

**NORTHERN KENTUCKY
REGIONAL STORM WATER
MANAGEMENT PROGRAM**

**OFF-SITE MITIGATION POLICY
FOR
POST-CONSTRUCTION WATER QUALITY**



**SANITATION DISTRICT NO. 1
1045 EATON DRIVE
FORT WRIGHT, KY 41017**

July 2020

DOCUMENT HISTORY

ORIGINAL:

APPROVED by the Board of Directors this 20th day of September 2011.

REVISION No. 1:

APPROVED by the Board of Directors this 21st day of July 2020.

OFF-SITE MITIGATION POLICY FOR POST-CONSTRUCTION WATER QUALITY

A. Purpose

Sanitation District No. 1 (SD1) has developed a policy for providing off-site mitigation for those development projects that cannot meet the post-construction water quality requirements in the separate and combined sewer system as outlined in Sections 702 and 802 of the Northern Kentucky Regional Storm Water Management Program Rules and Regulations (Rules and Regulations). It is SD1's intent to ensure post-construction storm water management regulations are enforced to reduce the impact of development on the public and private drainage system and the environment. The off-site mitigation option is available for the following situations:

- i. Developer cannot meet the post-construction water quality requirements onsite due to site restrictions or unreasonable financial burden; or
- ii. The developer identifies an off-site control that is more beneficial or effective than the site-level control that would be required by the post-construction water quality requirements.

B. Applicability

Development projects that cannot feasibly meet the post-construction water quality requirements onsite in the separate or combined storm sewer systems may be eligible for Off-Site Mitigation. SD1's Storm Water Rules and Regulations provide SD1 the authority to implement off-site mitigation as an alternative to post-construction water quality requirements on a case-by-case basis determined solely by SD1. To request approval for a proposed off-site mitigation project, the owner or designated representative must notify SD1 in writing and provide the following information:

- i. Explanation of why post-construction water quality requirements may not be met onsite; and
- ii. Identification of the off-site mitigation project that will be completed to offset post-construction controls onsite, including all supporting design calculations.

If the project site discharges to a waterbody with a total maximum daily load (TMDL) allowance as defined and designated by the Kentucky Division of Water, the provisions of this policy may not be applicable. Project sites that discharge to waterbodies with a TMDL will be evaluated on a case-by-case basis. The owner or authorized representative must contact SD1 to determine if off-site mitigation is an appropriate alternative.

C. Off-Site Mitigation

Off-site mitigation may be completed for all or only a portion of the amount of storm water required to be managed onsite. The following outlines the criteria for off-site mitigation:

- i. **In the separate storm sewer system:**
 - a. The owner or authorized representative must identify an off-site mitigation project of equal storm water benefit (based on requirements of post-construction water quality treatment standard outlined in Section 702 of the Rules and Regulations)

in the same sub-watershed as the project for which this regulation is impacting. Storm water benefit of an off-site mitigation project will be based upon land cover and drainage area similar to the development project. For example, an off-site mitigation project for two acre drainage area with one acre of impervious area must address the storm water runoff generated from a similar site with approximately the same drainage area and impervious cover.

- b. If the owner or authorized representative and SD1 cannot agree upon a project within the same sub-watershed, SD1 may consider allowing off-site mitigation within the same watershed. Projects will be evaluated based upon impacts to the receiving waterbodies and other storm water infrastructure. The owner or authorized representative must demonstrate that the mitigation project provides equivalent water quality benefits and equally protects water quality of the receiving waters as would have been provided by the post-construction water quality treatment standard onsite.
- ii. **In the combined sewer system:**
- a. The owner or authorized representative must identify an off-site mitigation project of equal storm water benefit (based on requirements of the post-construction volume reduction standard outlined in Section 802 of the Rules and Regulations) in the same combined sewer catchment as the project for which this regulation is impacting. Combined sewer catchments represent the delineated drainage boundary to a specific combined sewer overflow point. Storm water benefit of an off-site mitigation project will be based upon land cover and drainage area; off-site mitigation projects must address similar types of land cover and drainage area as that of the development project. For example, an off-site mitigation project for a two acre drainage area with one acre of impervious cover in the combined sewer catchment in which the development occurs must address the storm water runoff generated from a site encompassing at least two acres of drainage area with one acre of impervious cover.
 - b. If the owner or authorized representative and SD1 cannot agree upon a project within the same combined sewer catchment, SD1 may consider allowing off-site mitigation within the broader combined sewer system area. Projects will be evaluated based upon impacts to combined sewer overflow volume and flooding. The owner or authorized representative must demonstrate that the mitigation project provides equivalent combined sewer overflow volume reduction and does not exacerbate flooding as would have been provided by the post-construction volume reduction standard for the development project onsite.
- iii. It shall be provided that the developer either owns the off-site property, or there is an agreement in perpetuity with the off-site property owner for the installation of the storm water control and maintenance of the facility.
- iv. Off-site mitigation projects must be explicitly approved by SD1 in writing based upon the criteria and policy developed by SD1.