

# Town of Porter

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Stormwater Quality Management Plan

## Part C

### Program Implementation

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# Section One: Executed Forms

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**RULE 13 STORM WATER QUALITY  
MANAGEMENT PLAN (SWQMP) –  
PART C: PROGRAM IMPLEMENTATION CERTIFICATION  
CHECKLIST**

State Form 51280 (R4 / 4-08)  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**For questions regarding this form, contact:**  
IDEM – Rule 13 Coordinator  
100 North Senate Avenue, Rm 1255  
MC 65-42  
Indianapolis, IN 46204-2251  
Phone: (317) 234-1601 or  
(800) 451-6027, ext. 41601 (within Indiana)  
Web Access:  
<http://www.in.gov/idem> (Search for Stormwater)

- NOTE:**
- This form must be used for compliance with a general NPDES permit pursuant to 327 IAC 15-13.
  - Submit this completed form with a complete "SWQMP – Part C: Program Implementation" in accordance with 327 IAC 15-13-8.
  - Return this completed and signed form, and any required addenda by mail to the IDEM Rule 13 Coordinator at the address listed in the box on the upper-right.

PART A: SWQMP CERTIFICATION CHECKLIST		
▶ Please check the appropriate box when the requirements for each numbered item have been met, or check "NA" if an item is not applicable. For some of the numbered items, the requirements must be met and "not applicable" is not provided as an option.		
X	NA	ITEM
<input checked="" type="checkbox"/>		1. SWQMP – Part C: Program Implementation submitted within 1 year from the submission of the NOI letter or the expiration date of the previous 5-year permit term.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Approved TMDL established for any MS4 discharge receiving water.
<input type="checkbox"/>	<input type="checkbox"/>	* If yes, the SWQMP – Part C includes appropriate modifications to meet the TMDL
<input checked="" type="checkbox"/>		3. SWQMP – Part C identifies that the required ordinances or similar regulatory mechanisms will be developed, revised, modified, and/or implemented within two (2) years from the submission of the NOI letter
<input checked="" type="checkbox"/>		4. The SWQMP – Part C contains:
<input checked="" type="checkbox"/>		a) An initial evaluation of the storm water program for the MS4 area
<input checked="" type="checkbox"/>		* The initial evaluation includes all known structural and nonstructural storm water BMPs
<input checked="" type="checkbox"/>		b) A detailed program description for each MCM
<input checked="" type="checkbox"/>		c) A timetable for program implementation milestones and SWQMP-Part B conclusions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	d) A schedule for on-going receiving water characterization to evaluate BMP effectiveness and receiving water quality
<input checked="" type="checkbox"/>		e) A narrative and mapped description of the MS4 area boundaries
<input checked="" type="checkbox"/>		*The boundary description includes the specific section(s), or, as appropriate, street name(s)
<input checked="" type="checkbox"/>		f) An estimate of the linear feet of MS4, segregated by conveyance type
<input checked="" type="checkbox"/>		g) A narrative summary of allowed structural BMP types in new development and redevelopment
<input checked="" type="checkbox"/>		h) A summary on structural BMP selection criteria and performance standards
<input checked="" type="checkbox"/>		i) A narrative summary of the current and projected storm water budget
<input checked="" type="checkbox"/>		j) A narrative summary of measurable goals for each MCM
<input checked="" type="checkbox"/>		* Measurable goals relate to an environmental benefit
<input checked="" type="checkbox"/>	<input type="checkbox"/>	k) Appropriate, completed state-issued certification forms (only required for the initial 5-year permit term)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i) Public education and outreach MCM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ii) Public participation and involvement MCM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	iii) Illicit discharge detection and elimination MCM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	iv) Construction site storm water run-off control MCM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	v) Postconstruction storm water run-off control MCM (not required until end of second year of permit coverage)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	vi) Pollution prevention and good housekeeping for operations MCM
<input checked="" type="checkbox"/>		l) A listing of programmatic indicators for each MCM. These indicators include:
<input checked="" type="checkbox"/>		i) Number or percentage of citizens that have an awareness of storm water quality issues
<input checked="" type="checkbox"/>		ii) Number and description of meetings, training sessions, and events conducted to involve citizens
<input checked="" type="checkbox"/>		iii) Number or percentage of citizens that participate in storm water quality improvement projects
<input checked="" type="checkbox"/>	<input type="checkbox"/>	iv) Number and location of storm drains marked or cast
<input checked="" type="checkbox"/>		v) Estimated or actual linear feet or percentage of MS4 conveyances mapped
<input checked="" type="checkbox"/>		vi) Number and location of MS4 area outfalls mapped
<input checked="" type="checkbox"/>		vii) Number and location of MS4 area outfalls screened for illicit discharges
<input checked="" type="checkbox"/>		viii) Number and location of illicit discharges detected
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ix) Number and location of illicit discharges eliminated
<input checked="" type="checkbox"/>	<input type="checkbox"/>	x) Number of, and estimated amount of material collected from, HHW collections
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xi) Number and location of citizen drop-off centers for automotive fluids

**PART A: SWQMP CERTIFICATION CHECKLIST**

► Please check the appropriate box when the requirements for each numbered item have been met, or check "NA" if an item is not applicable. For some of the numbered items, the requirements must be met and "not applicable" is not provided as an option.

