# **Regulatory Requirements**



# **Overview**

- Why Post-Construction BMPs?
- Overview of Post-Construction BMPs
- Overview of Regulations
  Construction General Permit
  ODOT's Location and Design (L&D) Manual Volume 2
- Alternative BMPs
- Off-Site Mitigation



# **Overview**

- Why Post-Construction BMPs?
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# What are BMPs Supposed to Do?

- Post-Construction BMPs have <u>Two</u> Main Jobs:
- 1. Remove Pollutants (Quality)
- 2. Reduce or Temporarily Hold Back Runoff from Stream (Quantity)
- Quality: By Removing Sediment, Systems Remove Other Pollutants
- Quantity: Stream Stability Limit Stream Erosion and Hydromodification from Higher Flow Rates and Higher Runoff Volumes



# **Designing / Reviewing BMPs**

Is the BMP going to do a good job removing pollutants?

Is the BMP going to help limit stream problems from increased flow rate and volume?



# **Overview**

- Why Post-Construction BMPs?
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# **BMPs: Many Different Names**

Source	BMP Name
ODOT	Manufactured System
Quality	Vegetated Biofilter
Only	Vegetated Filter Strip
	Detention Basin
ОДОТ	Retention Basin
Quality	Bioretention Cell
and	Infiltration Trench
Quantity	Infiltration Basin
	Constructed Wetland
ODOT	Underground Detention
Quantity Only	Stream Grade Control

Source	BMP Name
	Wet Extended Detention Basin
	Constructed Extended Detention Wetland
EPA CGP	Dry Extended Detention Basin
Table 4a	Permeable Pavement – Extended Detention
	Underground Storage – Extended Detention
	Sand & Other Media Filtration – Extended Detention
	Bioretention Area/Cell
	Infiltration Basin
EPA CGP Table 4b	Infiltration Trench
	Permeable Pavement – Infiltration
	Underground Storage - Infiltration
	Grass Swales
	Grass Filter Strips
EPA CGP	Rain Barrels
Alt. BMPs	Green Roofs
	Catch Basin Inserts
	Hydrodynamic Separators

# **BMPs: Only a Few Categories**

#### DETENTION



#### **INFILTRATION**



#### BIORETENTION



#### **FLOW THROUGH BMPS**



# **BMPs: Main Treatment Mechanism**

#### S Detention

Rely on hydraulic residence time to allow sediment to settle out (sedimentation)

#### Infiltration

Sely on soil infiltration capacity

#### Sioretention

Rely on physical filtering through planting media
 Filtering occurs slowly

Flow Through BMPs
 Rely on physical filtering or hydrodynamic separation
 Filtering occurs quickly



# Looking at BMPs Simply

Sour Categories S Detention Infiltration Section S Flow Through BMPs S Two Jobs Second Pollutant Removal (Quality) Stream Protection from Erosion (Quantity)



## **BMPs: Quality vs. Quantity**

Source	BMP Name	Category	Quality	Quantity
ODOT	Manufactured System	Flow Through	Х	
Quality	Vegetated Biofilter	Flow Through	Х	
Only	Vegetated Filter Strip	Flow Through	Х	
	Detention Basin	Detention	Х	Х
	Retention Basin	Detention	Х	Х
Quality	Bioretention Cell	Bioretention	Х	Х
and	Infiltration Trench	Infiltration	Х	Х
Quantity	Infiltration Basin	Infiltration	Х	Х
	Constructed Wetland	Detention	Х	Х
ODOT	Underground Detention	Detention		Х
Quantity Only	Stream Grade Control	(Other)		Х



# **Audience Participation!**



#### **Detention Basin**



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	
Performance	
Quality	

Quantity



#### **Detention Basin**



Category	
Detention	X
Infiltration	
Bioretention	
Flow Through	
Performance	
Quality	X
Quantity	X



#### **Infiltration Trench**



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	
Performance	
Quality	
Quantity	



#### **Infiltration Trench**



Category	
Detention	
Infiltration	X
Bioretention	
Flow Through	
Performance	
Quality	X
Quantity	X



