

CODIFIED ORDINANCES OF SPRINGFIELD

PART NINE - STREETS, UTILITIES, AND PUBLIC SERVICE CODE

TITLE SIX - Stormwater Regulations
Chap. 961. Regulations. (Rewritten in its entirety by Ord. 15-87.)
Chap. 963. Administration. (Repealed by Ord. 15-87.)
Chap. 971. Floodplain Regulations.

CHAPTER 961
Comprehensive Stormwater Management

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961.01 PURPOSE AND SCOPE.

(a) The purpose of this regulation is to establish technically feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the City of Springfield.

(b) This regulation prohibits illicit connections to the stormwater system and requires owners who develop or redevelop their property within the City of Springfield to:

- (1) Control stormwater runoff from their property and ensure that all stormwater management practices, facilities and improvements are properly designed, constructed, and maintained.
- (2) Reduce water quality impacts that may be caused by new development or redevelopment activities.
- (3) Control the volume, rate, and quality of stormwater runoff originating from their property so that surface water and ground water are protected and flooding and erosion potential are not increased.
- (4) Minimize the need to construct, repair, and replace subsurface storm drain systems.
- (5) Preserve natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in inappropriate soils.
- (6) Incorporate stormwater quality and quantity controls into site planning and design at the earliest possible stage in the development process.
- (7) Maximize use of stormwater management practices that serve multiple beneficial purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.
- (8) Design sites to minimize the number of water resource crossings and the width of associated disturbance in order to minimize future expenses to the public related to the maintenance and repair of water resource crossings.
- (9) Maintain, promote, establish and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.

(c) This regulation shall apply to all parcels used or being developed, redeveloped or demolished, either wholly or partially, for new or relocated projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; and redevelopment activities and grading.

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

(e) This regulation does not require a Comprehensive Stormwater Management Plan for linear construction projects, such as pipeline or utility line installation, that do not result in the installation of impervious surface. Such projects must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of the latest edition of the Ohio Department of Natural Resources Rainwater and Land Development Manual or other erosion control guideline approved by the City Engineer.

961.02 DEFINITIONS.

For the purpose of this Chapter 961, the following terms shall have the meaning herein indicated:

- (a) "As-built survey" means a survey shown on a plan or drawing prepared by a Registered Surveyor in Ohio indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.

- (b) “Comprehensive Stormwater Management Plan” means the written document and plans meeting the requirements of Chapter 961 that describes and specifies practices, facilities and improvements to minimize stormwater runoff from a development area, to safely convey or temporarily store and release post-development runoff at a rate that minimizes flooding and stream bank erosion, and protects or improves stormwater quality and stream channels.
- (c) “Development area” means a parcel or contiguous parcels in a common ownership and operated as one development unit, and which is the site of construction or alteration activities that changes runoff characteristics.
- (d) “Development drainage area” means a combination of each hydraulically unique watershed with individual outlet points on the development area.
- (e) “Drainage” means the removal of surface water or groundwater from land by surface or subsurface drains.
- (f) “Erosion” means the process by which the land surface is worn away by the action of wind, water or other liquid, ice, gravity, or any combination of those forces.
- (g) “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 80% coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have been employed.
- (h) “Grading” means the process in which the topography of the land is altered to a new slope.
- (i) “Illicit discharge” means any discharge to the Stormwater System not composed entirely of stormwater except the following: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(b)(20)], uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, charity car wash events, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, home sewer treatment systems that discharge in accordance with Clark County Combined Health District Codes and permits, and discharges or flows from fire fighting activities.
- (j) “Impervious surface” means any surface meeting the definition of impervious surface in Chapter 918.02 of these Codified Ordinances.
- (k) “Infiltration” means a stormwater management practice that reduces discharge during the precipitation event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining stormwater pollutants in the facility.
- (l) “Large common plat of development” means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (m) “NPDES” means 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.
- (n) “Post-development” means the conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.

