

# **City of Jasper**

## **STORM WATER QUALITY MANAGEMENT PLAN PART C – PROGRAM IMPLEMENTATION 327 IAC 15-13-8**

October 1, 2012

# **Storm Water Quality Management Plan for the City of Jasper**

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## **Section One Executed Certification Forms**

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**Form 51281**

## **Section Two**

### **Current Storm Water Program**

#### **Section Two: Current Storm Water Program in the City of Jasper**

##### ***A. Existing Activities that Address Elements within MCMs***

The City of Jasper continues to have monthly Storm Water Management Board Meetings. The Storm Water Management Board consists of three members that are appointed by the mayor. The board meets monthly and functions as the policy making entity for storm water issues. The board also oversees the Storm Water Department. The Storm Water Department is headed by the City Engineer and employs a Storm Water Coordinator who works with the City Engineer in preparing permits and coordinates storm water issues and needs with other departments within the city. The City Engineer and the Storm Water Coordinator monthly update the Storm Water Management Board on the progress on the six minimal control measures. The minutes to the Storm Water Management Board Meetings are post on Jasper's website.

<http://www.jasperindiana.gov/> The updated SWQMP update will be posted on the website when completed. During the Storm Water Management Board meeting new ERUs are presented to the Storm Water Management Board. ERU's are used to fund the Storm Water Department.

There is several other non-structural BMP's currently in place in the city. The street department has a city-wide street cleaning program in which all streets throughout the city are swept on a monthly basis. The Jasper Street Department generates a "Year End Activity Report". This report keeps many year-end totals. Including:

- 1) Recycling totals (steel, paper, cardboard, and aluminum)
- 2) Leaf pick-up totals (in cubic yards)
- 3) Trash pick totals (in tons)
- 4) Rubbish collection (in stops)

Also, the street department has a weekly curbside trash and recycling program. All city utility departments require regular maintenance on their vehicles. This is either done at local service centers or in-house. Also, all departments participate in oil, oil filters and anti-freeze recycling program by using recycling contractors. Local residents are encouraged to recycle oil, oil filters and anti-freeze by using the free collection site at the southeast side of Jasper provided by the Dubois County Solid Waste District. Also, the Solid Waste District has an annual household hazardous waste day. Both of these programs are free to any resident of Dubois County. Once again the above described programs appear to be very effective, but results will be monitored in the future by establishing a record keeping procedure for each BMP to help quantify effectiveness.

The City of Jasper has put into place a program to manage the curb inlet decal program. The program requires training all City of Jasper employees to report any drain inlet leading into a storm sewer that is missing the decal to the Storm Water Coordinator or the Storm Water Inspection Crew.

All regulations and documentation of the six minimum measures are being maintained and were presented during the 2010 IDEM audit. All corrections recommended by IDEM from the audit are completed and reported to IDEM.

## ***B. Current Use of Structural and Nonstructural BMPs***

### **1. Identify BMPs in Use Today**

There are a few structural BMP's throughout the city. At the Jasper Electric Generating Plant there are overflow protection and storage basins for coal storage and several other materials. These are in good condition and are maintained on a regular basis. The street department has two salt storage buildings for storage of salt used in winter de-icing of city streets. Both of these buildings are in excellent condition, one was just built this past winter, and allow for all de-icing materials to be stored under roof. Both of these BMP's provide for total containment for their respective potential pollutants.

Also, there are several stormwater detention ponds throughout the city. These are all located in private developments and are maintained as a part of those developments. The following ponds are all well established with grassed bottoms and slopes are in good working condition: St. Charles Estates, Columbus Container, First Baptist Church, Church of Jesus Christ of Latter Day Saints, Presbyterian Church, St. Charles Medical Clinic and two at the new Jasper Middle School. The main function of these ponds is for stormwater storage and slowing down runoff. Also, there are three stormwater detention ponds at the Walmart development. These ponds are in good working condition and are effective, but need constant attention due to the amount of trash that collects in these ponds. Likewise, the two ponds at Kmart are functioning, but need constant attention for trash removal.

The following developments are still undergoing construction and the detention ponds in these areas are currently being used as silt basins. These have all been designed using standards set by IDNR as a part of Rule 5: Applebee's - good working condition, but needs to be seeded; North Brook Park - it is working, but needs to be cleaned out and seeded; Maryville Second Addition - it is working, but needs to be cleaned out and seeded; Catherine Estates - it is in good condition; five ponds in Red Oak Estates - all are working, but need cleaning out and maintenance; three ponds in Mill Creek Park - all are working; but need cleaning out and maintenance; and four ponds in Canterbury Green II - all are working, but need to be cleaned out and spot seeding.

The initial purpose of all of these detention ponds was to prevent sediment from leaving the sites during construction. At the completion of construction of these sites the ponds

were converted to dry detention ponds to slow stormwater runoff from the developments. Results of the effectiveness of sediment basins are difficult to measure and quantify as they are designed as the last chance to catch silt before it leaves the site and their effectiveness varies throughout the construction process and each rain event.

## 2. Evaluation of Current Conditions and Performance

See above and Appendix C for Conditions of existing BMP's

## 3. Update of SWQMP Part B – On-going Characterization Report

At this time we have not completed our characterization report. The City of Jasper contains five sub-watersheds. As a part of our plan we are characterizing each sub-watershed by the land usage type and the type of pollutants created with this land use. Our current plan is to complete this initial characterization in 2006 and report this as a part of our annual report.

## **Section Three**

### **Storm Water Program for the Six Minimum Control Measures**

#### **Section Three: Storm Water Program for Six Minimum Control Measures:**

##### ***A. Public Education and Outreach***

(Last revision date 9-21-12)

#### **1. Program Description**

- a. Provide narrative discussion of activities to reach all sectors of community.

In order to educate the public there will be a variety of methods used to reach the public. Informational flyers will be placed in the utility bills on an annual basis. This will reach the majority of the adult residents in the city. Also, use of the media through articles in the local newspaper and public service ads on the local radio and television station should reach the adult population. Programs have been given at local civic groups and this will continue. In order to reach youth in our community we are planning on working on developing programs to be used in the school system and groups like 4-H and scouting. A city website has been developed and there is a section on storm water management. Minutes of the monthly Storm Water Management Board meetings are included on the website as well as information on water quality.

- b. Define method to assess constituents to identify base-line knowledge.

This survey is completed. There were 8,400 surveys send out in the monthly utility bill in September, 2010. There was an estimated 800 surveys completed and turned in the Storm Water Department.

- c. If CSS community, identify results of review and update of CSOOP and LTCP to incorporate SWQMP Public Education (PE) activities.

N/A

#### **2. Measurable Goals including time-line for implementation.**

- a. Define for each activity (BMP) specific target outreach or reduction goal percentages:

BMP 1: Informational flyers

Target Audience: adult residents

Target Topics: water quality issues and pollution prevention



Measurable Goal including timeline: annual

BMP 2: Newspaper articles and news broadcasts

Target Audience: total population

Target Topics: timely updates of upcoming events and reminders of meetings

Measurable Goal including timeline: weekly (new program in 2012)

BMP 3: advertisement on Storm Sewer maintenance truck

Target Audience: total population

Target Topics: rolling billboard on the water issues and citizen involvement

Measurable Goal including timeline: The Storm Water Department has purchased a 2012 Ford Escape as the storm water vehicle. The advertisements are on the doors of the new vehicle. This Advertisement will last the length of the vehicle life.

BMP 4: Industrial Training

Target Audience: manufacturers inside the city limits

Target Topics: Drop in the Bucket- BMPs for Storm Water

Measurable Goals including timeline: This Program has begun in 2012 and will continue as manufactures accept the training. The training consists of the Storm Water Coordinator conducting storm water training at the manufacturer's facility. The training is in the format of a Power Point presentation and Educational Video.

BMP 5: inlet filter program

Target Audience: Contractors inside the city limits

Target Topics: Free use (after signing contract) of 10 ADS, city owned, inlet filers for 6 months. The propose of this program is to educate contractors on new and more effective technologies.

Measurable Goals including timeline: This program was started in 2011. All units are currently being used. There are also 3 contractors after using this program purchased their own inlet filters, which is the intent of the program.

BMP 6: Storm Sewer inlet markers

Target Audience: total population

Target Topics: Only Rain down the Storm Drain

Measurable Goals including timeline: The goal is complete of all inlets having the decals. There is a problem of decals falling off the inlets. The City of Jasper has a program in place to maintain all inlets. New inlets are being permanently stamped or cast in to the cover to prevent the decal from falling off the inlets. New as of 2012, the Storm Water Department has changed to the stainless steel inlet markers. As the old markers fall off they will be replaced with the new stainless steel inlet markers.

BMP 6: Guest speaking at group and club functions

Target Audience: groups and clubs

Target Topics: storm water knowledge

Measurable Goals including timeline: This BMP has been ongoing, but has been greatly increased the use since 2011. (Boy Scouts, Lions Club, Builders Association) This BMP will continue to be an important part of Public Education and Outreach. The number of guest speaking presentations will depend on groups needing speakers.

- b. Address the following in your program (or justify why you are not including these strategies):
  - i. Improvement in disposal practices:

Through educational measures we plan to emphasis proper disposal of the hazardous materials and automotive fluids as well as proper use of pesticides and herbicides.

- ii. Cast storm drain cover installations with message:

All of the storm sewer inlets have been marked in the past years. The City of Jasper will continue to mark the existing inlets with decals using city employees and civic groups. All new inlets will be required to have the message cast into the covers.

- iii. School curricula or website implementation:

Through providing educational materials for teachers to include in the school system we will be able to reach the children. The city website already has information concern storm water quality issues. We plan to add additional information with the ability for public input and response capabilities. Also we are planning to add contacts for public input and for reporting illegal discharges.

- iv. Educational material distribution:

Annually informational flyers will be distributed in the monthly utility bills. Material will also distributed as a part of the educational programs in schools.

## ***B. Public Participation and Involvement***

(Last Revision 9-14-12)

### **1. Program Description.**

- a. Provide a narrative discussion of activities to reach all sectors of community.

We currently have a weekly curbside trash collection and recycling program which involves everyone in the community. Annually the Dubois County Solid Waste District has a free collection of household hazardous waste and they also have an oil, oil filters and anti-freeze recycling program available to all Dubois County residents. Plans are to involve civic groups, scouting troops, 4-H clubs, school kids, etc. in

storm sewer inlet marking programs to be conducted at least semi-annually. The City of Jasper has started a new program to involve residents of Jasper by kayaking the Patoka River. During these paddles residents are cleaning the river of trash and the Storm Water Coordinator teaches about outfall points into the river. The City of Jasper has an Adopt A Street program that consist of different groups cleaning a specific street twice a year.

- b. Define the method to survey constituents to determine interest in participating in program.

Contacts will be made to local organizations to enlist their participation; information will be included on ways to participate on flyers mailed with the utility bills annually and also posted on the website.

- c. Define public notice process and documentation methodology for receipt of public comments, input, and involvement.

A file will be maintained of phone calls with public comments, input, and involvement and there will be place for the same placed on the city website.

- d. If CSS community, identify results of review of CSOOP and LTCP to incorporate PPI activities from SWQMP.

N/A

## 2. Measurable Goals

- a. Define each activity (BMP) specific target reduction goal percentages.

BMP 1: Storm inlet marking

Measurable Goal including timeline: The goal has been completed and now new goal is maintaining the decals. The program is reviewed semi-annually. Also, when any City of Jasper employee finds an inlet without a decal they are report the inlet to the Storm Water Coordinator or Storm Water Inspection Crew at the moment.

BMP 2: Storm Water Board meetings

Measurable Goal including timeline: monthly

BMP 3: Adopt A Street Program

Measurable Goal including timeline: Each group should clean their street two times per year. After they complete their cleaning of the street the City of Jasper picks up the trash bags.

BMP 4: Educational Paddles on the Patoka River

Measurable Goal including timeline: The Clean River Paddle and-or Boy Scout Paddle are to be done one time per year each, weather permitting. The City of Jasper will pick up all trash bags from the Clean the River Paddle.

**BMP 5: Special Function with group and Clubs**

Measurable Goal including timeline: This will be completed as needed or become available. This BMP will target younger people in groups and clubs. The 2012 function was the Boy Scouts made spill kit function.

- b. Address the following in your program (or justify why you are not including these strategies):
  - i. Community participation in citizen panels:

The monthly Storm Water Board Meeting is open to all citizen of the City of Jasper
  - ii. Community clean-up activities:

Annual free household hazardous waste collection provided by the Dubois County Solid Waste District
  - iii. Citizen-watch groups and drain marking projects:

Annual events for the public in placing curb inlet markers
  - iv. Public meeting notification for all meetings on storm water program development and implementation:

The regular monthly Storm Water Management Board meetings are listed on the city calendar which is available to all citizens and it is also posted on the city website. All other public meetings are advertised through notices in the local newspaper.

***C. Illicit Discharge Detection and Elimination***

(Last Revision 9-17-12)

**1. Program Description.**

- a. Strategies to detect and eliminate illicit discharges to MS4:
  - i. Identify detection procedures and include dry weather screening or other detection method (e.g., physical visual inspection with chemical test to narrow concerns raised):

The street department does regular visual inspection and cleaning of storm sewers and inlets throughout the city. They also possess a video camera system and they do routine videoing of the storm sewers which allows for detection of illicit discharges. The Storm Water Coordinator also does random inspections.
  - ii. Notification procedures to owner of illicit discharge:
  - iii. Enforcement procedures:
  - iv. Implementation procedures and schedule:

The above three procedures are all listed in the ordinance for IDDE which is included in Appendix F and was adopted by the city council. This is ready for immediate implementation.

v. Identify MS4 personnel and equipment dedicated to do IDDE.

All maintenance on storm sewers is performed by the street department. They have a camera truck for videoing and vacuum truck for cleaning. All City of Jasper employees are trained annually to identify possible illicit discharges. The Street Department and the Waste Water Department have vac trucks to aid in certain illicit discharges. All training except the Park & Rec is complete for 2012.

vi. Identify all active industrial facilities and update annually:

See Appendix B for a listing of Industries. (last revision- 8-15-2012)

b. Mapping strategy:

i. Discussion of overall strategy for completing MS4 conveyance and outfall map:

The mapping of all storm sewers in the City of Jasper is complete. GPS equipment has been used to collect the data for the mapping and has been downloaded in to the city's GIS system. The map has been broken down into grids and place into two books. The Storm Water Inspection Crew has one book and the Storm Water Coordinator has one book. The City of Jasper also updates the book annually to add or change any storm sewers that have been modified.

ii. Recommended changes in inventory of receiving waters presented in Part A or Part B of the application:

No changes. The following is a complete list of Waters of the State (receiving waters of discharges from MS4).

	<b>Waters of the State (Receiving Discharges from MS4)</b>
1	Patoka River
2	Crooked Creek
3	Jahn Creek
4	Ditch Branch
5	Pat Run
6	Calumet Run
7	Buffalo Stream
8	Mill Creek
9	Ackerman Branch
10	Dick Creek

11	Jasper Drain
12	Fish Run
13	Evans Brook

- c. Illicit Discharge Detection and Elimination regulatory process including reference to regulatory mechanism adopted prior to submitting SWQMP.

The regulatory process for IDDE is included in the ordinance for IDDE in Appendix F. This identifies all of the procedures for detection, notification, enforcement and possible penalties when illicit discharges occur. This is ready for immediate implementation.

- d. Identify your education program for public employees, business and general public on hazards of illicit discharges:

Annual meetings will be held for city employees for detection of illicit discharges. Flyers will be place annually in the utility bills discussing the hazards of illicit discharges.

- e. Identify and discuss your recycling program for commonly dumped wastes (motor oil, antifreeze, pesticides):

The Dubois County Solid Waste District provides collection sites throughout the county for collecting motor oil, oil filters and anti-freeze. These sites are available to all Dubois County residents and are open daily. They also provide an annual free collection of hazardous household waste.

## 2. Measurable Goals.

- a. Define specific outreach and reduction goal percentages and timeline:

BMP 1: Oil, Oil filters and anti-freeze recycling program by Dubois County Solid Waste District

Timeline for Implementation: immediate

Measurable Goal: begin to quantify amounts collected from Jasper residents

BMP 2: Annual household hazardous waste collection

Timeline for Implementation: immediate

Measurable Goal: begin to quantify amounts collected from Jasper residents

BMP 3: Wet-Dry Illicit discharge inspections

Timeline for Implementation: immediate

Measurable Goal: Done daily by the Jasper Storm Water Inspection Crew and often by Storm Water Coordinator and random by all City of Jasper employees. All illicit discharges are to be reports and information logged by the Storm Water Coordinator.

3. If CSS community, identify the results of the review of current SRCER, CSOOP and LTCP and indicate changes made to incorporate this MCM requirement.

N/A

#### ***D. Construction Site Storm Water Run-off Management***

##### **1. Program Description.**

- a. Provide a narrative description of the Erosion and Sediment Control Program developed.

Our construction site erosion control and runoff plan is detailed in the ordinance that was passed and adopted by the city council. This ordinance is included in Appendix F and is ready for immediate implementation.

