

Stormwater Management

And

Sediment Control Ordinance



City of Lake Station
3705 Fairview Avenue • Lake Station, IN 46405
(219) 962-2081

March, 2008

**Stormwater Management and Sediment Control Ordinance
for The City Of Lake Station, Indiana**

TABLE OF CONTENTS

Sec. 9-72 - General Provisions

Sec. 9-73 - Definitions

Sec. 9-74 - Stormwater Management & Sediment Control Policy

Sec. 9-75 - Stormwater Quality Management Plan

Sec. 9-76 - Permit Requirements and Procedures

Sec. 9-77 - Post Construction Stormwater Runoff Control

Sec. 9-78 - Illicit Discharges

Sec. 9-72. General Provisions

(a) Authority

Whereas the City of Lake Station, Indiana, hereinafter referred to as the CITY, is empowered and resolute to establish an Ordinance for the purpose of managing storm water; and Whereas the CITY, as mandated by 327 IAC 15-13 to develop and implement a StormWater Management Program within its jurisdiction, desires:

- (1) To prohibit illegal discharges to the stormwater drainage system;
- (2) To require erosion and sediment controls to be installed during construction to minimize negative impacts on water quality; and
- (3) To establish a regulatory mechanism and process for the review, approval, and issuance of permits for construction, development and redevelopment activities, which disturb one or more acres of land, in compliance with this Ordinance;

(b) Title

This article shall be known as the "Stormwater Management and Sediment Control Ordinance" of the City of Lake Station, Indiana and may be so cited.

(c) Findings

- (1) Whereas, every parcel of property within the CITY, both private and public, uses or benefits from the CITY's stormwater drainage system, including, but not limited to, the provision of adequate collection, conveyance, detention, retention and treatment of stormwater; and the reduction of hazards to life and property.
- (2) Whereas, the CITY finds that uncontrolled stormwater drainage or discharges may have a significant adverse impact on the health, safety and welfare of the citizens of the City of Lake Station, Indiana.
- (3) A comprehensive program of stormwater management, including reasonable regulation of development and other activities causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the City of Lake Station, their resources, and the environment.
- (4) Whereas, adverse water quantity and quality consequences may result in substantial economic losses. Potential losses include, but are not limited to, increased wastewater treatment costs, diminished property values, as well as state and federal fines associated with water quality violations.
- (5) Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.

(d) Purpose

The Ordinance establishes methods for managing the quality of stormwater entering the CITY'S stormwater drainage system. The objectives of the Ordinance are:

- (1) To prohibit non-stormwater discharges to the stormwater drainage system;

- (2) To minimize the discharge of pollutants to the stormwater drainage system;
- (3) To minimize the discharge of sediment and related pollutants to the stormwater drainage system from construction activities.
- (4) To standardize the design, construction and maintenance of stormwater drainage facilities and systems.

(e) Definitions

For the purpose of this Ordinance, the definitions contained in Sec. 9-73 shall apply:

(f) Conflicting Ordinances

The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other CITY Ordinances, and as supplemental requirements to Indiana's Rule 5 program (327 IAC 15-5). In the case of conflicting requirements, the most restrictive shall apply.

(g) 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 provision of the Ordinance.

(h) Effective Date

The provisions of this Ordinance shall become effective March 6, 2008, after final passage, approval and publication, as required by law.

Sec. 9-73 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 rock from one location or position to another; the changing of surface conditions by causing the surface to be more or less impervious; 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, to 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 Public Works of the City and any subordinate employee, agent or representative to whom they shall specifically delegate a responsibility authorized by this Ordinance.

Building Permit. A permit or other approval issued by a municipality for construction 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 causing damage to public or private property.

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 NPDES General Construction Permits related to "Rule 13" or "Rule 5" or local permits. 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.

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 Stormwater BMPs.

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.

Developer. A person that seeks to undertake any land development at a project site in the CITY.

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.

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

Erosion and Sediment Pollution Control Plan. A site-specific plan identifying BMPs to minimize accelerated erosion and sedimentation.

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 flood discharge without increasing the water surface elevation of the 100-year flood more than 0.1 feet at any point.

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

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

Grade. 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.

Groundwater Recharge. Replenishment of existing natural underground water supplies.

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.

Impact Areas. Areas defined and/or mapped by the City Engineer 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 adequate outlet, a floodway or floodplain.

Illicit discharge. Any discharge to a Municipal Separate Storm Sewer System (MS4) that is not composed entirely of stormwater except discharges pursuant to a National Pollutant Discharge Elimination System permit (other than the CITY's NPDES stormwater permit) or otherwise defined by this Ordinance.

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.

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

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

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.

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

Municipal Separate Storm Sewer System (MS4). Any facility 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) Storm Water Discharge 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 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.

Non-Stormwater Discharge. Any discharge to the storm drainage system that is not composed entirely of stormwater.

Off-site. Everything outside the developing right-of-way.

On-site. Located within the developing right-of-way 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 pipes flowing partly full (for computational purposes).

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

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

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 constituent.

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

Qualified Professional. An individual who is trained and experienced in storm water treatment techniques and related fields as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make sound, professional judgments regarding storm water control or treatment and monitoring, pollutant fate and transport, and drainage planning.

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.

Regulated Area. All of 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 probability of occurrence of one percent (1%) in any given year.

Release Rate. The amount of stormwater released from 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 storm 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. Material of soil and rock origin, transported, carried or deposited by water.

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 effect or increase the flow of water through a conduit. An inverted siphon is used to carry stormwater flow under an obstruction such as 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.

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 storm water 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 Appeals Committee. A committee composed of at least three (3) people from or appointed by the Mayor in compliance with related State law.

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 Quality Management Permit. A legal document 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 a Stormwater Pollution Prevention Plan. The permit addresses erosion prevention, sediment 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.

Structural Stormwater Control or Best Management Practice (BMP). A 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.

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.

Undiluted Discharges. A discharge that has not been mixed with that of another source such as another septic tank.

Waters of the State. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Indiana which are not entirely confined and retained completely upon the property of a single Person.

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.

Sec. 9-74 Stormwater Management & Sediment Control Policy

(a) Storm Water Control Policy

It is recognized that, with the possible exception of the major watercourses such as the Deep River and Burns Ditch, the smaller streams and drainage channels serving the CITY may not have sufficient capacity to receive and convey storm water runoff resulting from continued urbanization. Accordingly, the storage and controlled release raw or excess storm water runoff shall be required for all new business, commercial and industrial developments, residential subdivisions, planned unit development, and any redevelopment or other new construction of like kind located within the CITY. Possible exceptions to the requirement are minor subdivisions and parcelization as those developments are described in the Subdivision Ordinance. The Board, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization.

The release rate of storm water from developments and redevelopment's may not exceed the storm water runoff from the land area in its present state of development. The developer must submit to the City Engineer and, where applicable, the Board, detailed computations of runoff before and after development or redevelopment, which demonstrates that runoff, will not be increased. These computations must show that the peak runoff rate after development for the 100 year return period does not exceed the pre-construction 10 year return period peak runoff rate. Hydrograph techniques and computer modeling methods used to determine storm water runoff shall be proven methods, subject to approval of the City Engineer.

(b) Information requirements

Each proposed major or minor subdivision lying within the CITY, prior to Preliminary Plat Approval by the Plan Commission, and each building permit application for construction of a commercial or industrial facility which is to be constructed on real estate which lies within the CITY, shall have the following information and data prepared under the direct supervision and certification by an Indiana Licensed professional engineer or land surveyor who is regularly engaged in storm drainage design.

(1) Legendary Boundary Survey

A legal boundary survey shall be performed in conformance with Rule 12 of Title 864 of the Indiana Administrative Code or any applicable and subsequently adopted rule or regulation for the subdivision limits, including all drainage easements and wetlands.

(2) Contour Map

A topographic map of the land to be subdivided and such adjoining land whose topography may affect the layout or drainage of the development. The contour intervals shall be one foot on this map, the following shall be shown:

- A. The Location of streams and other storm water runoff channels, the extent of the floodplain at the established 100-year flood elevation where available, and the limits of the floodway, all properly identified.
- B. The normal shoreline of lakes, ponds, swamps and detention basins, their floodplain, and lines of inflow and outflow.