X	NA	ITEM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xii) Number or percentage of citizens that participate in HHW collections
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xiii) Number of construction sites permitted for storm water quality
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xiv) Number of construction sites inspected
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xv) Number and type of enforcement actions taken against construction site operators
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xvi) Number of public informational requests received related to construction sites
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xvii) Number, type, and location of structural BMPs installed
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xviii) Number, type, and location of structural BMPs inspected
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xix) Number, type, and location of structural BMPs maintained, or improved, to function properly
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xx) Type and location of nonstructural BMPs utilized
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxi) Estimated acreage or square footage of open space preserved and mapped
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxii) Estimated acreage or square footage of mapped pervious and impervious surfaces
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxiii) Number and location of retail gasoline outlets or municipal, state, federal, or institutional refueling areas with installed BMPs
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxiv) Number and location of entity facilities that have containment for accidental releases
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxv) Estimated acreage or square footage and location where pesticides and fertilizers are applied by the regulated MS4 entity
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxvi) Estimated linear feet or percentage and location of unvegetated swales and ditches that have an appropriately-sized vegetated filter strip
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxvii) Estimated linear feet or percentage and location of MS4 conveyances cleaned or repaired
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxviii) Estimated linear feet or percentage and location of roadside shoulders and ditches stabilized
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxix) Number and location of storm water outfall areas remediated from scouring conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxx) Number and location of de-icing salt and sand storage areas covered or otherwise improved to minimize storm water exposure
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxxi) Estimated amount, in tons, of salt and sand used for snow and ice control
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxxii) Estimated amount of material by weight collected from catch basin, trash rack, or other structural BMP cleaning
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxxiii) Estimated amount of material by weight collected from street sweeping
<input checked="" type="checkbox"/>	<input type="checkbox"/>	xxxiv) Number or percentage and location of canine parks sited at least 150 feet away from a surface water body
<input type="checkbox"/>	<input checked="" type="checkbox"/>	xxxv) Other
<input checked="" type="checkbox"/>		5. SWQMP – Part C identifies, as a minimum, the following compliance schedule for implementation from the submission day of the NOI letter:
<input checked="" type="checkbox"/>		a) "SWQMP – Part B: Baseline Characterization and Report" submitted within 180 days
<input checked="" type="checkbox"/>		b) Public education and outreach program developed and implemented within 1 year
<input checked="" type="checkbox"/>		c) Public involvement and participation program developed and implemented within 1 year
<input checked="" type="checkbox"/>		d) Illicit discharge plan and ordinance developed and program implemented and all major outfall conveyances mapped within 1 year
<input checked="" type="checkbox"/>		e) 25% of storm water outfall conveyance systems mapped each year after 1 year
<input checked="" type="checkbox"/>		f) All known storm water outfalls with a diameter greater than 12 inches and open ditches mapped within 5 years
<input checked="" type="checkbox"/>		g) Construction site plan and ordinance developed and program implemented within 1 year
<input checked="" type="checkbox"/>		h) O&M plan developed and program implemented within 2 years
<input checked="" type="checkbox"/>		i) Postconstruction plan and ordinance developed and program implemented within 2 years
<input checked="" type="checkbox"/>		j) Operations pollution prevention program developed and implemented within 1 year
<input checked="" type="checkbox"/>		6. For the Public Education and Outreach MCM:
<input checked="" type="checkbox"/>		a) Plan identifies and schedules implementation of an informational program for constituents
<input checked="" type="checkbox"/>		b) Plan identifies initial assessment of constituents
<input checked="" type="checkbox"/>		c) Plan identifies specific target outreach or reduction goal percentages and timetables
<input type="checkbox"/>	<input checked="" type="checkbox"/>	d) For CSS communities, the current LTCP has been reviewed for ensuring that there is consistency with this MCM
<input checked="" type="checkbox"/>		7. For the Public Participation/Involvement MCM:
<input checked="" type="checkbox"/>		a) Plan identifies and schedules implementation of a public participation program
<input checked="" type="checkbox"/>		b) Plan identifies initial assessment of constituents
<input checked="" type="checkbox"/>		c) Plan identifies specific public involvement and reduction goal percentages and timetables
<input type="checkbox"/>	<input checked="" type="checkbox"/>	d) For CSS communities, the current LTCP has been reviewed for ensuring that there is consistency with this MCM
<input checked="" type="checkbox"/>		8. For the Illicit Discharge Detection and Elimination MCM:
<input checked="" type="checkbox"/>		a) Plan schedules development of a storm sewer system map

**PART A: SWQMP CERTIFICATION CHECKLIST**

► Please check the appropriate box when the requirements for each numbered item have been met, or check "NA" if an item is not applicable. For some of the numbered items, the requirements must be met and "not applicable" is not provided as an option.