- i. Identify specific BMPs for control of sediment, erosion and other wastes:
- ii. Define the review and approval process for construction plans which must occur prior to land disturbance activity:
- iii. Describe the details of your site inspection program:
- iv. Describe the procedures to identify priority sites as well as the enforcement program for violations and corrective action:
- v. Describe your procedures to receive and consider public input, inquiries, and concerns:
- vi. Describe your process for tracking public input and the follow up procedures:
- vii. Describe your training program for employees responsible for the construction site program, inspection of sites, enforcement procedures and protocols, including documentation process:
- viii. Describe how you addressed the requirement that IDEM receives a copy of the NOI from the construction site operator:
- ix. Describe how you incorporated the opportunity for the local SWCD to participate in the review of the permit requested by the construction site operator:

All of the above procedures are addressed in the ordinance for construction site erosion control and runoff included in Appendix F.

- b. Describe the program to address construction projects owned by MS4 operator or MS4 municipalities within the MS4 area:

The construction projects will be sent to the local SWCD for plan review and inspection. These plans must strictly follow the permitting process outlined in our ordinance.

#### ***E. Postconstruction Storm Water Run-off Control***

1. Program Description.

We are currently drafting an ordinance for Post-construction runoff and plans for the program and its implementation. The process should be completed and ready for implementation by November 2006.

#### ***F. Good Housekeeping and Pollution Prevention***

(Last Revision 9-5-12)

1. Program Description

- a. Describe your program for maintenance activities, maintenance schedules and long-term procedures for BMPs to reduce floatables and other pollutants. Be sure you address how you are incorporating litter pickup, periodic BMP structure cleaning, periodic pavement sweeping, roadside shoulder and ditch stabilization, planting and proper care of roadside vegetation and remediation of outfall scouring.

The street department currently sweeps the streets covering each street monthly. Also they have program to routinely clean and vacuum storm sewers and inlets.

- b. Describe how your program will ensure that local, state and federal facilities in the MS4 area are managed reduce contamination from their operations.
- c. Describe your program to implement controls to reduce pollutants from operations areas and be sure you address the following controls:
  - i. covering or otherwise reducing pollutants from deicing or sand storage areas
  - ii. establishing snow disposal areas that have minimal potential for run-off impact to MS4
  - iii. containment for accidental losses of concentrated solutions, acids, alkaline, salts, oils or other polluting materials
  - iv. SOP for spill prevention and clean up at fueling operations
  - v. BMPs for vehicular maintenance areas



- vi. Prohibition of equipment of vehicle wash waters and concrete or asphalt hydrodemolition waste waters
- vii. Minimization of pesticide and fertilizer use.
- viii. Proper disposal of animal waste.

Each city department is required to recycle oil, filters and anti-freeze when doing regular maintenance on city vehicles. The vehicles are also washed in wash bays or taken to commercial car washes. The street uses only salt on the streets during the winter months and all of the salt is stored in roofed facilities reducing runoff. A special area is set aside for snow disposal at the street department's solid fill area and is protect from drain directly into any storm sewers. Each department utilizes storage areas design to prevent spills and overflows from entering the storm water. We have no dog parks in the city and no place for disposal for pet waste.

- d. Describe how your program will address the requirement for procedures for the proper disposal of waste or materials removed from separate storm sewer systems and operational areas.

The Street Department has just completed drying bins for storage of materials removed by street sweepers and the vacuum truck.

- e. Describe how your program will address training for MS4 entity employees to ensure that they have been properly trained, with periodic refresher sessions.

There will an annual meeting for training for city employees for training in recognizing illicit discharges as well as good housekeeping practices for city facilities and vehicles.

## 2. Measurable Goals

BMP 1: Training meeting for city employees  
 Timeline for Implementation: 2006  
 Measurable Goal: annual meeting

BMP 2: Salt storage facility  
 Timeline for Implementation: immediate  
 Measurable Goal: eliminate salt runoff

BMP 3: Street sweeping  
 Timeline for Implementation: immediate  
 Measurable Goal: monthly street sweeping. Beginning measuring and recording amount collected to quantify results.

BMP 4: Storm sewer and inlet cleaning  
 Timeline for Implementation: immediate

Measurable Goal: Beginning measuring and recording amount collected to quantify results.

**BMP 4: Additional BMPs for Departments**

(complete SWPPP leader meetings, complete department site inspections, reexamine the monthly site inspection reports, reexamine the SWPPP)

Timeline for Implementation: immediate

Measurable Goal: These BMPs are completed annually and for each department.

3. If you are a CSS Community, describe the results of your review and update of your CSOOP and LTCP incorporate SWQMP as needed.

N/A

N/A

**Section Four**  
**Narrative and Mapped Description of the MS4 Boundaries**  
(Last Revision 10-1-12)

***A. Narrative description of the boundary of the MS4 regulated area.***

The MS4 boundary is the city limit boundaries for the City of Jasper. There is approximately 13 square miles within the city limits and contain all of or portions of Sections 14, 15, 22, 23, 24, 25, 26, 27 28, 33, 34, 35 and 36 in Township 1 South, Range 5 West and Section 31 in Township 1 South, Range 4 West and Sections 6 and 7 in Township 2 South, Range 4 West and Sections 1, 2, 3, 4, 5, 10, 11 and 12 in Township 2 South, Range 5 West. See Appendix A for a map of the city limits.

***B. Estimate of linear feet of MS4 system and provide documentation of the method of estimation.***

There is approximately 450,000 lineal feet of storm sewer in the City of Jasper and approximately 375,000 lineal feet of ditch. The storm sewer is based on approximately the same as the length of streets within the city and about 80% of that number in ditches.

**Section Five**  
**Narrative Summary of Allowed Structural BMP**  
**Types for New and Redevelopment**  
(Last Revision 8-16-12)

***A. Provide a narrative discussion of overall structural BMP approach. List of approved structural BMPS is provided in Appendix C.***

Currently we reference to the BMP's listed in the Indiana Handbook for Erosion Control in Developing Areas and its successors as the preferred BMP's. By following the state guidelines we feel that we will have fewer problems with these methods.

***B. Provide a description of Structural BMPs Selection Criteria and Performance Standards***

We have completed a citywide book of standards and design criteria for all facets of construction. This standards book includes design and performance criteria for everything related to storm water. These standards have been adopted by the City Council. This project was completed by 2007 and was revised in 2010.

## Section Six

### Programmatic Indicators for MCMs

The following represents the list of programmatic indicators that are referenced in 327 IAC 15-13-8(b). Those that are checked will be used during the permit period. In addition, other indicators are added at the bottom of the list.

1. Number or percentage of citizens, segregated by type of constituent as referenced in section 327 IAC 15-13-12(a) of Rule 13, that have an awareness of storm water quality issues.	<input type="checkbox"/>
2. Number and description of meetings, training sessions, and events conducted to involve citizen constituents in the storm water program.	<input checked="" type="checkbox"/>
3. Number or percentage of citizen constituents that participate in storm water quality improvement programs.	<input checked="" type="checkbox"/>
4. Number and location of storm drains marked or cast, segregated by marking method.	<input checked="" type="checkbox"/>
5. Estimated or actual linear feet or percentage of MS4 mapped and indicated on an MS4 area map.	<input checked="" type="checkbox"/>
6. Number and location of MS4 area outfalls mapped.	<input checked="" type="checkbox"/>
7. Number and location of MS4 area outfalls screened for illicit discharges.	<input checked="" type="checkbox"/>
8. Number and location of illicit discharges detected.	<input checked="" type="checkbox"/>
9. Number and location of illicit discharges eliminated.	<input checked="" type="checkbox"/>
10. Number of, and estimated or actual amount of material, segregated by type, collected from Household Hazardous Waste collections in the area.	<input type="checkbox"/>
11. Number and location of constituent drop-off centers for automotive fluid recycling.	<input checked="" type="checkbox"/>
12. Number or percentage of constituents that participate in the HHW Collection program.	<input type="checkbox"/>
13. Number of construction sites obtaining an MS4 entity-issued storm water run-off permit in the MS4 area.	<input checked="" type="checkbox"/>
14. Number of construction sites inspected.	<input checked="" type="checkbox"/>
15. Number and type for enforcement actions taken against construction site operators.	<input checked="" type="checkbox"/>
16. Number of, and associated construction site name and location for, public information requests received.	<input checked="" type="checkbox"/>
17. Number, type and location of structural BMPs installed.	<input checked="" type="checkbox"/>
18. Number, type and location of structural BMPs inspected.	<input checked="" type="checkbox"/>
19. Number, type and location of structural BMPs maintained or improved to function properly.	<input checked="" type="checkbox"/>
20. Type and location of nonstructural BMPs utilized.	<input checked="" type="checkbox"/>
21. Estimated or actual acreage or square footage of open space preserved and mapped in the MS4 area, if applicable.	<input checked="" type="checkbox"/>
22. Estimated or actual acreage or square footage of pervious and impervious surfaces mapped in the MS4 area, if applicable.	<input checked="" type="checkbox"/>

23. Number and location of new retail gasoline outlets or municipal, state, federal or institutional refueling areas, or outlets or refueling areas that replaced existing tank systems that have installed storm water BMPs.	<input checked="" type="checkbox"/>
24. Number and location of MS4 entity facilities that have containment for accidental releases of stored polluting materials.	<input checked="" type="checkbox"/>
25. Estimated or actual acreage or square footage, amount, and location where pesticides and fertilizers are applied by a regulated MS4 entity to places where storm water can be exposed within the MS4 area.	<input type="checkbox"/>
26. Estimated or actual linear feet or percentage and location of unvegetated swales and ditches that have an appropriately-sized vegetated filter strip.	<input type="checkbox"/>
27. Estimated or actual linear feet or percentage and location of MS4 conveyances cleaned or repaired.	<input checked="" type="checkbox"/>
28. Estimated or actual linear feet or percentage and location of roadside shoulders and ditches stabilized, if applicable.	<input checked="" type="checkbox"/>
29. Number and location of storm water outfall areas remediated from scouring conditions, if applicable.	<input checked="" type="checkbox"/>
30. Number and location of deicing salt and sand storage areas covered or otherwise improved to minimize storm water exposure.	<input checked="" type="checkbox"/>
31. Estimated or actual amount, in tons, of salt and sand used for snow and ice control.	<input checked="" type="checkbox"/>
32. Estimated or actual amount of material by weight collected from catch basin, trash rack, or other structural BMP cleaning.	<input checked="" type="checkbox"/>
33. Estimated or actual amount of material by weight collected from street sweeping, if utilized.	<input checked="" type="checkbox"/>
34. If applicable, number or percentage and location of canine parks sited at least one hundred fifty (150) feet away from a surface waterbody. N/A	<input type="checkbox"/>
35.	<input type="checkbox"/>
36.	<input type="checkbox"/>
37.	<input type="checkbox"/>
38.	<input type="checkbox"/>
39.	<input type="checkbox"/>
40.	<input type="checkbox"/>

## **Section Seven**

### **Estimated Budget and Funding Source**

#### ***A. Summary of the Estimated Program Budget for Five Year Permit Period (Budget Attached as Appendix D)***

See Appendix D

#### ***B. Identification of Funding Source for Permit Implementation***

An ordinance establishing a user fee has been adopted (see Appendix F). This established a monthly fee of \$2.00 per ERU (equivalent residential unit). Each ERU is equal to 5000 square feet of impervious area. This fee is included as a part of the monthly utility bill.

## **List of Appendices**

**Appendix A:** Map of MS4 Boundaries

**Appendix B:** List of all known industrial facilities discharging to MS4

**Appendix C:** List of Allowed Structural BMPs

**Appendix D:** Five Year Program Budget

**Appendix F:** Documentation of Implementation of Regulatory Mechanisms

1. Illicit Discharge Program
2. Construction Site Run-off Control Program
3. User Fee Ordinance



## **APPENDIX A: MAP OF MS4 BOUNDARIES**

**APPENDIX B: LIST OF ALL KNOWN INDUSTRIAL FACILITIES DISCHARGING  
TO MS4  
(Last Revision 9-4-12)**

Business Name	Property Address
Jasper Desk Co.	501 E 6th St.
Jasper Chair Co.	534-554 East 8th St.
Jasper Seating Co.	932 Mill St.
Kitchen Jewels	844 E 13th St.
Masterbrand Cabinets	1 Aristokraft Sq.
Inwood Office Furniture	1108 E 15th St.
Kimball International	1600 Royal St.
G & T Industries	2741 Cathy Lane
Versteel	2332 Cathy Lane
Jasper Rubber Products, Inc.	1010 1st Ave.
Columbus Container, Inc.	240 S Truman Rd.
Americana Woodworking	285 McKinley Rd.
Best Chairs	1053 W 4th Ave.
Jasper Electric Motors	733 W. Division Rd.
Jasper Engines & Transmissions	815 Wernsing Rd.
Jasper Plastics	1220 Power Dr.
Indiana Furniture Industries	1095 W 100 S.
North American Products Corp.	1180 Wernsing Rd.
JOFCO	305 E 12th Ave.
Dubois Machine Co.	630 3rd Ave.
Air Ride Technologies	3505 St Charles
Univerial Technologies	2028 North Shiloh Road
Best Chairs	1053 4 <sup>th</sup> Ave
The Servant Inc	3145 Lottes Drive



**APPENDIX C: LIST OF ALLOWED STRUCTURAL BMPS**

## Appendix C

### List of BMPs Evaluated and Potential New Sites for Structural and Non-structural BMPs

<b>E= Existing   P= Proposed</b>		<b>S= Structural</b>				<b>N=Non-structural</b>
	<b>BMP Location</b>	<b>E</b>	<b>P</b>	<b>S</b>	<b>N</b>	<b>Condition</b>
1	Storm Water Management Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Meets monthly and is the policy making board for storm water issues in the City of Jasper
2	Storm Water Phase II Advisory Group	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Advisory panel consisting of city officials and citizens established to set up the structure of the Storm Water Board and Department.
3	Public Education	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sent out 4 brochures notifying customers about storm water and user fees. Held information session on erosion control for contractors and developers.
4	Street Cleaning Program	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regular monthly cleaning program, but no quantitative results at this time.
5	Storm Inlet marking program	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	approximately 406 inlets are marked at this time.
6	Curbside trash collection and recycling program	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Weekly program, no quantitative results at this time.
7	Salt storage facility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	All salt for de-icing stored under roof.
8	Regular vehicle maintenance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All city departments require routine maintenance on city vehicles.
9	Oil, oil filters & anti-freeze recycling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All city departments require recycling of oil, oil filters and anti-freeze.
10	Overflow protection & storage basins - Jasper Electric Generation plant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good condition with routine maintenance and inspection.
11	Oil, oil filters and anti-freeze recycling program by Dubois County Solid Waste District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	On going program for all county residents available at all county dump sites.
12	Household hazardous waste day by Dubois County Solid Waste District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Free annual collection of household hazardous waste for all county residents at all county dump sites.
13	Storm water detention pond - St. Charles Estates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good working condition
14	Storm water detention pond - Columbus Container	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good working condition
15	3 Storm water detention ponds - Walmart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good working condition
16	2 Storm water detention ponds - Kmart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good working condition
17	2 Storm water detention ponds - new Jasper Middle School	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good working condition
18	Storm water detention pond - First Baptist Church	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good working condition

19	Storm water detention pond - Church of Jesus Christ of Latter Day Saints	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good working condition
20	Storm water detention pond - Presbyterian Church	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good working condition
21	Storm water detention pond - St. Charles Medical Clinic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Good working condition
22	Storm water detention pond - Applebee's	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pond is currently being used as a sediment basin during time of construction activity.
23	5 Storm water detention ponds - Red Oak Estates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ponds are currently being used as sediment basins during time of construction activity.
24	3 Storm water detention ponds - Mill Creek Park	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ponds are currently being used as sediment basins during time of construction activity.
25	Storm water detention pond - North Brook Park	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pond is currently being used as a sediment basin during time of construction activity.
26	Storm water detention pond - Catherine Estates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pond is currently being used as a sediment basin during time of construction activity.
28	Storm water detention pond - Maryville Second Addition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pond is currently being used as a sediment basin during time of construction activity.
29	4 Storm water detention ponds - Canterbury Green II	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ponds are currently being used as sediment basins during time of construction activity.

**APPENDIX D: FIVE YEAR PROGRAM BUDGET**

<b>Control Measure/Item</b>	<b>Proposed Budget</b>
Public Education and Outreach	\$8,500 per year
Public Participation/Involvement	\$8,500 per year
Illicit Discharge Detection and Elimination	\$12,000 per year
Construction Site Run-Off Control	\$17,000 per year
Postconstruction Run-Off Control	\$8,500 per year
Municipal Operations Pollution Prevention and Good Housekeeping	\$10,000 per year
On-Going Water Quality Characterization	\$7,500 per year
Other	\$16,400 per year

## APPENDIX F – STORM WATER ORDINANCES

ORDINANCE NO. 2004-35

### **AN ORDINANCE ADOPTING PROVISIONS REGULATING THE DISCHARGE OF UNPERMITTED SUBSTANCES INTO THE CITY STORM WATER SYSTEM AND STATE WATERS AND PROVIDING FOR ENFORCEMENT THEREOF**

WHEREAS, the City of Jasper is a designated MS4 entity;

WHEREAS, in order to remain in compliance with the state's requirements for the MS4s, the City must adopt an ordinance with regards to Illicit Discharge Detection and Elimination; and

WHEREAS, the Storm Water Management Board has recommended to the Common Council that this Ordinance be adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
OF THE CITY OF JASPER, INDIANA, AS FOLLOWS:**

**Section 1.** That this Ordinance shall be known as “Chapter 14.20 Storm Water Illicit Discharge Detection and Elimination Regulations” in the Code of Municipal Ordinances of the City of Jasper, Indiana and be referenced as indicated.

