Stormwater Management Ordinance

City of East Chicago
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Sponsor: Mayor Anthony Copeland

ORDINANCE No. 24-00

Stormwater Management Ordinance
City of East Chicago, Indiana
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Section 1. General Information

(a) AUTHORITY

Whereas the City of East Chicago, Indiana, hereinafter referred to as the City, is empowered and resolute to establish an Ordinance for the purpose of managing stormwater within the City's boundaries; and this Ordinance is adopted in accordance with statutory authority granted to the City under "Home Rule" and further is required by Phase II of the National Pollutant Discharge Elimination System Stormwater program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP). Based on this authority and these requirements, this Ordinance regulates:

(1) Discharges of prohibited non-stormwater flows into the storm drain system.
(2) Stormwater drainage improvements related to development of lands located within the corporate boundaries of the City.
(3) Drainage control systems installed during new construction and grading of lots and other parcels of land.
(4) Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity
(5) Stormwater discharges from construction support activities directly related to construction sites subject to this ordinance.
(6) Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
(7) The design, construction, and maintenance of Stormwater drainage facilities and systems.
(8) The design, construction, and maintenance of Stormwater quality facilities and systems.
(9) The design, construction, and maintenance of new dams
(10) The development downstream of existing dams
(11) Development within floodplains, floodways, fluvial erosion hazard corridors, and bluff zones

This Ordinance shall be known and may be cited as the City Stormwater Management Ordinance. Once adopted, this Ordinance will supersede any conflicting ordinances previously adopted by the City. The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other City ordinances, and as supplemental requirements to IDEM's CSGP and related rules and regulations. In the case of conflicting requirements, the most restrictive shall apply.

(b) APPLICABILITY AND EXEMPTIONS

This Ordinance shall regulate all development and redevelopment occurring within the City. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Section 9., until the plans required by this Ordinance for such construction have been accepted in writing by the City Stormwater Utility (Utility). With the exception of the requirements of Section 2 and Section 6(d) of this Ordinance, single-family dwelling houses and duplexes in accepted subdivisions, and land-disturbing activities affecting less than 10,000 square feet of area shall be exempt from the requirements of this Ordinance. Also exempt from this Ordinance shall be agricultural land-disturbing activities.

In addition to the requirements of this Ordinance and the City's Stormwater Technical Standards Manual, compliance with all applicable Ordinances of the City as well as with applicable Federal, State of Indiana, and other local statues and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. City capital improvement projects shall be exempt from obtaining a permit but are expected to meet all applicable technical requirements of this Ordinance and the City of East Chicago Stormwater Technical Standards Manual. If the project site is located within a Lake County Regulated Drain Watershed, the applicant will need to check with the Lake County Surveyor's Office to learn if additional Surveyor's Office requirements specific to that regulated drain would apply to the site. In case there are conflicts between the requirements contained in this Ordinance and applicable requirements contained in other regulatory documents referenced above, the most restrictive shall prevail.

Any construction project which has had its final drainage plan accepted by the City within a 2-year period prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance that are in excess of the requirements of ordinances in effect at the time of acceptance. Such an exemption is not applicable to the requirements detailed in Section 2 of this Ordinance.

The City has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated technical standards document. A pre-submittal meeting with the City may be requested by the applicant to discuss the applicability of various provisions of the Ordinance and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the City that may be based on the review of more detailed information and plans.

(c) FINDINGS

(1) Discharge of water from waterbodies, roadways, structures, and other property into the City's sanitary sewer system has caused and will continue to cause flooding and overloading to the sanitary sewer system.
(2) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
(3) Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
(4) Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
(5) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the City will, absent reasonable regulation and control, adversely affect the City's waterbodies and water resources;
(6) Pollutant contributions from illicit discharges within the City will, absent reasonable regulation, monitoring, and enforcement, adversely affect the City's waterbodies and water resources;
(7) Stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
(8) Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;
(9) Adopting this Ordinance is necessary for the preservation of public health, safety, and welfare, for the conservation of natural resources, and for compliance with State and Federal regulations.

(d) PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of stormwater and non-stormwater discharges to the City's storm drainage system and to protect, conserve and promote the orderly development of land and water resources within the City. This Ordinance establishes methods for managing the quantity and quality of stormwater entering the stormwater drainage system. The objectives of this Ordinance are:

(1) To reduce the hazard to public health and safety caused by excessive stormwater runoff;

(2) To prohibit illicit discharges to the stormwater drainage system;

(3) To minimize the discharge of pollutants to the stormwater drainage system;

(4) To minimize the discharge of sediment and related pollutants to the stormwater drainage system from construction, development, and redevelopment activities.

(5) To standardize the design, construction, and maintenance of stormwater drainage facilities and systems.

(6) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance

(e) ABBREVIATIONS AND DEFINITIONS

For the purpose of this Ordinance, the abbreviations and definitions provided in Section 9. shall apply.

(f) RESPONSIBILITY FOR ADMINISTRATION

The Utility and the MS4 Coordinator shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Utility may be delegated in writing by the Utility to qualified persons, including the MS4 Coordinator, or entities acting in the beneficial interest of or in the employ of the Utility.

(g) INTERPRETATION

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 8., shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

(h) SEVERABILITY

The provisions of this Ordinance are hereby declared severable, and if any court of competent jurisdiction should declare any part or provision of this Ordinance invalid or unenforceable, such invalidity or unenforceability shall not affect any other part or provision of this Ordinance.

(i) DISCLAIMER OF LIABILITY

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur, or stormwater runoff amounts may be increased by man-made or natural causes. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of the City or any department, board, officer, representative, or employee thereof, for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

The words “approve” and “accept”, and their common derivations as used in this Ordinance in relation to plans, reports, calculations, and permits shall mean that the City has reviewed the material produced and submitted by the applicant or his/her agents for general compliance with this Ordinance and the City Stormwater Technical Standards Manual, and that such compliance would qualify the applicant to receive a stormwater management approval or permit. Such an “approval” or “acceptance” is based on the assumption that the project engineer has followed all appropriate engineering methods in the design. Any stormwater quantity (drainage) or water quality problems associated with the project caused by poor construction by the contractor and/or poor engineering design or judgment, either on-site or off-site, are the responsibility of the developer and the project engineer.

Consideration, design, construction, and maintenance of safety measures for proposed or existing stormwater facilities shall be the responsibility of the developer, applicant, and/or the property owner. The City and its officials and representatives shall not be responsible for maintenance nor liability for any accidents.

Section 2.: Prohibited Discharges and Connections

(a) APPLICABILITY AND EXEMPTIONS

This section shall apply to all discharges, including illegal dumping, entering the storm drain system under the control of the CITY, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff.

Stormwater runoff from agricultural, timber harvesting, and mining activities is exempted from the requirements of this section unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are not included in this exemption.

Any non-Stormwater discharge permitted under an NPDES permit, waiver (unless the waiver is solely based on point source considerations, still allowing non-point source discharge of a pollutant), or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for the subject discharge to the storm drain system, is also exempted from this section.

(b) PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to the City's stormwater conveyance system, a watercourse, or a waterbody, directly or indirectly, any substance other than Stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMP's).

Concrete or mortar wash water from concrete washout activities or washout associated with stucco paint, form release oils, or curing compounds must be properly contained within an appropriate practice and any waste material properly disposed of.

The Utility is authorized to require dischargers to implement pollution prevention measures, utilizing BMP's necessary to prevent or reduce the discharge of pollutants into the City's stormwater drainage system.

(c) EXEMPTED DISCHARGES AND CONNECTIONS

Notwithstanding other requirements in this Ordinance, and unless the Board has identified a discharge as an unacceptable source of pollutants to the "Waters of the State of Indiana," the following categories of non-stormwater discharges or flows are lawful:

(1) Water line and hydrant flushing for maintenance;
(2) Irrigation water;
(3) Footing, foundation, and crawl space drains (uncontaminated)
(4) Air conditioning condensation (uncontaminated);
(5) Springs;
(6) Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes, community car wash events are exempted;
(7) Flows from riparian habitats and wetlands;

(8) Dechlorinated swimming pool discharges not including discharges from saltwater swimming pools;
(9) Street wash water;
(10) Discharges from emergency firefighting activities;
(11) Naturally introduced detritus (e.g. leaves and twigs);
(12) Routine external building washdown water that does not use detergents;
(13) Ditch maintenance for activities performed on a regulated drain by a county drainage board as defined in this Ordinance and IC 36-9-27.
(14) Discharges approved at the discretion of the Board.

(d) STORAGE OF HAZARDOUS OR TOXIC MATERIAL

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment that prevents any such materials from entering any temporary or permanent stormwater conveyance or watercourse. This includes any private easements dedicated as stormwater conveyances.

(e) PRIVATE PROPERTY MAINTENANCE DUTIES

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(f) SPILL REPORTING

Any discharger who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the MS4 Coordinator concerning the discharge. A written report concerning the discharge shall be filed with the Utility's Board and IDEM, by the discharger(s), within five (5) days. The written report shall specify:

(1) The name of the discharger;
(2) The date, time and location of the discharge;
(3) The composition of the discharge (including volume);
(4) The cause of the discharge;
(5) All measures taken to clean up the discharge, and all measures proposed to be taken to prevent any recurrence;
(6) The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A properly reported accidental discharge shall be an affirmative defense to a civil penalty or proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section and the Indiana Spill Rule (327 IAC 2-6.1).