- (o) “Predevelopment” means the conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.
- (p) “Professional Engineer” means a professional engineer registered in the State of Ohio.
- (q) “Redevelopment” means a construction project on land where impervious surface has previously been developed and where the new land use will not increase the runoff coefficient. If the new land use will increase the runoff coefficient, then the project is considered to be a new development project rather than a redevelopment project.
- (r) “Runoff” means the portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources.
- (s) “Sediment” means the soils or other surface materials that can be transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- (t) “Site owner” or “property owner” 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.
- (u) “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, increased stormwater quantity and/or decreased stormwater quality.
- (v) “Stormwater management facility” means a structural or non structural device, basin, infiltration cell, or other system approved by the City of Springfield to collect, convey, and/or manage surface runoff.
- (w) “Stormwater system” means the City’s system or network of storm and surface water management facilities as defined in Chapter 918 of these codified ordinances.
- (x) “Water resource” means any public or private body of water; including wetlands; the area within the ordinary high water level of lakes and ponds; as well as the area within the ordinary high water level of any ditch, brook, creek, river, or stream having a defined bed and bank (either natural or artificial) which confines and conducts continuous or intermittent flow.
- (y) “Watershed” means the total drainage area contributing stormwater runoff to a single point.
- (z) “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 (See 40 CFR 232.2, as amended).

961.03 DISCLAIMER.

(a) 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 any particular parcel of property.

(b) By approving a Comprehensive Stormwater Management Plan under this regulation, the City of Springfield does not accept responsibility for the design, installation, and operation and maintenance of stormwater management practices, facilities and improvements.

961.04 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 person to maintain a 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 City of Springfield 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 City of Springfield, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

961.05 COMPREHENSIVE STORMWATER MANAGEMENT PLANS—PLAN DEVELOPMENT.

(a) This regulation requires that a Comprehensive Stormwater Management Plan be developed and implemented according to the requirements set forth in the most recent version of the Ohio Environmental Protection Agency's General Permit Authorization for Stormwater Discharges Associated with Construction Activity Under the National Pollutant Discharge Elimination System:

- (1) for soil disturbing activities disturbing one or more acres of total land or less than one (1) acre if the disturbing activities are part of a larger common plan of development or redevelopment disturbing one or more acres of total land
- (2) for soil disturbing activities disturbing less than one (1) acre of land when the City Engineer determines that development and implementation of a Comprehensive Stormwater Management Plan is necessary to serve the purposes of this Chapter, and
- (3) for soil disturbing activities which are part of any regulated activity described in Section 961.01(c). The City Engineer may require the development and implementation of a Comprehensive Stormwater Management Plan for soil disturbing activities disturbing less than one acres of land and which are not part of a larger common plan of development, when necessary to accomplish the purposes described in Section 961.01.

(b) The City of Springfield through the office of its City Engineer shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue notices and orders as may be necessary.

961.06 PROHIBITIONS.

(a) No person or entity shall discharge or cause to be discharged any illicit discharge to the stormwater system.

(b) No person or entity shall engage in non-agricultural, earth-disturbing activities performed on lands located within the City of Springfield's corporate boundaries, and which are lands not subject to the jurisdiction of a state or federal governmental agency which regulates the matters governed by this Chapter, when a Comprehensive Stormwater Management Plan is required to be developed and implemented under Section 961.05 of this Chapter; unless a Comprehensive Stormwater Management Plan has been submitted to and approved by the City Engineer for the non-agricultural, earth-disturbing activities.

(c) No person or entity shall engage in non-agricultural, earth-disturbing activities or install stormwater management facilities or improvements which are inconsistent with the applicable approved Comprehensive Stormwater Management Plan.

(d) No person or entity shall engage in stormwater management practices which are inconsistent with the applicable approved Comprehensive Stormwater Management Plan.

**961.07 COMPREHENSIVE STORMWATER MANAGEMENT PLANS—
APPLICATION PROCEDURES.**

(a) Pre-Application Meeting. Applicants for permissions granted under the Chapter 961 are encouraged to meet with the City Engineer to discuss the proposed project, review the requirements of this and other pertinent regulations, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule in advance of tendering an application to the City Engineer.