**Section 2. (Section 14.20.010) Definitions.**

For the purposes of clarification, the following definitions are provided and become a part of and applicable to the purposes, policies, regulations, requirements, provisions, specifications, and applications of this chapter. Terminology not specifically defined in this section or chapter will have the meaning as otherwise defined in this Title or the meaning commonly understood in the technology or industry relevant to the use of the terminology, or will have the most relevant meaning given in Webster's Collegiate Dictionary.

***“Accidental Discharge”*** means a discharge prohibited by this ordinance which occurs by chance and without planning or consideration prior to occurrence.

***“Best Management Practices (BMPs)”*** are schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

***“Board”*** means the City of Jasper Storm Water Management Board.

***“City Engineer”*** means the Engineer of the City of Jasper or his designee.

***“City of Jasper Municipal Separate Storm Sewer System or MS4”*** means any facility designed or used for collecting and/or conveying storm water, including but not limited to any roads with drainage systems, highways, City of Jasper streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural storm water controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures which is:

- Owned or maintained by the City of Jasper;
- Not a combined sewer; and
- Not part of a publicly-owned Treatment Works.

***“Clean Water Act”*** means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

***“Construction Activity”*** means activities subject to Indiana Rule 5 327 IAC 15-5 or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

***“Hazardous Materials”*** means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

***“Illicit Discharge”*** means any direct or indirect non-storm water discharge to the City of Jasper MS4, except as exempted in Section 14.20.030 of this chapter.

***“Illegal Connection”*** means either of the following:

Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

***“Industrial Activity”*** means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

***“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit”*** means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.



***“Non-Storm Water Discharge”*** means any discharge to the storm drain system that is not composed entirely of storm water.

***“Person”*** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

***“Pollutant”*** means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

***“Pollution”*** means the contamination or other alteration of any water’s physical, chemical or biological properties, including change in temperature, taste, color, turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

***“Premises”*** means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

***“State Waters”*** means 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 which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

***“Storm Water Coordinator”*** means the Storm Water Coordinator of the City of Jasper or his designee.

***“Storm Water Pollution Prevention Plan (SWP3)”*** is a document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to the MS4 or State Waters or Waters of the United States to the maximum extent practicable.

***“Storm Water Runoff”*** or ***“Storm Water”*** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

***“Structural Storm Water Control”*** means a structural storm water management facility or device that controls storm water 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.

### **Section 3. (Section 14.20.020) General Provisions.**

#### **3.1 Purpose and Intent**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Jasper through the regulation of non-storm water discharges to the City of Jasper MS4 to the maximum extent practicable as required by Federal law. This ordinance establishes methods for controlling the introduction of pollutants into the City of Jasper MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) Regulate the contribution of pollutants to the City of Jasper MS4 by any user;
- (2) Prohibit illicit connections and illegal discharges to the City of Jasper MS4;
- (3) Control discharges to the City of Jasper MS4 of spills, dumping or disposal of materials other than storm water;
- (4) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

#### **3.2 Applicability**

This ordinance shall apply to all water entering the City of Jasper MS4 generated on any developed and undeveloped lands unless explicitly exempted by the Board or its designee.

#### **3.3 Compatibility with Other Regulations**

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

#### **3.4 Responsibility for Administration**

The Storm Water Management Board or its designee shall administer, implement, and enforce the provisions of this ordinance.

### **Section 4. (Section 14.20.030) Prohibitions.**

#### **4.1 Prohibition of Illicit Discharges**

No person shall throw, drain, or otherwise discharge or cause to throw, drain, run, or allow to seep or otherwise be discharged into the City of Jasper MS4 any materials, including but not limited to pollutants or waters containing any

pollutants, other than storm water. The commencement, conduct or continuance of any illicit discharge to the City of Jasper MS4 is prohibited.

The following are exempt from the prohibition provision above:

1. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, and any other water source not containing pollutants.
2. Dye testing, only when written notification is given to the City Engineer or Storm Water Coordinator prior to the time of the test.
3. Discharges or flows from fire fighting.
4. Other discharges as specified in writing by the Board or its designee as being necessary to protect public health and safety; provided, however, if the Board or its designee finds that any exemptions previously granted are causing adverse impacts to water quality, then the Board or its designee shall have the authority to rescind such exemption on a case-by-case basis and regulate the discharge under the provisions of this ordinance.

The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the City of Jasper MS4.

#### 4.2 Prohibition of Illicit Connections

The construction, connection, use, maintenance or continued existence of any illicit connection to the City of Jasper MS4 is prohibited.

1. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
2. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the City of Jasper MS4, or allows such a connection to continue.
3. Improper connections in violation of this article must be disconnected and redirected, if necessary, to the sanitary sewer system upon directive of the City Engineer or Storm Water Coordinator or the City of Jasper Wastewater Department.

## **Section 5. (Section 14.20.040) Suspension of MS4 Access.**

### **5.1 Suspension due to Illicit Discharges in Emergency Situations**

The City Engineer or Storm Water Coordinator may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or State Waters or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City Engineer or Storm Water Coordinator may take such steps as deemed necessary to prevent or minimize damage to the MS4 or State Waters or Waters of the United States, or to minimize danger to persons.

### **5.2 Suspension due to the Detection of Illicit Discharge**

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City Engineer or Storm Water Coordinator will notify a violator of the proposed termination of its MS4 access. The violator may petition the Board for reconsideration and a hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Board or its designee.

## **Section 6. (Section 14.20.050) Industrial or Construction Activity Discharges.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Board or its designee prior to the allowing of discharges to the City of Jasper MS4.

## **Section 7. (Section 14.20.060) Monitoring of Discharges.**

### **7.1. Applicability**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

### **7.2. Access to Facilities**

Upon just cause, The City Engineer or Storm Water Coordinator shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

- 1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the City Engineer or Storm Water Coordinator.
- 2) Facility operators shall allow the City Engineer or Storm Water Coordinator ready access to those parts of the premises necessary for the purposes of

inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by State and Federal law.

- 3) The City Engineer or Storm Water Coordinator shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City Engineer or Storm Water Coordinator to conduct monitoring and/or sampling of the facility's storm water discharge.
- 4) Upon issuance of a Notice of Violation, the City Engineer or Storm Water Coordinator has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- 5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the owner at the written request of the City Engineer or Storm Water Coordinator and shall not be replaced. The costs of clearing such access shall be borne by the owner.
- 6) Unreasonable delays in allowing the City Engineer or Storm Water Coordinator access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- 7) If the City Engineer or Storm Water Coordinator has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Engineer or Storm Water Coordinator may seek issuance of a search warrant from any court of competent jurisdiction.

**Section 8. (Section 14.20.070) Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.**

The Board or its designee will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs.

Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWP3) as necessary for compliance with requirements of the NPDES permit.

#### **Section 9. (Section 14.20.080) Watercourse Protection.**

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

#### **Section 10. (Section 14.20.090) Notification of Accidental Discharges and Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the City of Jasper MS4, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than the next business day of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Engineer or Storm Water Coordinator within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

In either case, such person shall also take immediate steps to ensure no recurrence of the discharge or spill.

#### **Section 11. (Section 14.20.100) Violations, Enforcement and Penalties.**

##### **11.1. Violations**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

#### 11.2. Notice of Violation

Whenever the City Engineer or Storm Water Coordinator finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the City Engineer or Storm Water Coordinator shall order compliance by written notice of violation to the responsible person. However, in the event that an emergency exists and immediate action is required, the City may abate or remedy the emergency and the notice may be given after said remediation has already occurred. An emergency exists when there is an imminent threat to public health, safety or welfare in the opinion of the City Engineer or Storm Water Coordinator. In the event of such an emergency, the City Engineer or Storm Water Coordinator shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

The notice of violation shall contain:

- 1) The name and address of the owner and violator;
- 2) The address when available or a description of the building, structure or land upon which the violation is occurring/has occurred;
- 3) A statement specifying the nature of the violation;
- 4) A description of the remedial measures necessary to bring the illegal activity into compliance with this ordinance and a time schedule for the completion of such remedial action, which may include designating that the violation requires immediate action, i.e. twenty-four (24) hours or less and/or a description of the remedial measures that were necessary to bring the illegal activity into compliance with this ordinance that were already taken by the City Engineer or Storm Water Coordinator; and,
- 5) A statement of the fine and/or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

Such notice may require without limitation:

- 1) The performance of monitoring, analyses, and reporting;
- 2) The elimination of illicit connections or discharges;
- 3) That violating discharges, practices, or operations shall cease and desist;
- 4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

- 5) Payment of a fine and/or penalties to cover administrative and remediation costs; and
- 6) The implementation of Pollution Prevention Practices.

#### 11.3. Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the City Engineer or Storm Water Coordinator to the Board. In addition, a fine and/or penalty issued against a violator by the Board may be appealed to the Board of Public Works and Safety of the City of Jasper, Indiana. In either case, the notice of appeal must be received by the City Engineer or Storm Water Coordinator within fifteen (15) days from the date of the Notice of Violation or the issuance of the fine and/or penalty. Hearing on the appeal before the Board or the Board of Public Works and Safety shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the Boards on these issues shall be final.

#### 11.4. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the Board's ruling upholding the decision of the City Engineer or Storm Water Coordinator, then the City Engineer or Storm Water Coordinator shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

#### 11.5 Cost of Abatement of the Violation

Within thirty (30) days after abatement of the violation, the owner of the property and violator will be billed for the cost of abatement, including administrative costs. The notification will include copies of all invoices paid by the City, and a log of all hours spent by City personnel. If the amount due is not paid within thirty (30) days of receipt of the bill, the City may certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification and said amounts shall be collected as delinquent taxes are collected, pursuant to I.C. 36-1-6-2.

#### 11.6 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided in Section 14.20.100 of this chapter, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is deemed a threat to public health, safety, and welfare, and is declared a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.



#### 11.7 Prosecution in Court

Any person that has violated or continues to violate this ordinance and has received notice of such violation shall be subject to a fine of up to \$2,500.00 per violation per day, at the discretion of the Board. In the event the fine is not paid, the ordinance violation may be filed in court and the owner of the property or the violator, upon conviction, shall be guilty of an ordinance violation and shall be responsible for the fine, court costs, attorney's fees, costs incurred by the City to abate the violation - if said amounts have not been certified to the County Auditor under Section 11.5, fines or penalties that the City has been required to pay because of the illicit discharge, and any other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Each day a violation continues after the original notification thereof, shall be deemed a separate offense under this Ordinance.

All fines collected by the City under this section shall be deposited in the Storm Water Management Fund.

#### 11.8 Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State or local law and it is within the discretion of the Board or its designee to seek cumulative remedies.

**Section 12. Prior Ordinances.** All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

**Section 13. Separability.** If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereunder.

**Section 14. Effective Date.** This Ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law.

## **ORDINANCE NO. 2004-44**

### ***AN ORDINANCE CONCERNING CONSTRUCTION SITE STORM WATER RUNOFF CONTROL***

WHEREAS, The Federal Clean Water Act, 33 U.S.C. 1251 et seq., designates and requires the City of Jasper to implement and enforce a program to reduce or eliminate, to the maximum extent practicable, pollutants in storm water runoff from construction activities that result in disturbance of land equal to or greater than one acre; and

WHEREAS, control of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more; and

WHEREAS, 327 IAC 15-13 establishes specific requirements for municipal operators of separate storm sewer systems to initiate and manage a program to control storm water runoff associated with construction activities and land disturbing activities in urbanized areas; and

WHEREAS, 327 IAC 15-5 establishes specific requirements for construction plan content and permit application with regard to projects subject to regulation by the municipal operator's construction site control program; and

WHEREAS, the Common Council of the City of Jasper, as the city legislative body, is empowered to establish an ordinance for the following purposes with respect to the quality and quantity of storm water discharge from construction sites located within the jurisdiction of the City of Jasper:

- (1) To exercise regulations over construction activities to reduce or eliminate, to the maximum extent practicable, polluted storm water runoff associated with construction sites in the City of Jasper, under the jurisdiction of the Common Council of the City of Jasper.
- (2) To establish specific requirements for construction site plans, and other relevant development documents narrating, depicting, and specifying appropriate control measures, management practices, and content that incorporates consideration of potential water quality and runoff quantity impacts in accordance with 327 IAC 15-5, 327 IAC 15-13, and the need for local requirements.
- (3) To establish the following regulatory mechanisms:
  - (a) A process that reviews, approves, and permits rule-compliant construction plans before construction activities commence at project sites.
  - (b) A process by which an approved construction plan may be modified appropriately, when necessary, to address conditions adversely affecting water quality that may become apparent at a project site after construction activities have commenced.
  - (c) A system to prioritize inspection of construction sites that ranks sites based upon their potential to adversely affect soil and water resources.

- (d) Procedures and protocols for the inspection of project sites and for enforcement of management practices, control measures, and code requirements by an established method of evaluation, assistance guidance, and recommendation for compliance with the requirements of this ordinance.
- (4) To develop measurable goals for the construction site control program that identifies outreach compliance, and implementation of goal percentages and timetables for achievement of the purposes and requirements of this ordinance.
- (5) To establish procedures and a tracking process for the receipt, consideration, documentation, and response by appropriate staff to information, comments, and inquiries from the public regarding construction sites and construction activities.
- (6) To establish a procedure that provides the Dubois County Soil and Water Conservation District's technical staff an opportunity to offer technical comments and make technical recommendations on individual construction plans for project sites.
- (7) To require a self-monitoring program for project site owners that meets the minimum requirements of federal and state rules applicable to self-inspection and evaluation of control measures and management practices at construction sites.
- (8) To establish a program of technical training, continuing education, and certification for plan reviewers, inspectors, and other program personnel.

WHEREAS, the Common Council of the City of Jasper, Indiana, desires to establish and integrate into existing local development plan review and permitting process, new procedures compliant with federal and state NPDES Phase II mandates;

**NOW THEREFORE, BE IT ORDAINED by the COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, as follows:**

Section 1.

That this ordinance shall be known as "Chapter 14.30 Construction Site Runoff Control" in the Code of Municipal Ordinances of the City of Jasper, Indiana and be referenced as indicated.

**Section 2. (Section 14.30.010) Legislative findings and policy and purpose.**

2.1. Legislative findings and policy.

The Common Council of the City of Jasper, Indiana, hereinafter referred to as the Common Council, finds, determines, and declares that the network of natural surface watercourses, natural streams, and constructed drains in the City of Jasper, Indiana, provides for the collection, conveyance, storage, treatment, discharge, and disposal of storm water, and thereby benefits and serves all property within the various watersheds contributing storm water to the storm water drainage network. The benefits include, but are not limited to, the provision of adequate collection, conveyance, detention, retention, treatment, and release of storm water, the reduction of hazards to life and property resulting from storm water runoff, the improvements in general health, safety, and welfare through reduction of undesirable storm water condition, and the improvements to the quality of storm water arriving through the storm water drainage network to the receiving waters of the state and navigable water of the United States.

## 2.2. Purpose.

The purpose of this Chapter is:

- A. To enable the City of Jasper, Indiana, to comply with federal and state laws and regulations applicable to the National Pollutant Discharge Elimination System (NPDES) permitting requirements for storm water discharges from constructions sites.
- B. To prevent or eliminate the discharge of contaminated storm water runoff from construction sites into storm water conveyances owned or operated by the city, or into waters of the state, and waters of the U.S.
- C. To establish a procedure that requires submittal, review, and approval of construction plans in accordance with 327 IAC 15-5 before the commencement of construction activities at project sites where land disturbance will be to equal or greater than one (1) acre.
- D. To establish a procedure that offers the Dubois County Soil and Water Conservation District an opportunity to make technical comments and recommendations on individual plans for project sites regulated by this chapter.
- E. To establish a process that ensures the implementation of appropriate control measures and management practices at construction sites through guidance, assistance, inspection, evaluation, plan modification, enforcement, and penalty when necessary to ensure compliance with regulations under this chapter.
- F. To require regular and appropriate training and certification for persons involved in reviewing plans, inspecting project sites, evaluating control measures, making corrective recommendations, directing work, supervising personnel, or otherwise assuming a technical, professional, managerial, or administrative role in the City of Jasper's construction site runoff control program.
- G. To establish procedures and a tracking system for the receipt, consideration, documentation, and response by appropriate staff to information, comments, and inquires from the public regarding construction sites and storm water quantity and quality issues.

- H. To establish measurable goals for attainment of applicable code requirements.