X	NA	ITEM
<input checked="" type="checkbox"/>		b) Plan schedules development and implementation of an ordinance or other regulatory mechanism that prohibits illicit discharges into the storm sewer system
<input checked="" type="checkbox"/>		c) Plan identifies and schedules implementation of a plan to detect, address, and eliminate illicit discharges, including illegal dumping, into the storm sewer system
<input checked="" type="checkbox"/>		i) This plan requires that problem areas be located via dry weather screening or other means
<input checked="" type="checkbox"/>		ii) This plan requires that the source of the problem be located, the illicit connection be removed or corrected, and the actions taken be documented
<input checked="" type="checkbox"/>		iii) This plan identifies all known active industrial facilities that discharge into a regulated MS4 conveyance
<input checked="" type="checkbox"/>		d) Plan identifies and schedules implementation of an education program for public employees, businesses, and the general public about the hazards associated with illicit discharges and improper disposal of waste
<input checked="" type="checkbox"/>		e) Plan establishes a recycling program for commonly dumped wastes
<input checked="" type="checkbox"/>		f) Plan identifies specific outreach and reduction goal percentages and timetables
<input type="checkbox"/>	<input checked="" type="checkbox"/>	g) For CSS communities, the current CSOOP and LTCP have been reviewed for ensuring that there is consistency with this MCM
		<b>9. For the Construction Site Storm Water Run-off Control MCM:</b>
<input checked="" type="checkbox"/>		a) Plan schedules development and implementation of an ordinance or other regulatory mechanism that controls polluted run-off from construction sites with a land disturbance of greater than or equal to one (1) acre
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b) Plan established written agreement or process to allow local SWCD input
<input checked="" type="checkbox"/>		c) Plan identifies and schedules implementation of a requirement to use appropriate BMPs on construction sites to control sediment and erosion and other waste at a site
<input checked="" type="checkbox"/>		d) Plan identifies and schedules implementation of procedures for plan review, site inspection (including prioritization of sites) and enforcement of control measures to deter infractions
<input checked="" type="checkbox"/>		e) Plan identifies procedures for plan review of projects operated by the MS4 operator
<input checked="" type="checkbox"/>		f) Plan requires annual training for MS4 personnel responsible for implementing this MCM
<input checked="" type="checkbox"/>		g) Plan identifies and schedules implementation of procedures for receipt and consideration of public inquiries, concerns, and information submitted regarding local construction activities
<input checked="" type="checkbox"/>		h) Plan identifies specific outreach, compliance, and implementation goals and timetables
		<b>10. For the Postconstruction Storm Water Run-off Control MCM:</b>
<input checked="" type="checkbox"/>		a) Plan schedules development and implementation of an ordinance or other regulatory mechanism that requires the implementation of planning procedures to promote improved water quality
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i) Plan procedures include the postconstruction requirements of 327 IAC 15-5-6.5(a)(8)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ii) Where appropriate, procedures include buffer strip and riparian zone preservation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	iii) Where appropriate, procedures include filter strip creation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	iv) Where appropriate, procedures include minimization of land disturbance and surface imperviousness
<input checked="" type="checkbox"/>	<input type="checkbox"/>	v) Where appropriate, procedures include maximization of open space
<input checked="" type="checkbox"/>	<input type="checkbox"/>	vi) Where appropriate, procedures include directing community physical growth away from sensitive areas and towards areas that can support it without compromising water quality
<input checked="" type="checkbox"/>		b) Plan identifies the use of any storage, infiltration, filtering, and/or vegetative practice to reduce the impact of pollutants on storm water run-off to meet narrative water quality standards on receiving waters
<input checked="" type="checkbox"/>		i) Plan prohibits using infiltration practices in well head protection areas
<input checked="" type="checkbox"/>		ii) As site conditions allow, plan requires an appropriately-sized vegetated filter strip width along unvegetated swales/ditches
<input checked="" type="checkbox"/>		iii) Plan prohibits discharges directly to sinkholes or fractured bedrock, without appropriate treatment to meet Indiana ground water quality standards
<input checked="" type="checkbox"/>		iv) Plan requires any discharge from a storm water practice that is a Class V injection well to meet Indiana ground water quality standards
<input checked="" type="checkbox"/>		v) Plan requires installation of appropriate BMPs to reduce metals and hydrocarbons at new retail gasoline outlets or municipal/institutional refueling areas
<input checked="" type="checkbox"/>		vi) As site conditions allow, plan regulates the rate of storm water flow through the MS4 conveyances
<input checked="" type="checkbox"/>		vii) Plan requires annual training for MS4 personnel responsible for implementing this MCM
<input checked="" type="checkbox"/>		viii) Plan identifies and schedules implementation of a written O&M plan for structural BMPs.
<input checked="" type="checkbox"/>		c) Plan identifies specific goals for reduction percentages and timetables
		<b>11. For the Municipal Operations Pollution Prevention and Good Housekeeping MCM:</b>
<input checked="" type="checkbox"/>		a) Plan identifies and schedules implementation of a written program to ensure that existing municipal, State or Federal operations are performed in ways that will minimize contamination of storm water discharges
<input checked="" type="checkbox"/>		i) Program addresses written documentation of maintenance activities, maintenance schedules, and long-term inspection procedures for BMPs to reduce floatables and other pollutants discharged from the storm sewer system
<input checked="" type="checkbox"/>		ii) Program addresses controls for reducing or eliminating the discharge of pollutants from operational areas, including roads, parking lots, maintenance and storage yards, and waste transfer stations
<input type="checkbox"/>	<input checked="" type="checkbox"/>	iii) Program requires a minimum distance of 150 feet for canine parks to be sited away from a surface water body
<input checked="" type="checkbox"/>		iv) Program addresses written procedures for the proper disposal of waste removed from MS4 conveyances and operational areas
<input checked="" type="checkbox"/>		v) Program addresses written documentation to ensure that new flood management projects assess their impacts on water quality and examine existing projects for incorporation of additional water quality protection devices or practices
<input checked="" type="checkbox"/>		vi) Program addresses documentation for MS4 area personnel to attend annual training regarding this MCM
<input checked="" type="checkbox"/>		b) Plan identifies specific reduction goal percentages and timetables