This requirement does not relieve discharger from notifying other entities as required by state or federal regulations.

(g) AUTHORITY AND RIGHT OF ENTRY

The Board, its designated representative, and MS4 Coordinator shall have right-of-entry on or upon the property of any Person subject to this Ordinance and any permit/document approved or issued hereunder. The Board or its designated representative, and MS4 Coordinator shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this Ordinance.

Where a property, site, or facility has security measures in force which require proper identification and clearance before entry into its premises, the Person shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the Board or its designated representative will be permitted to enter without delay for the purposes of performing specific responsibilities.

The Board, its designated representative, and the MS4 Coordinator shall have the right to set up on the Person's property such devices necessary to conduct sampling and/or metering of the Person's stormwater operations or discharges.

Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the Person at the written or verbal request of the Board. The costs of clearing such access shall be borne by the Person.

The Board, its designated representative, and the MS4 Coordinator may inspect the facilities of any user in order to ensure compliance with this Ordinance. Such inspection shall be made with the consent of the owner, manager, or signatory official. If such consent is refused, denied, or not promptly addressed, the Board may seek issuance of an administrative search warrant.

The Board and the MS4 Coordinator have the right to determine and impose inspection schedules necessary to enforce the provisions of this Ordinance. Inspections may include, but are not limited to, the following:

(1) An initial inspection prior to stormwater permit approval or stormwater pollution prevention plan approval;

(2) An inspection prior to burial of any underground drainage structure;

(3) Erosion control inspections as necessary to ensure effective control of sediment prior to discharge to the municipal separate storm sewer system;

(4) An inspection when all work, including installation of stormwater management facilities, has been completed; and

(5) An inspection to determine the effectiveness or operational viability of a permanent or long-term stormwater quality management practice and facility O&M requirements implementation.

(h) NEW DEVELOPMENT AND RE-DEVELOPMENT

Following the final completion of construction and the receipt of as-built drawings by the Utility, the Board's representative, and the MS4 Coordinator have the right and authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances, management facilities, and connections to the storm drainage system are in compliance with this Ordinance and an applicable SWPPP, permit, or other approval document.

Section 3: Stormwater Quantity Management

(a) APPLICABILITY AND EXEMPTIONS

The storage and controlled release of excess stormwater runoff shall be required for all new business, institutional developments, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within the City. The Board, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization. Additional potential exemptions regarding the detention requirements are provided under Sub-section (b).

(b) POLICY ON STORMWATER QUANTITY MANAGEMENT

It is recognized that most streams and drainage channels serving the City may not have sufficient capacity to receive and convey stormwater runoff resulting from increased urbanization. Accordingly, the storage and controlled release of excess stormwater runoff as well as compensation for loss of floodplain storage shall be required for all developments and redevelopments (as defined in Section 9.) located within the City. Release rate requirements, downstream restriction considerations, acceptable outlet, adjoining property impact considerations, policy on dams and levees, policy on Fluvial Erosion Hazard corridors, and compensatory floodplain storage rates are detailed in the City's Stormwater Technical Standards Manual.

Due to unknowns regarding the future development patterns and the associated proposed stormwater quantity management systems within a watershed, it is the policy of the City to discourage direct release of runoff from a new development or redevelopment without providing detention. However, in rare circumstances, where a comprehensive watershed-wide hydrologic study or watershed plan of a major stream (not a "beat the peak" analysis) adopted by the Utility substantiates the benefits of (or allows for) direct release for a proposed development located adjacent to a major stream; the detention requirements set in this Ordinance may be waived. Other special circumstances when such a waiver may be considered by the Board include situations where the design of a regional pond has already taken into account the provision of direct release in certain areas in the watershed.

The City seeks to promote responsible development that effectively addresses both the quality and quantity of stormwater, integrates green infrastructure, and minimizes the adverse effects of stormwater runoff resulting from development and expanded impervious surfaces.

(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the Stormwater Technical Standards Manual. The methods and procedures in the Stormwater Technical Standards Manual are consistent with the policy stated above.

(d) DRAINAGE EASEMENT REQUIREMENTS

All stormwater systems, including detention or retention basins, conveyance systems, structures, and appurtenances, located outside of the right-of-way shall be placed within a drainage easement. There shall be no trees or shrubs planted, nor any structures or fences erected, in any drainage easement, unless otherwise accepted by the Board. Additional easement requirements along stormwater conveyance systems are contained in the Stormwater Technical Standards Manual. All drainage

improvements performed relative to the conveyance of stormwater runoff and the perpetual maintenance thereof, within the latter easements, shall be the responsibility of the owner or homeowner association. Any outlet to, crossing, and/or encroachment of a county Regulated Drainage Easement requires application and acceptance from the County Drainage Board in accordance with the Indiana Drainage Code.

(e) PLACEMENT OF UTILITIES

No utility company may disturb existing storm drainage facilities without the consent of the MS4 Coordinator and City Engineer, whose decision may be appealed to the Board. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Sec. 7 of this ordinance. Utilities, whether requiring a CSGP or not, must adhere to all stormwater regulations.

(f) STRUCTURES NEAR COUNTY REGULATED DRAINS

For regulated drains not located in platted subdivisions, unless otherwise accepted by the Lake County Drainage Board, no permanent structure (including fences) shall be erected within seventy-five feet measured at right angles from a) the existing top edge of each bank of a regulated open drain, as determined by the Lake County Drainage Board; or b) the center line of a piped Regulated Drain. The Lake County Drainage Board and the Indiana Drainage Code may be consulted for further details.

(g) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the approval of the Stormwater Management Permit by the Board and the commencement of construction activities, the Board, its representative, and the City Engineer have the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Section, the Stormwater Technical Standards Manual, Design and Construction Standards, and the terms and conditions of the approved permit. The owner/construction contractor of the site shall inform the MS4 Coordinator after installation of any underground pipes and fittings prior to backfilling to provide a chance for the Utility to visually inspect the installation prior to infrastructure being buried.

The Board, its representative, and the MS4 Coordinator also have the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the designed and approved performance specifications for the facilities, in addition to any prescribed Operation & Maintenance procedures, and shall not be subsequently altered, revised, or replaced except as approved by the Board. If deficiencies are found during the inspection, the owner of the facility will be notified by the MS4 Coordinator or the Board and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Board may undertake the work and collect the costs it incurs from doing so from the owner, using lien rights if necessary.

Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate recorded covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the stormwater permit is approved.

Stormwater conveyance facilities may be donated to the City or other unit of government designated by the City, for ownership and permanent maintenance providing the City or other governmental unit is willing to accept responsibility for the operation and maintenance of the conveyance facility.

Section 4: Stormwater Pollution Prevention for Construction Sites

(a) APPLICABILITY

A Stormwater Pollution Prevention Plan (SWPPP) is required, which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of a project's construction plans and specifications. Any project located within the corporate boundaries of the City that includes clearing, grading, excavation, or other land disturbing activities resulting in the disturbance of 1.0 acre or more of total land area is subject to the requirements of this section. All development or redevelopment activities that result in the disturbance of one (1) or more acres of land within the City, including land disturbing activities on individual lots of less than one (1) acre as part of a larger development or sale, must obtain the Utility's approval of a SWPPP. Projects meeting the coverage requirements of IDEM's CSGP shall also be in compliance with the requirements contained in that permit.

The requirements under this Section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion and sediment control measures:

(1) Landfills that have been issued a certification of closure under 329 IAC 10.
(2) Coal mining activities permitted under IC 14-34.
(3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the Utility, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Section 6 of this Ordinance, regardless of whether the individual lot is part of a larger permitted project site. For an individual lot where land disturbance is 10,000 square feet or more but less than one (1) acre, an Individual Lot Plot Plan Permit application is required prior to receiving a building permit. Details of the permitting process are contained in Section 6.

An individual lot located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the SWPPP and stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, the builders of these individual lots are required to submit Individual Lot Plot Plan Permit application along with a SWPPP for that individual lot prior to receiving a building permit. Details of the permitting process for individual lots and parcels are contained in Section 6 and additional requirements for individual lots may be found in the City Stormwater Technical Standards Manual.

Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbance project site, must be considered as a part of the total land disturbance calculation for the project site.

Strip developments will be considered as one project site and must comply with this Ordinance, unless the total combined disturbance to all individual lots is less than one acre and is not part of a larger common plan of development or sale.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the City in accordance with Section 6 of this Ordinance. It will be the responsibility of the project site owner to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and to notify the City upon completion of the project and stabilization of the site, requesting a termination inspection to be performed by the MS4 Coordinator and, if applicable, a Utility representative. However, all persons engaging in construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this Section and this Ordinance.

(b) POLICY ON STORMWATER POLLUTION PREVENTION

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling.