### **Section 3. (Section 14.30.020) Definitions**

For the purposes of clarification, the following definitions are provided and become a part of and applicable to the purposes, policies, regulations, requirements, provisions, specifications, and applications of this chapter. In some instances, a definition incorporated herein establishes policy within the definition; as such establishment of policy shall have the same effect as if the policy were established in another section of this chapter. The definitions established in this section shall be the effective definitions for certain terminology used within this chapter, and within documents, activities, and exchanges of dialogue appended to or associated with this chapter. When a definition given in this section or chapter conflicts or varies with a definition given in a document other than this section or chapter, the definition given in this section or chapter will prevail as the operative definition relative to the requirements of and regulation under this chapter. Terminology not specifically defined in this section or chapter will have the meaning as otherwise defined in this title or the meaning commonly understood in the technology or industry relevant to the use of the terminology, or will have the most relevant meaning given in Webster's Collegiate Dictionary. The following definitions are incorporated by this chapter and shall apply throughout unless the context clearly indicates another meaning:

1. ***"Agricultural land disturbing activity"*** means tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, and the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tiles. For the purposes of this chapter, the term does not include land disturbing activities for the construction of agricultural-related facilities such as barns, buildings to house livestock, roads associated with infrastructure, other infrastructure, agricultural waste lagoons and facilities that process residential, workshop, or human wastes, and lakes, ponds, wetlands, and other infrastructure.
2. ***"Best Management Practices (BMPs)"*** are schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
3. ***"Board"*** means the City of Jasper Storm Water Management Board.
4. ***"City Engineer"*** means the Engineer of the City of Jasper or his designee.
5. ***"City of Jasper Municipal Separate Storm Sewer System or MS4"*** means any facility designed or used for collecting and/or conveying storm water,

including but not limited to any roads with drainage systems, highways, City of Jasper streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural storm water controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures which is:

- Owned or maintained by the City of Jasper;
  - Not a combined sewer; and
  - Not part of a publicly-owned Treatment Works.
6. ***“Certified technician”*** means a qualified professional or trained individual who has achieved state accreditation through coursework and continuing education specifically prescribed, provided, or approved by IDEM or IDNR/DSC for the purpose of achieving state certification as a technician qualified to select or supervise the selection of, install or supervise the installation of, manage, inspect, evaluate, and report on ECMs and BMPs related to storm water quantity, quality, and pollution fate.
  7. ***“Construction activity”*** means activities subject to Indiana Rule 5 327 IAC 15-5 or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. The term “construction activity” does not include routine ditch or road maintenance or minor landscaping projects.
  8. ***“Construction plan”*** means an ordered collection of drawings, narratives, data, and documents assembled for review, approval, authorization, and establishment of guidelines for the initiation, management, and completion of construction activities at a project site regulated by this chapter. A storm water pollution prevention plan (SWP3) is a part of the construction plan.
  9. ***“Construction project”*** or ***“project”*** means an organized effort to start, conduct, manage, and complete a single construction activity, or a series of construction activities.
  10. ***“Construction project site”*** means the physical location or locations where a construction project is being accomplished, or the physical or legal boundaries within which a construction activity or a series of construction activities is planned to be or is being accomplished.
  11. ***“Construction site access”*** means a stabilized stone surface at all points of construction related ingress to and egress from an approved reference manual, and maintained throughout the period of land disturbing activities for the purpose of capturing and detaining sediment carried by tires, tracks, or other surface contact components of vehicles, earthmoving equipment, or material and personnel transport conveyances.
  12. ***“Construction site operator”*** shall have the same meaning as project site operator.

13. **“Contractor”** or **“subcontractor”** means an individual or company hired by the project site owner or by an individual lot owner or individual lot operator to perform services on or connected to the project site or individual lot.
14. **“Department”** or **“IDEM”** means the Indiana Department of Environmental Management.
15. **“Developer”** means a project site owner or person financially responsible for construction activity; or an owner of property who sells, leases, or offers for sale or lease, any lots in a subdivision or larger common plan of development or sale.
16. **“DNR-DSC”** means the same as **“IDNR/DSC”** which means the Indiana Department of Natural Resources, Division of Soil Conservation.
17. **“Director”** means the chief executive officer of IDEM.
18. **“Drain”** means an open channel or a pipe, or combination thereof, implemented to gather, convey, store, treat, and release storm water runoff.
19. **“ECM”** or **“erosion control measure”** means an activity, a material application, or a structure that prevents, arrests, or lessens the wearing away of soil, sediment, or rock by water, wind, or ice.
20. **“EPA”** means the federal Environmental Protection Administration.
21. **“Erosion”** means the detachment and movement of soil, sediment, or rock fragments by water, wind, or ice.
22. **“Erosion and sediment control measure”** means an appropriate component or components or an erosion and sediment control plan or system.
23. **“Erosion and sediment control system”** means the use of appropriate control measures to prevent or minimize the wearing away of soil, sediment, and rock fragments by water, wind, or ice, and to intercept detached or suspended particles to prevent their discharge from or within a project site.
24. **“Final stabilization”** means the establishment of permanent vegetative cover or the application of a permanent, non-erosive material to areas where all land disturbing activities have been completed and no additional land disturbing activities are planned under the current permit.
25. **“Grading”** means the cutting and filling of the land surface to a desired slope or elevation.
26. **“IDEM”** means the Indiana Department of Environmental Management, the NPDES permitting authority for the State of Indiana.
27. **“IDNR”** means the Indiana Department of Natural Resources.
28. **“IDNR/DSC”** means the Division of Soil Conservation of IDNR, which through a memorandum of agreement (MOA) with IDEM, reviews plans, makes site inspections, evaluates ECMs and BMPs, and determines compliance with 327 IAC 15-5 (Rule 5).

29. ***“Impervious Area”*** means the number of square feet of hard surfaced areas, including compressed rock or gravel, which either prevent or retard the entry of water into soil mantle, as it entered under natural conditions as Undisturbed Property, and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as Undisturbed Property, including, but not limited to, roofs, roof extensions, driveways, pavement, parking lots and athletic courts.
30. ***“Impervious surface”*** or ***“impervious land surface”*** means a surface layer of application, like pavement or rooftops that prevents the infiltration of storm water into the soil.
31. ***“Individual building lot”*** means a single parcel of land within a multi-parcel development.
32. ***“Individual lot operator”*** means a contractor or subcontractor working on an individual building lot.
33. ***“Individual lot owner”*** means a person who has financial control of construction activities for an individual lot.
34. ***“Land disturbing activity”*** means any manmade change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading.
35. ***“Larger common plan of development or sale”*** means a plan undertaken by a developer, project site owner, or group of developers or project site owners, to offer lots for sale or lease where land is contiguous or the land development is known, planned, designated, purchased, or advertised as a common unit or by a common name and is presumed to be offered for sale or lease as part of a larger common plan. The term includes phased or other construction activity by a single unit for the unit’s own use.
36. ***“Legally binding agreement”*** means a written, enforceable legal document used to describe responsibilities between joint municipal executives, MS4 entities, City Engineer or Storm Water Coordinators, or other entities providing, receiving, or sharing services with regard to this chapter.
37. ***“MEP”*** or ***“maximum extent practicable”*** means the greatest degree of fair, economic, practical, successful, and appropriate control and treatment that reasonably can be expected to result from the diligent application of control measures, management practices, requirements, and regulations implemented to cause the adequate effects intended by the control measures, management practices, requirements, and regulations.
38. ***“Measurable storm event”*** means a precipitation event that results in a total measured accumulation of precipitation equal to or greater than one half (0.5) inch of rainfall.
39. ***“MS4”*** means ***“Municipal Separate Storm Sewer System”*** or a system of storm water conveyances either owned or operated by a governmental agency (MS4 entity) that EPA or IDEM has designated as responsible to eliminate or



minimize pollutant loadings of the storm water entering waters of the state, and water of the U.S.

40. ***“MS4 area”*** means a land area comprising one or more places that receives coverage under one NPDES storm water permit regulated by 327 IAC 15-13 or 327 IAC 5-4-6(a)(4) and 327 IAC 5-4-6(a)(5).
41. ***“MS4 conveyance”*** means a waterway or drain owned or operated by an MS4 entity.
42. ***“MS4 operator”*** means the person responsible for development, implementation, or enforcement of the minimum control measures (MCMs) for a designated MS4 area regulated under 327 IAC 15-13.
43. ***“Mutual drain”*** means a channel, pipe, or other storm water conveyance that exists on two or more properties owned by two or more entities and constructed or otherwise placed with the consent of the owning entities.
44. ***“Notice of Deficiency letter”*** or ***“NOD letter”*** means a written notification from City Engineer or Storm Water Coordinator indicating to the project site owner that the construction plan for a project site has been reviewed and has been found to have deficiencies by the City Engineer or Storm Water Coordinator.
45. ***“Notice of Intent letter”*** or ***“NOI letter”*** means a written notification from the project site owner sent to the Director of IDEM and to the City Engineer or Storm Water Coordinator at least forty-eight (48) hours prior to initiating construction activities at the project site.
46. ***“Notice of Termination letter”*** or ***“NOT letter”*** means a written notification from the project site owner to the Director of IDEM and to the City Engineer or Storm Water Coordinator that the construction activities for a project site has been terminated and has met the conditions of this ordinance.
47. ***“Notice of Plan Sufficiency”*** or ***“NPS”*** means a notification from the City Engineer or Storm Water Coordinator to the project site owner that the construction plan for a project site has been reviewed and approved by the Board. The project site owner must insert the NPS with the NOI sent to the Director of IDEM at least forty-eight (48) hours prior to initiating construction activities at the project site.
48. ***“NPDES”*** means the National Pollution Discharge and Elimination System, a program administered by the EPA to reduce or eliminate the pollutant loadings into public waters.
49. ***“NRCS”*** means the Natural Resource Conservation Service of United States Department of Agriculture (USDA).
50. ***“Peak discharge”*** means the maximum rate of flow from a point of storm water discharge during or immediately following a storm event, usually in reference to a specific return period storm or “design storm.”

51. ***“Permanent stabilization”*** means the establishment, at a uniform minimum of seventy percent (70%) across the disturbed areas, of vegetative cover or permanent non-erosive material that ensures the resistance of the underlying soil to erosion, sliding, or other movement.
52. ***“Phasing of construction”*** means sequential development of smaller portions of a large project site, stabilizing each portion before initiating land disturbing activities on the next portion, to minimize exposure of land to erosion.
53. ***“Project site”*** means the entire area on which construction activity will be performed.
54. ***“Project site owner”*** means the person or entity required to submit an NOI under 327 IAC 15-5 (Rule 5), and includes the following entities: A developer, or a person who has financial and operational control of construction activities, project plans and specifications, and the ability to modify or cause modification of project plans and specifications, and the ability to modify or cause modification of project plans and specifications for a project site.
55. ***“Rule 5”*** means 327 IAC 15-5, the Indiana Administrative Rule, as adopted in 2003, requiring NPDES permits for construction activities disturbing one acre or greater of land, and to follow specific planning and management requirements regarding storm water quality and quantity.
56. ***“Rule 13”*** means 327 IAC 15-13, the Indiana Administrative Rule implementing the NPDES Phase II unfunded federal mandates requiring municipalities to implement specific minimum control measures (MCMs) regarding storm water runoff from land use activities in urbanized areas.
57. ***“Runoff”*** means an accumulation of storm water flow that is moving across the surface of the earth as sheet flow or concentrated flow in natural surface watercourses, drains, or waterways.
58. ***“Sediment”*** means solid material, both organic and mineral, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth’s surface.
59. ***“Sedimentation”*** means the settling and accumulation of unconsolidated sediment carried by storm water runoff.
60. ***“Soil”*** means the unconsolidated mineral and organic material on the surface of the earth that serves as the natural medium of vegetative growth.
61. ***“Soil and Water Conservation District”*** or ***“SWCD”*** means a political subdivision established under IC 14-32.
62. ***“State waters”*** means 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 which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

63. ***“Storm Water Coordinator”*** means the Storm Water Coordinator of the City of Jasper or his designee.
64. ***“Storm water pollution prevention plan”*** or ***“SWP3”*** is a document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to the MS4 or State Waters or Waters of the United States to the maximum extent practicable.
65. ***“Storm water runoff”*** or ***“storm water”*** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
66. ***“Structural storm water control”*** means a structural storm water management facility or device that controls storm water 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.
67. ***“Storm water quality measure”*** means a practice or combination of practices to control or minimize pollutants associated with storm water runoff.
68. ***“Strip development”*** means a multi-lot project where building lots front on an existing road.
69. ***“Temporary stabilization”*** means the covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive materials applied at a uniform minimum density of seventy percent (70%) across the disturbed areas of a project site.
70. ***“Tracking”*** means the movement and re-depositing of dirt, mud, aggregate, sediment, or other storm water pollutants from a project site by the actions of wheels, tires, skids, tracks, or other surface contact components of cars, trucks, and heavy equipment, or material and personnel transport conveyances.
71. ***“Trained individual”*** means a person who in accordance with a definition given by IDEM in 327 IAC 15-5 (Rule 5) is sufficiently “Trained and experienced in the principles of storm water quality, including erosion and sediment control, as may be demonstrated by state registration, professional certification, experience or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.
72. ***“Undisturbed Property”*** means real property, which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities, which have disturbed or altered the topography or soils on the property.

**Section 4. (Section 14.30.030) Project site classifications and Construction plan requirements.**

4.1. Project site classifications.

A. Subject construction site defined as a **major project site**.

Any new construction activity which shall result in land disturbance equal to or greater than one (1) acre shall be defined as a “major project site.” A major project site shall require an approved construction plan, and shall be initiated, managed, and terminated in accordance with an approved construction plan and with the requirements of and regulations under this chapter. The following are exceptions to the definition of a “major project site” and each are regulated under the provisions of this chapter:

1. Subject construction site defined as a **small residential major project site**.

A “small residential major project site” is defined as a single-family, residential development consisting of four (4) or fewer lots, or for a single-family, residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a larger common plan of development and sale.

2. Subject construction site defined as a **large individual residential project site**.

Any new construction activity which establishes a single-family, residential dwelling that is not a part of a larger common plan of development or sale, and the land disturbance at the project site will not equal or exceed five (5) acres, shall be defined as a “large individual residential project site.”

3. Subject construction site defined as a **small individual residential project site**.

Any new construction activity for a single-family or two-family residence which shall result in land disturbance of one (1) acre or more, and the construction activity is a part of a larger common plan of development or sale shall be defined as a “small individual residential project site.”

- B. Subject construction site defined as a **minor project site**.

Any new construction activity which shall result in land disturbance of less than one (1) acre shall be defined as a “minor project site.”

#### 4.2. Construction plan required.

A construction plan shall be submitted in quadruplicate to the City Engineer or Storm Water Coordinator for any new construction activity that results in a land disturbance equal to or greater than one (1) acre located within the City of Jasper MS4, along with the permit fee required under Section 17 (14.30160).

- A. Subject construction site defined as a major project site.

A “major project site” shall require an approved construction plan, and shall be initiated, managed, and terminated in accordance with an approved construction plan and with the requirements of and regulations under this chapter.

- B. Subject construction site defined as a small residential major project site.

A “small residential major project site” shall require an approved construction plan, and shall be initiated, managed, and terminated in

accordance with an approved construction plan and with the requirements of and regulations under this chapter.

- C. Subject construction site defined as a large individual residential project site.

A “large individual residential project site” shall require an approved construction plan, and shall be initiated, managed, and terminated in accordance with an approved construction plan and with the requirements of and regulations under this chapter.

- 4.3. The City Engineer or Storm Water Coordinator will determine the appropriate route of review for a construction plan.

- 4.4. Notice of plan sufficiency is required before construction activity initiated at a major project site.

A construction plan for a major project site shall be submitted, reviewed, and approved and that a Notice of Intent (NOI) letter or application shall be sent to the Director of the Indiana Department of Environmental Management (IDEM) and/or the City of Jasper as required by this chapter before construction activity commences at a major project site.

4.5. Construction plan not required.

- A. Subject construction site defined as a small individual residential project site.

Any new construction activity for a single-family or two-family residence which shall result in land disturbance of one (1) acre or more, and the construction activity is a part of a larger common plan of development or sale shall be defined as a “small individual residential project site.”

Although a construction plan is not required, a small residential project site shall be initiated, managed, and terminated in accordance with specific provisions of a construction plan approved for the larger common development and/or with the requirements of and regulations under this chapter.

- B. Subject construction site defined as a minor project site.

Any new construction activity which shall result in land disturbance of less than one (1) acre shall be defined as a “minor project site.” Although a construction plan is not required, a minor project site shall be initiated, managed, and terminated in accordance with specific provisions of a construction plan approved for the larger common development and/or with the requirements of and regulations under this chapter.

**Section 5. (Section 14.30.040) Applicability.**

- 5.1. The requirements under this chapter apply to all persons who do not obtain an individual NPDES permit under 327 IAC 15-2-6, meet the general permit rule applicability requirements under 327 IAC 15-2-3, and are involved in construction activity, except operations that result in the land disturbance of less than one (1) acre of total land area as determined under Section 4 (14.30.030) of this chapter, and are not part of a larger common plan of development or sale.
- 5.2. The requirements under this chapter do not apply to persons who are involved in agricultural land disturbing activities, or forest harvesting activities.
- 5.3. Agricultural conservation practices (ACPs), means practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation, including grass waterways, sediment basins, terraces, and grade stabilization structures. ACPs must be planned, installed, and managed in accordance with applicable guidance and specifications from the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Purdue

University agricultural extension program, or comparable Indiana governmental sources.

