-Construction Regulations”), and the same are set forth in Exhibit A attached hereto and incorporated into this Ordinance as if fully rewritten herein.

SECTION II: That Council and the appropriate administrative officials of the Village of Fairfax will cooperate with the HCSWD in the enforcement of these amended Rules and Regulations, and shall exercise such legal authority as it may possess which may be reasonably required to assist the HCSWD in carrying out the intent of the Rules and Regulations within the municipal corporate boundaries in order to achieve and maintain compliance with the requirements of state and federal law regarding the Phase II Program.

SECTION III: That Council hereby: (a) authorizes and designates the HCSWD and its authorized designated agent(s) to act as the ***Enforcing Official*** for Article III Earthwork Regulations, and Article V Post-Construction Storm Water Quality Regulations (“Post-Construction Regulations”) within the corporate boundaries of the Village of Fairfax; and (b) consents to and hereby authorizes the proper administrative officials of the Village of Fairfax to enter into such agreements with the Board as may be necessary and appropriate for the District to provide such Phase II services; and

SECTION IV: That it is the intent of the Council that the remedies provided in this Ordinance and in the Rules and Regulations shall be in addition to and not exclusive of any other remedies as may be available under applicable federal, state or local law.

SECTION V: That the provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or Circumstances shall

be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION VI: That the Village Fiscal Officer is hereby directed to certify a copy of this Ordinance to the Board of County Commissioners of Hamilton County.

SECTION VII: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to comply with the County's implementation of the Phase II Program.

Passed this ___ day of _____, 2020.

Mayor

ATTEST:

Fiscal Officer

CERTIFICATE

I certify this to be a true and correct copy of Village of Fairfax Ordinance No. 9-2020, adopted by the Council of the Village of Fairfax at its regular meeting held on the ___ day of _____, 2020.

Fiscal Officer

Exhibit A
Amended Rules and Regulations of the Hamilton County Storm Water
District

Article I – Defintions

Article III – Earthwork Regulations

Article V – Post-Construction Storm Water Quality Regulations
(Post-Construction Regulations)