- C. The location of regulated drains, farm drains, inlets and outfalls.
- D. Storm, sanitary and combined sewers and outfalls.
- E. Septic tank systems and outlets.
- F. Seeps, springs, flowing and other wells.
- G. Soil names and their hydrologic classification for the proposed development when hydrologic methods requiring soils information are used.
- H. The elevation datum for the topography shall be based upon North American Vertical Datum of 1988 (NAVD 88). The map will contain a notation indicating that fact.
- I. The horizontal datum for the topography shall be based upon Indiana State Plane Coordinates, North American Datum of 1983 (NAD 83). The map will contain a notation indicating that fact.
- J. The map will contain a vertical bench mark, including a description of the published permanent bench mark used for survey.

(3) Preliminary Drainage Plan

A comprehensive plan, in preliminary form (or in combined preliminary and final form), designed to handle safely the storm water runoff and detain the increased storm water runoff. The plan shall provide or be accompanied by maps or other descriptive material indicating the feasibility of the drainage plan and showing the following:

- A. The drainage plan will be in conformance with this Ordinance, and all revisions thereto, as administered by the Board.
- B. The extent and area of each watershed affecting the design of detention facilities as shown on USGS Quadrangle Maps or other more detailed maps are required by the board or City Engineer.
- C. The preliminary layout and design of street storm sewers, where proposed, and other storm drains to be built, the outfall and outlet locations and approximate elevations, the receiving stream or channel and its 100-year return period water elevation.
- D. The location and design of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from heavier rainstorms and outlets for such overflow.
- E. Existing streams and floodplain to be maintained, and new channels to be constructed, their locations, cross-sections and profiles.
- F. Proposed culverts and bridges to be built, their materials, elevations, and waterway openings and basis of their design.
- G. Existing detention ponds and basins to be maintained, enlarged, or otherwise altered and new ponds or basins to be built and basis of their design.
- H. The estimated depth and amount of storage required by design of the new ponds

basins.

- I. The estimated location and percentage of impervious surfaces existing and expected to be constructed when the development is completed.
- J. Any interim plan that is to be incorporated into the development and the final drainage plan.
- K. A hydraulic report detailing existing and proposed drainage patterns on the subject site. The report should include a description of the present land use as well as proposed land use. Any off-site drainage entering the site should be addressed. This report should be comprehensive and detail all the design steps, which the design engineer performed during the design.
- L. All hydrologic and hydraulic computations performed should be included in the submittal. These calculations should include, but not limited to: runoff curve numbers or runoff coefficients; runoff calculations; stage-discharge relationships; times-of-concentration; and storage volume.
- M. Copies of all computer runs. These computer runs should include both the input data and the output results. Computer generated files sent to the City Engineer will expedite the review process.
- N. A set of plan drawings sealed by an Indiana registered professional engineer or Indiana registered land surveyor showing all proposed detention areas, storm sewers, inlets, outfall structures, open ditches, culverts and bridges.
- O. Set of exhibits should be included showing the drainage subareas.
- P. A conclusion report summarizing the hydraulic design and detailing how this design satisfies this Ordinance.

(4) Valley Cross-Section

One or more typical cross-sections of all existing and proposed channels or other open drainage facilities carried to a point above the 100-year high water and showing the elevation of the existing land and the proposed changes thereto, together with the high water elevations expected from the 100 year storm under the controlled conditions called for by this Ordinance, and the relationship of structures, streets and other facilities.

(5) Site Plan

A plan drawn to scale showing dimensions of the site with existing and proposed storm drainage facilities.

(6) Final Drainage Plans

Upon approval of the preliminary drainage plans by the City Engineer, final drainage plans shall be submitted to the City Engineer. The final plans shall provide or be accompanied by calculations, maps and/or other descriptive material showing the following:

- A. The extent and area of each watershed tributary to the drainage channels in the development.
- B. The street storm sewers and other storm drains to be built, the basis of their design,

outfall and outlet locations and elevations, receiving stream or channel and its high water elevations, and the functioning of the drains during high water conditions.

- C. The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and over the curb runoff resulting from heavier rainstorms and the outlets for such overflow.
- D. An overland flow path that will pass the 100-year flow at a stage at least 2 feet below foundation grades in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided in public rights-of-way or drainage easements.
- E. Existing streams and floodplain to be maintained, and new channels to be constructed, their locations, cross-sections and profiles.
- F. Proposed culverts and bridges to be built, their materials, elevations, waterway openings and basis of their design.
- G. Existing detention basins and ponds to be maintained, enlarged or otherwise altered and new basins or ponds to be built and the basis of their design.
- H. The estimated location and percentage of impervious surfaces existing and expected to be constructed when the development is completed.
- I. The slope, types and size of all sewers and other waterways.
- J. For all detention basins, a plot of tabulation of storage volumes with corresponding water surface elevations and a plot or tabulation of the basin outflow rates for those water surface elevations.

A written report must be included with each preliminary and final drainage plan. The report will contain a summary description of:

- (i.) The significant drainage problems associated with the project;
- (ii.) the analysis procedure used to evaluate these problems and to propose solutions;
- (iii.) any assumptions or special conditions associated with the use of these procedures, especially the hydrologic or hydraulic methods;
- (iv.) the proposed design of the drainage control system; and
- (v.) the results of the analysis of the proposed drainage control system showing that it does solve the project's drainage problems. Any hydrologic or hydraulic calculations or modeling results will be included as appendices to the written report and must be adequately cited and described in the Summary description. If hydrologic or hydraulic models are used, the input files for all necessary runs must be included in the appendices. A map showing any drainage area subdivisions used in the analysis must accompany the report.

(7) Submittal and Consideration of Plans

Preliminary and final drainage plans and/or construction plans shall be submitted to the City Engineer. All preliminary plans, final plans and/or construction plans in compliance with the standards of this Ordinance and duly adopted Rules of the Department shall be approved by the City Engineer. Once approved, final plans and as-builts shall be provided to the Engineer in digital format designated by and/or acceptable to the board, along with two (2) sets of prints. The City Engineer shall stamp such approval on a copy of such plans and deliver the same to the applicant. The City Engineer shall approve or disapprove any preliminary plans, final plans and/or construction plans within thirty (30) days of submission unless a continuance or extension is required for the City Engineer's review.

The Board is authorized to review engineering summaries of projects and, based upon the same and any recommendation of the City Engineer, grant exemptions from any and all requirements of this Ordinance and/or waive any requirements of this Ordinance.

Sec. 9-75 Stormwater Quality Management Plan

(a) Applicability

All development or redevelopment activities that result in the disturbance of one (1) or more acres of land within the City of Lake Station, Indiana, including land disturbing activities on individual lots of less than one (1) acre as part of a development or sale, must obtain a Storm Water Quality Management Permit (SWQMP).

(b) Stormwater Quality Management Permit

- (1) A SWQMP must be issued prior to the initiation of any land disturbing activities to ensure the protection of the CITY'S stormwater drainage system, public health, water quality and aquatic life.
- (2) It will be the responsibility of the project site owner to complete a SWQMP application and to ensure that a sufficient construction plan, including a Stormwater Pollution Prevention Plan (SWPPP), is completed and submitted to the CITY in accordance with this Ordinance.
- (3) It will be the responsibility of the project site owner to ensure compliance with this Ordinance, to implement the SWPPP during the construction activity, to notify the CITY of project initiation via a Notice of Intent (NOI) letter and to notify the CITY of project termination via a Notice of Termination (NOT) letter upon completion and stabilization of the site. However, all persons engaging in construction and land disturbing activities on a permitted project site must comply with the requirements of this Ordinance.
- (4) For all land disturbing activities of one (1) or more acres of land, the submittal of a SWQMP application must include a NOI letter with proof of publication of a Public Notice, Construction Plans, a Stormwater Pollution Prevention Plan and any other necessary information or documentation requested by the CITY.
- (5) The Notice of Intent (NOI) letter is a standard form that includes the following information:
 - A. Name, mailing address and location of the project site for which the notification is submitted.
 - B. The project site owner's name, address, telephone number, e-mail address (if available) and ownership status as federal, state, public, private or other entity.
 - C. Contact person, (if different than project site owner), person's name, company name, address, e-mail address (if available) and telephone number.
 - D. A brief description of the construction project, including a statement of the total acreage of the project site. Total acreage claimed in the NOI letter shall be consistent with the acreage covered in the construction plan.
 - E. Estimated dates for initiation and completion of construction activities.
 - F. For all land disturbing activities of one (1) or more acres of land, the latitude

and longitude of the approximate center of the project site to the nearest fifteen (15) seconds, and the nearest quarter section, township, range, and civil township in which the project site is located.