#### Bioretention



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	

Performance	
Quality	
Quantity	



#### Bioretention

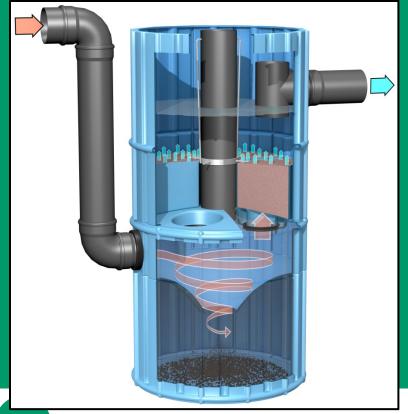


Category	
Detention	
Infiltration	
Bioretention	X
Flow Through	

Performance	
Quality	X
Quantity	X



#### Hydrodynamic Separator



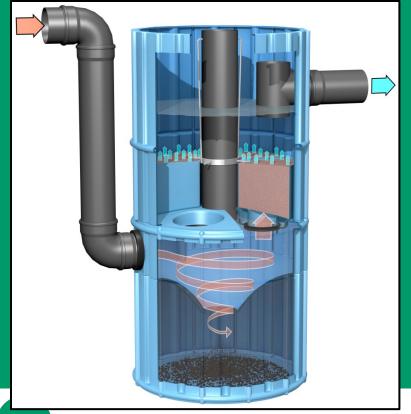
Category	
Detention	
Infiltration	
Bioretention	
Flow Through	
Performance	

Quality

Quantity



#### Hydrodynamic Separator



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	X
Performance	
Quality	X
Quantity	



Image: 3P Technik UK

#### Filter Strip



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	
Performance	
Quality	
Quantity	



#### Filter Strip



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	X
Performance	
Quality	X
Quantity	



#### Vegetated Biofilter



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	

Performance	
Quality	
Quantity	



#### Vegetated Biofilter



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	X
Performance	
Quality	X

Quantity



#### **Retention Basin**



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	
Performance	
Quality	

Quantity



#### **Retention Basin**



Category	
Detention	X
Infiltration	
Bioretention	
Flow Through	
Performance	
Quality	Х

Quantity



X

#### **Pervious Pavement**



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	
Porformanco	





#### **Pervious Pavement**



Category	
Detention	?
Infiltration	?
Bioretention	
Flow Through	
Performance	
Quality	X

Quantity



X

#### **Underground Detention**



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	
Performance	
Quality	

Quantity

STATE OF OTIO

#### **Underground Detention**



Category	
Detention	X
Infiltration	
Bioretention	
Flow Through	?
Performance	
Quality	?
Quantity	X



#### Detention Basin with Lined Channel



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	
Performance	
Quality	

Quantity

STATE OF OHIO NOLEY ARTHUR OF TRANSPORT

#### Detention Basin with Lined Channel



Category	
Detention	
Infiltration	
Bioretention	
Flow Through	
Performance	

Quality

Quantity

NONE



Det. Basin for Flooding; not WQ<sub>V</sub> Treatment

# **Overview**

- Why Post-Construction BMPs?
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# **Overview of Regulations**



# Construction General Permit vs. ODOT's L&D Vol. 2

- Ohio EPA Construction General Permit: Any land disturbance over 1 ac. must meet requirements in NPDES permit
- CGP: Roadway projects by public entities can use ODOT's L&D, Vol. 2 as an alternate to post-construction BMP requirements
- L&D post-construction BMP guidance reviewed by Ohio EPA



# CGP vs. L&D Vol. 2

#### Ohio EPA Construction General Permit:

- I 2 ac.: Small construction, may use alternative BMP if meet certain conditions
- S >= 2 ac.: Construction, prescriptive requirements (Table 4a and 4b BMPs)

ODOT L&D. Volume 2
 Different requirements...