For land disturbance of one (1) acre or more, the developer must submit to the City, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. The SWPPP and the project management log must be retained for at least three (3) years from the date the project permit is terminated. For land disturbances totaling 10,000 square feet or more but less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the City of East Chicago Stormwater Technical Standards Manual must be utilized.

The required IDEM general and implementation requirements that apply to all land-disturbing activities are contained in the City Stormwater Technical Standards Manual.

(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

In calculating the total area of land disturbance, for the purposes of determining applicability of this section to a project, the following guidelines should be used:

(1) Off-site construction activities that provide services (for example, road extensions, sewer, water, offsite stockpiles, equipment and vehicle parking, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.

(2) To determine if multi-lot project sites are regulated by this section, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
   A. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
   B. For a single-family residential project site where the lots are less than one half (0.5) acre in size, the total lot must be calculated as being disturbed.
   C. To calculate lot disturbance on all other types of project sites, such as industrial and commercial projects project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in

the Indiana Stormwater Quality Manual, the Stormwater Technical Standards Manual, and the product guidance/specifications of the manufacturer. The methods and procedures included in these two references are in keeping with the above-stated policy and meet the requirements of the IDEM's CSGP. A Copy of the Indiana Stormwater Quality Manual may be obtained online through IDEM.

The design requirements that would apply to all land-disturbing activities and shall be considered in the selection, design, and implementation of all stormwater quality and management measures contained in the SWPPP are contained in the Stormwater Technical Standards Manual.

(d) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Following approval of the Stormwater Management Permit or Individual Lot Plot Plan Permit by the Utility and commencement of construction activities, the Utility has the authority to conduct inspections of the site to ensure full compliance with the provisions of this section, the approved Stormwater Pollution Prevention Plan (SWPPP), the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit.

A self-monitoring program (SMP) must be implemented by the project site owner to ensure the SWPPP is working effectively. A trained individual, acceptable to the City, shall monitor and manage project construction and stormwater activities. Details regarding the required monitoring activities are contained in the City Stormwater Technical Standards Manual.

The SWPPP shall serve as a guideline for stormwater quality but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this Section, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the trained individual for modified stormwater quality measures should be implemented.

A project management log must be maintained at the project site or in the possession of on-site individuals associated with the management and operations of the construction activities. Details regarding requirements related to the project management log are contained in the Stormwater Technical Standards Manual.

Section 5: Stormwater Management for Post-construction

(a) APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Section 4, the SWPPP, which is to be submitted to the Utility as part of the Stormwater Management Permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the corporate boundaries of the City that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of 1 or more acres of total land area is subject to the requirements of this section. This includes both new development and re-development, and disturbances of land less than 1 acre of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 acre or more of total land area. In addition, regardless of the amount of disturbance, the City reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance with provisions contained in the Stormwater Technical Standards Manual.

The requirements under this Section do not apply to the following activities:

(1) construction activities associated with a single-family residential dwelling disturbing less than one acre, when the dwelling is not part of a larger common plan of development or sale; or individual building lots within a larger permitted project.

The requirements under this Section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

(1) Landfills that have been issued a certification of closure under 329 IAC 10.
(2) Coal mining activities permitted under IC 14-34.
(3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Utility in accordance with Section 6 of this Ordinance. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMP's (especially, the protection of post-stormwater BMPs during construction phase) in compliance with this Ordinance and with the approved Stormwater Management Permit and SWPPP, and to notify the Utility upon completion of the project and stabilization of the site, requesting a termination inspection to be performed by the Utility. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this Section and this Ordinance.

Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.

Discharges from new development and redevelopment sites will not be allowed to discharge directly into karst features without pre-treatment.

(b) POLICY ON STORMWATER QUALITY MANAGEMENT

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues within the corporate boundaries of the City, measures must be taken to intercept and filter pollutants from stormwater runoff prior to it reaching regional creeks, streams, and rivers. Through the use of appropriate Best Management Practices (BMPs), to treat the Water Quality Volume (WQv) or the Water Quality Flow (Qwq) stormwater runoff will be filtered, and harmful amounts of sediment, nutrients, and contaminants will be removed.

It is also recognized that another major source of pollution in many Indiana streams, including those within the corporate boundaries of the City, is the streambank erosion associated with urbanizing watersheds. Stream channels develop their shape in response to the volume and rate of runoff that they receive from their contributing watersheds. Research has shown that in hydrologically stable watersheds, the stream flow responsible for most of the shaping of the channel (called the bankfull flow) occurs between every one to two years. When land is developed, the volume and rate of runoff from that land increases for these comparatively small flooding events that are not normally addressed by the detention practices and the stream channel will adapt by changing its shape. As the stream channel works to reach a new stable shape, excess erosion occurs. As new development and re-development continues within the corporate boundaries of the City, measures must be taken to minimize the impact of such development or re-development on streambank erosion. Through the use of appropriate Best Management Practices (BMPs) to retain and/or detain and slowly release the Channel Protection Volume (CPv), the volume and rate of runoff for channel forming flows will be reduced in an attempt to minimize increased streambank erosion in the receiving streams and channels.

The project site owner must submit to the City a SWPPP that shows placement of appropriate BMP(s) from a pre-approved list of BMP's specified in the City Stormwater Technical Standards Manual. The SWPPP submittal shall include an Operation and Maintenance Manual for all post-construction BMP(s) included in the project and a notarized Maintenance Agreement, consistent with the sample agreement provided in the Stormwater Technical Standards Manual, providing for the long-term maintenance of those BMPs, both of which shall be recorded with the deed for the property on which the project is located. The noted BMP(s) must be designed, constructed, and maintained according to guidelines provided or referenced in the City of East Chicago Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance and ease of maintenance of such practices will be according to guidelines provided in the Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMP's are provided in the Stormwater Technical Standards Manual.

(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

Calculation of land disturbance should follow the guidelines discussed in Section 3(c).

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the Stormwater Technical Standards Manual. The methods and procedures included in the referenced Standards is in keeping with the above stated policy and meet or exceed the requirements of IDEM's MS4GP.

(d) EASEMENT REQUIREMENTS

All stormwater management and treatment systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities, adequate easement width, as detailed in the Stormwater Technical Standards Manual.

(e) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the approval of the SWPPP and Stormwater Management Permit by the Utility and the commencement of construction activities, the Utility has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Section, the approved SWPPP, the Stormwater Technical Standards Manual, and the terms and conditions of any approved permit.

Stormwater quality facilities shall be maintained in good working order, in accordance with the Operation and Maintenance procedures and schedules listed in the Stormwater Technical Standards Manual, in addition to the designed and approved performance specifications for the facilities and shall not be subsequently altered, revised, or replaced except as approved by the Utility.

Details regarding the required stormwater BMP Maintenance Agreement, O&M Maintenance Manual, and a Maintenance Escrow account and their transfer to other parties or subsequent owners prior to release of the maintenance bond discussed in Section 6 of this Ordinance is provided in the Stormwater Technical Standards Manual. Owners of BMPs are required to submit yearly maintenance reports to the MS4 Coordinator.

The Utility also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspections will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report.

Section 6 Permit Requirements and Procedures

(a) CONCEPTUAL DRAINAGE PLAN REVIEW

In order to gain an understanding of the drainage requirements for a specific project, a developer may submit conceptual drainage plans and calculations for review by the Utility. The direction provided by the Utility during such a review is based on preliminary data and shall not be construed as an acceptance or binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

(1) Two (2) complete sets of conceptual plans showing general project layout, including existing and proposed drainage systems (plan sheets must be larger than 11" by 17", but not to exceed 24" by 36"). One set of plans must be provided to the Building Commissioner (to be shared with the City Engineer) and the other set to the MS4 Coordinator.
(2) General description of the existing and proposed drainage systems in narrative form.
(3) Map showing on-site 100-year floodplain and floodway (please note if none exists).
(4) Map showing all wetlands, lakes, and ponds on or adjacent to the site.
(5) Watershed Boundaries with USGS Contours or best information possible.
(6) Two (2) copies of drainage calculations detailing existing and proposed discharges from the site
(7) Existing watercourse or regulated drains.

(b) PERMIT PROCEDURES

This Section applies to all development, or re-development of land, that results in land disturbance of one (1) acre or more. Individual lots with land disturbance less than one (1) acre shall refer to Sections 4 and 5 and subsection (d) below for plan review requirements and procedures. Figure 1 is a flowchart summarizing the plan review/permit approval/project termination compliance process for land disturbance of one (1) acre or more and can be found at the end of this section.

(1) General Procedures

The project site owner shall submit an application for a Stormwater Management Permit to the Utility. The application will include a completed application checklist, construction plan sheets, a stormwater drainage technical report, a SWPPP, and any other necessary support information requested by the MS4 Coordinator. Specific information to be included in the application can be found in Subsection (c) below. Two copies of each application must be submitted to the Utility. The Utility may, at its discretion, require one or more copies to be submitted to other entities deemed appropriate by the Utility. Additionally, a digital copy of the construction plans is required in a format accepted by the City.