- 5.4. The requirements under this chapter do not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:
- A. 329 IAC 10, landfills issued a certificate of closure, or municipal solid waste landfills accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management containing equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary; and
  - B. IC 14-34 permitted coal mining activities.
- 5.5. General jurisdictional boundary.
- A. The regulations of this chapter apply to all construction sites and construction activities on all lands within the jurisdictional boundaries of the City of Jasper MS4 unless exempted from this chapter.
  - B. The regulations of this chapter may be expanded into another municipal jurisdiction, or MS4 area, upon the execution of a legally binding agreement between the Board and another municipal executive authority, legislative authority, or designated MS4 entity.

## **Section 6. (Section 14.30.050) Requirements for owners.**

- 6.1. Major Project Site.
- A. For a “major project site” or a “small residential major project site” regulated under this chapter, the project site owner has the following responsibilities:
    - 1. To complete a sufficient Notice of Intent letter (NOI).
    - 2. To ensure that a sufficient construction plan is completed and submitted in accordance with Section Ten (10) (14.30.090) or Section Eleven (11) (14.30.100), whichever is applicable, of this chapter.
    - 3. To ensure compliance with this chapter during the implementation of the approved construction plan for the project site, and during subsequent construction activities at the project site.



4. To ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this chapter and the approved construction plan.
5. To notify the Indiana Department of Environmental Management and the City Engineer or Storm Water Coordinator with a sufficient Notice of Termination letter (NOT).

B. Individual lot where disturbance is one acre or more.

For an individual lot that where land disturbance is expected to be one (1) acre or more and is not regulated elsewhere in this chapter and the lot lies within a major project site regulated under this chapter and permitted in accordance with 327 IAC 15-5, the individual lot owner must:

1. Complete and submit his or her own NOI in accordance with the applicable requirements of this chapter; and
2. Ensure that a sufficient construction plan is completed and submitted in accordance with Section Ten (10) (14.30.090) of this chapter.

6.2. Large Individual Residential Project Site.

A. For a large residential project site regulated under this chapter, the project site owner has the following responsibilities:

1. To complete and submit to the City Engineer or Storm Water Coordinator a sufficient Notice of Intent letter (NOI).
2. To ensure that a sufficient construction plan is completed and submitted in accordance with Section Ten (10) (14.30.090) or Section Eleven (11) (14.30.100), whichever is applicable, of this chapter.
3. To ensure compliance with this chapter during the implementation of the approved construction plan for the project site, and during subsequent construction activities at the project site.
4. To ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this chapter and the approved construction plan.
5. To notify the City Engineer or Storm Water Coordinator with a sufficient Notice of Termination letter (NOT).

6.3. Small Individual Residential Project Site.

A. For any new construction activity for a single-family or two-family residence which shall result in land disturbance of one (1) acre or more,

and the lot lies within a major project site regulated under this chapter and permitted in accordance with 327 IAC 15-5, the individual lot owner must comply with the following:

1. The provisions and requirements of the approved construction plan developed by the project site owner; and
2. Section Fourteen (14) (14.30.130) of this chapter.

6.4. Minor Project Site.

A. For an individual lot where the land disturbance is less than one (1) acre, and the lot lies within a major project site regulated under this chapter and permitted in accordance with 327 IAC 15-5, the individual lot owner must comply with the following:

1. The provisions and requirements of the approved construction plan developed by the project site owner; and
2. Section Fourteen (14) (14.30.130) of this chapter.

B. For an individual lot where the land disturbance is less than one (1) acre, and the lot does not lie within a major project site regulated under this chapter and permitted in accordance with 327 IAC 15-5, the individual lot owner must comply with the following:

1. The provisions and requirements of the approved construction plan developed by the project site owner; and
2. Section Fifteen (15) (14.30.140) of this chapter.

**Section 7. (Section 14.30.060) Determination of land disturbance criteria, regulation.**

7.1. For off-site construction activities that provide services such as road extensions, sewers, water, and other utilities to a permitted site, the off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.

7.2. Project sites are regulated by this chapter in accordance with the following criteria of land disturbance calculations:

A. A determination of the area of land disturbance on single-family residential project sites shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following criteria:

1. For a single-family project site where the lots are one-half (0.5) acre or more, a minimum of one-half (0.5) acre of land disturbance or the actual area to be disturbed, whichever is greater, must be used as the expected lot disturbance.
  2. For a single-family, residential project site where the lots are less than one-half (0.5) acre in size, the total lot must be calculated as being disturbed.
- B. A determination of the area of land disturbance on all other types of project sites, such as multi-family residential, industrial, and commercial project sites, shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following criteria:
1. Where lots are one (1) acre or greater in size, a minimum of one (1) acre of land disturbance or the actual area to be disturbed, whichever is greater, must be calculated as the expected lot disturbance.
  2. Where lots are less than one (1) acre in size, the total lot must be calculated as being disturbed.
- C. For purposes of this chapter, strip developments:
1. Are considered as one (1) project site; and
  2. Must comply with this chapter, unless the total combined disturbance on all individual lots is less than one (1) acre and is not of a larger common plan of development or sale.

## **Section 8. (Section 14.30.070) Construction plan submittal, review, and approval.**

- 8.1. Requirement for the submittal of a compliant construction plan. The owner of a major project site must submit, or cause to be submitted, a construction plan for a major project subject to regulation by this chapter.

- 8.2. Submittal in quadruplicate.

The construction plan must contain the elements, requirements, provisions, and other content as enumerated for the project site in accordance with this chapter, and must be submitted in quadruplicate, four (4) separate and identical copies, to the City Engineer or Storm Water Coordinator.

- 8.3. The City Engineer or Storm Water Coordinator will record the time and date of each construction plan submittal on each copy and will manage the four (4) copies of each project's construction plan in accordance with the following procedure:

- A. One (1) copy will be forwarded to review staff as directed by the City Engineer or Storm Water Coordinator.
- B. One (1) copy will be held in a separate file for field use by MS4 inspectors and other field representatives of the City Engineer or Storm Water Coordinator.
- C. One (1) copy will be returned to the project site owner with the recorded time and date of submittal.
- D. One (1) copy will be held in a separate file to facilitate an opportunity for the Dubois County SWCD to make technical comments and recommendations regarding the construction plan.
- E. Upon the request of an authorized SWCD representative, the City Engineer or Storm Water Coordinator must make one (1) copy of a construction plan available to SWCD staff at any time during normal county business hours. SWCD may transport the copy of the construction plan designated for SWCD comment and recommendation to any location of SWCD's choosing for appropriated viewing, comment, recommendation, and repository.

- 8.4. Route of review.

The City Engineer or Storm Water Coordinator will determine the appropriate route of review and approval a construction plan takes in accordance with this chapter and subject to the direction, approval, or action of the Board.

- 8.5. Notice of plan sufficiency before initiation of construction.

Notice of plan sufficiency is required before the initiation of construction activity at a project site for which a construction plan is required. The initiation of construction activity prior to the City Engineer or Storm Water Coordinator's notification of plan sufficiency constitutes a violation of this chapter subject to an enforcement action, penalty or fine. If no land disturbing activities occur, then initial mobilization of equipment, machinery, and tools to the site is permitted. At the project site owner's risk for subsequent modification, installation of anticipated ECMs may begin.

8.6. Plan review period.

A. Individual single-family and two-family residential major project sites.

If the project site owner of an individual single-family or two-family residential lot which is classified as a major project site under this chapter does not receive notification from the City Engineer or Storm Water Coordinator within fourteen (14) days after the construction plan is received by the City Engineer or Storm Water Coordinator, stating that the City Engineer or Storm Water Coordinator finds the construction plan is deficient, the project site owner may submit the required NOI letter of information to the Director of IDEM and to the City Engineer or Storm Water Coordinator, and, after forty-eight (48) hours, proceed with construction activity.

B. All other major project sites.

If the project site owner of any major project site, except those sited above in subsection 8.6.A, does not receive notification from the City Engineer or Storm Water Coordinator within thirty (30) days after the construction plan is received by the City Engineer or Storm Water Coordinator, stating that the City Engineer or Storm Water Coordinator finds the construction plan is deficient, the project site owner may submit the required NOI letter of information to the Director of IDEM and to the City Engineer or Storm Water Coordinator, and, after forty-eight (48) hours, proceed with construction activity.

- 8.7. The City Engineer or Storm Water Coordinator will provide the project site owner, or the designated representative of the project site operator, with a Notice of Plan Sufficiency (NPS) as soon as is practicable following the City Engineer or Storm Water Coordinator's review and approval of the plan. The project site owner must include the NPS as verification of plan sufficiency with the NOI sent to the Director of IDEM.

8.8. Notice of plan deficiency.

If the City Engineer or Storm Water Coordinator determines that a construction plan is deficient, the City Engineer or Storm Water Coordinator will issue a notice of deficiency (NOD) letter requiring modifications, terms, and conditions as necessary for the plan to meet the requirements of this chapter.

8.9. Appeal of notice of plan deficiency.

If the City Engineer or Storm Water Coordinator determines that a construction plan is deficient, the project site owner receives a notice of deficiency (NOD) letter, and the project site owner disagrees with the determination, the project site owner must appeal said determination to the Board before taking any other legal action on the NOD.

8.10. Construction activity with a deficient plan constitutes a violation.

The initiation of construction activity at a project site following notification by the City Engineer or Storm Water Coordinator that the construction plan for the site does not meet the requirements of the chapter constitutes a violation of this chapter subject to an enforcement action, penalty, or fine.

8.11. Required re-submittal of a corrected construction plan.

If the project site owner receives a NOD letter of plan deficiency after the plan review period expires and following commencement of construction activities at the site, the

construction plan must be modified to meet the requirements of this chapter, and resubmitted within fourteen (14) days of receipt of the NOD.

- 8.12. The City Engineer or Storm Water Coordinator will determine the sufficiency of a construction plan based upon the requirements, provisions, and criteria enumerated, referenced, or attached to this chapter.

**Section 9. (Section 14.30.080) Notice of intent (NOI) letter requirements.**

- 9.1. For any new construction activity that will result in land disturbance equal to or greater than one (1) acre, the project site owner must submit to the Director of IDEM and the City Engineer or Storm Water Coordinator a complete NOI letter in accordance with this chapter and 327 IAC 15-5. The NOI letter must comprise, and otherwise comply with the following criteria:

- 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), 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 the initiation and completion of construction activities. Within forty-eight (48) hours of the initiation of construction activity, the project site owner must notify the Director of IDEM and the City Engineer or Storm Water Coordinator of the actual project start date.
- F. The latitude and longitude of the approximate center of the project site to the nearest fifteen (15) seconds, and to 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 in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence, that states, "(Company name, address) is submitting an NOI letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-5 to discharge

storm water from construction activities for the following project (Project name). Runoff 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 within which the project site lies.
- K. A written certification by the operator that:
  - 1. The storm water quality measures included in the construction plan comply with the requirements under this chapter, and under 327 IAC 15-5, section 6.5, 7 and 7.5, and that the storm water pollution prevention plan complies with all applicable federal, state, and local storm water requirements.
  - 2. The measures required by 327 IAC 15-5-7 will be implemented in accordance with the storm water pollution prevention plan;
  - 3. If the projected land disturbance is one (1) acre or more, every applicable construction plan reviewing entity designated by IDEM has been sent a copy of the construction plan for review;
  - 4. Storm water quality measures beyond those specified in the storm water pollution prevention plan will be implemented during the life of the permit if necessary to comply with 327 IAC 15-5-7; and
  - 5. Implementation of storm water quality measures will be inspected by trained individuals.
- L. The name of the receiving water, 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 person meeting the signatory requirements in 327 IAC 15-4-3(g).
- N. A notification from each applicable construction plan reviewing entity designated by IDEM indicating that the construction plans are sufficient to comply with 327 IAC 15-5. This requirement may be waived if the project site owner has not received notification from the reviewing agency within the time frame specified in subsection 8.6. of Section Eight (8) (14.30.070) of this chapter.

- 9.2. After the project site owner has received notification from the City Engineer or Storm Water Coordinator that the construction plans meet the requirements of this chapter or the review period has expired, all NOI letter information required in Section Eight (8) (14.30.070), subsection B of this chapter must be submitted to the Director of IDEM at least forty-eight (48) hours prior to the initiation of land disturbing activities at the project site. A copy of the completed NOI letter also must be sent to the City Engineer or Storm Water Coordinator. If the NOI letter is deficient, the project site owner must address the deficient items and submit an



amended NOI letter to the Director at the address specified below in subsection 9.3. of this chapter.

- 9.3. The project site owner must send, or cause to be sent, the NOI letter to:

Attention: Rule 5 Storm Water Coordinator  
Indiana Department of Environmental Management  
Office of Water Quality, Urban Wet Weather Section  
100 North Senate Avenue  
Indianapolis, Indiana 46206-6015

**Section 10. (Section 14.30.090) Construction plan requirements for a major project site.**

- 10.1. For project sites that do not meet the criteria for a small, residential development in Section Eleven (11) (14.30.100) of this chapter, a project site owner must develop and submit a set of construction plans. Storm water quality measures included in the plan must achieve the minimum project site requirements specified in Section Twelve (12) (14.30.110) of this chapter. The construction plans must include the following components, content, requirements and provisions as hereinafter provided.
- 10.2. The construction plan must include the following eight (8) major components.
- A. Project narrative and supporting documents; see subsection 10.3.A.
  - B. Vicinity map; see subsection 10.3.B.
  - C. Existing project site layout; see subsection 10.3.C.
  - D. Final project site layout; see subsection 10.3.D.
  - E. Grading plan or land disturbing activity plan; see subsection 10.3.E.
  - F. Storm water drainage plan; see subsection 10.3.F.
  - G. Construction phase storm water pollution prevention plan; see subsection 10.3.G.
  - H. Post-construction storm water pollution prevention plan; see subsection 10.3.H.
- 10.3. Each of the eight (8) major components of the construction plan must consist of the following sub-components and their subdivisions of content:

- A. Project narrative and supporting documents, including the following information:
1. An index indicating the location, in the construction plan, of all information required by this section.
  2. Description of the nature and purpose of the project.
  3. Legal description of the project site. The description must be to the nearest quarter section, township, and range, and include the civil township.
  4. 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.
  5. General construction sequence of how the project site will be built, including phases of construction.
  6. Hydrologic unit code (14 Digit) available from the United States Geologic Survey (USGS) or the office of the Storm Water Coordinator to indicate within which watershed or watersheds the project site lies.
  7. A plat or project site map showing lot numbers, lot boundaries, road layout and names. The plat must be legible and submitted on a sheet or sheets no larger than twenty four (24) inches by thirty six (36) inches and drawn at a maximum scale of one (1) inch equals one hundred (100) feet for all phases or sections of the project. The City Engineer or Storm Water Coordinator will determine the appropriateness of the size and scale of the plat or map.
  8. 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's location in relationship to recognizable local landmarks, cities, towns, major roads, and railways.

The applicable portion of a USGS topographical quadrangle map or county or municipal road map with the project site limits linked in will suffice.

- C. An existing project site layout that must include the following information:

1. Location and name of all wetlands, lakes, streams, waterways, and drains on, or adjacent to, the project site.
2. Location of all existing structures on the project site.
3. One hundred (100) year floodplains, floodway fringes, and floodways. Note if none exists.
4. Soil map of the predominant soil types, as determined by the USDA, NRCS Soil Survey, or equivalent publication, or as determined by a soil scientist. The soil map must include a soil legend.
5. Identification and delineation of the pre-development vegetative cover such as grass, weeds, brush, and trees on the project site.
6. Land use of all adjacent properties.
7. Existing topography extending at a minimum of fifty (50) feet beyond the property lines to adequately indicate drainage patterns on and off the project site. The contour intervals shall be drawn in accordance to the following criteria:
  - a. average ground slope between 0 and 2 % use 1 foot contour intervals.
  - b. average ground slope between 2 and 10% use 2 foot contour intervals.
  - c. average ground slope greater than 10% use 5 foot contour intervals.

The City Engineer or Storm Water Coordinator reserves the right to determine the appropriateness of the contour intervals and request additional spot elevations to adequately indicate drainage patterns on and off the project site.

- D. Final project site layout, including the following information:

1. Location of all proposed site improvements including roads, utilities, lot delineations and identification, proposed structures, and common areas.
2. One hundred (100) year floodplains, floodway fringes, and floodways. Note if none exists.

3. Proposed final topography extending at a minimum of fifty (50) feet beyond the property lines to adequately indicate drainage patterns on and off the project site. The contour intervals shall be drawn in accordance to the following criteria:
  - a. average ground slope between 0 and 2 % use 1 foot contour intervals.
  - b. average ground slope between 2 and 10% use 2 foot contour intervals.
  - c. average ground slope greater than 10% use 5 foot contour intervals.

The City Engineer or Storm Water Coordinator reserves the right to determine the appropriateness of the contour intervals and request additional spot elevations to adequately indicate drainage patterns on and off the project site.