**PART A: SWQMP CERTIFICATION CHECKLIST**

► Please check the appropriate box when the requirements for each numbered item have been met, or check "NA" if an item is not applicable. For some of the numbered items, the requirements must be met and "not applicable" is not provided as an option.

X	NA	ITEM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	c) For CSS communities, the current CSOOP and LTCP have been reviewed for ensuring that there is consistency with this MCM
<input checked="" type="checkbox"/>		12. "SWQMP – Part C: Program Implementation" has been certified by a Qualified Professional and the MS4 Operator.

**PART B: CERTIFICATION AND SIGNATURE**

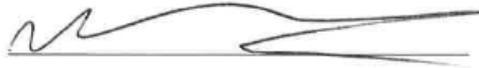
► The Qualified Professional and MS4 Operator (referenced in Part A, Item #12 of this form) must sign the following certification statement and provide the pertinent NPDES permit number:

*"By signing this checklist, I hereby certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Name of Qualified Professional: Matt Keiser, Director of Engineering  
*(typed or printed)*

NPDES Permit #: INR040\_115

Signature of Qualified Professional: \_\_\_\_\_



Date: 10/20/10  
*(mm/dd/year)*

Name of MS4 Operator: Matt Keiser, Director of Engineering  
*(typed or printed)*

Signature of MS4 Operator: \_\_\_\_\_



Date: 10/20/10  
*(mm/dd/year)*



**RULE 13 –  
Certification of the Informational Program for the Public  
Education and Outreach MCM**  
State Form 51279 (R3 / 4-08)  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**For questions regarding this form, contact:**

IDEM – Rule 13 Coordinator  
100 North Senate Avenue, Rm 1255  
MC 65-42  
Indianapolis, IN 46204-2251  
Phone: (317) 234-1601 or  
(800) 451-6027, ext. 41601 (within Indiana)  
Web Access:  
<http://www.in.gov/idem> (Search for Stormwater)

- NOTE:**
- This form must be used to comply with section 12(b) of 327 IAC 15-13.
  - The storm water quality Public Education and Outreach program must be implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.
  - Submit this completed form when the education program has been developed and implemented.
  - Return this completed and signed form, and any required addenda by mail to the IDEM Rule 13 Coordinator at the address listed in the box on the upper-right.

**CERTIFICATION AND SIGNATURE**

The State of Indiana requires TOWN OF PORTER (MS4 Operator) to develop and implement an informational program with educational materials for informing constituents about the impacts of polluted storm water run-off on water quality, and ways they can minimize their impact on storm water quality. This program must be implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.

The "authorized signature" required below must be either that of the MS4 operator, or, if another entity is responsible for this MCM, the responsible individual. The "title" must either be "MS4 operator", or, if a responsible individual signs, the title of that individual and associated MS4 entity represented (for example, mayor of the City of Indianapolis).

► The following statement, required by the State of Indiana, and the accompanying signature serve as the required certification that the program has been developed and implemented per the requirements of 327 IAC 15-13 and authorized under NPDES permit number INR040115\_\_\_\_\_.

*"I certify, under penalty of law, that this program and all required materials were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the above statement is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Authorized Signature: \_\_\_\_\_

Date: 10/20/10

(mm/dd/year)

Title: Matt Keiser, Director of Engineering

(typed or printed)



**RULE 13 –  
Certification of the Public Participation And Involvement  
Program for The Public Participation And Involvement  
MCM**

State Form 51273 (R3 / 4-08)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**For questions regarding this form, contact:**

IDEM – Rule 13 Coordinator  
100 North Senate Avenue, Rm 1255  
MC 65-42  
Indianapolis, IN 46204-2251  
Phone: (317) 234-1601 or  
(800) 451-6027, ext. 41601 (within Indiana)  
Web Access:  
<http://www.in.gov/idem> (Search for Stormwater)

- NOTE:**
- This form must be used to comply with section 13(b) of 327 IAC 15-13.
  - The public participation and involvement program must be implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.
  - Submit this completed form when the program has been developed and implemented.
  - Return this completed and signed form, and any required addenda by mail to the IDEM Rule 13 Coordinator at the address listed in the box on the upper-right.