After the Utility's receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, it will be reviewed in detail by the Utility and/or its plan review consultant(s). Once all comments have been received and review completed, the Utility will either approve the project, request modifications, or deny the project. If the applicant does not agree with or accept the review findings and wishes to seek an appeal, the Utility will place the project on the agenda of the next regularly scheduled meeting of the Stormwater Utility Board provided the agenda for the meeting has not yet been advertised or published. If time for notification does not allow, the project shall be placed on the following

regularly scheduled meeting of the Board. If the project must go through a scheduled meeting, the Utility will furnish the applicant a complete list of comments and objections to the plans and accompanying data prior to the scheduled meeting. After the scheduled meeting, the Utility will either issue a permit, request modifications to the construction plans, or deny the project.

The project site owner must notify the Utility and IDEM before beginning construction. Notification to the Utility shall be in the form of an email to the MS4 Coordinator and City Engineer while the notification to IDEM shall be in the form of an online IDEM Notice of Intent (NOI) submittal. Once a permit has been issued and the pending construction notifications submitted to the Utlity and IDEM before the beginning of construction, construction may commence. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved SWPPP and permit. Upon completion of construction activities, a Certification of Completion and Compliance and as-built plans must be submitted to the Utility. Once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed, a notification shall be sent to the Utility, requesting a termination inspection. The MS4 Coordinator, City Engineer, and/or Utility's representative, shall inspect the construction site to verify that the completed project is fully stabilized and meets the requirements of this Ordinance and its technical standards and the terms and conditions of the SWPPP and permit. Once the applicant receives a signed copy of the Termination Inspection Checklist confirming compliance, they must forward a copy to IDEM along with the required IDEM Notice of Termination (NOT) form. Permits issued by the Utility under this Ordinance will expire 5 years from the date of issuance. If construction is not completed within 5 years, an updated permit application must be submitted to the City and an updated NOI must be resubmitted to IDEM at least 90 days prior to the expiration date.

(2) SWPPP Review Time Limits

Pursuant to IC 13-18-27, the Utility must make a preliminary determination as to whether the construction plan associated with the SWPPP is substantially complete before the end of the tenth (10th) working day (for sites with less than 5 acres of land disturbance) after the day on which the SWPPP is received by the Utility for the fourteenth (14th) working day (for sites with 5 acres or larger of land disturbance) after the day on which the SWPPP is received by the Utility. Depending on the outcome of the SWPPP review, the following scenarios may play out:

A. No SWPPP review notification received: If the Utility does not notify the applicant of its preliminary determination as to whether the construction plan is substantially complete within either the 10 or 14 day periods as specified above, the project site owner may submit a notice of intent (NOI) letter to IDEM including the information required by IDEM, or this Ordinance and the Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.
B. SWPPP not substantially complete: If the Utility notifies the applicant that the construction plan is not substantially complete, the project site owner may not submit a NOI letter to IDEM until the Utility makes a conclusive favorable determination concerning the construction plan under the IDEM rule/permit, or this Ordinance and the Stormwater Technical Standards Manual.
C. Unfavorable SWPPP: If the Utility notifies the applicant that the construction plan is substantially complete; and makes a conclusive unfavorable determination concerning the construction plan under IDEM rule/permit, or this Ordinance and the Stormwater Technical Standards Manual, the project site owner may not submit a notice of intent letter to IDEM.

D. Preliminary SWPPP review: If the Utility notifies the applicant that the construction plan is substantially complete and a preliminary review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project. The plan review authority reserves the right to perform a comprehensive review at a later date, and revisions may be required at that time.

E. Conditional SWPPP review: If the Utility notifies the applicant that the construction plan is substantially complete and a conditional review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project provided that the requirements included in the conditional review are fulfilled.

F. Favorable SWPPP review: If the Utility notifies the applicant that the construction plan is substantially complete and a preliminary review has been completed, the project site owner may submit a NOI letter to IDEM including the information required by IDEM, or this Ordinance and the Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.

Note that the above time limits only apply to the SWPPP portion of the overall stormwater permit submittal and does not affect any official or non-official permit review timelines set by the Utility for other aspects of the stormwater permit application process.

(c) INFORMATION REQUIREMENTS

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" Sections of Sections 2 through 5. If a project or activity is exempt from any or all requirements of this Ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required for individual lots, disturbing less than 1 acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under Section (d).

The different elements of a permit submittal include an application checklist, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana who also meets the definition of a Trained Individual found in Section 9.

(1) Application Checklist

As part of the Stormwater Management Permit application package, the application checklist provided in the Stormwater Technical Standards Manual must be completed by the applicant and provided along with other required supporting material.

(2) Construction Plans

Construction plan sheets (larger than 11" by 17", but not to exceed 24" by 36" in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. Note that in order to gain an understanding of and to evaluate the relationship between the

proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans must include items listed in the application checklist provided in the Stormwater Technical Standards Manual.

(3) Stormwater Drainage Technical Report

A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include items listed in the application checklist provided in the Stormwater Technical Standards Manual.

(4) Stormwater Pollution Prevention Plan for Construction Sites

For sites with total disturbance of one (1) acre or more, a Stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance. The SWPPP and construction plans must include the items listed in the application checklist provided in the City of East Chicago Stormwater Technical Standards Manual. For land disturbances totaling 10,000 square feet or more of land area but less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the City of East Chicago Technical Standards must be designed and shown on the plans.

(5) Post-Construction Stormwater Pollution Prevention Plan

For sites with total land disturbance of 10,000 square feet or more of total land area, a post-construction stormwater pollution prevention plan must be designed to, at least, meet the requirements of this Ordinance and must include the information provided in the Stormwater Technical Standards Manual. The post-construction stormwater pollution prevention plan must include items listed in the application checklist provided in the Stormwater Technical Standards Manual.

(d) CHANGES TO PLANS

Any changes or deviations in the detailed plans and specifications after approval of the applicable Stormwater Management Permit shall be filed with, and accepted by, the Utility prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

(e) FEE STRUCTURE

(1) FEE AMOUNT

As a condition of the submittal and the review of development plans by the Board, the applicant shall agree to pay the Utility the applicable fee, as set by the City, with respect to the review of all pre-construction drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as prepaid inspection fees.

A. Residential Developments

1 to 4 lots	$350
4 to 25 lots	$500
26 to 75 lots	$1,000
76 to 150 lots	$1,500
150 or more lots	$2,500

B. Commercial/ Industrial Developments

Up to 5.0 acres	$1,250
5.1 to 10.0 acres	$1,800
10.1 to 25.0 acres	$2,000
25.1 or more acres	$2,500

The Utility shall establish a schedule of fees for post-approval inspection and monitoring based on the cost of providing that service as determined by the Utility's financial consultant. The Board shall have a public hearing on the fee schedule prior to adopting the schedule.

(2) TIME OF PAYMENT

After the meeting at which the Utility is scheduled to consider acceptance of the applicant's final stormwater management permit, the Utility will furnish a written statement to the applicant specifying the total amount due the Utility in connection with the review of the applicant's submittals, plans and accompanying information and data, including the amount required to be paid by applicant for review and pre-paid inspection fees.

As a condition of acceptance of final drainage plans by the City, applicant shall pay to the City the sum set forth in said statement. The Utility may issue such a billing statement before the project advances to the final acceptance stage, and such payment is due by applicant upon receipt of said billing statement regardless of whether the project is advanced to the final acceptance stage.

The Utility shall have the right to not accept the drainage improvements or to not approve the advancement of any project for which the applicable fees have not been paid.

(3) METHOD OF PAYMENT

A. Fees shall be paid by one of the following methods
   (i.) Certified Check
   (ii.) Cashier's Check
   (iii.) Money Order
   (iv.) Credit Card

B. All checks shall be made payable and submitted to:
   (i.) East Chicago Stormwater Utility
   1969 Central Avenue
   East Chicago, Indiana 46405

(4) REFUND OF PAYMENT

Fees are only refundable if the Board determines that compliance with this Ordinance is not necessary.

(f) REQUIRED ASSURANCES

(1) The project site owner shall be responsible for the installation, good repair, maintenance, and proper operation of all stormwater management measures and removal of all temporary controls.

(2) The Board may require the owner or developer to post a fiscal surety, consisting of a bond, check, performance guarantee or other instrument, acceptable to and approved by the Board. When fiscal surety is required, the surety shall be posted prior to the issuance of a building permit.

(3) The fiscal surety shall be in the amount equal to one hundred twenty-five (125) percent of the estimated cost of all stormwater management measures for the entire project, as approved by the Board. Whenever feasible, fiscal surety may be combined with and posted with other appropriate security instruments, such as those required for subdivision regulations.

(4) Following the period allowed to the owner or developer to complete the installation of the stormwater management measures, if the Board finds the required temporary or permanent improvements or control measures have not been installed or maintained properly or are not in good repair or functioning properly, then the Board may declare the owner or developer to be in default if it does not appear that the improvements or controls will be completed or repaired within a reasonable time. Upon declaration of default, the Board shall demand such amounts from the surety as required to remedy the default.

(5) Request for release of surety may be made after the Board or its representative makes an inspection of the property and determines that site construction is finished; final stabilization has been established; the required improvements and controls are properly installed; and temporary controls have been removed.