# "Small Construction Activities" NOT TRANSPORTATION

- 1 <2 acres of land disturbance</p>
- Must provide justification why the use of Table 4a and 4b practices are not feasible.
- Alternative practices <u>require approval</u> from the regulated MS4.
- No list of BMPs provided for small construction
- Implementation will depend on the local entity



# **Construction Activities NOT TRANSPORTATION**

- >= 2 acres of land disturbance
- Treat the Water Quality Volume (WQ<sub>v</sub>)
- Incorporate a Table 4a or Table 4b BMP
- Drain time requirements

Source	BMP Name	Category	Quality	Quantity
	Wet Extended Detention Basin	Detention	Х	Х
	Constructed Extended Detention Wetland	Detention	Х	Х
	Dry Extended Detention Basin	Detention	Х	Х
EPA CGP Table 4a	Permeable Pavement – Extended Detention	Detention	Х	Х
	Underground Storage – Extended Detention	Detention	Х	Х
	Sand & Other Media Filtration – Extended Detention	Detention	Х	Х
	Bioretention Area/Cell	Bioretention	Х	Х
	Infiltration Basin	Infiltration	Х	Х
EPA CGP Table 4b	Infiltration Trench	Infiltration	Х	Х
	Permeable Pavement – Infiltration	Infiltration	Х	Х
	Underground Storage - Infiltration	Infiltration	Х	Х

# **ODOT L&D BMP Requirements**

### Project EDA >= 1 ac: BMP needed

# Four options Routine maintenance (No BMP) Utility, fence, guardrail, or noise wall (No BMP) Quality treatment Quality and quantity treatment



- NOT the same as an ODOT Maintenance Project
- Must have less than 5 acres of <u>Total EDA</u>
- No change to the purpose, line and grade, or hydraulic capacity of the facility
- ALL of the activities must be routine operations
  - If some disturbance is routine and some is not, then none of the project can be considered a routine maintenance project.
- Section 1112.2 of L&D Vol.2 lists routine maintenance activities
- Do not require an NOI and therefore do not require post-construction BMPs



#### S Pothole filling

- S Tree / brush removal
- Repair of existing guardrail, fence, noise wall, signs, lighting, curb, sidewalk, utilities
- Culvert replacement / repair
  Same line, grade, and hydraulic capacity
- Linear grading, berm repair, ditch cleanout
  To maintain drainage or address safety issues



- Bridge repair and replacement
  Abutments, approach, deck, and associated grading
- S Land slide repairs
  - Includes grading and repairing roadway features affected by the slide
- Our State of the second state of the second
  - Solution Dragging, blading, grading, adding aggregate, etc. to existing unpaved / gravel roadway. Includes paving of existing gravel road or shoulder to stabilize.



Full depth pavement repair / replace No change to the horizontal alignment No change to the hydraulic capacity of roadway Adding curb and gutter Adding new storm sewer Increasing the size of a culvert Increasing the size of a ditch Solution No additional impervious area added outside of the existing edge of the paved roadway S Total EDA less than 5 acres



- Even if project is all routine maintenance activity, the total EDA must be < 5 ac</p>
- Example Culvert Replacement:
  - No change to line, grade, or hydraulic capacity
- Scenario #1:
  - Project EDA = 2 ac
  - S Contractor EDA = 1 ac
  - S Total EDA = 3 ac... No NOI or post-construction BMP

#### Scenario #2

- Project EDA = 2 ac
- Sontractor EDA = 3.1 ac
- S Total EDA = 5.1 ac... NOI <u>and</u> post-construction BMP required



- S For larger slide project or linear grading, if the Total EDA is over 5 acres
- Office of Hydraulic Engineering may be able to determine that a post-construction BMP is not required
- Seed approval from Office of Hydraulic Engineering
- Still need an NOI and SS832 since the Total EDA is over 5 acres



# Utility, Fence, Guardrail, or Noise Wall

- S All project EDA is associated with utility line, fence, guardrail, or noise wall
- No post-construction BMPs required
- If Total EDA => 1 acre, still need an NOI



# **ODOT L&D – Quality Only**

- >= 1 acre Project Earth Disturbed Area (EDA)
- < 1 acre of new impervious area in new permanent right-of-way (Ain)

#### OR

Discharge to 4<sup>th</sup> order stream or stream with over 100 square miles drainage area

Source	BMP Name	Quality	Quantity
ODOT	Manufactured System	Х	
Quality	Vegetated Biofilter	Х	
Only	Vegetated Filter Strip	Х	