E. A grading plan, including the following information:

1. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
2. Location of all soil stockpiles and borrow areas.
3. Information regarding any off-site borrow, stockpile, or disposal areas that are associated with the project site and under the control of the project site owner.
4. Existing and proposed topographic information per subsections 10.3.C.7. and 10.3.D.3. above.

F. A drainage plan, including the following information:

1. An estimate of the peak discharge based on the ten (10) year storm event of the project site for pre-construction conditions and estimates of the peak discharge based on the ten (10) year, twenty five (25) year, and fifty (50) year storm events of the project site for post construction conditions. The calculations to determine these discharges shall be included in the drainage plan.
2. Location, size and dimensions of all components of the storm water drainage systems such as inlets, culverts, storm sewers, and conveyance channels.
3. Locations where storm water potentially will be directly discharged into ground water, such as abandoned wells or sinkholes. Note if none exists.
4. Location of every specific point where storm water discharge will leave the project site.

5. Name of all receiving waters. If a discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the name of the ultimate receiving water.
  6. Location, size, and dimensions of features such as permanent retention or detention facilities, including existing or manmade wetlands, used for the purpose of storm water management.
- G. A storm water pollution prevention plan (SWP3) associated with construction activities. The SWP3 must be assembled to meet, at a minimum, the requirements, provisions, and criteria of Section Twelve (12) (14.30.110) and Section Sixteen (16) (14.30.150) of this chapter, and must include the following:
1. Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures, ECMs, and BMPs.
  2. Temporary stabilization plans and sequence of implementation.
  3. Permanent stabilization plans and sequence of implementation.
  4. Final stabilization plans.
  5. All stabilization plans shall include the following:
    - a. Specification and application rates for soil amendments and seed mixtures.
    - b. The type and application rate for soil amendments and seed mixtures.
    - c. Other applicable data as may be required by the City Engineer or Storm Water Coordinator.
  6. Construction sequence describing the relationship between implementation of storm water quality measures, ECMs, and BMPs, and the stages of construction activities.
  7. The project site owner's self-monitoring program including plan implementation and procedures.
  8. A description of potential pollutant sources associated with construction activities, which may reasonably be expected to add a significant amount of pollutants to storm water discharges.
  9. Material handling and storage associated with construction activities that shall meet the spill prevention and spill response requirements in 327 IAC 2-6-1.
- H. The post-construction storm water pollution prevention plan (SWP3). The post-construction SWP3 must include the following information:
1. A description of potential pollutant sources from the project site's proposed land use, which sources may reasonably be expected to

add a significant amount of pollutants to storm water discharges from the post-construction project site.

2. Location, dimensions, detailed specifications, and construction details of all post-construction storm water quality measures and BMPs adequate to address subsection 10.3.G.1 above.
  3. A description of control measures and BMPs that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such measures and practices include infiltration of storm water runoff; flow reduction by use of open vegetated swales and natural depressions; installation of filter strips, buffer strips, parking lot tree islands, and riparian zones; minimization of land disturbance and surface imperviousness; maximum of open space; and storm water retention and detention ponds.
  4. A sequence describing when each post-construction storm water quality measure and BMP will be installed.
  5. Storm water quality measures and BMPs that will remove or minimize pollution from storm water runoff within or from the project site.
  6. Storm water quality measures and BMPs that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
  7. A narrative description of the maintenance guidelines for all post-construction storm water quality measures and BMPs to facilitate their proper long-term function.
  8. A verifiable procedure, such as recorded plat notices and covenants, by which the narrative description of water quality measure and BMP maintenance guidelines will be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction storm water quality measures and BMPs.
- 10.4. Plan and profile sheets, project site layouts, plats, and vicinity maps, must be drawn to a standard engineering scale as indicated on each sheet, plat, or map, and be oriented north as indicated by a north arrow on each sheet, plat, or map. All dimensions must be accurately scaled, drawn, and labeled with dimensions given in feet and tenths of a foot.
- 10.5. Revision of approved construction plans. The requirements for construction plan content enumerated in this section are qualified by the following statements:

- A. The City Engineer or Storm Water Coordinator may require, upon finding reasonable cause, the revision of a construction plan if it is determined that a modification or modifications are necessary to accomplish adequate control the quantity or quality of storm water runoff, in accordance with this chapter or with applicable federal, state, and local rules, from a project site due to site conditions or project specification changes identified, effected, or extant during or after plan review and approval.
- B. If the City Engineer or Storm Water Coordinator requests a revised construction plan under this subsection, the project site owner must submit the revised plan to the appropriate entity or entities within twenty-one (21) calendar days of a request for plan revision.

**Section 11. (Section 14.30.100) Construction plan requirements for a small, residential major project site without land improvements.**

- 11.1. For a single-family, residential development consisting of four (4) or fewer lots, or for a single-family, residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a larger common plan of development and sale, a project site owner must develop and submit a set of construction plans containing storm water quality measures specifically selected to achieve the minimum project site requirements specified in Section Twelve (12) (14.30.110) of this chapter. The construction plan must include the following components, contents, requirements, and provisions:
- 11.2. The construction plan must include the following four (4) major components:
  - A. Project narrative and supporting documents; see subsection 11.3.A.
  - B. Vicinity map; see subsection 11.3.B.
  - C. Project site layout; see subsection 11.3.C.
  - D. Storm water pollution prevention plan; see subsection 11.3.D.
- 11.3. Each of the four (4) major components of the construction plan must consist of the following sub-components and their subdivisions of content:
  - A. Project narrative and supporting documents including the following information:
    - 1. An index indicating the location, in the construction plans, of all required items in this section.
    - 2. Description of the nature and purpose of the project.

3. Legal description of the project site. The description must be to the nearest quarter section, township, and range, and include the civil township.
  4. 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.
  5. Hydrologic unit code (14-digit code) available from the United States Geologic Survey (USGS) to indicate within which watershed or watersheds the project lies.
  6. Identification of any other state or federal permits that are required for construction activities associated with the project site owner's project site.
- B. Vicinity map depicting the project site's location in relationship to recognizable local landmarks, towns, major roads, and railways. The applicable portion of a USGS topographic quadrangle map or a county or municipal road map with the project site limits inked in will suffice.
- C. A project site layout that must include the following information:
1. Location and name of all wetlands, lakes, streams, waterways, and drains on, or adjacent to, the project site.
  2. Location of all existing structures on the project site (if applicable).  
One hundred (100) year floodplains, floodway fringes, and floodways. Note if none exists.
  3. Soil map of the predominant soil types, as determined by the USDA, NRCS Soil Survey, or equivalent publication, or as determined by a soil scientist. The soil map must include a soil legend.
  4. Identification and delineation of the pre-development vegetative cover such as grass, weeds, brush, and trees on the project site.
  5. Land use of all adjacent properties.
  6. Existing and proposed topography extending at a minimum of fifty (50) feet beyond the property lines to adequately indicate drainage patterns on and off the project site. The contour intervals shall be drawn in accordance to the following criteria:
    - a. average ground slope between 0 and 2 % use 1 foot contour intervals.
    - b. average ground slope between 2 and 10% use 2 foot contour intervals.
    - c. average ground slope greater than 10% use 5 foot contour intervals.



The City Engineer or Storm Water Coordinator reserves the right to determine the appropriateness of the contour intervals and request additional spot elevations to adequately indicate drainage patterns on and off the project site.

7. Location of all proposed site improvements, including roads, utilities, lot delineations and identifications, and proposed structures.
- D. A storm water pollution prevention plan (SWP3) associated with construction activities. The SWP3 must be assembled to meet, at a minimum, the requirements, provisions, and criteria of Section Twelve (12) (14.30.110) and Section Sixteen (16) (14.30.150) of this chapter, and must include the following information:
1. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
  2. Location of all soil stockpiles and borrow areas.
  3. Location, size, and dimensions of all storm water drainage systems such as inlets, culverts, storm sewers, and conveyance channels.
  4. Locations where storm water potentially will be directly discharged into ground water, such as abandoned wells or sinkholes. Note if none exists.
  5. Location of every specific point where storm water discharge will leave the project site.
  6. Name of all receiving waters. If a discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.
  7. Location, dimensions, detailed specification, and construction details of all appropriate temporary and permanent storm water quality measures, ECMs, and BMPs.
  8. Plans for appropriate temporary stabilization, permanent stabilization, and final stabilization compliant with this chapter, and a sequence for the implementation of applicable stabilization.
  9. Temporary, permanent, final stabilization plans must include the following:
    - a. Specifications and application rates for soil amendments and seed mixtures.
    - b. The type and application rate for anchored mulch.
  10. The project site owner's self-monitoring program including plan implementation and procedures.

- 11.4. Plan and profile sheets, project site layouts, plats, and vicinity maps, must be drawn to a standard engineering scale as indicated on each sheet, plat or map, and be oriented north as indicated by a north arrow on each sheet, plat, or map. All dimensions must be accurately scaled, drawn, and labeled with dimensions given in feet and tenths of a foot.
- 11.5. Revision of approved construction plans. The requirements for construction plan content enumerated in this section are qualified by the following statements:
- A. The City Engineer or Storm Water Coordinator may require, upon finding reasonable cause, the revision of a construction plan if it is determined that a modification or modifications are necessary to accomplish adequate control the quantity or quality of storm water runoff, in accordance with this chapter or with applicable federal, state, and local rules, from a project site due to site conditions or project specification changes identified, effected, or extant during or after plan review and approval.
  - B. If the City Engineer or Storm Water Coordinator requests a revised construction plan under this subsection, the project site owner must submit the revised plan to the appropriate entity or entities within twenty-one (21) calendar days of a request for plan revision.

**Section 12. (Section 14.30.110) Specific project site planning and application requirements for a major project site.**

- 12.1. The project site owner of a major project site requiring a construction plan must initiate, manage, and complete construction activities, or must otherwise cause the initiation, managements, and completion of construction activities at the project site in accordance with the requirements and provisions of this section.
- 12.2. The project site owner of a major project site must implement and manage, or must otherwise cause the implementation and management of the project site's storm water quality.
- 12.3. For every project site regulated under this chapter, the project site owner, individual project site operator, individual lot owner, contractor, subcontractor, homeowner, and resident of a regulated project site must initiate, manage, and complete, or cause the initiation, management, and completion of construction activities at a project site in accordance, at a minimum, with the following requirements and provisions of this section that are applicable to the project site according to this chapter:

- A. Sediment-laden water which otherwise would flow from the project site must be treated by erosion and sediment control measures appropriate to minimize sedimentation.
- B. Appropriate measures must be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from the project site by runoff or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the project site. Wastes and unused building materials must be managed and disposed of in accordance with all applicable statutes and regulations.
- C. An adequate stable construction site access must be installed at each point of construction traffic ingress to and egress from a project site.
- D. Public or private roadways must be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of sediment must not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in accordance with applicable statutes and regulations.
- E. Storm water runoff leaving a project site must be discharged in a manner that is consistent with applicable federal, state, and local laws and rules.
- F. The project site owner must post a notice near the main entrance of the project site. For linear project sites such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:
  - 1. Copy of the completed NOI letter and the NPDES permit number, where applicable.
  - 2. Name, company, name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person.
  - 3. Location of the construction plan if the project does not have an on-site location to store the plan.
- G. The permit and posting of the notice under subsection 12.3.F. does not provide the public with any right to trespass on a project site for any reason, and does not require that the project site owner allow members of the public access to the project site.
- H. The storm water pollution prevention plan must serve as a guideline for storm water quality, but will not be interpreted as the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this chapter, all measures necessary to adequately prevent polluted storm water runoff from the project site.

- I. The project site owner must inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the individual lot operators of the terms and conditions of this chapter and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation of the plan.
- J. Phasing of construction activities must be used, where possible, to minimize disturbance of large areas of land.
- K. Appropriate storm water quality and quantity control measures must be planned, installed, managed, and monitored as part of an erosion and sediment control system.
- L. All storm water quality measures must be planned, installed, managed, and monitored under the guidance of a trained individual.
- M. Collected storm water runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property by an adequate method that does not cause an erosion, sediment, or pollution problem on the adjacent property.
- N. Drainage channels and swales must be sized, configured, constructed, and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.
- O. Natural features, including wetlands and sinkholes, must be protected from pollutants associated with storm water runoff.
- P. Unvegetated areas that are scheduled or likely to be inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to temporary or permanent stabilization are acceptable if the project site owner, or the project site owner's designated representative, can demonstrate the implementation of appropriate erosion and sediment control measures are adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) must be re-stabilized using appropriate methods to minimize erosion.
- Q. During the period of construction activities, all storm water quality measures, ECMs, and BMPs necessary to meet the requirements of this chapter must be maintained in working order.
- R. The project site owner must implement a self-monitoring program that includes the following requirements from the initiation to the completion of construction activities at the project site:
  - 1. A trained individual must perform a written evaluation of the project site:
    - a. by the end of the next business day following a measurable storm event; and

- b. at a minimum of one (1) time per week.
- 2. The evaluation must address:
  - a. the maintenance of existing storm water quality measures to ensure they are functioning properly; and
  - b. identify additional measures necessary to remain in compliance with this chapter and all applicable statutes and rules.
- 3. Written evaluation reports must include:
  - a. the name of the individual performing the evaluation;
  - b. the date of the evaluation;
  - c. problems identified at the project site; and
  - d. details of corrective actions recommended and completed.
- 4. All evaluation reports for the project site must be made available to the inspecting authority within forty-eight (48) hours of a request.
- S. Proper storage and handling of materials such as fuels or hazardous wastes must be implemented and managed. Spill prevention and clean-up measures must be planned and implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
- T. Final stabilization of a project site must be achieved by the following criteria:
  - 1. All land disturbing activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a minimum density of seventy percent (70%) has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and
  - 2. For construction projects on land used for agricultural purposes, the site is returned to its pre-construction agricultural use, or disturbed areas not previously used for agricultural production, such as filter strips and areas that are not being returned to their pre-construction agricultural use, must meet the final stabilization requirements in subsection 12.3.T.1. above.

**Section 13. (Section 14.30.120) Construction plan requirements and specific project site planning and application requirements for a large, individual residential project site.**

- 13.1. The project site owner is required to submit an NOI and construction plan for construction activities associated with a single-family residential dwelling disturbing less than five (5) acres, when the dwelling is not part of a larger common plan of development or sale to the City Engineer or Storm Water Coordinator.
- 13.2. The construction plan must include the following four (4) major components:
  - A. Project narrative and supporting documents; see subsection 13.3.A.
  - B. Vicinity map; see subsection 13.3.B.
  - C. Project site layout; see subsection 13.3.C.
  - D. Storm water pollution prevention plan; see subsection 13.3.D.
- 13.3. Each of the four (4) major components of the construction plan must consist of the following sub-components and their subdivisions of content:
  - A. Project narrative and supporting documents including the following information:
    1. An index indicating the location, in the construction plans, of all required items in this section.
    2. Description of the nature and purpose of the project.
    3. Legal description of the project site. The description must be to the nearest quarter section, township, and range, and include the civil township.
    4. Hydrologic unit code (14-digit code) available from the United States Geologic Survey (USGS) to indicate within which watershed or watersheds the project lies.
    5. Identification of any other state or federal permits that are required for construction activities associated with the project site owner's project site.
  - B. Vicinity map depicting the project site's location in relationship to recognizable local landmarks, towns, major roads, and railways. The applicable portion of a USGS topographic quadrangle map or a county or municipal road map with the project site limits inked in will suffice.
  - C. A project site layout that must include the following information:

1. Location and name of all wetlands, lakes, streams, waterways, and drains on, or adjacent to, the project site.
  2. Location of all existing structures on the project site (if applicable).  
One hundred (100) year floodplains, floodway fringes, and floodways. Note if none exists.
  3. Identification and delineation of the pre-development vegetative cover such as grass, weeds, brush, and trees on the project site.
  4. Land use of all adjacent properties.
  5. Location of all proposed site improvements, including roads, utilities, lot delineations and identifications, and proposed structures.
- D. A storm water pollution prevention plan (SWP3) associated with construction activities. The SWP3 must be assembled to meet, at a minimum, the requirements, provisions, and criteria of Section Twelve (12) (14.30.110) and Section Sixteen (16) (14.30.150) of this chapter, and must include the following information:
1. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
  2. Location of all soil stockpiles and borrow areas.
  3. Location, size, and dimensions of all storm water drainage systems such as inlets, culverts, storm sewers, and conveyance channels.
  4. Locations where storm water potentially will be directly discharged into ground water, such as abandoned wells or sinkholes. Note if none exists.
  5. Location of every specific point where storm water discharge will leave the project site.
  6. Name of all receiving waters. If a discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.
  7. Location, dimensions, detailed specification, and construction details of all appropriate temporary and permanent storm water quality measures, ECMs, and BMPs.
  8. Plans for appropriate temporary stabilization, permanent stabilization, and final stabilization compliant with this chapter, and a sequence for the implementation of applicable stabilization.