(g) TERMS AND CONDITIONS OF PERMITS

In granting a Stormwater Management Permit, the Utility may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits is a violation of this Ordinance and will be subject to enforcement as described in Section 7.

The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the Stormwater Management Permit and the schedule for proposed implementation.

In the event that a project site is determined to impact or discharge to a Sensitive Area or is located in an Impact Drainage Area, the Utility may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the Indiana Stormwater Quality Manual.

(1) Determination of Sensitive Areas

Sensitive Areas include highly erodible soils, wetlands, karst areas, threatened or endangered species habitat, designated outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards and registered with US EPA as required by the IDEM. If wetlands are suspected on a site, a wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE). The need for the applicant to check for the presence of threatened or endangered species habitat will be determined on a case-by-case basis. Special terms and conditions for development

determined to impact or discharge to any Sensitive Area shall be included in the Stormwater Management Permit.

(2) Determination of Impact Drainage Areas

The following areas shall be designated as Impact Drainage Areas, unless good reason for not including them is presented to the Utility.

A. A floodway or floodplain as designated by the most updated FEMA Code dealing with floodplain regulation and/or by the Best Available Data through IDNR.
B. Land within 25 feet of each bank of any ditch within the City's system.
C. Land within 15 feet of the centerline of any stormwater infrastructure or enclosed conduit within the City's sewer or drainage system.
D. Land within 75 feet of each bank of a county open regulated drain.
E. Land within 50 feet of a natural drainageway.
F. Land within 75 feet of the centerline of any tiled regulated drain.
G. Land within the Fluvial Erosion Hazard (FEH) corridor.
H. Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.

The Utility or City Engineer is authorized, but is not required, to classify certain geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the Utility may consider such factors as topography, soil type, capacity of existing drains, and distance from an adequate drainage facility.

Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the Utility. Special terms and conditions for development within any Impact Drainage Area shall be included in the Stormwater Management Permit.

(3) Determination of Designated Drainage Areas Served by Regional Facilities

The Utility is authorized, but is not required, to classify certain geographical areas as Designated Drainage Areas that are or will be served by regional facilities, such as a regional pond. In such cases, an Infrastructure Development Fee (IDF) rate may be established by the Board. The basis for determining such a fee for a proposed development or re-development within a Designated Drainage Area will be as detailed in the Stormwater Technical Standards Manual.

(h) CERTIFICATION OF AS-BUILT PLANS

This Section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the City or retained privately. After completion of construction of the project and before the release of required performance assurances referenced in Section (g) above, a professionally prepared and certified 'as-built' set of plans (record drawings) shall be submitted to the Utility for review. These as-built plans/record drawings must be prepared and certified by the Engineer of Record, i.e., the company/engineer who originally prepared and stamped the construction plans. Additionally, a digital copy of the 'as-built' plans (record drawings) as well as finalized digital versions of all analyses, models, manuals, and reports that are consistent with the as-built conditions is required in a format acceptable to the City. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

(1) Pipe size and pipe material

(2) Invert elevations
(3) Top rim elevations
(4) Elevation of the emergency overflow (spillway) for ponds
(5) Grades along the emergency flood routing path(s)
(6) Pipe structure lengths
(7) BMP types, dimensions, and boundaries/easements
(8) "As-planted" plans for BMP's, as applicable
(9) Data and calculations showing detention basin storage volume
(10) Data and calculations showing BMP treatment capacity
(11) Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the Stormwater Management Permit as approved by the Utility. (See certificate in the Stormwater Technical Standards Manual.

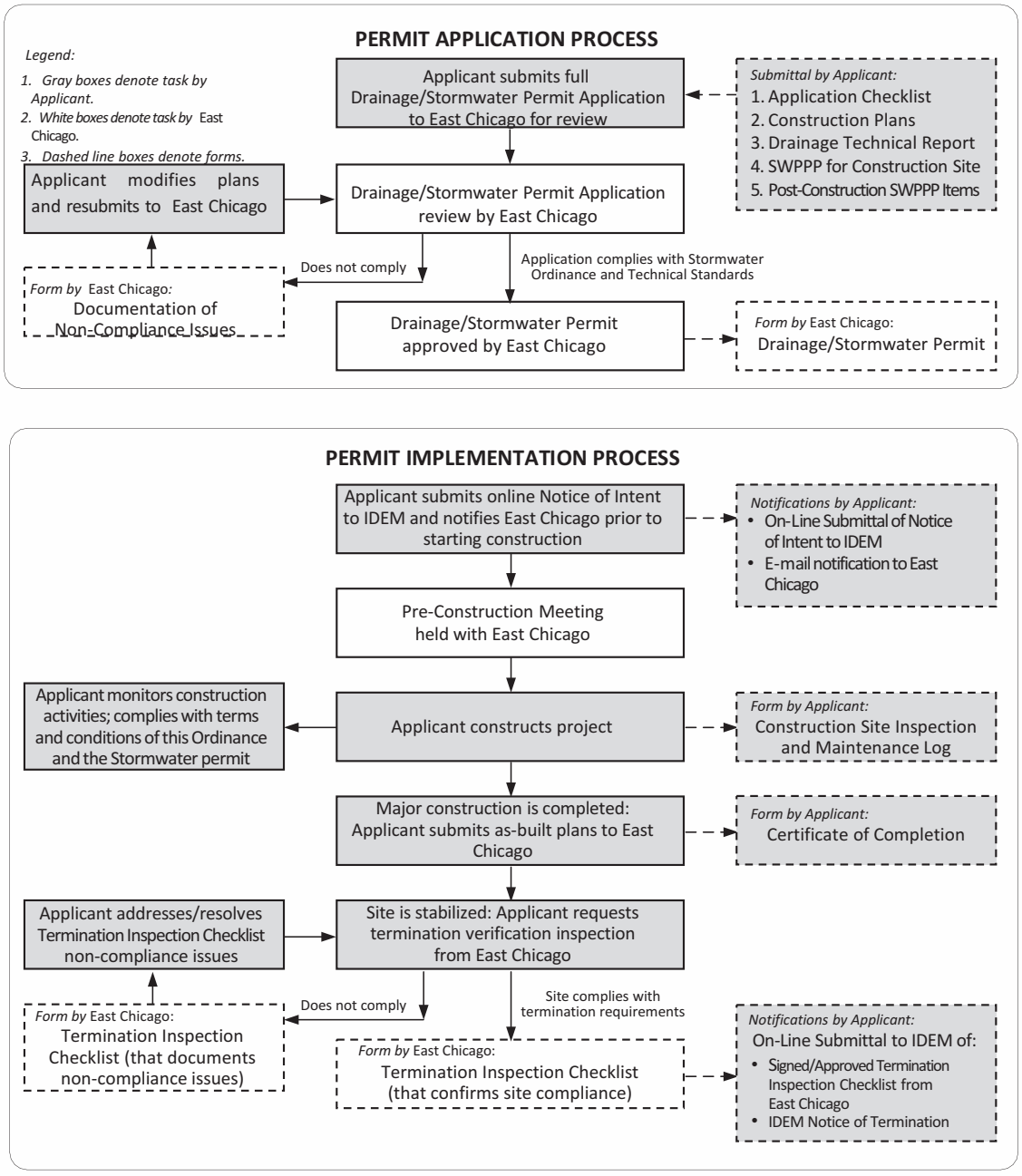
(i) POST-PROJECT MAINTENANCE BOND AND VERIFICATIONS

In addition to as-built plans and the certification of completion and compliance, following the release of performance assurances, the property owner, developer, or contractor shall be required to file a two-year maintenance bond or other acceptable guarantee with the Utility in an amount not to exceed twenty five percent (25%) of the cost of the stormwater management system located outside the public road rights-of-way, and in a form satisfactory to the Utility in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the approved plans, and this Ordinance and that any off-site drainage problems that may arise, whether upstream or downstream of such project, will be corrected if such drainage problems are determined by the Utility to have been caused by the development of such project. The bond or other acceptable guarantee shall be in effect for a period of two years after the date of the release of required performance assurances referenced in Section (g) above. The beneficiary of all maintenance bonds shall be the City Clerk Treasurer.

To verify that all stormwater infrastructure is functioning properly, visual recordings (via closed circuit television) of such infrastructure, including all subsurface drains, shall be required twice, once following the completion of installation of the stormwater management system and submittal of as-builts, and the second time before release of maintenance bonds. These visual recordings will be scheduled by the City and paid for by the developer. Notices shall be provided to the Utility within 72 hours following the completion of installation and again at least 60 days prior to the expiration date of the maintenance bond so that the noted recordings may be scheduled. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the Utility before the plat is recommended for recording and again before the maintenance bond shall be recommended to be released.

Additional requirements for transfer of any applicable stormwater BMP Maintenance Agreement, O&M Maintenance Manual, and Maintenance Escrow accounts to subsequent owners prior to release of the maintenance bond is discussed in Section 5 of this ordinance.

Figure 1: Permit Approval and Project Termination Sign-off Process



Section 7 Compliance and Enforcement

(a) COMPLIANCE WITH THIS ORDINANCE

To secure compliance with the requirements of this Ordinance and any approvals issued hereunder violations thereof shall be subject to the enforcement provisions set forth under (b) below. Additionally, compliance with the requirements set forth in the local Zoning Ordinances is also necessary. Compliance with the City Code as well as with applicable State of Indiana statues and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available.