**CERTIFICATION AND SIGNATURE**

The State of Indiana requires Town of Porter (MS4 Operator) to develop and implement a public participation and involvement program to allow opportunities for constituents to participate in the storm water management program development and implementation. This program must be implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.

► The following statement, required by the State of Indiana, and the accompanying signature serve as the required certification that the program has been developed and implemented per the requirements of 327 IAC 15-13 and authorized under NPDES permit number INR040115.

*"I certify, under penalty of law, that this program and all required materials were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the above statement is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Authorized Signature<sup>1</sup>:

Date:

10/22/10  
(mm/dd/year)

Title<sup>2</sup>: Matt Keiser, Director of Engineering, MS4 Operator

(typed or printed)

<sup>1</sup>The "authorized signature" required above must be either that of the MS4 operator, or, if another entity is responsible for this MCM, the responsible individual.

<sup>2</sup>The "title" must either be "MS4 operator", or, if a responsible individual signs, the title of that individual and associated MS4 entity represented (for example, mayor of the City of Indianapolis).



**RULE 13 –  
Certification of the Plan To Detect, Address, and  
Eliminate Illicit Discharges for the Illicit Detection and  
Elimination MCM**

State Form 51271 (R3 / 4-08)  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**For questions regarding this form, contact:**

IDEM – Rule 13 Coordinator  
100 North Senate Avenue, Rm 1255  
MC 65-42  
Indianapolis, IN 46204-2251  
Phone: (317) 234-1601 or  
(800) 451-6027, ext. 41601 (within Indiana)  
Web Access:  
<http://www.in.gov/idem> (Search for Stormwater)

- NOTE:**
- This form must be used to comply with section 14(g) of 327 IAC 15-13.
  - The implementation plan for this MCM must be implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.
  - Submit this completed form when the plan has been developed and implemented.
  - Return this completed and signed form, and any required addenda by mail to the IDEM Rule 13 Coordinator at the address listed in the box on the upper-right.

**CERTIFICATION AND SIGNATURE**

The State of Indiana requires Town of Porter (MS4 Operator) to develop and implement a plan to detect and eliminate illicit discharges, including illegal dumping, into the MS4. As part of this plan, outfall systems within the regulated MS4 area must be mapped throughout the five-year permit term. The plan must be implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.

► The following statement, required by the State of Indiana, and the accompanying signature serve as the required certification that the program has been developed and implemented per the requirements of 327 IAC 15-13 and authorized under NPDES permit number INR040115\_\_\_\_\_.

*"I certify, under penalty of law, that this plan and all required materials were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the above statement is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Authorized Signature<sup>1</sup>:

Date:

10/22/10  
(mm/dd/year)

Title<sup>2</sup>: Matt Keiser, Director of Engineering, MS4 Operator

(typed or printed)

<sup>1</sup>The "authorized signature" required above must be either that of the MS4 operator, or, if another entity is responsible for this MCM, the responsible individual.

<sup>2</sup>The "title" must either be "MS4 operator", or, if a responsible individual signs, the title of that individual and associated MS4 entity represented (for example, mayor of the City of Indianapolis).



**RULE 13 –  
Certification of the Development, Implementation,  
Management, and Enforcement of an Erosion and  
Sediment Control Program for the Construction Site  
Storm Water Run-Off Control MCM**

State Form 51272 (R3 / 4-08)  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**For questions regarding this form, contact:**

IDEM – Rule 13 Coordinator  
100 North Senate Avenue, Rm 1255  
MC 65-42  
Indianapolis, IN 46204-2251  
Phone: (317) 234-1601 or  
(800) 451-6027, ext. 41601 (within Indiana)  
Web Access:  
<http://www.in.gov/idem> (Search for Stormwater)

- NOTE:**
- This form must be used to comply with section 15(b) of 327 IAC 15-13.
  - The program required under this MCM must be implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.
  - Submit this completed form when the program has been developed and implemented.
  - Return this completed and signed form, and any required addenda by mail to the IDEM Rule 13 Coordinator at the address listed in the box on the upper-right.

**CERTIFICATION AND SIGNATURE**

The State of Indiana requires Town of Porter (MS4 Operator) to develop, implement, manage, and enforce an erosion and sediment control program for construction activities that disturb one (1) or more acres of land within the regulated MS4 area. As part of this program, an ordinance or other regulatory mechanism must be created or modified, and be substantially similar to IDEM's construction storm water program (327 IAC 15-5). This program and associated legal authorities must be obtained and implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.

► The following statement, required by the State of Indiana, and the accompanying signature serve as the required certification that the program has been developed and implemented per the requirements of 327 IAC 15-13 and authorized under NPDES permit number INR040115.

*"I certify, under penalty of law, that this program and all required documents and materials were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the above statement is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Authorized Signature<sup>1</sup>:



Date:

10/22/10  
(mm/dd/year)

Title<sup>2</sup>: **Matt Keiser, Director of Engineering, MS4 Operator**

(typed or printed)

<sup>1</sup>The "authorized signature" required above must be either that of the MS4 operator, or, if another entity is responsible for this MCM, the responsible individual.