# **ODOT L&D- Quality + Quantity**

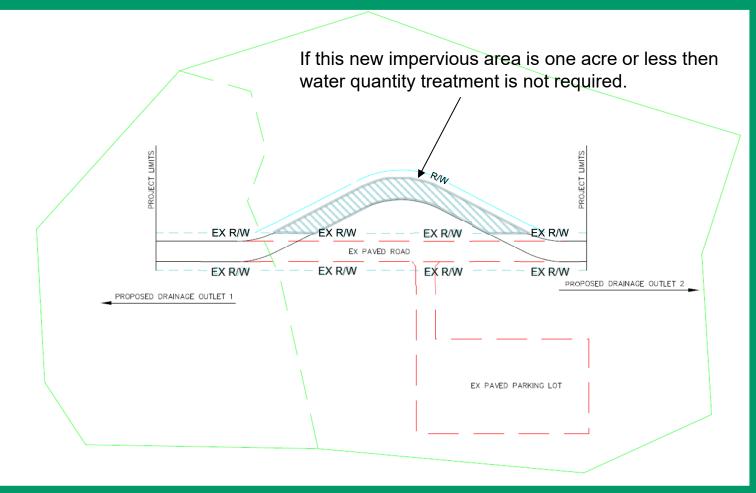
- >= 1 acre Project Earth Disturbed Area (EDA)
- >= 1 acre of new impervious area in new permanent right-of-way

Source	BMP Name	Quality	Quantity
ODOT Quality	Detention Basin	Х	Х
	Retention Basin	Х	Х
	Bioretention Cell	Х	Х
and	Infiltration Trench	Х	Х
Quantity	Infiltration Basin	Х	Х
	Constructed Wetland	Х	Х

Or a treatment train of quality only and quantity only



# Water Quality and Quantity Treatment





# **ODOT L&D- Quality + Quantity**

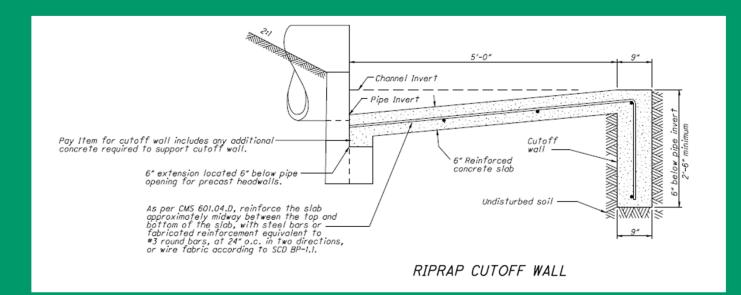
When quality and quantity are required, consider a treatment train

Manufactured system (quality) followed by underground storage (quantity)

Vegetated filter strip (quality) followed by stream grade control (quantity)



# **Credit for Stream Grade Control**



- Only applicable to "Waters of the U.S." as defined in L&D Vol.2.
- Credit for project areas that drain to the grade control ONLY.
- Paired with quality BMP



# **Overview**

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# **Other BMP Options**

#### When the Standard BMPs Don't Fit



# **Other BMP Options**

Alternative BMPs
 Has to be approved by Ohio EPA
 Off-Site Mitigation
 Not near the project



# **Alternative BMPs**

# Could be anything Approved BMPs that are tweaked to fit a tight site New technology Land conservation / enhancement Reduced treatment requirements