(1) Definitions

A. **Violation**. Any action or inaction which violates the provisions of this Ordinance, the requirements of an approved SWPPP, stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in this Section. Any such violation is deemed to be a public nuisance and may be abated by injunctive or other equitable relief, in addition to and separate from the imposition of any of the enforcement actions described below.

B. **Compliance**. The act of correcting a violation or violations within the time frame specified by the Utility.

C. **Offense**. Both a violation and a failure of compliance on a particular project constitute an "offense." If there are multiple violations or multiple failures of compliance on the same project, each shall be considered a separate offense as further stated in section (b)(3).

(2) Warning Notice

When the Utility finds that any person has violated, or continues to violate, any provision of this Ordinance, or any order or permit issued hereunder, the Utility may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek and implement a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Utility to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(b) ENFORCEMENT OF THIS ORDINANCE

(1) Notice of Violation/Citation

If the Utility determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management design plan, a recorded stormwater management maintenance agreement, or the provisions of this Ordinance, it shall issue a written Notice of Violation to such applicant or other responsible person and the owner of the property. Where a person is engaged in an activity covered by this Ordinance without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation can be in the form of a citation ticket and/or a written letter that would contain detailed inspection findings, conclusions of law, disposition of warning or fines assessed, stipulated remedial actions as discussed with the responsible party's representative, reasonable deadlines for those remedial actions, and the date of re-inspection.

(2) Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator, alternative non-monetary compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, public education, etc.

(3) Civil Penalties for Violations

Any person who commits a violation under this Ordinance commits a civil infraction subject to a financial penalty not to exceed $2,500 for each violation, plus costs, damages, and expenses. Each day such violation occurs or continues without a compliance action that is satisfactory to the Utility may be deemed a separate violation and shall make the violator liable for the imposition of a financial penalty for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

Any person who aids or abets a person in a violation of this Ordinance or a permit issued hereunder shall be subject to the penalties provided in this section.

The Utility has established an Enforcement Response Schedule as noted in the table below that standardizes the approach that the Utility may, in its discretion, employ in dealing with stormwater regulations offenses subject to this Ordinance and the associated Technical Standards document. When so employed, this Schedule shall apply separately to each offense in the following manner: The first violation is the underlying violation itself, while the subsequent violation 2 thru 8 (as necessary) are failures of compliance.

Violation #	Type of Response Anticipated
1st violation	Verbal Telephone Notice, Letter of Violation or Written Warning and Administrative Penalty
2nd violation	Letter of Violation, Administrative Penalty and/or Site Visit
3rd violation	Letter of Violation, Administrative Penalty and/or Site Visit
4th violation	Letter of Violation, Administrative Penalty and/or Site Visit
5th violation	Agreed Order, Administrative Penalty and/or Site Visit
6th violation	Administrative Order, Administrative Penalty and/or Site Visit
7th violation	Compliance Schedule, Administrative Penalty and/or Site Visit
8th violation	Litigation and Administrative Penalty

Likewise, in order to standardize the approach that the Utility may, in its discretion, employ in the imposition of Administrative Penalties, the City has established the following Schedule of Administrative Penalties. Again, the penalty for the 1st offense would apply to the violation itself, while the subsequent penalties 2 through 4 (as necessary) would apply to failures of compliance. In its discretion, the Utility may impose penalties up to the amount specified in this Schedule.

Violation #	Penalty
1st violation	$2,500.00
2nd violation	$3,500.00
3rd violation	$5,000.00

Each day that a violation exists shall constitute a separate violation.

(4) Stop Work Order

In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Ordinance or approved stormwater management plans, the Utility may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Utility to proceed with the work. A Stop Work Order will be posted on the site by the Utility, and it is unlawful for any person to remove the notice or continue any work on the site without permission from the Utility. The Utility may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or permit to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

The Utility may bring an action under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce a stop work order against any person who neglects or fails to comply with a stop work order.

For construction projects that are operating under a SWPPP approved by the Utility, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the construction plan are not adequate, the project site owner must be notified in writing of the inadequacies in the erosion and sediment control measures and the project site owner has seventy-two (72) hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.

The seventy-two (72) hour period to resolve identified inadequacies on a construction project does not apply if the Stop Work Order is issued to a construction project where the project site owner is creating a public health hazard or safety hazard.

(5) Withhold Certificate of Occupancy

The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise satisfied the requirements of this ordinance as determined by the Utility.

(6) Suspension, Revocation, or Modification of Permits

The Utility or City may suspend, revoke, or modify any existing permit that the violator may also have been previously granted. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the Utility may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(7) Suspension of Access to the Stormwater Drainage System

A. Emergency Cease and Desist Orders

When the Utility finds that any person has violated, or continues to violate, any provision of this Ordinance, or any order or permit issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the City's stormwater management system or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Utility may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to immediately comply with all ordinance requirements and take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Utility may commence court action against such person under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce a stop work order.

The Utility may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Utility that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Utility within 5 business days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

B. Suspension Due to Illicit Discharges in Emergency Situations

The Utility may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters of the state if the violator fails to comply with a suspension order issued in an emergency, the Utility may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the State, or United States, or to minimize danger to persons.

C. Suspension Due to the Detection of Illicit Discharge

Any person discharging to the stormwater drainage system in violation of this ordinance may have their Stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The City of East Chicago will notify a violator of the proposed termination of its Stormwater drainage system access. The violator may petition the City of East Chicago for a reconsideration and hearing. A person commits an offense if the person reinstates Stormwater drainage system access to premises terminated pursuant to this Section, without the prior approval of the Utility.

(c) COST OF ABATEMENT OF THE VIOLATION

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the Utility may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the Utility for all costs of such work.

Nothing herein contained shall prevent the Utility from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the USEPA or IDEM for violation of the City's NPDES permit, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Ordinance, including inspection and monitoring expenses.

If the amount due for abatement of the violation is not paid within a timely manner as determined by the decision of the Utility or by the expiration of the time in which to file an appeal, the Utility may commence a court action to recover the costs assessed under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4).

(d) APPEALS

(1) Appeal of Notice of Violation

Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Board the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Board shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Board may consider the recommendations of the MS4 Coordinator, City Engineer, the City Staff, and the comments of other persons having knowledge of the matter. In considering any such appeal, the Board may grant a variance from the terms of this Ordinance to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

A. The application of the Ordinance provisions being appealed will present or cause substantial and unavoidable practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the Ordinance; and

B. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.

C. Any person who has appealed a violation to the appropriate board may appeal an adverse decision of the Board to a court of competent jurisdiction in Lake County, Indiana within 60 days of the Board's written order, all pursuant to IC 36-1-6-9 (e) & (f).

(2) Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of a timely appeal of the Board's decision, upholding the decision of the Utility, then representatives of the Utility shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property, including the commencing of a court action under IC 34-28-5-1 (b),to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce the order of the appropriate board.

Section 8 Stormwater Service Charges

(a) STORMWATER SERVICE CHARGE

A stormwater service charge shall be imposed on each and every lot and parcel of land within the city which directly or indirectly contributes to the stormwater system of the city, which charge shall be assessed against the owner thereof, who shall be considered the user for the purposes of this Section. This discharge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future city stormwater system and for compliance with the city's NPDES stormwater discharge permit(s).

(b) STORMWATER RATE ESTABLISHMENT PROCEDURES

(1) Rate

A. The stormwater service rate shall be fixed.

B. For the purpose of this Section, a month shall be considered to be a period of 25 days up through 35 days depending on billing cycles. Any billings for stormwater service outside this time shall be on a per diem basis.

(2) This storm water rate is designed to recover the cost of rendering stormwater service to the users of the stormwater system and shall be the basis for assessment of the city's stormwater service charge. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

(3) This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the DSM.

(c) RATE STRUCTURE AND CALCULATION

(1) For the purposes this Ordinance, there is hereby assessed a stormwater service charge to each user situated within the corporate limits of the city who contributes directly or indirectly to the stormwater system of the city, in an amount as determined below.

(2) For any property, lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the city, the charge shall be based upon the quantity of impervious area situated thereon.

(3) All properties having impervious area within the city will be assigned an equivalent residential unit (ERU), or multiple thereof, with all properties having impervious area assigned at least one ERU.

A. Residential properties. A monthly flat-rate charge for stormwater service rendered to residential properties shall be charged to each account within the city limits according to the service address. All residential properties are hereby assigned one ERU. This flat fee shall apply to all residential properties as defined herein. Residential properties may apply for credits as outlined in this Ordinance. Based on the granting of a credit, a residential property may pay for less than one ERU. However, in no case shall a residential property pay for less than 35% of the gross stormwater bill owed before credits were applied.

B. Nonresidential properties. Nonresidential properties will be assigned an ERU multiple based upon the property's individually measured impervious area (in square feet) divided by 2,500 square feet (one ERU). The division will be calculated to the first decimal place.