<sup>2</sup>The "title" must either be "MS4 operator", or, if a responsible individual signs, the title of that individual and associated MS4 entity represented (for example, mayor of the City of Indianapolis).



**RULE 13 –**  
**Certification of the Development, Implementation,**  
**Management, and Enforcement of a Postconstruction**  
**Storm Water Run-Off Control Program for the**  
**Postconstruction Storm Water Run-Off Control MCM**  
 State Form 51274 (RS / 4-08)  
 INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**For questions regarding this form, contact:**

IDEM – Rule 13 Coordinator  
 100 North Senate Avenue, Rm 1255  
 MC 65-42  
 Indianapolis, IN 46204-2251  
 Phone (317) 234-1601 or  
 (800) 451-6027, ext. 41601 (within Indiana)  
 Web Access:  
<http://www.in.gov/idem> (Search for Stormwater)

- NOTE:**
- This form must be used to comply with section 16(b) and (e) of 327 IAC 15-13.
  - The program required under this MCM must be implemented within seven hundred thirty (730) days of the Notice of Intent (NOI) letter submittal date.
  - Submit this completed form when the program has been developed and implemented.
  - Return this completed and signed form, and any required addenda by mail to the IDEM Rule 13 Coordinator at the address listed in the box on the upper-right.

**CERTIFICATION AND SIGNATURE**

The State of Indiana requires Town of Porter (MS4 Operator) to develop, implement, manage, and enforce a program to address discharges of postconstruction storm water run-off from new development and redevelopment areas within the regulated MS4 area from all development that disturbs one (1) acre or more of land. As part of this program, an ordinance or other regulatory mechanism must be created or modified, and a written operational and maintenance plan for all structural storm water Best Management Practices (BMPs) must be developed and implemented. This program, associated legal authorities and plan must be implemented within seven hundred thirty (730) days of the Notice of Intent (NOI) letter submittal date.

► The following statement, required by the State of Indiana, and the accompanying signature serve as the required certification that the program has been developed and implemented per the requirements of 327 IAC 15-13 and authorized under NPDES permit number INR040 115 \_\_\_\_\_.

*"I certify, under penalty of law, that this program and all required documents and materials were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the above statement is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Authorized Signature<sup>1</sup>: \_\_\_\_\_

Date: 10/20/2018  
 (mm/dd/year)

Title<sup>2</sup>: Matt Keiser, Director of Engineering, MS4 Operator  
 (typed or printed)

<sup>1</sup>The "authorized signature" required above must be either that of the MS4 operator, or, if another entity is responsible for this MCM, the responsible individual.

<sup>2</sup>The "title" must either be "MS4 operator", or, if a responsible individual signs, the title of that individual and associated MS4 entity represented (for example, mayor of the City of Indianapolis).



**RULE 13 –  
Certification of the Development and Implementation of a  
Program to Reduce Pollutant Run-Off from Municipal  
Operations for the Municipal Operations Pollution  
Prevention and Good Housekeeping MCM**

State Form 51281 (R3 / 4-08)  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**For questions regarding this form, contact:**  
IDEM – Rule 13 Coordinator  
100 North Senate Avenue, Rm 1255  
MC 65-42  
Indianapolis, IN 46204-2251  
Phone: (317) 234-1601 or  
(800) 451-6027, ext. 41601 (within Indiana)  
Web Access:  
<http://www.in.gov/idem> (Search for Stormwater)

- NOTE:**
- This form must be used to comply with section 17(b) of 327 IAC 15-13.
  - The program required under this MCM must be implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.
  - Submit this completed form when the program has been developed and implemented.
  - Return this completed and signed form, and any required addenda by mail to the IDEM Rule 13 Coordinator at the address listed in the box on the upper-right.

**CERTIFICATION AND SIGNATURE**

The State of Indiana requires Town of Porter (MS4 Operator) to develop and implement a program to ensure that existing municipal, State or Federal operations are performed in ways that do not cause or contribute to contamination of storm water discharges. Written documentation of preventative maintenance, control measures, pesticide use minimization, proper waste disposal, waste reduction, and municipal employee training must be incorporated into this program. This program must be implemented within three hundred sixty-five (365) days of the Notice of Intent (NOI) letter submittal date.

► The following statement, required by the State of Indiana, and the accompanying signature serve as the required certification that the program has been developed and implemented per the requirements of 327 IAC 15-13 and authorized under NPDES permit number INR040\_\_115\_\_\_\_\_.

*"I certify, under penalty of law, that this program and all required materials were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the above statement is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Authorized Signature<sup>1</sup>:  Date: 10/23/10  
(mm/dd/year)

Title<sup>2</sup>: Matt Keiser, Director of Engineering, MS4 Operator  
(typed or printed)

<sup>1</sup>The "authorized signature" required above must be either that of the MS4 operator, or, if another entity is responsible for this MCM, the responsible individual.  
<sup>2</sup>The "title" must either be "MS4 operator", or, if a responsible individual signs, the title of that individual and associated MS4 entity represented (for example, mayor of the City of Indianapolis).