- G. Total impervious surface area, in square feet, of the final project site including structures, roads, parking lots, and other similar improvements.
- H. The number of acres to be involved in the construction activities.
- I. Proof of publication of a Public Notice in a newspaper of general circulation in the CITY, notifying the public that construction activities are to commence, and that states the following:
 - (i) "(Company name, address) is submitting an NOI letter to notify the CITY and the Indiana Department of Environmental Management of our intent to comply with the requirements of the Stormwater Management and Sediment Control Ordinance No. 2008-02 and the requirements of 327 IAC 15-5 to discharge stormwater from construction activities for the following project: (name of the construction project, address of the location of the construction project). Run-off from the project site will discharge to (stream(s) receiving the discharge(s))."
- J. As applicable, a list of all MS4 areas designated under 327 IAC 15-13 in which the project site lies.
- K. A signed certification by the CITY's MS4 operator indicating that:
 - (i) the stormwater quality measures included in the construction plan comply with the requirements of this Ordinance and that the SWPPP complies with all applicable federal, state, and local stormwater requirements;
 - (ii) the measures required by this Ordinance will be implemented in accordance with the SWPPP;
 - (iii) stormwater quality measures beyond those specified in the stormwater pollution prevention plan will be implemented during the life of the permit if necessary to comply with this Ordinance; and
 - (iv) installation and maintenance of stormwater quality measures will be inspected by a Qualified Professional.
- L. The name of the receiving water(s) or, if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water.
- M. The NOI letter must be signed by a Qualified Professional.
- N. The NOI letter must be submitted to the CITY at the following location / address:

- (i) City of Lake Station
3701 Fairview Avenue
Lake Station, IN 46405
Attn: MS4 Operator / City Engineer
- (6) Construction Plan Sheets and an accompanying narrative report shall be submitted describing existing and proposed site conditions, including the following:
- A. Project narrative and supporting documents, including the following information:
 - (i) An index indicating the location in the construction plans of all information required by this subsection.
 - (ii) Description of the nature and purpose of the project.
 - (iii) Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township.
 - (iv) Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.
 - (v) General construction sequence of how the project site will be built, including phases of construction.
 - (vi) 14-Digit Watershed Hydrologic Unit Code (HUC). (IDNR)
 - (vii) A reduced plat or project site map showing the lot numbers, lot boundaries, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site.
 - (viii) A general site plan exhibit with the proposed construction area superimposed on ortho-aerial map at a scale of 1"= 100'. The exhibit should provide 2-foot contour information and include all roads and buildings within a minimum 500' radius beyond the project boundaries.
 - (ix) Identification of any other state or federal water quality permits that are required for construction activities associated with the owner's project site.
 - B. Vicinity map depicting the project site location in relationship to recognizable local landmarks, counties, and major roads, such as a USGS topographic quadrangle map or county or municipal road map.
 - C. An **existing** project site layout that must include the following information:
 - (i) Location, name and normal water level of all wetlands, lakes, ponds and water courses on, or adjacent to, the project site.
 - (ii) Location of all existing structures on the project site.
 - (iii) One hundred (100) year floodplains, floodway fringes, and floodways.

Please note if none exists.

- (iv) Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey or as determined by a soil scientist. A soil legend must be included with the soil map.
 - (v) Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site.
 - (vi) Location of storm, sanitary, combined sewer and septic tank systems and outfalls.
 - (vii) Location of regulated drains, farm drains, inlets and outfalls, if any exist of record.
 - (viii) Land use of all adjacent properties.
 - (ix) Existing topography at a contour interval appropriate to indicate drainage patterns (minimum 2-foot contours).
- D. **Final** project site layout, including the following information:
- (i) Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures and common areas.
 - (ii) One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.
 - (iii) Proposed final topography at a contour interval appropriate to indicate drainage patterns (minimum 2-foot contours).
- E. A Grading Plan, including the following information:
- (i) Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
 - (ii) Locations of all soil stockpiles and borrow areas.
 - (iii) Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site and under the control of the project site owner.
 - (iv) Existing and proposed topographic information.
- F. A Drainage Plan, including the following information:
- (i) An estimate of the peak discharge, based on the ten (10) year storm event, of the project site for both pre-construction and post-construction conditions.
 - (ii) Calculation showing that the peak runoff rate post-development for the 10-year and 100-year return period storms of critical duration will not exceed the 2-year and 10-year return period pre-development peak runoff rates,

respectively.

- (iii) Location, size, and dimensions of all stormwater drainage systems, such as culverts, storm sewers, and conveyance channels.
 - (iv) Locations where stormwater may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exists.
 - (v) Locations of specific points where stormwater discharge will leave the project site.
 - (vi) Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.
 - (vii) Location, size, and dimensions of features, such as permanent retention or detention facilities, including existing or manmade wetlands, used for the purpose of stormwater management. Include existing retention or detention facilities that will be maintained, enlarged or otherwise altered and new ponds or basins to be built and the basis of their design.
 - (viii) The estimated depth and amount of storage required by the design of the new pond(s) or basin(s).
- G. A Stormwater Pollution Prevention Plan (SWPPP) for construction activities must be designed to, at a minimum, meet the requirements of this Ordinance, and must include the following:
- (i) Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures.
 - (ii) Temporary stabilization plans and sequence of implementation.
 - (iii) Permanent stabilization plans and sequence of implementation.
 - (iv) Temporary and permanent stabilization plans shall include the following:
 - a. Specifications and application rates for soil amendments and seed mixtures.
 - b. The type and application rate for anchored mulch.
 - (v) Construction sequence describing the relationship between implementation of stormwater quality measures and stages of construction activities.
 - (vi) Anticipated inspection and maintenance requirements for permanent and temporary measures. This shall include the expected frequency of routine inspections and maintenance activities (such as removal of waste concrete).
 - (vii) A description of potential pollutant sources associated with the construction activities that may reasonably be expected to add a significant amount of

pollutants to stormwater discharges, including:

- a. Waste concrete management
 - b. Material delivery, handling and storage
 - c. Sanitary / septic waste management
 - d. Solid waste / trash and debris management
 - e. Spill prevention control and countermeasures
 - f. Vehicle and equipment cleaning, fueling and maintenance
 - g. Sensitive and vegetated area preservation
- (viii) Material delivery, handling and storage associated with construction activities shall meet the spill prevention and spill response requirements of 327 IAC 2-6.1.
- (ix) The SWPPP must include provisions for addressing the following issues as applicable to the site-specific construction activities:
- a. Dewatering operations
 - b. Contaminated soil management
 - c. Hazardous materials and waste management
 - d. Pesticides, herbicides and fertilizer use
 - e. Collection system maintenance
 - f. Drainage system flushing
 - g. Over-water activities (e.g. bridges, signs, etc.)
 - h. A typical erosion and sediment control plan for individual lots.
 - i. Self-monitoring program including plan and procedures.
- (x) The Indiana Department of Natural Resource's guidance documents, including the "Handbook for Erosion Control in Developing Areas, 1985" or the "Indiana Stormwater Quality Manual", should be reviewed and considered when preparing Construction Plans and the Stormwater Pollution Prevention Plan.
- (xi) The CITY reserves the right to develop or adopt other guidance documents to serve as design and implementation standards. Other guidance documents distributed by the City of Lake Station, Indiana may need to be reviewed and considered when preparing the SWQMP.

(7) Notice of Termination

- A. The project site owner shall plan an orderly and timely termination of the construction activities, including the implementation of stormwater quality

measures that are to remain on the project site.

- B. The project site owner shall submit a Notice of Termination (NOT) letter to the CITY in accordance with the following:
- (i) The project site owner shall submit an NOT letter when the following conditions have been met:
 - a. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.
 - b. All temporary erosion and sediment control measures have been removed.
 - (ii) The NOT letter must contain a verified statement that each of the conditions in this subdivision has been met.
 - (iii) The project site owner may submit an NOT letter to obtain early release from compliance with this Ordinance, if the following conditions are met:
 - a. The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.
 - b. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.
 - c. All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the CITY or another appropriate local entity.
 - d. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
 - e. All permanent storm water quality measures have been implemented and are operational.
 - (iv) Following acceptance of the NOT letter and written approval for early release, the project site owner shall notify all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with this Ordinance. The remaining individual lot owners do not need to submit an NOI letter or NOT letter. The notice must contain a verified statement that each of the conditions in subsection Sec. 9-75 (b) (7) B. (iii) have been met. The notice must also inform the individual lot owners of the requirements to:
 - a. install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and
 - b. maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.
 - (v) The Soil & Water Conservation District (SWCD), IDNR, Division of Soil

Conservation (DSC), or a designated representative of the CITY may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter requirements. If the inspection finds that the project site owner has sufficiently filed an NOT letter, the CITY shall forward notification to the IDEM. Upon receipt of the verified NOT letter and receipt of written approval from the IDEM, the project site owner shall no longer be responsible for compliance with this Ordinance.