(b) Comprehensive Stormwater Management Plan. The applicant shall submit one (1) set of a Comprehensive Stormwater Management Plan and supporting documents to the City in conjunction with the submittal of the final plat, improvement plans, or application for a building, off street parking, or demolition permit for the site. The Comprehensive Stormwater Management Plan shall meet the requirements of Section 961.09 and must be approved by the City Engineer before the applicant performs soil disturbing activities.

(c) Review and Comment. The City Engineer shall review the Comprehensive Stormwater Management Plan submitted, and shall either approve the plan or return the plan with comments and recommendations for revisions.

(d) Approval Necessary. No person shall begin land clearing and/or soil-disturbing activities unless the City Engineer has approved the related Comprehensive Stormwater Management Plan.

(e) Valid for One Year. Approvals issued in accordance with this regulation shall be void one (1) year from the date of approval unless soil disturbing activities have commenced.

961.08 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 other federal,

state, and/or county agencies and other public entities having regulatory jurisdiction. Applicants may be required to show compliance with all applicable regulatory requirements.

961.09 COMPREHENSIVE STORMWATER MANAGEMENT PLANS—PLAN CONTENT.

(a) Comprehensive Stormwater Management Plan Required. The applicant shall develop a Comprehensive Stormwater Management Plan describing how the quantity and quality of stormwater will be managed during and after construction is complete. The Comprehensive Stormwater Management Plan shall be prepared by a Professional Engineer and shall include supporting calculations, plan sheets and design details. The Plan will illustrate the type, location, and dimensions of every stormwater management practice incorporated into the site design. The chosen stormwater management practices, facilities and improvements must address runoff within the site as well as flooding that may be caused by the development upstream and downstream of the site. The chosen stormwater management practices, facilities and improvements must also minimize impacts to the physical, chemical, and biological characteristics of on-site and downstream water resources and avoid predictable degradation of water resources.

(b) Contents of Comprehensive Stormwater Management Plan. The Comprehensive Stormwater Management Plan shall meet the requirements of the latest edition of Ohio EPA's General Permit Authorization For Stormwater Discharges Associated With Construction Activity Under The National Pollutant Discharge Elimination System and shall provide the following information:

- (1) Plans must include the following notes:
 - A. At the end of construction, all stormwater pipes, basins, channels, etc. shall be cleaned out of all sediment accumulation and restored to the original design as shown per these plans.
 - B. Forty-eight hours prior to any earth disturbance work, the Contractor shall notify the City of Springfield, Engineering Department.
 - C. All mud/dirt tracked onto roads from the site, due to construction, shall be promptly removed at the end of each day.
 - D. No construction shall commence until all City of Springfield permits and connection fees have been issued as required.
 - E. Stormwater control facilities composed of straw are not permitted.
 - F. Clearing, grading, and equipment storage is prohibited within twenty-five (25) feet of all water resources unless otherwise approved by the City Engineer.
 - G. Where construction activity is necessary within ten (10) feet of a water resources high water mark, perimeter protection using Filtrexx erosion control socks or similar material shall be used.
 - H. Construction projects scheduled to last six (6) months or more shall not use silt fence as perimeter protection; instead, Filtrexx erosion control sock or similar material shall be used.
 - I. Dewatering discharges shall not be directed into the City of Springfield's stormwater system without the prior approval of the City Engineer or his designee.
- (2) Location of all existing easements, covenants and restrictions impacting each stormwater management practice, facility, or improvement.