Project-specific approval from Ohio EPA and ODOT OHE



# **Off-Site Mitigation**

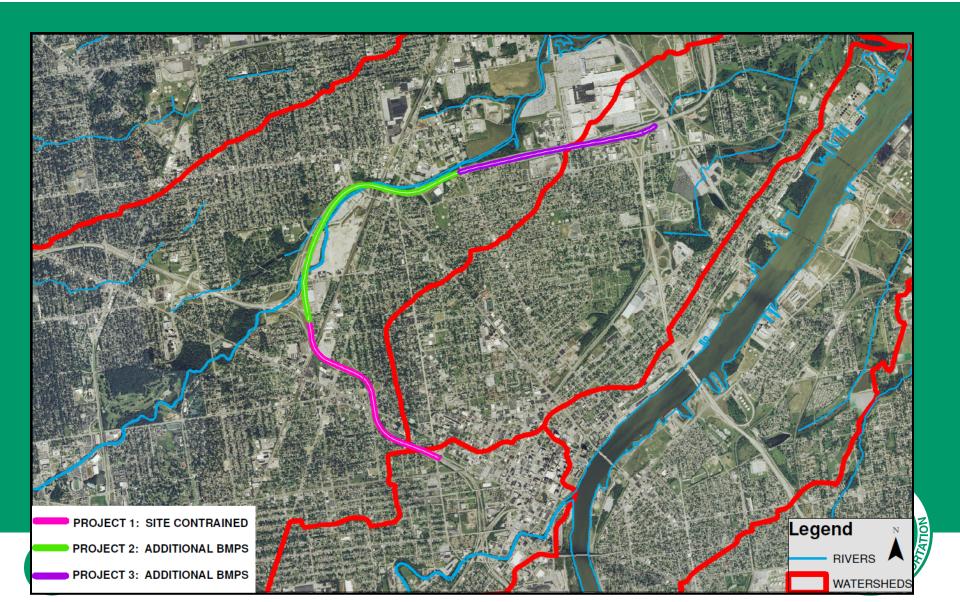
- Demonstrate Available BMPs are not Feasible
- Same HUC-12 Watershed
- Mitigation Ratio of 1.5 Times the WQ<sub>v</sub> or the WQ<sub>v</sub> at the Point of Retrofit
- Maintenance Agreement to Ensure O&M
- Scase-By-Case Approval from OEPA

# **Off-Site Mitigation**

 Not a Cost / Benefit Assessment
 On-Site Treatment is Generally Preferable
 Late BMP Planning can Limit Options
 Consider Post-Construction BMP Space Requirements Early
 The Need for Off-Site Mitigation Should be Identified Early in Project Planning



# **Off-Site Mitigation - Toledo**



# **In-Lieu Fee**

- This is Generally <u>NOT</u> an Option
- OEPA has MOU with ODOT and ODNR to handle Removal of Exfiltration Trench BMP from ODOT's L&D Vol. 2.
- Approx. 36 Transportation Projects Identified
  Design/Funding Complete with ExTs in Oct. 2013
- Wetland Banks: Yes
- Stream Mitigation Banks: Yes
- Stormwater Treatment Banks: No



# **Audience Participation!**



## **Audience Participation (1 of 8)**

Development	Major Highway Rehab	
Project EDA	130 acres	
Redevelopment Area	130 acres	
Treatment %	20%	
Required Treatment	26 acres	
Notes:		
Rehab several miles of highway, multiple bridges, and interchanges. Some pavement is added, but all is within existing ODOT R/W.		

Possible BMPs	OK?
Vegetated Filter Strip	
Vegetated Biofilter (grass ditch)	
Manufactured System	
Detention Basin	
Retention Basin	
Bioretention Cell	
Infiltration Trench	
Infiltration Basin	
Constructed Wetland	
Underground Detention	
Stream Grade Control	



#### **Audience Participation (1 of 8)**

Development	Major Highway Rehab	
Project EDA	130 acres	
Redevelopment Area	130 acres	
Treatment %	20%	
Required Treatment	26 acres	
Notes:		
Rehab several miles of highway, multiple bridges, and interchanges. Some pavement is added, but all is within existing ODOT R/W.		

Possible BMPs	OK?
Vegetated Filter Strip	Yes
Vegetated Biofilter (grass ditch)	Yes
Manufactured System	Yes
Detention Basin	Yes
Retention Basin	Yes
Bioretention Cell	Yes
Infiltration Trench	Yes
Infiltration Basin	Yes
Constructed Wetland	Yes
Underground Detention	No
Stream Grade Control	No
	٦ B



# **Audience Participation (2 of 8)**

Development	New Road	
Project EDA	15 acres	
Redevelopment Area	2 acres	
Treatment %	89%	
Required Treatment	13.4 acres	
Notes:		
New connector highway over existing farm land. Majority of EDA is outside of existing R/W.		

Possible BMPs	OK?
Vegetated Filter Strip	
Vegetated Biofilter (grass ditch)	
Manufactured System	
Detention Basin	
Retention Basin	
Bioretention Cell	
Infiltration Trench	
Infiltration Basin	
Constructed Wetland	
Underground Detention	
Stream Grade Control	

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ATION

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# **Audience Participation (2 of 8)**

Development	New Road	
Project EDA	15 acres	
Redevelopment Area	2 acres	
Treatment %	89%	
Required Treatment	13.4 acres	
Notes:		
New connector highway over existing farm land. Majority of EDA is outside of existing R/W.		