- (vi) After a verified NOT letter has been submitted for a project site, maintenance of the remaining storm water quality measures shall be the responsibility of the individual lot owner or occupier of the property.
- C. A SWQMP shall be considered open and active until a time when the CITY accepts the site conditions and as-built requirements have been completed.
- D. Acceptance of site conditions shall be made by the CITY or its designated representative based upon an inspection. If any of the following items are deemed to be insufficient, not appropriate and / or inconsistent with Construction Plans, the Stormwater Pollution Prevention Plan or objectives stated in this Ordinance, the approval will not be granted.
- (i) Pipes, channels, catch basins, water quality treatment devices and other infrastructure are clear of sediment, obstructions and debris, and are designed and operating as appropriate for final site conditions.
 - (ii) Slopes are permanently stabilized.
 - (iii) Temporary erosion prevention or sediment control devices (such as silt fence and staking, outlet protection, etc.) have been removed (as appropriate) and any resulting soil disturbance stabilized.
 - (iv) Temporary pollution prevention, practices have been demobilized or removed and affected areas stabilized.
 - (v) Sediment has been removed and slopes stabilized for permanent flood control and water quality control practices.
 - (vi) Detention pond grading is stabilized and / or excess sediment removed so that actual volume is at least equal to designed volume and condition.
 - (vii) Other items as deemed to be important by the CITY or its designate.

(c) Oversight Inspections and Right of Entry

- (1) Oversight Inspections may be initiated by the CITY to ensure compliance with this Ordinance, as follows:
 - A. The CITY, or the CITY's designated representative, has the authority to periodically inspect the site of land disturbing activities for which permits have been issued. The CITY may make inspections of the site at its discretion and shall either approve the portion of the work completed or shall notify the permittee wherein the work fails to comply with the any aspects of the Construction Plan or the

SWPPP as approved, or is ineffective (regardless of consistency with an approved plan).

- B. The CITY or its designated representative's inspections and findings will be presented and reviewed with the permittee at the time of inspection (as available to site personnel), and will be available in the CITY permit file within seven (7) days.
- C. In order to obtain inspections, the permittee shall notify the CITY at least two (2) working days before the following activities.
 - (i) Bond release inspections.
 - (ii) Upon completion of the project in order to receive approval to cease permittee inspections in compliance with the SWQMP.
- D. The CITY or its designated representative may identify any repairs, sediment / debris removal or replacement of all or portions of the stormwater system(s) necessary to comply with the objectives of this Ordinance and the SWQMP.
- E. The CITY or its designated representative may develop and require the implementation of an action plan and compliance schedule that prevents premature stormwater quality management system failure as consistent with the SWQMP provisions. (e.g. retention basin maintenance)
- F. The CITY or its designated representative may develop and require the implementation of an action plan to prevent the premature system failure that exceeds the SWQMP provisions, but are necessary to prevent stormwater pollution from leaving the site.

(2) Right of Entry

- A. Designated representatives from the CITY shall have the right-of-entry on or upon the property of any person subject to this Ordinance and any permit / document issued hereunder. The CITY or its designated representatives 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.
- B. Where a property, site or facility has security measures in place 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, designated representatives from the CITY will be permitted to enter without delay for the purposes of performing specific responsibilities.
- C. Designated representatives from the CITY shall have the right to set up on a Person's property such devices necessary to conduct sampling and/or metering of the Person's stormwater operations or discharges.
- D. 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 CITY. The costs of clearing such access shall be borne by the owner / operator.

- E. The CITY or a designated representative may inspect the facilities of any Person 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 CITY may seek issuance of an administrative search warrant.
- F. The CITY has the right to determine and impose inspection schedules necessary to enforce the provisions of this article. Inspections may include, but are not limited to:
 - (i) an initial inspection prior to stormwater management plan approval.
 - (ii) an inspection prior to burial of any underground drainage structure.
 - (iii) inspections as necessary to ensure effective control of sediment prior to discharge to the municipal separate storm sewer system.
 - (iv) inspections, to verify that action plans identified in previous site visits were successfully implemented.
 - (v) a final inspection when all work, including installation of storm management facilities, has been completed.

(d) Self Inspections

(1) Permittee Performed Inspections and Maintenance

- A. Permittee performed inspections (self inspections) must be performed by a Qualified Professional.
- B. Inspections shall be performed at all control measures every seven (7) days and within twenty-four (24) hours of a one half (0.5) inch rain event. The inspections will determine the overall effectiveness of the Construction and Stormwater Pollution Prevention Plans, needed maintenance activities and the need for additional control measures.
- C. All inspections shall be documented in written form and be made available to the CITY or submitted at the time interval specified in the approved permit.
- D. Inspections shall be performed in a manner consistent with a visual maintenance checklist approved by the CITY.
- E. Documentation of permittee performed inspections and inspection findings shall be kept on site, if appropriate facilities (such as a project trailer or building) are available. In the event, that appropriate facilities are not available then a copy of the most recent inspection shall be displayed at the site along with other documents that must be displayed to the public per other local, state and federal

regulations.

F. Documentation of permittee performed inspections and inspection findings shall be made available within forty-eight (48) hours of a request by the CITY or designated representative. Failure to post or timely submit documentation, as requested, will be assumed to indicate that inspections were not performed and may result in corresponding enforcement procedures.

G. Inspection reports shall include, but are not limited to:

- (i) The address of the site.
- (ii) The parcel identification number.
- (iii) The name of the owner or owner's representative.
- (iv) The location of the stormwater system(s).
- (v) A description of the current operational or functional status of the stormwater system(s). For sediment control structures, an indication of used and remaining, capacity (fraction, percentage, depth or volume) shall be given to identify when the control must be cleaned out.
- (vi) Identification of any necessary repairs, sediment / debris removal or replacement of all or portions of the stormwater system(s).
- (vii) The results of any field or laboratory analyses performed.
- (viii) Other relevant or unusual observations related to the system(s).
- (ix) An action plan to prevent premature stormwater system failure as consistent with the SWQMP provisions.
- (x) An action plan to prevent premature system failure that exceeds the SWQMP provisions, but are necessary to prevent stormwater pollution from leaving the site.

(e) Maintenance

(1) Maintenance

- A. Maintenance must be performed under the direction and / or supervision of a Qualified Professional.
- B. Maintenance of erosion prevention, sediment control and pollution prevention practices shall be performed according to the Construction Plan and Stormwater Pollution Prevention Plan.
- C. Maintenance activities shall be performed in accordance with action plans developed through the course of permittee performed inspections. This may represent activities that exceed provisions of the Construction Plan and the Stormwater Pollution Prevention Plan, but are necessary to prevent stormwater pollution from leaving the site.

(f) Enforcement and Appeals

- (1) The CITY may institute appropriate actions or proceedings at law or equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief.
- (2) Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent the CITY from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.
- (3) Any of the following enforcement remedies and penalties shall be available to the CITY in response to violations of this Ordinance. If the person, property or facility has or is required to have a stormwater discharge permit from the Indiana EPA, the CITY shall alert the appropriate state authorities of the violation.
 - A. Notice of Violation (NOV) - If the CITY or its designated representative finds that any Person owning or occupying a premises has violated or is violating this Ordinance or order issued hereunder, the enforcement official may serve, by personal service, or by registered or certified mail, upon said person a written NOV. Within thirty (30) days of the receipt of this notice, or shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted to the CITY or its designee. Submission of this plan shall in no way relieve liabilities for violations occurring before or after receipt of the NOV.
 - B. Revocation of Permits - the CITY, or its designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.
 - C. Compliance Orders - If any person, company or facility shall violate the provisions of this Ordinance, the CITY, or its designee, may give notice to the owner or to any person in possession of the subject property, ordering that all unlawful conditions existing thereupon be abated within a schedule defined from the date of such notice.
 - (i) The enforcement official shall have the authority to establish elements of a stormwater pollution prevention plan and to require any business to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this Ordinance. The enforcement official may establish the requirements of Best Management Practices for any premises.
 - (ii) The notice and order may be given provided, that if, in the opinion of the CITY or its designated representative, the unlawful condition is such that it is of imminent danger or peril to the public, then an authorized CITY representative may, proceed to abate the same, and the cost thereof shall be charged against

the property. The CITY, as described further in this subsection, may recover the cost of such actions from the property owner.