13.4. Revision of approved construction plans. The requirements for construction plan content enumerated in this section are qualified by the following statements:

- A. The City Engineer or Storm Water Coordinator may require, upon finding reasonable cause, the revision of a construction plan if it is determined that a modification or modifications are necessary to accomplish adequate control the quantity or quality of storm water runoff, in accordance with this chapter or with applicable federal, state, and local rules, from a project site due to site conditions or project specification changes identified, effected, or extant during or after plan review and approval.
  - B. If the City Engineer or Storm Water Coordinator requests a revised construction plan under this subsection, the project site owner must submit the revised plan to the appropriate entity or entities within twenty-one (21) calendar days of a request for plan revision.
- 13.5. For every project site comprising construction activities associated with a single-family residential dwelling disturbing less than five (5) acres, when the dwelling is not part of a larger common plan of development or sale, the project site owner must initiate, manage, and complete or cause the initiation, management, and completion of construction activities at the project site in accordance, at a minimum, with the requirements of provisions in subsections 12.3.A through 12.3.E, subsections 12.3.J through 12.3.Q, subsection 12.3.S and subsection 12.3.T of Section Twelve (12) (14.30.110) and with Section Thirteen (13) (14.30.120) of this chapter.

**Section 14. (Section 14.30.130) Specific planning and application requirements for a minor project site.**

- 14.1. Neither an individual NOI nor construction plan is required for an individual lot where land disturbance will be less than one (1) acre and the lot lies within a project site regulated under this chapter, and permitted under 327 IAC 15-5. The individual lot operator, contractors, and subcontractors working on an individual lot must comply with the requirements and provisions of this section.
- 14.2. From the initiation of construction activities or land disturbing activities on the individual lot, or minor project site, the individual lot operator, whether owning the property or acting as the agent for the property owner, shall be responsible for the following requirements and provisions:
- A. Compliance with provisions and requirements of the approved construction plan developed by the project site owner of the larger common development.
  - B. Installation and maintenance of an adequate stable construction site access at each point of ingress to and egress from the individual lot by construction traffic.



- C. Installation of appropriate perimeter erosion and sediment control measures prior to land disturbance, and maintenance perimeter erosion and sediment control measures until completion of construction activities on the lot.
- D. Minimization of sediment discharge and tracking from the lot throughout the land disturbing activities on the lot until applicable temporary, permanent, or final stabilization has been achieved.
- E. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment must not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner compliant with all applicable statutes and rules.
- F. The repair of any damaged land surface to a condition the same as or better than existed before the damage occurred, and the establishment of permanent stabilization upon a lot adjacent to the individual lot operator's project site whenever the lot operator, or the lot operator's employees, representatives, suppliers, subcontractors, or visitors disturb, or cause to be disturbed, a land surface of a lot adjacent to the individual lot operator's project site. The corrective work must be accomplished by a process that indemnifies the City of Jasper, the Board, the City Engineer, Storm Water Coordinator, and their officials, employees, and representatives against any claim of loss or damage resulting from actions by or on behalf of the individual lot operator.

14.3. For individual residential lots, the individual lot operator must achieve final stabilization by one (1) of the two (2) following criteria:

- A. The individual lot operator must complete all land disturbing activities and establish a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a minimum density of seventy percent (70%) on all unpaved areas of the lot and areas of the lot not covered by permanent structures, or must employ equivalent permanent stabilization measures; or
- B. The individual lot operator must install appropriate erosion and sediment control measures for the individual lot prior to the occupation of the home by the homeowner, and must inform the homeowner of the requirements for and benefits of final stabilization.

**Section 15. (Section 14.30.140) Specific planning and application requirements for construction activity on individual lots in unregulated developments.**

15.1. Neither an individual NOI nor construction plan is required for an individual lot where land disturbance will be less than one (1) acre and the lot lies within an unplatted area or an existing subdivision that is not regulated under this chapter

and is not permitted under 327 IAC 15-5. The individual lot operator, contractors, and subcontractors working on an individual lot must comply with the requirements and provisions of this section.

15.2. From the initiation of construction activities or land disturbing activities on the individual lot the individual lot operator, whether owning the property or acting as the agent for the property owner, shall be responsible for the following requirements and provisions:

- A. Installation and maintenance of an adequate stable construction site access at each point of ingress to and egress from the individual lot by construction traffic.
- B. Installation of appropriate perimeter erosion and sediment control measures prior to land disturbance, and maintenance perimeter erosion and sediment control measures until completion of construction activities on the lot.
- C. Minimization of sediment discharge and tracking from the lot throughout the land disturbing activities on the lot until applicable temporary, permanent, or final stabilization has been achieved.
- D. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment must not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner compliant with all applicable statutes and rules.
- E. The repair of any damaged land surface to a condition the same as or better than existed before the damage occurred, and the establishment of permanent stabilization upon a lot adjacent to the individual lot operator's project site whenever the lot operator, or the lot operator's employees, representatives, suppliers, subcontractors, or visitors disturb, or cause to be disturbed, a land surface of a lot adjacent to the individual lot operator's project site. The corrective work must be accomplished by a process that indemnifies the City of Jasper, the Board, the City Engineer, Storm Water Coordinator, and their officials, employees, and representatives against any claim of loss or damage resulting from actions by or on behalf of the individual lot operator.

15.3. For individual residential lots, the individual lot operator must achieve final stabilization by one (1) of the two (2) following criteria:

- A. The individual lot operator must complete all land disturbing activities and establish a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a minimum density of seventy percent (70%) on all unpaved areas of the lot and areas of the lot not covered by permanent structures, or must employ equivalent permanent stabilization measures; or

- B. The individual lot operator must install appropriate erosion and sediment control measures for the individual lot prior to the occupation of the home by the homeowner, and must inform the homeowner of the requirements for and benefits of final stabilization.

**Section 16. (Section 14.30.150) Standard reference manuals and guidance documents.**

- 16.1. The following reference manuals and guidance documents are hereby incorporated by reference into this chapter for use by the City Engineer, Storm Water Coordinator, MS4 personnel, project site owners, individual lot owners, planners, trained individuals, certified personnel, and other persons operating subject to this chapter. The manuals and documents are hereby incorporated by reference into this chapter to assist in the selection, planning, implementation, management, inspection, evaluation, monitoring, making corrective recommendations, and reporting performance of storm water quality measures, ECMs, and BMPs. Options are not limited to these manuals and documents and the City Engineer or Storm Water Coordinator may approve the selection of control measures and management practices from other sources:
  - A. The Indiana Handbook for Erosion Control in Developing Areas, and its subsequent revisions, updates, addendums, and replacement additions.
  - B. HERPICC “Storm Water Drainage Manual”, and its subsequent revisions, updates, addendums, and replacement additions.
  - C. Urban Hydrology for Small Watersheds, and its subsequent revisions, updates, addendums, and replacement additions.
  - D. The Georgia Storm Water Management Manual, Vol. 2: Technical Handbook, available at: <http://georgiastormwater.com>.
- 16.2. The Board may direct the creation of the “City of Jasper Storm Water Manual and Standards” as a part of the “City of Jasper Design and Development Standards.” After adoption of said “City of Jasper Storm Water Manual and Standards”, by resolution of the Board, said standards shall become incorporated by reference to this chapter, and the Board may subsequently approve and adopt amendments to the manual. In addition the Board may by resolution incorporate by reference additional reference materials to this chapter, or delete references, in order to assist and guide compliance with this chapter.
- 16.3. The City Engineer or Storm Water Coordinator will decide appropriateness of selection of an ECM, BMP, or other storm water quality or quantity control measure submitted for review based upon the most applicable engineering and

technical criteria from among the standard reference manuals and guidance documents incorporated by reference attached to this chapter.

**Section 17. (Section 14.30.160) Permit Fees.**

- 17.1. Fees for review of construction plans and erosion control permits issued by the City Engineer of Storm Water Coordinator shall be according to the following schedule:
  - A. Large Individual Residential Project Site – Fifty Dollars (\$50.00).
  - B. All other projects requiring construction plans – One Hundred Dollars (\$100.00)
- 17.2. All fees collected by the City under this section shall be deposited in the Storm Water Management Fund.

**Section 18. (Section 14.30.170) Powers of inspection and enforcement.**

- 18.1. The City Engineer and Storm Water Coordinator will develop appropriate procedures for project site inspection, including protocols for use by project site inspectors and other authorized representatives of the City Engineer or Storm Water Coordinator who will visit project sites for the purpose of evaluating control measures and management practices, examining conditions or information relative to this chapter, and making recommendations to ensure proper installation and maintenance of sufficient appropriate control measures and management practices at project sites regulated by this chapter.
- 18.2. The inspection procedures developed by the City Engineer and Storm Water Coordinator will prioritize, to the extent allowable by state law, project sites for inspection and enforcement based on nature and extent of construction activity, topography, and the characteristics of soils and receiving water quality.
- 18.3. The City Engineer or Storm Water Coordinator may inspect any project site involved in construction activities regulated by this chapter at reasonable times for the purpose of ascertaining the sufficient implementation and management of appropriate storm water quality measures, ECMs, and BMPs at the project site and for the purpose of enforcing compliance with this chapter.
- 18.4. The City Engineer or Storm Water Coordinator will make recommendations to the project site owner, individual lot operator, or to the contractor, subcontractor,

- or other designated representative of the project site owner or the individual lot operator to correct or install appropriate control measures or management practices corresponding to or beyond those specified in the storm water pollution prevention plan (SWP3) necessary to achieve compliance with this chapter.
- 18.5. If after a specific or corrective recommendation from the City Engineer or Storm Water Coordinator to the project site operator, or the designated representative of the project site operator, the storm water quality measures, ECMs, and BMPs at a project site remain insufficiently and improperly installed or maintained, the City Engineer or Storm Water Coordinator will pursue enforcement in accordance with the penalty procedures in Section Nineteen (19) (14.30.180) of this chapter.
  - 18.6. All persons engaging in construction activities on a project site must comply with the storm water pollution prevention plan (SWP3) for the project site, and with the requirements, provisions, and regulations of this chapter.
  - 18.7. The City Engineer or Storm Water will investigate violations, alleged violations, and potential violations of this chapter to determine which person or persons may be responsible for violations. The City Engineer or Storm Water Coordinator will, if appropriate, consider public records of ownership, building permits issued by local units of government, and other relevant information which may include site inspection records, SWP3s, NOIs, and other documents related to the facts and circumstances of a violation.
  - 18.8. Any person or persons causing or contributing to a violation of any requirement, provision, or regulation of this chapter shall be subject to enforcement and penalty under terms of this chapter, and additionally under IC 13-14-10, IC 13-15-7, IC 13-30, and any other applicable state or federal law.

**Section 19. (Section 14.30.180) Violations and penalties.**

- 19.1. Violations. The following acts, conditions, and circumstances are violations of this chapter and subject to enforcement, penalties, and fines under this chapter:
  - A. An act, a series of acts, or a group of acts that contradicts the requirements, provisions, and regulations of this chapter.
  - B. A condition, a series of conditions, or a group of conditions that exists in contradiction to the requirements, provisions, and regulations of this chapter.

- C. Each act and each condition that contradicts or is in contradiction to a requirement, provision, and regulation of this chapter constitutes a separate and single violation.
- D. Each day that a violation exists constitutes a separate violation and is subject to penalty or prosecution.

19.2. Penalty procedures. The City Engineer and Storm Water Coordinator will employ the following procedures with regard to assigning penalties to enforce the requirements, provisions, and regulations of this chapter.

- A. “*First violation*” means the initial determination of a violation or group of violations at a project site. Upon ascertaining and documenting the occurrence of a first violation at a project site, the City Engineer or Storm Water Coordinator, project site inspector, or authorized representative of the City Engineer or Storm Water Coordinator will make a corrective recommendation to the appropriate individual or individuals responsible for correcting the violation, together with a notice that the correction must be accomplished within ten (10) working days after the issuance of the notice to prevent the citation of a second violation with regard to the same condition or conditions that caused the first violation.
- B. “*Second violation*” means the determination that after ten (10) working days past the notification of a first violation, the condition or conditions constituting the first violation remain uncorrected or otherwise not compliant with the requirements, provisions, and regulations of this chapter. Upon ascertaining and documenting the occurrence of a second violation at a project site, the City Engineer or Storm Water Coordinator will issue a non-compliance citation to the appropriate individual or individuals responsible for correcting the violating condition or conditions, together with a notice that the correction must be accomplished within five (5) calendar days from the date of the non-compliance citation, and the potential for personnel or a contractor employed by the City of Jasper complete work to correct the violating condition or conditions at the project site. The civil penalty for the non-compliance citation of a second violation will be no less than One Hundred Dollars (\$100.00) and no more than Two Hundred Dollars (\$200.00). If the penalty is not paid within thirty (30) days, the citation may be enforced in Court by any remedy allowed by Law, and an action or any other remedy allowed by law, including filing a lien on the project site, may be maintained to recover the costs of corrective measures employed by the City Engineer or Storm Water Coordinator in addition to the fine or penalty referred to above.
- C. “*Third violation*” means the determination that any time after a specified or reasonable period for the correction of a second violation has elapsed, the condition or conditions constituting the second violation remain uncorrected or otherwise not compliant with the requirements, provisions,

and regulations of this chapter. Upon ascertaining and documenting the occurrence of a third violation at a project site, the City Engineer or Storm Water Coordinator will issue a second non-compliance citation to the appropriate individual or individuals responsible for correcting the violating condition or conditions, together with a notice that the project site is subject to a “stop work order” issued by the City of Jasper Building Commissioner or other agency with the authority to stop work at the project site, and the potential for the immediate employment of personnel or a contractor employed by the City of Jasper to complete work to correct the violating condition or conditions at the project site. The civil penalty for the second non-compliance citation will be no less than Five Hundred Dollars (\$500.00) and no more than Seven Hundred Fifty Dollars (\$750.00). If the penalty is not paid within thirty (30) days, the citation may be enforced in Court by any remedy allowed by Law, and an action or any other remedy allowed by law, including filing a lien on the project site, may be maintained to recover the costs of corrective measures employed by the City Engineer or Storm Water Coordinator in addition to the fine or penalty referred to above.

- D. The Board, the City Engineer or Storm Water Coordinator reserve the right to assign a deadline for corrective action, impose a stop work order, or work to complete corrective measures on a schedule or by a deadline accelerated or shortened comparatively to the schedule or deadline assigned in this section for correcting a violating condition if an accelerated schedule or deadline is required to protect life or property from an eminent and severe threat of loss or damage.
- E. The Board, the City Engineer or Storm Water Coordinator may perform or cause to be performed, such work as necessary to accomplish corrective measures at a project site by employees of the City of Jasper or by a contractor hired to perform the work.
- F. A stop work order issued pursuant to this section and chapter shall not be rescinded until all recommended corrective measures have been completed and the City of Jasper or its contractor have been paid for all costs incurred.
- G. Any project site owner, individual lot operator, contractor, subcontractor, property owner, or other person or persons responsible for construction activities at a project site who violate the terms, requirements, provisions, or regulations of this chapter are liable for the costs of removal of sediment and other storm water pollutants deposited in any right-of-way, drain, storm sewer, drainage easement, city-maintained or controlled property and any and all other corrective action required to restore the property to a condition equal to or better than the condition prior to a violation. Such costs may be pursued in Court and/or filed as a lien against the property pursuant to IC 36-1-6-2, or under any other State Law.

- 19.3. Appeal of Notice of Violation. Any person receiving a Notice of Violation may appeal the determination of the City Engineer or Storm Water Coordinator to the Board. The notice of appeal must be received by the City Engineer or Storm Water Coordinator within ten (10) working days from the date of the Notice of Violation. Hearing on the appeal before the Board shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the Board shall be final.

**Section 20. (Section 14.30.190) MS4 personnel qualifications, certifications, and education.**

- 20.1. The City Engineer and Storm Water Coordinator and all personnel responsible for plan review, inspection, and enforcement of construction activities must be trained individuals as defined by this chapter and must receive annual training addressing topics including, but not limited to, appropriate control measures, inspection protocol, and enforcement procedures.
- 20.2. The Board, the City Engineer, and Storm Water Coordinator will ensure each technician who reviews plans, inspects project sites, exercises enforcement procedures, or presents or instructs an element of this program does coursework annually, and progresses toward certification as a trained individual, and eventually as a state-certified technician in technologies related to storm water management and MS4 program assignments.
- 20.3. The educational element of the City of Jasper's construction site runoff control program will require that each technician attend the following programs provided by Indiana Department of Natural Resources:
- A. IDNR/DSC's existing and expanded outreach and education program of specific training for local technicians to achieve adequacy in plan review and permitting process procedures, and project site implementation of erosion and sediment control measures.
  - B. IDNR/DSC's comprehensive erosion and sediment control courses established and available for in-house MS4 training.

**Section 21. (Section 14.30.200) Public input.**

- 21.1. The City Engineer and Storm Water Coordinator must develop procedures for the receipt and considerations of public inquiries, concerns, and information submitted whether written or oral, regarding the quality of storm water runoff from construction sites.



- 21.2. The City Engineer and Storm Water Coordinator must implement a tracking process by which public information, whether submitted orally or in writing, is documented and then given to appropriate staff for follow-up, including an adequate investigation when needed to determine appropriate resolution of the concern.
- 21.3. The City Engineer and Storm Water Coordinator may utilize other city agencies' applicable resources and will use standardized documentation to other appropriate agencies to accomplish appropriate follow-up.