Possible BMPs	OK?
Vegetated Filter Strip	Maybe
Vegetated Biofilter (grass ditch)	Maybe
Manufactured System	Maybe
Detention Basin	Yes
Retention Basin	Yes
Bioretention Cell	Yes
Infiltration Trench	Yes
Infiltration Basin	Yes
Constructed Wetland	Yes
Underground Detention	Maybe
Stream Grade Control	Maybe
	E E



# **Audience Participation (3 of 8)**

Development	New Road	
Project EDA	15 acres	
Redevelopment Area	2 acres	
Treatment %	89%	
Required Treatment	13.4 acres	
Notes:		
New connector highway over existing farm land. Majority of EDA is outside of existing R/W. Roadway drainage will flow along roadside ditch and discharge to 4 <sup>th</sup> order stream.		

Possible BMPs	OK?
Vegetated Filter Strip	
Vegetated Biofilter (grass ditch)	
Manufactured System	
Detention Basin	
Retention Basin	
Bioretention Cell	
Infiltration Trench	
Infiltration Basin	
Constructed Wetland	
Underground Detention	
Stream Grade Control	



## **Audience Participation (3 of 8)**

Development	New Road
Project EDA	15 acres
Redevelopment Area	2 acres
Treatment %	89%
Required Treatment	13.4 acres
Notes:	
New connector highway over existing farm land. Majority of EDA is outside of existing R/W. Roadway drainage will flow along roadside ditch and discharge to 4 <sup>th</sup> order stream.	

Possible BMPs	OK?
Vegetated Filter Strip	Yes
Vegetated Biofilter (grass ditch)	Yes
Manufactured System	Yes
Detention Basin	Yes
Retention Basin	Yes
Bioretention Cell	Yes
Infiltration Trench	Yes
Infiltration Basin	Yes
Constructed Wetland	Yes
Underground Detention	No
Stream Grade Control	No
	E



## **Audience Participation (4 of 8)**

Development	Intersection Improvement: Roundabout
Project EDA	4.5 acres
Redevelopment Area	3 acres
Treatment %	47%
Required Treatment	2.1 acres
Notes:	

Add a roundabout to an intersection. The project includes acquiring additional right-of-way. The project will pave 1.5 acres of area in newly acquired right-ofway that was previously undeveloped.

Possible BMPs	OK?
Vegetated Filter Strip	
Vegetated Biofilter (grass ditch)	
Manufactured System	
Detention Basin	
Retention Basin	
Bioretention Cell	
Infiltration Trench	
Infiltration Basin	
Constructed Wetland	
Underground Detention	
Stream Grade Control	



### **Audience Participation (4 of 8)**

Development	Intersection Improvement: Roundabout
Project EDA	4.5 acres
Redevelopment Area	3 acres
Treatment %	47%
Required Treatment	2.1 acres
Notes:	

Add a roundabout to an intersection. The project includes acquiring additional right-of-way. The project will pave 1.5 acres of area in newly acquired right-ofway that was previously undeveloped.

OK?
Maybe
Maybe
Maybe
Yes
Maybe
Maybe



#### **Audience Participation (5 of 8)**

Development	Intersection Improvement: New Sidewalks
Project EDA	0.7 acres
Redevelopment Area	0.7 acres
Treatment %	?
Required Treatment	?
Notes:	
Less than 1 acre of Project EDA	

Less than 1 acre of Project EDA.

Possible BMPs	OK?
Vegetated Filter Strip	
Vegetated Biofilter (grass ditch)	
Manufactured System	
Detention Basin	
Retention Basin	
Bioretention Cell	
Infiltration Trench	
Infiltration Basin	
Constructed Wetland	
Underground Detention	
Stream Grade Control	



## **Audience Participation (5 of 8)**

Development	Intersection Improvement: New Sidewalks
Project EDA	0.7 acres
Redevelopment Area	0.7 acres
Treatment %	NA
Required Treatment	NA
Notes:	

Less than 1 acre of Project EDA.

No post-construction BMPs required. SS832 still required.