- (3) An Inspection and Maintenance Plan designed to ensure that all pipes and channels built to convey stormwater to the stormwater control facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater discharged from the facility serves its designed purpose through its expected period of use shall be submitted as a stand-alone document for review and approval by the City Engineer during the Plan approval process. At a minimum, the Inspection and Maintenance Plan shall include a method and frequency for the following activities:
- A. Inspection of all permanent structures,
 - B. Debris/clogging control through appropriate removal and disposal,
 - C. Vegetation control (mowing, harvesting, eradication of undesirable plants),
 - D. Erosion repair,
 - E. Non-routine maintenance should include pollutant and sediment removal and the “rejuvenation” or replacement of filters and appropriate soils, and
 - F. Disposal of collected pollutants, sediments, and filter media in accordance with local, state, and federal regulations.
 - G. Inspection and Maintenance Plans shall include language affirming the following:
 - (i) The City of Springfield has the authority and right to enter upon the development area to conduct inspections as necessary to verify that the stormwater management practices are being maintained and operated in accordance with this regulation.
 - (ii) Notice that the City of Springfield maintains public records of the results of site inspections for the period of time specified in the City of Springfield’s record retention schedule, shall inform the site owner(s) or organization responsible for maintenance (by written notice served on the tax mailing address for the subject land) of the inspection results, and shall specifically indicate any corrective actions required to bring the stormwater practices into proper working condition.
 - (iii) If the City of Springfield notifies the site owner(s), or other entity responsible for maintenance, of maintenance deficiencies that require correction, the specific corrective actions shall be taken within thirty (30) days of the service of the notice; unless the City Engineer grants an extension of time to complete correcting deficiencies due to the impracticality of completing the correction of deficiencies within thirty (30) days.
 - (iv) Maintenance deficiencies not corrected within thirty (30) days may be declared a public nuisance in accordance with Chapter 1323 of these codified ordinances.
 - (v) The method of funding long-term maintenance and inspections of all stormwater management practices, facilities and improvements.
- (4) Calculations required. The applicant shall submit calculations for projected stormwater runoff flows, volumes, and timing into and through

all stormwater management facilities for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and its the floodplain, as required in Section 961.10 of this regulation. These submittals shall be completed for both pre- and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. The applicant shall also include critical storm [See Section 961.10(c)] determination and demonstrate that the runoff from upper watershed areas have been considered in the calculations. Redevelopment projects shall only submit calculations at the discretion of the City Engineer.

- (5) The Comprehensive Stormwater Management Plan shall include a time schedule for completing all elements of the work to construct Comprehensive Stormwater Management Plan facilities and achieve final stabilization.
- (6) Detention exemption. When the total detention required on a development area is under 1,000 cubic feet, the City Engineer may, upon the request of the developer, waive the detention requirements of this chapter; provided, however that the City Engineer shall not grant a waiver if it is determined that storm water drainage would be a threat to adjacent properties if no detention were to be provided or if it is determined that the public sewer system downstream of the development area is not adequate to handle the increased storm flow.
 - A. Residential development of three units or less that are not part of a larger common plan of development or redevelopment are exempt from the detention requirements of this chapter; provided, however that the City Engineer shall not determine that storm water drainage would be a threat to adjacent properties if no detention were to be provided or if it is determined that the public sewer system downstream of the development area is not adequate to handle the increased storm flow.
- (7) The Comprehensive Stormwater Management Plan shall conform to the performance standards specified in Section 961.10.

961.10 PERFORMANCE STANDARDS.

(a) General. Each Comprehensive Stormwater Management Plan shall include stormwater management facilities for storage, treatment and control, and conveyance; shall be designed to prevent structure flooding during a 100-year, 24-hour storm event; shall maintain predevelopment flow rates and discharge volumes; and shall meet the following criteria:

- (1) Exemption. The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section 961.10 if it can be shown to the satisfaction of the City Engineer that the site is part of a larger common plan of development where the stormwater management requirements for the site are provided by an existing stormwater management practice, facility or improvement.
- (2) Maintenance. All stormwater management facilities shall be maintained in accordance with the approved Inspection and Maintenance Plans prepared pursuant to Section 961.09. All stormwater management facilities whether

mandated by this ordinance or not shall maintain their facility in accordance with standard best practices or may be declared a public nuisance as described in section 961.08 of these codified ordinances.

- (3) Velocity dissipation. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected.

(b) Stormwater Quality Control.