# Section Two: Current Stormwater Program in Porter

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## A. Existing Activities that Address Elements within MCM's

The Town of Porter has been aggressive over the last five years of the first permit cycle, in mapping, tracking and adding new stormwater quality improvements to its existing infrastructure. The Public Works Department has incorporated the ideas introduced by multiple stormwater training sessions to revise internal policies and focus on the surrounding areas during the scheduled cleaning routine. The streets are annually swept four times a year and leaf collection occurs when necessary. The leaf, garage and debris are disposed of properly and this allows the catch basins and inlets to remain semi-free of blockages. The Public Works Department purchased a Vactor truck in 2006 and routinely extracts sediment and debris before it can get to the receiving streams.

The Town has an active AutoCAD Base Map, which is used to identify problem drainage areas and includes the stormwater infrastructure which is used to develop cleaning schedules. In 2009, the Town hired a Director of Engineering and Development to assist the Public Works Director and manage the MS4. The Director of Engineering has been able to augment existing facilities with priority development opportunities to allow for value-added services to be incorporated into smaller projects. A new Town Hall parking lot was constructed in 2010 and was designed to use a rain garden for stormwater treatment. A redevelopment project known as the Brickyard is currently in design and will include BMP's for stormwater treatment, while areas adjacent to it may be directed towards it to take advantages of the improvements. The Towns of Porter and Chesterton have teamed up many times to work together to improve our areas of continuity for money savings as well as overall drainage improvements. The Porter County Solid Waste Management District holds several HHW collections each year and some are very close in proximity to Porter.

The Towns Building Department and Fire Department work with the Director of Engineering to ensure building inspections also include hazardous material locations. The Town recently purchased a document management software which allows the scanning of paper files to search and coordinate old information with new information. The GIS/management software allows interdepartmental sharing of information and has led to new ideas of governmental cooperation.

The Director of Engineering was on a handpicked committee of the Porter County Drainage Board to set up a county-wide new mapping and drainage improvement plan. During the process, the Town of Porter agreed to pay additional monies to have the entire Town of Porter's impervious areas digitized. The Town expects to receive the deliverables before the end of the year. These will be used to calculate the imposed stormwater rates and determine land use changes.

## B. Current Use of Structural and Nonstructural BMP's

### 1. Identify BMP's in use today:

The Town has completed its IDEM required sewer separation projects and is working to substitute new concrete manholes in place of older brick manholes that are allowing infiltration into the sanitary sewers. By removing the stormwater infiltration, the lift stations will be able to accommodate to required flows and should not overflow into the rivers or onto the land. The sewer department is also having the sewer mains in the older part of Town relined, which will also help remove this infiltration. This will allow more stormwater to infiltrate the ground instead of the sewers.

Rain gardens and infiltration basins are being incorporated into existing stormwater infrastructure to slow down the velocities of the flow, as well as promote better water quality. Check dams and soil stabilization techniques are being proposed during designed and homeowners are given one-on-one sessions showing the water quality aspects and how they can make a difference. During the building permit, a review of the erosion control methods are explained to the homeowners as well as the contractors.

### 2. Evaluation of the current conditions and performance:

Currently, the Town is handling its drainage issues very well. Due to the ailing economy in 2009 and 2010, the Town has been able to focus on existing infrastructure issues. By dealing with the deterioration and rehabilitation of the existing infrastructure, more detailed quality can be put into the design. In 2007, the Town put together a stormwater master plan to document and establishes a working guide for the improvement of the flooding and storm water issues. The Stormwater Board has utilized its fees to target specific priorities and alleviate the flooding. During the design, water quality improvements are incorporated into the project to ensure all aspects of the proper requirements are met.

The Town has also made a standard of including stormwater improvements into areas adjacent to modifications to the sanitary sewer systems. A lift station, Six Box Lane, is being relocated upstream along Wagner Road. Along with the topography and sanitary line work, ditch regrading, water quality improvements and check dams are being installed to slow down and help storm water management.

Ditch clearing for stormwater flow are utilizing erosion control measures such as blankets, matting and rip rap to reduce velocities.

The Public Works Department is setting up detailed street sweeping schedules and the sewer department is planning on cataloging ditch cleaning and culvert repairs into the document management program. The Engineering and Public Works Department is also starting a detention pond and outfall spreadsheet to create schedules and maintenance logs.

### 3. Update of SWQMP Part B

No changes.

# Section Three: Stormwater Program for Six Minimum Control Measures

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## MCM #1 – Public Education and Outreach

### 1. Program Description

- a. Provide narrative discussion of activities to reach all sectors of the community.
  1. See **Appendix E** for the Regional Community Education Outreach Program through NIRPC.
  2. Distribute materials at Town Hall, Hageman Library and the Porter County Visitors Center on MS4 program, literature and education materials.
  3. Update website showing impact of MS4 program and educational purposes.
  4. Present MS4 program and support elements to Duneland School Corporation 5<sup>th</sup> graders.