- D. Civil Penalties - Any Person who has been found to have been in violation of any provision of this Ordinance, may be assessed a civil penalty not to exceed the amount presented in this subsection.
- (i) The penalty shall increase by twenty-five percent (25%) of the previous penalty amount for every subsequent but separate offense made by the same person, company, construction site or facility. The penalty shall be additional to other enforcement actions of this section.
 - (ii) The penalty may be assessed for each day beyond schedules applied in compliance orders or other schedules issued to the property owner or other person responsible for unauthorized activity defined in this Ordinance.
 - (iii) In determining the amount of the penalty the Court shall consider the following:
 - a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
 - b. The duration and gravity of the violation;
 - c. The effect on ground or surface water quality;
 - d. The cost of rectifying the damage;
 - e. The amount of money saved by noncompliance;
 - f. Whether the violation was committed willfully or intentionally;
 - g. The cumulative effect of other enforcement actions applied for the same offense;
 - h. The prior record of the violator in complying or failing to comply with the stormwater quality management program; and
 - i. The costs of enforcement to the CITY.
 - (iv) The maximum civil penalties will be determined, by the type of offense. This indicates the maximum that may be imposed for a first offense and does not reflect the increases described above for repeat offenses.
 - a. Development without permit - \$10,000

To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates, or other forms of authorization as set forth in this Ordinance.
 - b. Development inconsistent with permit - \$5,000

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

c. Violation by act or omission - \$5,000

To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the CITY or its designated representative upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.

- (v) In the event there are penalties assessed by the State against the CITY caused by any Person, the said shall be assessed the equivalent amount of civil penalty. This shall include, but is not limited to penalties for improper disposal or illegal dumping, or illicit connection into the municipal separate storm sewer system.
- E. Administrative fee - Any Person who undertakes any development activity requiring a stormwater management plan hereunder without first submitting the plan for review and approval shall pay to the CITY, in addition to any permit or inspection fee, an administrative fee of up to \$5,000.
- F. Order to clean and abate / restore - Any violator may be required to clean and / or restore land to its condition prior to the violation.
- G. Cost recovery - If corrective action, including maintenance delinquency, is not taken in the time specified, or within a reasonable time, if no time is specified, the CITY may take the corrective action, and the cost of the corrective action shall be the responsibility of the owner and /or the developer. The cost of the abatement and restoration shall be borne by the owner of the property and the cost shall therefore be invoiced to the- owner of the property. If the invoice is not paid within ninety (90) days, the enforcement official shall have the authority to place a lien upon and against the property. If the lien is not satisfied within ninety (90) days, the enforcement official is authorized to take all legal measures as are available to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought for a money judgment, by delivery to the assessor or a special assessment against the property.
- H. Injunctions and / or proceedings at law or in equity - Any violation of this Ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceedings pursuant to state law.
- I. Fee or utility credit revocation - This enforcement tool is intended to be available or used if there are, at any time, provisions for a funding mechanism managed by the CITY. This enforcement tool permits that credits or other measures to reduce fees or utility charges may be revoked, in full or in part, if any provisions of this article are violated.
- J. Civil actions - In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the CITY's attorney. Monies

recovered under this subsection shall be paid to the CITY to be used exclusively for costs associated with implementing or enforcing the provisions of this Ordinance. In any such action, the CITY may seek, as appropriate, any or all of the following remedies:

- (i) A temporary and/or permanent injunction;
- (ii) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which lead to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
- (iii) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation;
- (iv) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.

K. Emergency Orders and Abatements. The enforcement official may order the abatement of any discharge from any source to the stormwater conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, the environment, or a violation of an NPDES permit. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, welfare, the environment or a violation of a NPDES permit, the CITY may perform or cause to be performed such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this subsection.

(4) Appeals

- A. The Stormwater Appeals Committee or its successor shall be charged with addressing appeals to violations and related matters of this Ordinance.
- B. To have an appeal considered, the applicant shall submit a written request. The Committee shall have the authority to grant appeals to violations of this Ordinance or overwrite decisions made by the CITY provided they are consistent with the objectives and policies of this Ordinance. The Committee does not have the authority to permit actions by the applicant that are based in lack of proper planning or implementation of site development as defined in this Ordinance and other measures applied to the CITY.
- C. The Committee will be made available to review accepted request(s) for appeals on an as-needed basis. The decisions of the Committee are final and conclusive, but may be reviewed through the appropriate court actions. The Committee shall make its findings within five (5) business days after the appeal hearing.
- D. Upon issuance of a decision, citation or notice of violation of this article it shall be conclusive and final unless the accused violator submits a written notice of appeal to the CITY within ten (10) days of the violation notice being served. If the CITY does not

issue a decision within ten (10) days of the written notice of appeal then the violation is considered upheld. If the CITY does not reverse the decision, the aggrieved party may appeal to the [Stormwater Appeals Committee] or successor, by filing a written request for hearing within ten (10) days of the CITY's decision on the appeal. The request for hearing shall state the specific reasons why the decision of the CITY's alleged to be in error, and shall be accompanied by a cost bond in the amount of five hundred dollars (\$500.00) with sufficient surety to secure the costs of the appeal, including the cost of court reporters, transcripts, plan reviews and other costs.

Sec. 9-76 Permit Requirements and Procedures

(a) When to Submit

- (1) Applicants must submit drainage plans for review and approval prior to the initiation of any land alteration on the site. Local drainage review as part of the land alteration process shall typically be accomplished as a two-step process, in conjunction with the platting of land. A General Drainage Plan, including submittal of drainage calculations, and information for the entire parent tract shall be required with submittal of a primary plat. A detailed Design Drainage Plan shall be submitted with the secondary plat. In addition to the information required by the platting process, other information shall be required, as noted in this section.
- (2) In the case where the site has already been platted, but development plan approval has not been granted, the drainage review process shall be completed in conjunction with the initial site development plan application (including the Site-Plan Checklist). In addition to the information required by the development review process, other information shall be required, as noted in this section.

(b) Pre-submittal Meeting

The CITY may require a pre-submittal meeting.

(c) SWQMP Permit Review and Approval Process

- (1) The CITY will review each application for a SWQMP Permit to determine its conformance with the provisions of this Ordinance. Within 30 calendar days after receiving a complete application, SWQMP plan, and permit review fee, the Issuing Authority shall, in writing:
 - A. Approve the application and SWQMP plan and issue the SWQMP Permit;
 - B. Approve the application and SWQMP plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of these Regulations, and issue the SWQMP Permit subject to these conditions; or
 - C. Disapprove the permit application and SWQMP plan, indicating the reason(s) and procedure for submitting a revised application and / or submission.
 - D. The 30-day review period shall begin anew for resubmittals that were previously submitted and determined to be incomplete or disapproved.

(d) Changes to Plans

Any revision, change or deviation in the detailed plans and specifications after formal approval by the CITY shall be filed in duplicate with and approved by the CITY prior to implementation of the revision or change. Copies of the revisions or changes, if approved, shall be attached to the original plans and specifications.

(e) Fee Structure

- (1) As a condition of the submittal and review of development Plans by the CITY, applicant agrees to pay the CITY for costs incurred in the review of all drainage submittals, preliminary plans, final plans, construction plans and stormwater pollution prevention plans, as well as pre-paid inspection fees.
- (2) Fee Amount

A. <u>Residential Developments</u>	
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. <u>Commercial / Industrial Developments</u>	
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

- (3) Time of Payment

As a condition of approval of final plans by the CITY, the applicant shall pay the CITY Treasurer the appropriate sum as set forth in Section 9-76 (e) (2) above. The CITY may choose to issue a billing statement before the project advances to the final approval stage. Payment will be due by the applicant upon receipt of said billing statement regardless of whether the project has advanced to the final stages of approval.

- (4) Method of Payment

A. Fees shall be paid by one of the following methods:

- (i.) Certified Check
- (ii.) Cashier's Check
- (iii.) Money Order

B. All checks shall be made payable and submitted to:

- (i.) City of Lake Station
3701 Fairview Avenue
Lake Station, Indiana 46405

- (5) Refund of Payment

Fees are only refundable if the CITY 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 ultimate removal of all temporary and permanent Erosion

Protection and Sediment Control (EPSC) measures.