**Section 22. (Section 14.30.210) Measurable program goals.**

- 22.1. The City Engineer and Storm Water Coordinator will develop measurable goals for the MS4 construction site runoff control program that identify specific outreach, compliance, and implementation percentages and timetables.
- 22.2. The measurable goals will address the implementation of this chapter and the MS4 program, especially with regard to developer/contractor education outreach, site inspection procedure implementation, construction site operator compliance improvement, and the processing of public inquiries, concerns, and information.
- 22.3. The City Engineer and Storm Water Coordinator will set measurable goals to address the implementation and steadily increasing achievement of the following four (4) categories:
  - A. Awareness and understanding of the requirements established by this chapter;
  - B. Inspection protocol, frequency, assistance, and enforcement toward achievement of project site control through appropriate use of control measures;
  - C. Construction site operator compliance with regulation under this chapter; and
  - D. Public input and response regarding construction activities.

**Section 23. (Section 14.30.220) Project termination.**

- 23.1. Regular termination of a project. The project site owner must plan an orderly and timely termination of construction activities, including the implementation of storm water quality measures that are to remain on the project site.

- 23.2. The project site owner must submit a notice of termination (NOT) letter to the Director of IDEM, and transmit a copy of the NOT to the City Engineer or Storm Water Coordinator or their designee in accordance with this section.
- 23.3. Except as provided in this section, at subsection 23.5. (early release termination), the project site owner shall submit an NOT letter only 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.
- 23.4. The NOT letter must contain a statement, verified by the City Engineer or Storm Water Coordinator, that each of the conditions in this section, at subsection 23.3. have been met.
- 23.5. Early release termination. The project site owner may submit an NOT letter to obtain early release from compliance with this chapter and from permit regulation under IAC 327 15-5, if the following conditions are met:
- A. The project site owner has notified existing owners of title of the remaining undeveloped lots that the individual lot owners and the individual lot operators will be responsible for the implementation, management, and timely removal of storm water quality measures appropriate and sufficient to meet the requirements, provisions, and regulations of this chapter, and for final stabilization of the individual lot in accordance with this chapter.
  - B. The project site owner has recorded a copy of each of the notifications to the property owners in the record appropriate for chain of title documents in the office of the Dubois County Recorder.
  - C. The project site owner has provided the City Engineer or Storm Water Coordinator with verification of the recording of the notification documents and verification of their delivery to the affected property owners of record.
  - D. The remaining undeveloped acreage does not exceed five (5) acres, with contiguous undeveloped areas not to exceed one (1) acre in aggregate.
  - E. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter sent to IDEM, with a copy sent to the City Engineer or Storm Water Coordinator.

- F. The map must contain a list of names and addresses of the individual lot owners of title of all undeveloped lots and, if applicable, the individual lot operators.
  - G. All public and common improvements, including infrastructure and storm water drainage facilities in accordance with the approved construction plans and applicable plans approved by the City Engineer or Storm Water Coordinator, have been completed and permanently stabilized and have been transferred to the appropriate local entity, homeowners association, or applicable property owner or land management entity.
  - H. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
  - I. All permanent storm water quality measures have been implemented and are operational.
- 23.6. IDEM requires notice to subsequent lot owners and lot operators in accordance with the state rule. Following the acceptance of the NOT letter and written approval from IDEM for early release under 327 IAC 15-5-8(b), a 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 327 IAC 15-7-5. The notice must contain a statement verified by the City Engineer or Storm Water Coordinator that each of the conditions enumerated above in subsection 23.5. have been met; and the project site owner must inform the individual lot owners of remaining undeveloped lots of the following two (2) requirements:
- A. To install and maintain appropriate measures to prevent sediment from leaving the individual building lots; and
  - B. To maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.
- 23.7. Final inspection prior to early release NOT. The City Engineer or Storm Water Coordinator must inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter requirements and make a relevant report to IDEM. If the inspecting entity finds that the project site owner has sufficiently filed a NOT letter, the City Engineer or Storm Water Coordinator shall forward (verified NOT) notification to IDEM. Upon receipt of the verified NOT letter by IDEM and receipt of written approval from IDEM, the project site owner shall no longer be responsible for compliance with 327 IAC 15-5.
- 23.8. Post-permit responsibility for maintenance. After a verified NOT letter has been submitted for a project site and approved by IDEM, maintenance of the remaining storm water quality measures will be the responsibility of the individual lot owner

or occupier of the property in accordance with this chapter and other applicable local codes.

**Section 24. (Section 14.30.230) Compliance with all pertinent ordinances.**

- 24.1. The project site owner must comply with all appropriate ordinances and regulations related to storm water discharges within the jurisdictional areas regulated under this chapter.
- 24.2. This chapter is required by 327 IAC 15-13-15(b) and 327 IAC 15-13-16(b) and shall be considered to have the same authority as 327 IAC 15-5 within the jurisdictional areas of the City of Jasper, Indiana, regulated by this chapter.

**Section 25. (Section 14.30.240) Storm Water Management Board retains statutory and discretionary powers.**

- 25.1. The Storm Water Management Board retains the right to certain statutory and discretionary powers including, but not necessarily limited to considering appeals of a project site owner, making findings and determinations, issuing orders, or instructing and directing the City Engineer or Storm Water Coordinator with regard to and in accordance with this chapter and other applicable federal, state and local laws and rules.

**Section 26. (Section 14.30.250) Interdepartmental and co-regulatory agreements.**

- 26.1. The Board may enter into agreements with or direct the use of another entity, county or municipal agency, or agent for the purpose of accomplishing the requirements of and regulations under this chapter so long as the City Engineer or Storm Water Coordinator maintains the administrative control, within the jurisdictional area of the City of Jasper, of the plan review and approval process and construction site runoff control program established by this chapter.
- 26.2. The Board may enter into a legally binding agreement with another MS4 entity by which agreement the City Engineer or Storm Water Coordinator performs services for, receives services from, or exchanges services with the other MS4 entity to the benefit of the parties to the agreement.

**Section 27. Prior Ordinances.** All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

**Section 28. Separability.** If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

**Section 29. Effective Date.** This Ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law.

**ORDINANCE NO. 2003-24**

**AN ORDINANCE ENACTING USER FEES AND POLICIES FOR  
THE DEPARTMENT OF STORM WATER MANAGEMENT**

WHEREAS, the City of Jasper, Indiana by and through its Common Council, created a Department of Storm Water Management in Ordinance No. 2003-14, to provide for the installation, maintenance, and operation of a system of storm water collection and disposal for the City of Jasper, Indiana; and

WHEREAS, I.C. 8-1.5-5-7 et. seq. allows the City of Jasper to fund its Department of Storm Water Management through a user fee; and

WHEREAS, internal studies and a rate study have been conducted by and for the Department of Storm Water Management and a determination has been made as to the initial budget to fund the Department and complete necessary projects; and

WHEREAS, the Storm Water Management Board finds that assessing and collecting user fees to fund installation, maintenance and operation of the storm water system is in the best interest of the City of Jasper and the Storm Water District and has recommended said user fees to the Common Council by their Resolution No. SWMB 2003-1; and

WHEREAS, the Common Council of the City of Jasper finds that the Storm Water system that provides for the collection, treatment, storage and disposal of Storm Water provides benefits and services to all property within the city limits. Such benefits include, but are not limited to: the provision of adequate system of collection, conveyance, detention, treatment and release of storm water; the reduction of hazards to property and life resulting from storm water runoff; improvements in general health and welfare through reduction of undesirable storm water conditions; and improvements to the water quality in the storm water and surface water system and its receiving waters; and

WHEREAS, the Common Council of the City of Jasper finds that said user fees are fair and equitable and based on the actual costs to provide storm water services to the citizens of the City of Jasper and are in the best interests of the City of Jasper and the Storm Water District.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF JASPER, INDIANA, as follows:

**Section 1: Definitions.** For the purpose of this Chapter, the following definitions shall apply; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word “shall”

is mandatory and not discretionary. The word “may” is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster’s Dictionary.

“**Board**” means the City of Jasper, Indiana, Storm Water Management Board.

“**Bonds**” means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the Costs of Construction.

“**Calendar Year**” means a 12-month period commencing on the first day of January of any year.

“**City Engineer**” means the Engineer of the City of Jasper or his designee.

“**Costs of Construction**” means costs reasonably incurred in connection with providing capital improvements to the System or any portion thereof, including, but not limited to, the costs of (1) acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefor, (2) physical construction, installation and testing, including the costs of labor, services, materials, supplies and construction services used in connection therewith, (3) architectural, engineering, legal and other professional services, (4) insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction, (5) any taxes or other charges which become due during construction, (6) expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor or sub-contractor in respect of any default under a contract relating to construction, (7) principal of and interest of any Bonds, and (8) miscellaneous expenses incidental thereto.

“**Debt Service**” means, with any particular series of Bonds, an amount equal to the sum of (i) all interest payable on such Bonds during such Calendar Year, plus (ii) any principal installments of such Bonds during such Calendar Year.

“**Developed Property**” means real property other than Undisturbed Property and Vacant Improved Property.

“**Dwelling Unit**” means a singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

“**Equivalent Residential Unit**”, “**ERU**” means up to 5000 square feet increments of Impervious Surface.

“**ERU Rate**” means a fee charged on each ERU.

“**Exempt Property**” means public rights of way, public streets, public alleys and public sidewalks.

“**Extension and Replacement**” means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the System, or land acquisitions for the System and any related costs thereto, or paying extraordinary maintenance and repair, including the Costs of Construction, or any other expenses which are not costs of Operation and Maintenance or Debt Service.

“**Impervious Area**” means the number of square feet of hard surfaced areas, including compressed rock or gravel, which either prevent or retard the entry of water into soil mantle, as it entered under natural conditions as Undisturbed Property, and/or causes water to run off the surface in greater quantities or at an increased rate of flow

from that present under natural conditions as Undisturbed Property, including, but not limited to, roofs, roof extensions, driveways, pavement, parking lots and athletic courts.

**“Nonresidential Developed Property”** means developed property that is not utilized for dwelling units. Said property includes the following Jasper Municipal Utilities billing office customer classifications: Institutional, Governmental, Commercial and Industrial.

**“Operating Budget”** means the annual operating budget adopted by the City for the succeeding Calendar Year.

**“Operations and Maintenance”** means the current expenses, paid or accrued, of operation, maintenance and current repair of the System, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, and cost of equipment, materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

**“Residential Developed Property”** means developed property that is utilized for dwelling units. Said property includes the following Jasper Municipal Utilities billing office customer classifications: Single-Family and Multi-Family Residential.

**“Revenues”** mean all rates, fees, assessments, rentals or other charges or other income received by the appropriate fund, in connection with the management and operation of the System, including amounts received from the investment or deposit of monies in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

**“Storm Water Management System”** or **“System”** means the existing Storm Water Management of the City and all improvements thereto which by this Chapter are constituted as the property and responsibility of the City, to be operated as an enterprise fund to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such System.

**“Storm Water User Fee”** means a fee authorized by Ordinance(s) established to fund the Department of Storm Water Management including, but not limited to, Operations and Maintenance, Extension and Replacement and Debt Service.

**“Undisturbed Property”** means real property, which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities, which have disturbed or altered the topography or soils on the property.

**“User”** means the property owner of record of Residential Developed Property, Nonresidential Developed Property, Undisturbed Property or Vacant Improved Property. A User includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver or personal representative.

**“User Fee District”** means the area or property within the Corporate Limits of the City of Jasper, Indiana and any other area that may become a part of the District pursuant to applicable State law.

**“Vacant Improved Property”** means vacant property, which is, or could reasonably be, served by any subdivision improvements that allow egress.



**Section 2: Fee Established.** Subject to the provisions of this Chapter, each and every Developed Property, except Exempt Property, within the Corporate Limits of the City, and the owners thereof, have imposed upon them a Storm Water User Fee. The Storm Water User Fee shall be a monthly or a regular interval service charge and shall be determined by the provisions of this ordinance and the ERU and ERU Rate which shall be established and changed from time to time by the Storm Water Management Board and the Common Council of the City of Jasper, Indiana.

**Section 3: Storm Water User Fee Collection.** The Storm Water User Fee for Developed Property, except Exempt Property, shall be billed and collected monthly with the monthly utility services bill for those properties within the Corporate Limits of the City of Jasper. The Storm Water User Fee shall be billed as part of a consolidated statement for City utility customers, which is generally paid by a single payment to the Jasper Municipal Utilities. In the event that a partial payment is received, the storm water portion of the bill shall be credited for payment only after the other utilities billed, i.e. gas, electric, water and sewer, have been credited for payment. In the event the User has no other City utilities, said Fee shall be collected and billed through the Jasper Municipal Utility Business Office. In all cases the Storm Water User Fee shall be billed to the property owner, regardless of whether the owner occupies the property. All bills for Storm Water User Fees shall become due and payable in accordance with the rules and regulations of the Jasper Municipal Utilities. All rates and charges not paid when due, as stated on the monthly bill, are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto.

**Section 4: User Fee Determination.** There is hereby established the following uniform schedule of rates for the services and use of facilities of the Storm Water Management System by the owner of the premises using the services and facilities of said system:

(a) Initially, each and every owner of Developed Property, except Exempt Property, shall be billed for one equivalent residential unit (ERU) which shall be Two Dollars (\$2.00) per month per Developed Property.

(b) Parcels which are Exempt Property, Vacant Improved Property and Undisturbed Property shall not be assessed a Storm Water User Fee.

(c) Using the City's GIS mapping system, a determination shall be made as to the multiple of ERUs to be assigned to each Developed Property, except Exempt Property. Said determination shall be made in categories based on the Jasper Municipal Utilities billing office customer classifications, in the following order:

- i.) Multi-Family Residential
- ii.) Governmental
- iii.) Institutional
- iv.) Commercial
- v.) Industrial
- vi.) Single-Family Residential

Once the determination of multiples has been substantially completed for each individual category listed above, each and every property in that category shall be billed according to their actual number of ERUs, according to the following schedule:

0	-	5,000 Sq Ft = One (1) ERU = \$2.00/month
5,001	-	10,000 Sq Ft = Two (2) ERU = \$4.00/month
10,001	-	15,000 Sq Ft = Three (3) ERU = \$6.00/month
15,001	-	20,000 Sq Ft = Four (4) ERU = \$8.00/month
and continuing in 5,000 Sq Ft increments		

The billing amount shall be updated by the City Engineer based on any additions to the square footage of the impervious area of the Developed Property.

**Section 5: Appeals.** If, in the opinion of any User, the amount of ERUs attributable to such User is inaccurate, the User shall have the right to contest said calculation in the following manner:

- a. The appeal shall be filed in writing with the City Engineer and shall state the grounds for the appeal, with a copy of any verifiable documentation supporting the User's claim.
- b. Upon review of the User's claim, the City Engineer may request additional information from the appealing party. The City Engineer shall render a written determination that either the original calculation should be affirmed or the User should be assigned a new ERU amount.
- c. If the User receives a new ERU amount that is lower than the original amount assigned to such User, the User shall be credited accordingly for any overpayment made by User (not a previous property owner) made from the date twelve (12) months preceeding the date the User filed their appeal. Said credit shall apply to future service provided to the User until the overpayment has been fully satisfied. If the User's appeal is denied, said opinion shall be forwarded to the User by certified mail, return receipt requested. The User shall then have seven (7) days from date of receipt to request a reconsideration by the Storm Water Management Board. If the User fails to accept said opinion, the seven (7) days shall be counted from the date of mailing of the certified mail. The User shall submit a copy of the original appeal and supporting documents to the Board and any additional facts concerning the dispute. The City Engineer shall submit a copy of the determination denying the User's claim, along with any supporting documents.
- d. The Storm Water Management Board shall conduct an informal hearing, as soon as practicable, to determine and resolve the dispute based upon the documentation submitted and oral testimony of the User and the City Engineer and any other persons with information relevant to the dispute. The Storm Water Management Board shall render a final written decision within thirty (30) days thereafter and their decision shall be binding.

- e. Dispute or appeal of the amount of ERUs attributable to a User shall not be a valid reason for non-payment of the User Fees and any fees not paid in a timely manner remain subject to applicable penalties.

**Section 6: Operating Budget.** That the Common Council of the City of Jasper shall adopt an operating budget for the Department of Storm Water Management each calendar year. The operating budget shall set forth for such calendar year the estimated revenues and the applicable appropriations, such as: operations and maintenance, depreciation, bond and interest redemption and any other necessary appropriations. The Clerk-Treasurer of the City of Jasper, Indiana, shall account for all funds collected and expended for Storm Water Management.

**Section 7: Spending of Funds.** That, pursuant to I.C. 8-1.5-5-6 and other appropriate sections, the Storm Water Management Board retains the right to direct the spending of funds through directive to the Clerk-Treasurer of the City of Jasper, Indiana, through the claims approval process and after approval of claims by the Board of Public Works and Safety of the City of Jasper.

**Section 8: Prior Ordinances.** All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

**Section 9: Separability.** If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereunder.

**Section 10: Effective Date.** This Ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law.