C. Whole ERUs. Only whole ERUs shall be used in determining the assignment of gross ERUs to a property. All rounding necessary to reach the appropriate whole ERU shall be done according to mathematical convention (0 -0.4 rounded down to nearest whole ERU; 0.5-0.9 rounded up to nearest whole ERU).

(4) There shall be no exceptions or exemptions from the assignment of gross stormwater ERUs.

(d) BILLINGS-TERMS OF PAYMENT

(1) Billings. All stormwater bills shall be rendered on a monthly basis, along with the user's charges for other city utility services.

(2) Terms of payment. The stormwater service charges prescribed this Ordinance shall be due on the payment date set out on the bill. It shall be a violation of this Section to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date, which due date shall be approximately, 5 days after the bill is rendered, shall be subject to a collection or deferred payment charge of 10% on outstanding balance.

(3) Payment priority. Stormwater service charges shall take priority over all other charges for city utility services. Partial payments shall first be applied to satisfy the garbage user fee under Chapter 55 and secondly, to these charges.

SECTION 9 Abbreviations and Definitions

(a) ABBREVIATIONS

BMP Best Management Practice

COE United States Army Corps of Engineers

CWA Clean Water Act

EPA Environmental Protection Agency

GIS Geographical Information System

IDEM Indiana Department of Environmental Management

MS4 Municipal Separate Storm Sewer System

NRCS USDA-Natural Resources Conservation Service

NPDES National Pollutant Discharge Elimination System

POTW Publicly Owned Treatment Works

SWCD Soil and Water Conservation District

SWPPP Stormwater Pollution Prevention Plan

USDA United States Department of Agriculture

USFWS United States Fish and Wildlife Service

(b) DEFINITIONS

Accelerated Erosion. The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

Alteration. As applied to land, a change in topography as a result of the moving of soil and/or rock from one location or position to another; the changing of surface conditions by causing the surface to be more or less impervious; grading or other earth disturbance; or construction activity.

Accidental Discharge. A discharge or release prohibited by this Ordinance which occurs by chance and without planning or thought prior to occurrence.

Base Flood Elevation. The elevation delineating the level of flooding from the 100-year frequency flood.

BMP (Best Management Practice). Activities, facilities, measures, or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of this Ordinance, including, but not limited to, infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

Board. The Board of Directors of the City's Stormwater Utility and any subordinate employee, agent, or representative thereof to whom it shall specifically delegate a responsibility authorized by this Ordinance. The MS4 Coordinator is established as the Board's permanent representative for all purposes regarding the implementation and interpretation of this Ordinance. Anything required to be submitted to the Board by this Ordinance shall be delivered to the MS4 Coordinator and the Board's Secretary.

Building Permit. A permit or other approval issued by a municipality for construction, excavation, and/or earth disturbance.

Capacity of a Storm Drainage Facility. The maximum flow that can be conveyed or stored by a storm drainage facility without overflowing or otherwise causing damage to public or private property.

Certified Professionals. Individuals who are trained and experienced in the principles of stormwater management, including erosion and sediment control as is demonstrated by completion of state registration, or professional certification that enable the individual to make judgments regarding stormwater management, treatment, and design.

Channel. A natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Compensatory Storage. An artificial volume of storage within a floodplain used to balance the loss of natural flood storage capacity when artificial fill or substructures are placed within the floodplain.

Construction Activity. Land disturbance activities subject to state Construction Stormwater General Permit requirements or local approvals. Such activities include, but are not limited to clearing and grubbing, grading, excavating, and demolition.

Contiguous. Adjoining or in actual contact with.

Culvert. A closed conduit used for the passage of surface drainage water under a roadway, railroad, canal, or other impediment flow.

Dechlorinated swimming pool discharge. Chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to a stormwater conveyance structure or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

Design Storm. The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 10-year storm) and duration (e.g., 24-hours), used in the design and evaluation of SWPPP's and Stormwater BMPs.

Detention. Managing Stormwater runoff by temporary holding and controlled release.

Detention Basin. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to temporarily detain concurrently the excess waters that accumulate behind the outlet.

Detention Storage. The temporary storage of stormwater in detention basins which could include rooftops, streets, parking lots, school yards, parks, open spaces, or other areas under predetermined and controlled conditions. The release rate from the detention storage area is regulated by designed and installed devices.

Detention Time. The theoretical time required to displace the contents of a tank or storage unit at a given rate of discharge (volume divided by rate of discharge).

Detritus. Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

Developer. Any person who owns or is financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to:

i. Construction, reconstruction, or placement of a building or any addition to a building;
ii. Construction of flood control structures, such as levees, dikes, dams or channel improvements;
iii. Construction or reconstruction of bridges or culverts;
iv. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than hundred eighty (180) days;
v. Installing utilities, erection of walls, construction of roads, or similar projects;
vi. Mining, dredging, filling, grading, excavation or drilling operations;
vii. Storage of materials; or
viii. Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities, such as the maintenance of existing buildings and facilities, such as painting; re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Discharge Rate. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

Disposal. The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste be emitted into the air, or be discharged into any waters, including groundwaters.

Ditch. A man-made or natural open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

Drain. A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

Drainage. The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see Natural drainage.

Drainage Area. The area from which water is carried off by a drainage system, a watershed or catchment area.

Drop Manhole. A manhole having a vertical drop pipe connecting the inlet pipe to the outlet pipe. The vertical drop pipe shall be located immediately outside the manhole.

Dry Bottom Detention Basin. A basin designed to completely drain after providing detention of excess runoff during a storm event.

Duration. The time period of a rainfall event.

Earth Disturbance. A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, road maintenance, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

Erodibility Index (EI). The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of (RxKxLS)/T (from the Universal Soil Loss equation) and (CxI)/T (from the Wind Erosion Equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture, and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 9 are considered highly erodible land.

Enforcement Authority. The MS4 Coordinator.

Erosion. Wearing away of the land by water and waves, abrasion, temperature changes, ice, and wind.

- Accelerated erosion--Erosion more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- Channel erosion --An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- Gully erosion --An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 ft. to as much as 7-10 ft.
- Rill erosion—An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see Rill).

- Splash erosion--The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- Sheet erosion--The gradual removal of a fairly uniform layer of soil from the land surface by runoff water

Filter Strip. Usually a long, relatively narrow area (usually, 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

Floatable. Any solid waste that will float on the surface of the water.

Flood Elevation. The elevation at all locations delineating the maximum level high waters for a flood of a given return period.

Flood Hazard Area. Any floodplain, floodway, floodway fringe or any combination thereof which is subject to inundation by the regulatory flood; or any floodplain as delineated by Zone A on a Flood Hazard Boundary Map.

Floodplain. The area adjoining the river or stream which has been or may hereafter be covered by flood water; comprising the regulatory floodway and floodway fringe as shown on FEMA mapping.

Flood Protection Elevation. The base flood elevation (100-year flood) plus two feet.

Floodway. The channel of a river or stream and those portions of the floodplain adjacent to the channel which are reasonably required to convey the 100-year (1%) flood.

Floodway Fringe. The area between the floodway and the boundary of the 100-year flood.

Fluvial Erosion Hazard (FEH) Corridor. Fluvial Erosion Hazard corridors represent the areas along the streams (including the channel and immediate overbanks areas) that are believed to be subject to stream movement or streambank erosion. These corridors have been delineated for most actively migrating and relatively stationary streams in Indiana through an Indiana Silver Jackets initiative.

Footing Drain. A drainpipe installed around the exterior or interior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

Garbage. All putrescible solid animal and vegetable wastes and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

Gasoline Outlet. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels.

Geographical Information System. A computer system capable of assembling, storing, manipulating, and displaying geographically referenced information. This technology can be used for resource management and development planning.

Grade. (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance. (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

Groundwater Recharge. Replenishment of existing natural underground water supplies.

Highly Erodible Land (HEL). Land that is easily eroded and has an erodibility index of eight or more.

Hot Spot Development. Projects involving land uses considered to be high pollutant producers, such as vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

Hydrograph. A graphical comparison of runoff being discharged from any particular site (measured in cubic feet per second) on the vertical axis, versus time (measured as time into the storm event such as hour 1, 2, 3 etc.) on the horizontal axis.

Hydrologic Unit Code. A numeric United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

Hydrology. The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

Illicit Discharge. Any discharge to an MS4 conveyance that is not composed entirely of stormwater, except naturally introduced floatables, such as leaves or tree limbs. Sources of illicit discharges include but is not limited to sanitary wastewater, septic tank effluent, commercial car wash wastewater, oil spills or disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, pollutant run-off, and household hazardous wastes.

Impact Areas. Areas defined and/or mapped by the Board, City Engineer, or Enforcement Authority which are unlikely to be easily drained because of one or more factors, including, but not limited to, any of the following: soil type, topography, land where there is not an adequate outlet, in a floodway, or in a floodplain.

Impaired Waters. Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) List of Impaired Waters.

Impervious Area. A hard surface area that does not readily absorb water. Impervious surfaces would include pavement, parking lots, driveways, rooftops and other hard surfaces that do not absorb water or allow surface water to percolate through the surface.

Individual building lot. A single parcel of land within a multi-parcel development.

Individual lot operator. A contractor or subcontractor working on an individual lot.