- (2) The CITY may require the permittee to post a fiscal surety, consisting of a bond, check, performance guarantee or other instrument, acceptable to and approved by the CITY. When a 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 the EPSC measures, as approved by the CITY. 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 permittee to complete the installation of the EPSC measures, if the CITY 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 CITY may declare the permittee 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 CITY shall demand such amounts from the surety as required to remedy the default.
- (5) Request for release of surety may be made after the CITY 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) Certification of As-Built Plans

- (1) As-built Requirements
 - A. Prior to issuance of a use and occupancy permit or final release of bond(s), the as-built condition of critical stormwater management facilities must be reviewed and approved.
 - B. The volume, capacity, slope, configuration, condition, "as-planted" plans and topographic information, as well as all pipe size, material, lengths, for all detention, retention and water quality practices shall be certified by a Professional Engineer licensed in the State of Indiana. This information shall be provided to the CITY in the form of a record drawing or other electronic format required by the CITY. The as-built certification shall indicate if final conditions are consistent with, or exceed, SWQMP provisions.
 - C. If it is determined that information provided in the as-built drawing, certification, inspection or survey of the site do not meet or exceed SWQMP requirements, the CITY reserves the right to withhold certification of occupancy or final bond. Furthermore, other enforcement mechanisms, as identified within this Ordinance, may be applied to the Person certifying the as-built information.
 - D. If upon inspection by the CITY or a designated representative it is determined that there is an item that must be addressed to receive acceptance of site conditions, then the Person shall be required to continue inspections and maintenance as described in the SWQMP.

Sec. 9-77 Post Construction Stormwater Runoff Control

(a) Operations and Maintenance Plan

Each storm water management system must have an operations and maintenance (O&M) plan. A separately bound O&M plan for the storm water management system must be submitted with the storm water management permit application for review by the City Engineer. The approved O&M plan will become a post-construction storm water management plan compliance document for the system when construction is complete. The O & M documents shall, at a minimum, include the following:

- (1) Name, address, business phone number, home phone number, fax number, and email address of the storm water management system owner and, if different, operator.
- (2) Record Site drawings as constructed showing both plan and cross-section views of the storm water management system and applicable features, including dimensions, easements, outlets, equipment, etc.
- (3) Required periodic inspection instructions.
- (4) Routine maintenance instructions.
- (5) Remedial maintenance instructions.
- (6) Sediment removal instructions, both narrative and graphical, describing when sediment removal should occur in order to insure that the storm water management system remains effective as a water quality and / or quantity control device.
- (7) Sampling plan for those storm water systems that require sampling.
- (8) Tabular schedule listing inspection and maintenance tasks and frequency.
- (9) Blank maintenance inspection report form(s).
- (10) Statement signed by the owner acknowledging that the owner is responsible for periodic inspection and maintenance of the system, including costs of such.
- (11) Statement that the owner will perform any maintenance specified by City of Lake Station inspector.
- (12) Statement that City of Lake Station representatives have the right to enter the property to inspect / sample the storm water management system at any reasonable time.

(b) Responsibilities

Routine inspections, operation, and maintenance of the storm water management system are the responsibility of the Owner. Appropriate inspection, operation, and maintenance documentation must be generated by the Owner, legible and complete copies submitted to the City of Lake Station annually, and produced to City of Lake Station upon its request. The granting of an easement to the City of Lake Station does not alter the property owner's duty to operate and maintain the property's storm water management facilities. Maintenance shall be provided to storm water management facilities to assure continuous

design operational capacity of the storm water management facility.

The City of Lake Station has the right to enter property to inspect / sample the storm water management system. Inspections / sampling of storm water management systems may be performed by the City of Lake Station at its sole discretion. In the event the City of Lake Station finds a system in need of maintenance or repair, the City of Lake Station will notify the owner of the problem and suggest necessary remedial maintenance or repairs and give the owner a reasonable time frame for completing the maintenance or repairs. If the maintenance or repairs are not completed within the designated time frame, the City of Lake Station may perform the repairs or maintenance and invoice the Owner for all costs incurred by the City of Lake Station for doing the work, including administrative costs associated with procurement and supervision of contractors.

The City of Lake Station must be notified of any changes in storm water management system ownership, major repairs, or system failure, in writing within 30 days of a change. The O&M plan shall have appropriately amended copies of all O&M revisions, a brief summary of major repairs, system failures, and subsequent corrective actions shall be promptly provided to the City of Lake Station.

(c) Enforcement

Failure to comply with the guidelines set forth herein may result in revocation of the storm water management permit until such time that proof of compliance with the post-construction storm water management plan has been submitted to and approved by the City of Lake Station.

The Owner shall provide a Surety Bond in an amount set by the Lake Station Board of Public Works and Sewer Board annually to ensure that compliance with the post-construction sum is met.

Sec. 9-78 Illicit Discharges

(a) Applicability

This chapter shall apply to all discharges, entering the CITY'S stormwater drainage system, regardless of the discharge's origin, including indirect discharges, contaminated runoff, direct connections, and illegal dumping.

(b) Illicit Discharges

(1) Prohibition of illegal discharges

- A. Pursuant to the desires of the CITY, illicit discharges to the CITY'S stormwater drainage system are hereby defined as illegal. This Ordinance identifies both allowable and illegal non-stormwater discharges in a manner that is in the best interest of the City of Lake Station, Indiana.
- B. Except as hereinafter provided, all non-stormwater discharges into the stormwater drainage system are prohibited and declared to be unlawful.
- C. It is unlawful for any Person to connect any pipe, open channel, or any other conveyance system that discharges anything except stormwater or unpolluted water, which is approved by the CITY based on exemptions listed in Section 9-78 (b) (2) below, to the stormwater drainage system.
- D. It is unlawful for any Person to discharge waters from residential construction activities that do not comply with Section 9-75 of this Ordinance or with the Indiana Department of Natural Resource's guidance documents, including the "Handbook for Erosion Control in Developing Areas, 1985" or the "Indiana Storm Water Quality Manual, 2007".
- E. In addition to illicit discharges, the discharge of spills and the dumping and/or disposal of materials other than stormwater, including, but not limited to, industrial and commercial wastes, commercial car wash wastes, sewage, garbage, yard waste, trash, petroleum products, including used motor vehicle fluids, as well as leaf litter, grass clippings, and animal wastes into the stormwater drainage system, whether directly or indirectly, are prohibited, unless authorized under a **NPDES** permit.

(2) Allowable Discharges

- A. Unless the CITY has identified a discharge as an unacceptable source of pollutants to the "Waters of the State of Indiana", the following non-stormwater discharges into the stormwater drainage system are considered lawful:
 - (i.) Discharges from emergency fire fighting activities;
 - (ii.) Diverted stream flows;
 - (iii.) Rising ground waters;
 - (iv.) Uncontaminated groundwater infiltration to separate storm sewer systems (as defined by 40 CFR35.2005(20));
 - (v.) Uncontaminated pumped ground water;

- (vi.) Discharges from potable water sources as required for system maintenance;
- (vii.) Drinking water line flushing;
- (viii.) Air conditioning condensate;
- (ix.) Uncontaminated landscape irrigation;
- (x.) Uncontaminated irrigation water;
- (xi.) Lawn watering;
- (xii.) Uncontaminated springs;
- (xiii.) Uncontaminated water from crawl space pumps;
- (xiv.) Uncontaminated water from footing drains and pumps;
- (xv.) Individual residential car washing;
- (xvi.) Flows from riparian habitats and wetlands;
- (xvii.) Dechlorinated swimming pool discharges;
- (xviii.) Controlled flushing stormwater conveyances (contained and treated by appropriate BMPs);
- (xix.) Discharges made from residential construction sites fully and completely utilizing guidance provided and in compliance with Section 9-75 of this Ordinance and with the Indiana Department of Natural Resource's guidance documents, including the "Handbook for Erosion Control in Developing Areas, 1985" or the "Indiana Storm Water Quality Manual, 2007".
- (xx.) Discharges within the constraints of a National Pollutant Discharges Elimination System (NPDES) permit from the Indiana Department of Environmental Management (IDEM); and
- (xxi.) Discharges approved at the discretion of the CITY.