(1) Criteria applying to all stormwater management facilities. Each facility shall be designed to facilitate sediment removal, vegetation management, debris control, and other maintenance activities defined in the Inspection and Maintenance Plan for the site. Approved practices are listed in the Ohio DNR Rainwater and Land Development Manual (Third Edition, 2006). The City Engineer may approve other proposed facilities if the applicant can demonstrate to the City Engineer's satisfaction that these facilities meet the objectives of this regulation.

(2) Additional criteria applying to infiltration facilities.

- A. All runoff directed into an infiltration basin must first flow through a pretreatment facility as described in the Ohio DNR Rainwater and Land Development Manual, (Third Edition, 2006).
- B. Pursuant to Chapter 1153 of these Codified Ordinances, a site owner required to provide off street parking can receive a reduction of required parking spaces for the use of stormwater practices described therein.
- C. The City Engineer may require a soil engineering report to be prepared for the site to demonstrate that a proposed infiltration facility meets these performance standards.

(3) Additional criteria for above-ground stormwater management facilities.

- A. A forebay and micropool, as described in the Ohio DNR Rainwater and Land Development Manual, (Third Edition, 2006) shall be a part of all above ground stormwater management facilities.
- B. Above ground stormwater management facilities shall be designed to spread stormwater across its floor and promote infiltration and filtering of pollutants. Low flow concrete channels are strictly prohibited.

(c) Stormwater Quantity Control. The Comprehensive Stormwater Management Plan shall describe how the proposed stormwater management practices are designed to meet the following requirements for stormwater quantity control for each watershed in the development:

- (1) The Critical Storm for each specific development drainage area shall be determined according to the Ohio Stormwater Control Guidebook (ODNR, 1980).
- (2) Critical Storm calculations shall meet the following standards:
 - A. Calculations shall include the lot coverage assumptions used for full build out as proposed.
 - (i) Calculations shall be based on the entire contributing watershed to the development area.
 - (ii) Curve numbers for the pre-development condition may reflect any

- curve number from 10 years preceding application.
- (3) The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.
 - (4) The peak discharge rate of runoff from storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1-, 2-, 5-, 10-, 25-, 50-, and 100-year storms shall be considered in designing a facility to meet this requirement.

961.11 MAINTENANCE AND FINAL INSPECTION APPROVAL

To receive final inspection and a determination by the City Engineer that the approved Comprehensive Stormwater Management Plan and the requirements of this regulation have been complied with in performing a construction project, the following must be completed:

- (a) All permanent stormwater management facilities must be installed, free of debris, and made functional per the approved Comprehensive Stormwater Management Plan.
- (b) An as-built survey, sealed, signed and dated by a Professional Surveyor and a written certification by a Professional Engineer certifying that permanent stormwater management facilities, as designed and installed, meet the requirements of the approved Comprehensive Stormwater Management Plan shall be delivered to the City Engineer. The as-built survey must provide the location, dimensions, details, volume, and bearing of such facilities. In evaluating this certification, the City Engineer may require the submission of a new set of stormwater calculations if he/she determines that the design was altered materially from the approved Comprehensive Stormwater Management Plan.

961.12 AMENDMENTS TO THE COMPREHENSIVE STORMWATER MANAGEMENT PLAN.

Proposed amendments to an approved Comprehensive Stormwater Management Plan shall be made to the City Engineer within seven (7) working days of the site owner identifying said need. The site owner shall provide the City Engineer with any requested calculations, drawings, or other information requested in order to determine if the proposed amendment satisfies the requirements of this chapter.

961.13 FEES.

The Comprehensive Stormwater Management Plan review and inspection fees are part of a complete submittal and shall be paid to the City of Springfield at the issuance of the applicable permit. The inspection fee is specified in Chapter 1313.

961.14 VIOLATIONS.

No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted

under this regulation.

961.15 APPEALS.

A person adversely affected by a final determination or order made under this Chapter 961 may appeal such determination or order as provided in Ohio Revised Code Chapter 2506.