Individual lot owner. A person who has financial control of construction activities for an individual lot.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR,Section 122.26 (b)(14).

Infiltration. Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of runoff through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

Inlet. An opening into a storm sewer system for the entrance of surface stormwater runoff, more completely described as a storm sewer inlet.

Land-Disturbing Activity. Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading.

Land Surveyor. A person licensed under the laws of the State of Indiana to practice land surveying.

Larger common plan of development or sale. A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

Lateral Storm Sewer. A sewer that has inlets connected to it and empties into another storm sewer or channel.

Major Drainage System. A drainage system carrying runoff from an area of one or more square miles.

Manhole. Storm sewer structure through which a person may enter to gain access to an underground storm sewer or enclosed structure.

Measurable storm event. A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

Minor Drainage System. A drainage system having an area of less than one square mile.

MS4 Coordinator. Head of the City Stormwater Department or designated by the Board to be responsible for implementing and enforcing this Ordinance.

Mulch. A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Municipal Separate Storm Sewer System (MS4). The City's facilities designed or used for collecting and / or conveying stormwater, including, but not limited to, any roads with drainage systems, highways, streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural

stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

a) Owned or maintained by the jurisdiction;
b) Not a combined sewer; and
c) Not part of a publicly owned treatment works.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge General Permit A program established by the Clean Water Act which regulates the discharge of pollutants to waters of the United States via the issuance of operating permits to MS4 communities by either the Indiana Department of Environmental Management (IDEM) under delegated authority by the United States Environmental Protection Agency (USEPA) on an individual, group, or general area-wide basis.

Natural Drainage. The flow patterns of stormwater runoff over the land in its predeveloped state.

Non-Stormwater Discharge. Any discharge that is not composed entirely of stormwater. These discharges include, but are not limited to, process water, air conditioner condensate, non-contact cooling water, sanitary waste, concrete washout water, paint wash water, irrigation water, dewatering water, or pipe testing water.

Nutrient(s). (1) A substance necessary for the growth and reproduction of organisms. (2) In water, those substances (chiefly nitrates and phosphates) promote growth of algae and bacteria.

Off-site. Everything outside the boundaries of a development or other land disturbing activity. .

On-site. Located within the boundaries of a development or other land disturbing activity where runoff originates.

Open Channel. A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, canals, and, for volume and capacity computational purposes, pipes flowing partly full.

Outfall. The point or location where stormwater runoff discharges from a sewer or drain. Also applies to the outfall sewer or channel which carries the stormwater runoff to the point of outfall.

Outlet. The point of water discharge from a stream, river, lake, tidewater, or artificial drain.

Peak Flow (Peak Discharge). The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.

Permanent stabilization. The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent nonerosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

Person. Except to the extent exempted from this Ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, City, town, county, or other political subdivision of the State, any interstate body or any other legal entity.

Pollutant. Anything of a physical, chemical, or biological component nature, which causes or contributes to pollution.

Pollution. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any pollutant.

Porous pavement. A type of infiltration practice to improve the quality and reduce the quantity of stormwater runoff via the use of manmade, pervious pavement which allows runoff to percolate through the pavement and into underlying soils.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Professional Engineer. A person licensed under the laws of the State of Indiana to practice professional engineering.

Project site. The entire parcel on which construction activity is to be performed.

Project site owner. The person required to submit a stormwater permit and/or approval application and required to comply with the terms of this Ordinance, including the site titles holder and a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

Qualified Professional. An individual who is trained and experienced in the principles of stormwater management, including erosion and sediment control, as is demonstrated by state registration, professional certification, experience, or completion of course work that enable the individual to make valid judgments regarding stormwater control or treatment and monitoring, pollutant fate and transport, and drainage planning.

Rain garden. A vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

Rainfall Intensity. The cumulative depth of rainfall occurring over a given duration, normally expressed in inches per hour.

Reach. Any length of river, channel, or storm sewer.

Receiving Stream, Receiving Channel, or Receiving Water. The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

Recharge. Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

Redevelopment. Development occurring on a previously developed site.

Refueling Area. An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

Regulated Area. All the land under the jurisdiction of the City.

Regulatory Flood. That flood having a peak discharge which can be equaled or exceeded on the Average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to the Board. If a permit from the Indiana Department of Natural Resources (IDNR), Division of Water (DOW} for construction in the floodway is required, then the regulatory flood peak discharge should be calculated by a method acceptable to the Board and the IDNR, DOW. This regulatory flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

Release Rate. The amount of stormwater released from a described site or a stormwater control facility per unit of time.

Return Period. The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent probability of being equaled or exceeded in any one year.

Runoff Coefficient. A decimal, fraction relating the amount of rain which appears as runoff and reaches the stormwater drainage system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as stormwater runoff.

Sediment. Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved, from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Sensitive Water. A waterbody that is in need of priority protection or remediation based on its:

i. Providing habitat for threatened or endangered species,
ii. Usage as a public water supply intake,
iii. Relevant community value,
iv. Usage for full body contact recreation,
v. Exceptional use classification as found in 327 IAC 2-1-11(b), or
vi. Outstanding state resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

Sheet Flow. Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

Siphon. A closed conduit or portion of which lies above the hydraulic grade line, resulting in a pressure less than atmospheric and requiring a vacuum within the conduit to start flow. A siphon utilizes atmospheric pressure to affect or increase the flow of water through a conduit. An inverted siphon is used to carry stormwater flow under an obstruction, such as a sanitary sewer.

Soil Group, Hydrologic. A classification of soils by the Soil Conservation Service into four runoff categories. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

Solid Waste. Any garbage, refuse, debris, or other discarded material.

Spill. The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

Spillway. A waterway in or about a hydraulic structure, for the escape of excess water.

Storage Duration. The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

Storm Sewer. A closed conduit for conveying collected stormwater.

Stormwater. The total amount of precipitation reaching the ground surface.

Stormwater Drainage Facility. All means, natural or man-made, including conduits and appurtenant features, canals, channels, ditches, streams, and culverts, used for conveying stormwater runoff.

Stormwater Pollution Prevention Plan (SWPPP). A plan developed to minimize the impact of stormwater pollutants resulting from construction and other land disturbing activities. The plan is required as part of the City Stormwater Approval and IDEM Construction Stormwater General Permit applications.

Stormwater Construction General Permit. A legal document approved by IDEM that allows the permit holder to break ground or disturb soil on an entire construction site within the provisions of a thorough Construction Plan and an approved stormwater Pollution Prevention Plan. The permit addresses stormwater quantity and quality, including, but not limited to, erosion prevention, sediment movement control, and non-sediment pollution prevention activities.

Stormwater Runoff. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels, ditches, streams, culverts, streets and pumping stations.

Strip Development. A multi-lot project where building lots front on an existing road.

Structural Stormwater Control or Best Management Practice (BMP). Structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow.

Subdivision, Major. Any land that is divided or proposed to be divided into four (4) or more lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

Subdivision, Minor. Any land that is divided or proposed to be divided into less than four (4) lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

Subsurface Drain. A pervious backfilled trench, usually containing stone and a perforated pipe, for intercepting and conveying groundwater or seepage.

Surface Runoff. Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

Swale. An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

Temporary Stabilization. The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of at least seventy percent (70%) across the disturbed area.

Trained Individual. An individual who is trained and experienced in the principles of Stormwater quality and quantity management, including erosion and sediment control, as may be demonstrated by state registration, professional certification (such as CESSWI certification), or other documented and applicable experience or coursework as deemed sufficient by the City that enable the individual to make judgments regarding stormwater control or treatment and monitoring.

Tributary. Any watercourse that flows into a larger watercourse.

Urbanization. The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational, or public utility purposes.

Utility. The East Chicago Stormwater Utility.

Undiluted Discharge. A discharge that has not been mixed with that of another source, such as another stormwater drainage facility.

Vegetated swale. A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

Waters of the State. Any lake, reservoir, marsh, waterway, or other water:

(1) Under public:
    a. Ownership;
    b. Jurisdiction; or
    c. Lease; or
(2) That has been used by the public with the acquiescence of any or all riparian owners.

Watercourse. Any river, stream, creek, brook, branch, natural or man-made drainage way in or into which stormwater runoff or floodwaters flow.

Watershed. A geographic area from which water drains to a specific concentration point at the furthest downstream (lowest elevation) point.

Wet Bottom Retention Basin. A basin designed to retain a permanent pool of water after having provided its planned temporary detention of runoff during a storm event.

ORDINANCE NO. 2024—

ALL OF WHICH IS PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF EAST CHICAGO, INDIANA AND MADE A MATTER OF PUBLIC RECORD THIS _____ DAY OF _____, 2024.

_____
Lenny Franciski, President

ATTEST:

_____
Richard Medina, Clerk

PRESENTED by me, the Clerk of the City of East Chicago, Indiana on the _____ day of _____, 2024,

at the hour of _____

_____
Richard Medina, Clerk

APPROVED, SIGNED AND RETURNED by me to the City of East Chicago, Indiana on this _____ day of _____, 2024.

_____

Anthony Copeland, Mayor
City of East Chicago, Indiana