(3) Illegal Discharges

- A. It shall be unlawful for any Person to improperly dispose of any contaminant into the stormwater drainage system. Contaminants include, but are not limited to the following:
- (i.) Trash or debris;
 - (ii.) Construction materials or uncontrolled sediment;
 - (iii.) Petroleum products, including but not limited to oil, gasoline, grease, fuel oil or hydraulic fluids (brake, automatic transmission, & power steering fluids);
 - (iv.) Antifreeze and other automotive products;
 - (v.) Metals in either particulate or dissolved form;
 - (vi.) Flammable or explosive materials;
 - (vii.) Radioactive materials;

- (viii.) Batteries including but not limited to, lead acid automobile batteries, alkaline batteries, lithium batteries or mercury batteries;
- (ix.) Acids, alkalis or bases;
- (x.) Paints, stains, resins, lacquers or varnishes;
- (xi.) Degreasers and/or solvents;
- (xii.) Drain cleaners;
- (xiii.) Pesticides, herbicides or fertilizers;
- (xiv.) Steam cleaning wastes;
- (xv.) Soaps, detergents or ammonia;
- (xvi.) Swimming pool backwash including chlorinated swimming pool discharge;
- (xvii.) Chlorine, bromine and other disinfectants;
- (xviii.) Heated water;
- (xix.) Animal waste, either from domestic animals or from feeder lot operations;
- (xx.) Leaking sanitary sewers and connections that have remained uncorrected for more than seven (7) days;
- (xxi.) Recreational vehicle waste;
- (xxii.) Animal carcasses;
- (xxiii.) Food wastes;
- (xxiv.) Medical wastes (bio-hazards);
- (xxv.) Bark and other fibrous materials;
- (xxvi.) Collected lawn clippings leaves or branches;
- (xxvii.) Silt, sediment or gravel;
- (xxviii.) Dyes, except with permission from the CITY;
- (xxix.) Chemicals not normally found in uncontaminated water;
- (xxx.) Washing of fresh concrete for cleaning and/or finishing, or to expose aggregates;
- (xxxi.) Junk motor vehicles;
- (xxxii.) Leaking solid waste disposal containers;
- (xxxiii.) Sewage dumping or dumping of sewage sludge;
- (xxxiv.) Discharge of any polluted household wastewater, such as, but not limited to, laundry wash water and dishwater, except to a sanitary sewer or septic system;
- (xxxv.) Leaking water lines that have remained uncorrected for seven (7) days or more;
- (xxxvi.) Commercial, industrial or public vehicle wash discharge;
- (xxxvii.) Garbage or sanitary waste disposal;
- (xxxviii.) Dead animals or animal fecal waste;
- (xxxix.) Dredged or spoil material;

- (xl.) Wrecked or discarded vehicles or equipment;
- (xli.) Wash waters to the storm drain system from the cleaning of gas stations, auto repair garages or other types of auto repair facilities;
- (xlii.) Wastewater to the storm drain system from mobile auto washing, steam cleaning, mobile carpet cleaning and other such mobile commercial and industrial operations;
- (xlili.) Waters from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluids or coolants is undertaken;
- (xliv.) Waters from storage areas for materials containing grease, oil, or hazardous materials or uncovered receptacles containing hazardous materials, grease or oil;
- (xlv.) Washing of toxic materials from paved or unpaved areas to the stormwater drainage system;
- (xlvi.) Discharge from the washing or rinsing of restaurant mats, roof vents, grease traps, equipment or garbage bins or cans in such a manner that causes non-stormwater to enter the storm drain system;
- (xlvii.) Sewage, industrial wastes, or other wastes into a well or a location that is likely that the discharged substance will move into a well, or the underground placement of fluids and other substances which do or may affect the waters of the State; and
- (xlviii.) Any hazardous material or waste not listed above.

B. It is not the intent of the CITY to impose penalties for de minimus discharges that have no significant adverse impact on safety, health, the welfare of the environment or the functionality of the stormwater drainage/collection system.

(c) Accidental discharges

- (1) In the event of any discharge of a hazardous substance in amounts that could cause a threat to public drinking supplies, a spill beyond that of de minimus levels, or any other discharge that could constitute a threat to human health or the environment, as may be asserted by the CITY, the owner or operator of the facility shall give notice to the CITY and the IDEM as soon as practicable, but in no event later than two (2) hours after discovery of the accidental discharge or the discharger becomes aware of the circumstances.
- (2) If an emergency response by governmental agencies is needed, the owner or operator should call 911 immediately to report the discharge. Furthermore, as required by the Indiana Spill Rule (327 IAC 2-6.1-7), reports must be made within two (2) hours of discovery. A written report must be provided to the CITY within five days of the time the discharger becomes aware of the circumstances, unless this requirement is waived by the CITY for good cause shown on a case-by-case basis, containing the following information:
 - A. A description of the discharge,
 - B. The exact dates and times of discharge, and
 - C. Steps being taken to eliminate and prevent recurrence of the discharge.
- (3) The discharger shall take all reasonable steps to minimize any adverse impact to the

stormwater drainage system or the Waters of the State, including accelerated or additional monitoring necessary to determine the nature and impact of the discharge. It shall not be a defense for the discharger in an enforcement action to claim that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain water quality and minimize any adverse impact that the discharge may cause.

(d) Authority and Right of Entry

- (1) The CITY or its designated representative shall have right-of-entry on or upon the property of any Person subject to this Ordinance and any permit/document issued hereunder. The CITY 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.
- (2) 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 CITY or its designated representative will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (3) The CITY or its designated representative 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.
- (4) 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 CITY. The costs of clearing such access shall be borne by the Person.
- (5) The CITY or its designated representative 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 CITY may seek issuance of an administrative search warrant.
- (6) The CITY has the right to determine and impose inspection schedules necessary to enforce the provisions of this article. Inspections may include, but are not limited to, the following:
 - A. An initial inspection prior to stormwater management plan approval;
 - B. An inspection prior to burial of any underground drainage structure;
 - C. Erosion control inspections as necessary to ensure effective control of sediment prior to discharge to the municipal separate storm sewer system;
 - D. A finish inspection when all work, including installation of stormwater management facilities, has been completed; and
 - E. An inspection to determine the effectiveness or operational viability of a permanent or long-term stormwater quality management practice.

(e) Enforcement and Penalties

- (1) The Person responsible for any connection in violation of this article shall immediately cause the illegal connection to be disconnected and redirected, if

necessary, to the CITY's sanitary sewer system upon approval by the Lake Station City Engineer. Such Person shall provide the CITY with written confirmation, satisfactory to the CITY or its designated representative, that the connection has been disconnected, and, if necessary, redirected to the sanitary sewer.

- (2) Any Person responsible for illicit discharges or noncompliance with BMPs at industrial and/or construction sites, and who fails to correct any prohibited condition or discontinue any prohibited activity at the order of the CITY shall be liable to the CITY for expenses incurred in abating pollution. This may include expenses incurred in testing, measuring, sampling, collecting, removing, treating, and disposing of the polluting materials and preventing further noncompliance and/or illicit discharges.
- (3) The CITY may institute appropriate actions or proceedings by law or equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent the CITY from taking such other lawful action as necessary to prevent or remedy any violation, including application for injunctive relief. Any of the following enforcement remedies and penalties, available to be applied independently or in a sequence deemed necessary, shall be available to the CITY in response to violations of this Ordinance. If the Person, property or facility has or is required to have a stormwater discharge permit from the IDEM, the CITY shall alert the appropriate State authorities of the violation.
 - A. Notice of Violation (NOV) - Whenever the CITY or its designated representative finds that any Person owning or occupying a premises has violated or is violating this Ordinance or order issued hereunder, the enforcement official may serve, by personal service, or by registered or certified mail, upon said Person a written NOV. Within thirty (30) days of the receipt of this notice, or shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted to the CITY or its designated representative. Submission of this plan shall in no way relieve liabilities for violations occurring before or after receipt of the NOV.
 - B. Revocation of permit - the CITY or its designated representative may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans or specifications, refusal or failure to comply with the requirements of State or local law or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.
 - C. Stop Work Order - the CITY or its designated representative, or their designee may issue a Stop Work Order and require that all activities cease, except those actions that are necessary to eliminate the illicit discharge. Unacceptable or untimely actions to eliminate the illicit discharge may be used as grounds to revoke permits for the construction site as described in Sec.9-78 (e) (3) B.
 - D. Compliance Order - If any Person shall violate the provisions of this Ordinance, the CITY or its designated representative, may give notice to the owner or to any Person in possession of the subject property ordering that all unlawful conditions existing thereupon be abated within a schedule defined

from the date of such notice.