Possible BMPs	OK?
Vegetated Filter Strip	
Vegetated Biofilter (grass ditch)	
Manufactured System	
Detention Basin	
Retention Basin	
Bioretention Cell	
Infiltration Trench	
Infiltration Basin	
Constructed Wetland	
Underground Detention	
Stream Grade Control	

## **Audience Participation (6 of 8)**

Development	Culvert Replacement	
Project EDA	1.2 acres	
Redevelopment Area	1.2 acres	
Treatment %	?	
Required Treatment	?	
Notes:		
Replace culvert with same line, grade, and hydraulic capacity.		

Possible BMPs	OK?
Vegetated Filter Strip	
Vegetated Biofilter (grass ditch)	
Manufactured System	
Detention Basin	
Retention Basin	
Bioretention Cell	
Infiltration Trench	
Infiltration Basin	
Constructed Wetland	
Underground Detention	
Stream Grade Control	



# **Audience Participation (6 of 8)**

Development	Culvert Replacement
Project EDA	1.2 acres
Redevelopment Area	1.2 acres
Treatment %	NA
Required Treatment	NA
Notes:	
Replace culvert with same line, grade, and hydraulic capacity.	

No post-construction BMPs required. SS832 still required.

Possible BMPs	OK?
Vegetated Filter Strip	
Vegetated Biofilter (grass ditch)	
Manufactured System	
Detention Basin	
Retention Basin	
Bioretention Cell	
Infiltration Trench	
Infiltration Besin	
Constructed Wetland	
Underground Detention	
Stream Grade Control	

## **Audience Participation (7 of 8)**

Development	Culvert Replacement	
Project EDA	1.2 acres	
Redevelopment Area	1.2 acres	
Treatment %	?	
Required Treatment	?	
Notes:		
Replace culvert with same line, different grade, same diameter.		

Possible BMPs	OK?
Vegetated Filter Strip	
Vegetated Biofilter (grass ditch)	
Manufactured System	
Detention Basin	
Retention Basin	
Bioretention Cell	
Infiltration Trench	
Infiltration Basin	
Constructed Wetland	
Underground Detention	
Stream Grade Control	



# **Audience Participation (7 of 8)**

Development	Culvert Replacement	
Project EDA	1.2 acres	
Redevelopment Area	1.2 acres	
Treatment %	20%	
Required Treatment	0.24 acres	
Notes:		
Replace culvert with same line, different grade, same diameter.		

Different grade and hydraulic capacity; not Routine Maintenance.

Possible BMPs	OK?
Vegetated Filter Strip	Yes
Vegetated Biofilter (grass ditch)	Yes
Manufactured System	Yes
Detention Basin	Yes
Retention Basin	Yes
Bioretention Cell	Yes
Infiltration Trench	Yes
Infiltration Basin	Yes
Constructed Wetland	Yes
Underground Detention	No
Stream Grade Control	No
│ │	- North Contraction (1997)



#### **Audience Participation (8 of 8)**

Development	Add Turn Lane in	Possik
	Ultra-Urban Area	Vegetat
Project EDA	7.2 acres	Vegetat
Redevelopment Area	5 acres	Manufa
Treatment %	44%	Detentio
Required Treatment	3.2 acres	Retentio
Notes:		Bioreter
		Infiltratio

Adding more than 1 acre of new impervious area in new R/W. Curb and gutter. Discharge to City sewer system. Highly developed area. No ability to acquire more R/W. Many underground utility conflicts. HSG D Soils.



### **Audience Participation (8 of 8)**

Development	Add Turn Lane in Ultra-Urban Area
Project EDA	7.2 acres
Redevelopment Area	5 acres
Treatment %	44%
Required Treatment	3.2 acres
Notes:	

Adding more than 1 acre of new impervious area in new R/W. Curb and gutter. Discharge to City sewer system. Highly developed area. No ability to acquire more R/W. Many underground utility conflicts. HSG D Soils.

Possible BMPs	OK?
Vegetated Filter Strip	No
Vegetated Biofilter (grass ditch)	No
Manufactured System	Maybe
Detention Basin	No
Retention Basin	No
Bioretention Cell	No
Infiltration Trench	No
Infiltration Basin	No
Constructed Wetland	No
Underground Detention	Maybe
Stream Grade Control	No
	E E

Consider looking to Off-Site Mitigation

# **Questions**?

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