- (i.) The enforcement official shall have the authority to establish elements of a stormwater pollution prevention plan and require any business to adopt and implement such a plan as may be reasonably necessary to fulfill the purposes of this section. The enforcement official may establish the requirements of BMPs for any premises.
 - (ii.) The notice and order may be given, provided that if in the opinion of the CITY or its designated representative, the unlawful condition is such that it is of imminent danger or peril to the public, then the CITY or its designated representative may, with notice, proceed to abate the same, and the cost thereof shall be charged against the property. The CITY shall be entitled to recover the cost of such actions from the property owner.
- E. Civil Penalties - Any Person that has been found to have been in violation of any provision of this Ordinance, may be assessed a civil penalty not to exceed the amount presented in this subsection.
- (i.) The penalty shall increase by twenty-five percent (25%) of the previous penalty amount for every subsequent but separate offense made by the same Person. The penalty shall be in addition to other enforcement actions of this section.
 - (ii.) The penalty may be assessed for each day, beyond schedules applied in compliance orders or other schedules issued to the property owner or other Person responsible, for unauthorized activity defined in this Ordinance.
 - (iii.) In determining the amount of the penalty the Court shall consider the following:
 - a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
 - b. The duration and gravity of the violation;
 - c. The effect on ground or surface water quality;
 - d. The cost of rectifying the damage;
 - e. The amount of money saved by noncompliance;
 - f. Whether the violation was committed willfully or intentionally;
 - g. The cumulative effect of other enforcement actions applied for the same offense;
 - h. The prior record of the violator in complying or failing to comply with the stormwater quality management program; and
 - i. The costs of enforcement to the CITY.
 - (iv.) The maximum civil penalties will be determined by the type of offense. This indicates the maximum that may be imposed for a first offense and does not reflect the increases described above for repeat offenses.

a. Illicit Discharge - \$10,000

Any Person who is found to have improperly disposed of any substance defined as an illicit discharge, not an allowable discharge or causes the CITY to be in noncompliance with any applicable environmental permit.

b. Household Products - \$500

Any Person who is found to have improperly disposed of any substance not included in Section 9-78 (2) A. or (3) A. that was purchased over-the-counter for household use, in quantities considered normal for household purposes, which upon discharge to the stormwater drainage system or drainage network would have an adverse impact on water quality or cause the CITY to be in noncompliance with any applicable environmental permit.

(v.) In the event there are penalties assessed by the State against the CITY caused by any Person, said Person shall be assessed the equivalent amount of civil penalty. This shall include but is not limited to penalties for improper disposal or illegal dumping, or illicit connection into the stormwater drainage system.

- F. Administrative Fee - Any Person who undertakes any development activity requiring a stormwater management plan hereunder without first submitting the plan for review and approval shall pay to the CITY, in addition to any permit or inspection fee, an administrative fee of up to \$7,500.
- G. Order to clean and abate/restore - Any violator may be required to clean and/or restore land to its condition prior to the violation.
- H. Cost Recovery - If corrective action, including maintenance delinquency, is not taken in the time specified or within a reasonable time, the CITY may take the corrective action and the cost of the corrective action shall be the responsibility of the owner and/or the developer. The cost of the abatement and restoration shall be borne by the owner of the property and the cost shall be invoiced to the owner of the property. If the invoice is not paid within ninety (90) days, the enforcement official shall have the authority to place a lien upon and against the property. If the lien is not satisfied within ninety (90) days, the enforcement official is authorized to take all legal measures available to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought for a money judgment, by delivery to the assessor or a special assessment against the property.
- I. Injunctions and / or proceedings at law or in equity - Any violation of this Ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to State law.
- J. Fee or utility credit revocation or adjustment - This enforcement tool is intended to be available or used if there are, at any time, provisions for a funding mechanism managed by the CITY. This enforcement tool permits that credits (reductions), adjustments (increases) or other measures to modify fees or utility charges may be

revoked or added, in full or in part, if any provisions of this article are violated.

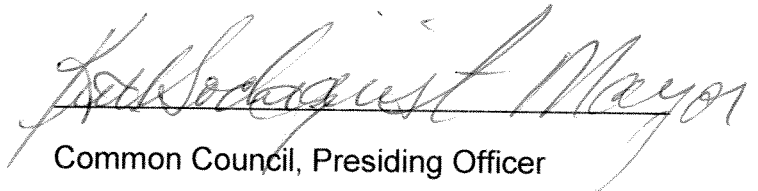
- K. Civil Actions - In addition to any other remedies provided in this Ordinance, any violation of this Ordinance may be enforced by civil action brought by the CITY's attorney. Monies recovered under this subsection shall be paid to the CITY to be used exclusively for costs associated with implementing or enforcing the provisions of this Ordinance. In any such action, the CITY may seek, as appropriate, any or all of the following remedies:
- (i.) A temporary and/or permanent injunction;
 - (ii.) Assessment of the violator for the costs of any investigation, inspection or monitoring survey which lead to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
 - (iii.) Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation;
 - (iv.) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.
- L. Emergency Orders and Abatements. The enforcement official may order the abatement of any discharge from any source to the stormwater conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition that presents an imminent danger to the public health, safety, or welfare of the environment or a violation of a NPDES permit. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare of the environment or a violation of a NPDES permit, the CITY may perform or cause to be performed such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this subsection.
- M. Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, welfare and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by State and local law.
- N. Remedies Not Exclusive. The remedies listed in this Ordinance are not exclusive of any remedies available under any applicable Federal, State or local law and the CITY may seek cumulative remedies.
- O. Citizen Actions. Any citizen may commence a civil action, against any Person who is alleged to be in violation of this Ordinance, to the extent permitted by the Clean Water Act (33 USC Sec. 1365), including an action against the CITY for an alleged failure to perform or administer any act or duty under this Ordinance that is not discretionary. No action may be taken against the CITY if it has commenced and is diligently pursuing corrective or administrative actions, or if the CITY is prosecuting a civil or criminal action against an alleged violator in a court of appropriate authority or jurisdiction within the State of Indiana.

(f) Appeals

- (1) The Stormwater Appeals Committee shall be composed of at least three (3) people from the Board or appointed by the Mayor in compliance with related State law.
- (2) The Stormwater Appeals Committee shall be charged with addressing appeals to violations and related matters of this Ordinance.
- (3) In order to have an appeal considered, the applicant shall submit a written request. The Committee shall have the authority to grant appeals to violations of this Ordinance or overwrite decisions made by the CITY, provided they are consistent with the objectives and policies of this Ordinance. The Committee does not have the authority to permit actions by the applicant that are based on the lack of proper planning or the implementation of site development as defined in this Ordinance and other measures applied to the CITY.
- (4) The Committee will be made available to review accepted requests for appeals on an as-needed basis. The decisions of the Committee are final and conclusive, but may be reviewed through the appropriate court actions. The Committee shall make its findings within five (5) business days after the appeal hearing.
- (5) Upon issuance of a decision, citation or notice of violation of this Ordinance, it shall be conclusive and final, unless the accused violator submits a written notice of appeal to the CITY within ten (10) days of the violation notice being served. If the CITY does not issue a decision within ten (10) days of the written notice of appeal then the violation is considered upheld. If the CITY does not reverse the decision, the aggrieved party may appeal to the Stormwater Appeals Committee or successor, by filing a written request for hearing within ten (10) days of the Committee's decision on the appeal. The request for hearing shall state the specific reasons why the decision of the CITY is alleged to be in error and shall be accompanied by a cost bond in the amount of five hundred dollars (\$500.00) with sufficient surety to secure the costs of the appeal, including the cost of court reporters, transcripts, plan reviews and other costs.

ORDINANCE NO. 2008-02

ALL OF WHICH IS PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAKE STATION, INDIANA AND MADE A MATTER OF PUBLIC RECORD THIS 6th DAY OF March, 2008.


Common Council, Presiding Officer

ATTEST:



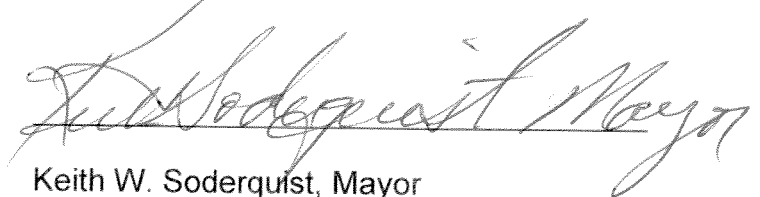
Brenda Samuels, Clerk

PRESENTED by me, the Clerk Treasurer of the City of Lake Station, Indiana on the 6th day of March, 2008, at the hour of 8:30 P.M.



Brenda Samuels, Clerk

APPROVED, SIGNED AND RETURNED by me to the City of Lake Station, Indiana on this 6th day of March, 2008,



Keith W. Soderquist, Mayor
City of Lake Station, Indiana