### 2. Measurable Goals and time-line for implementation

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

#### BMP 1:

Target Audience: Regional Constituents, all population of Lake/Porter Counties

Target Topics: All elements of agreed upon regional approach to MCM 1

Measurable Goal including timeline: Continued yearly contracting and participation in NIRPC program

#### BMP 2:

Target Audience: Town of Porter Residents/Visitors to Dunes Area

Target Topics: Educational materials, handouts explaining MS4, rain gauges and homeowner guides

Measurable Goal including timeline: Receiving supplies, updating quantity list and distributing all materials

#### BMP 3:

Target Audience: Town of Porter MS4 Update to Website

Target Topics: Homeowner and Resident Topics and Contractors and Development LID Materials

Measurable Goal including timeline: Updated Website with newer materials

#### BMP 4:

Target Audience: Duneland School Corporation, 5<sup>th</sup> Grade MS4/Clean Water Program

Target Topics: All 5<sup>th</sup> Grade Students in the Duneland School Corporation

Measurable Goal including timeline: Two joint programs a year, with Town of Chesterton Participation

# MCM #2 – Public Participation and Involvement

## 1. Program Description

- a. Provide narrative discussion of activities to reach all sectors of the community.
  1. See **Appendix E** for the Regional Public Participation and Involvement through NIRPC.
  2. Hold annual cleanup days.
  3. Encourage Little Calumet River kayak and canoeing to place emphasis on water quality in the Town.
  4. Present programs such as Rain Barrels and Household Hazard Materials with Porter County Solid Waste District (PCSWD).
  5. Hold Monthly Stormwater Board Meetings to discuss town plans, projects and schedule MS4 training and update meetings.

## 2. Measurable Goals and time-line for implementation

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

### BMP 1:

Target Audience: Regional Constituents, all population of Lake/Porter Counties

Target Topics: All elements of agreed upon regional approach to MCM 2

Measurable Goal including timeline: Continued yearly contracting and participation in NIRPC program

### BMP 2:

Target Audience: Town of Porter Residents

Target Topics: Cleanup of beaches, Little Calumet River and tributaries to each

Measurable Goal including timeline: Yearly or more events encouraging cleanup days

### BMP 3:

Target Audience: Duneland area residents and visitors to the Porter area

Target Topics: Clean up and water quality of the rivers which we utilize for recreation and fishing

Measurable Goal including timeline: Ongoing

### BMP 4:

Target Audience: Duneland area residents

Target Topics: Rain barrels, Household Hazardous Waste, similar programs offered by the PCSWD

Measurable Goal including timeline: The successful holding of a yearly public program

### BMP 5:

Target Audience: Town of Porter residents

Target Topics: MS4 Updates, Stormwater project updates and priority planning

Measurable Goal including timeline: The successful holding of monthly stormwater meetings

# MCM #3 – Illicit Discharge Detection and Elimination

## 1. Program Description

a. Strategies to detect and eliminate illicit discharges to the MS4.

1. Each outfall point will be inspected twice a year. If an illicit discharge is suspected by visual or odor inspection, samples will be taken and an investigation to try to determine the source will occur. See Appendix F-1 for the Illicit Discharge Ordinance.
2. Stormwater Mapping Updates. Documentation of problem areas.
3. Investigation and inspection of illicit discharges reported by residents.

## 2. Measurable Goals and time-line for implementation

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

BMP 1: Inspection of Outfall Points of Stormwater Collection System

Timeline for Implementation: Twice a year or anytime a complaint is reported

Measurable Goal including timeline: Inspections of each outfall

BMP 2: Stormwater Mapping Updates and documentation of problem areas

Timeline for Implementation: Continual updates and additional information pertinent to MS4 needs

Measurable Goal including timeline: Ongoing

BMP 3: Investigation and inspection of illicit discharges reported by residents

Timeline for Implementation: Anytime a complaint is reported

Measurable Goal including timeline: Ongoing

# MCM #4 – Construction Site Stormwater/Erosion Control Measures

## 1. Program Description

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

1. The Town passed the Erosion Control Ordinance in 2006. The ordinance requires all site disturbances of one (1) acre or more to file an ESC (Erosion and Sediment Control) permit application. See Appendix F-2 for the Erosion Control Ordinance.
2. The Erosion Control Permit requires a building permit with coordination of site work and construction for ease of inspection by Town staff.
3. A “Notice of Intent” (NOI) document gives a 48 hour buffer for staff to review the site and make determinations of additional treatments needed.
4. A “Self Monitoring” report is required to be completed by the contractor/developer and will be available at the job site for inspection by staff.
5. A “Notice of Termination” (NOT) is to be completed to receive occupancy.

## 2. Measurable Goals and time-line for implementation

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

BMP 1: Continual Administering of the Erosion Control ordinance

Timeline for Implementation: Ongoing

Measurable Goal including timeline: None

# MCM #5 – Post Construction Stormwater Run-off Controls

## 1. Program Description

a. Provide a narrative description of overall program to control and manage discharges from new and redevelopment projects. The description includes how the program will be developed, implemented, managed and enforced.

The Town of Porter contains over 50% undeveloped property, however, over half of that is owned by the National Lake shore of the National Park Service. Therefore, development of these acres, which are located in the most sensitive areas in town, will not occur. The development of the remaining 1100 acres of undeveloped property will provide an opportunity to improve storm water quality. Since there are access or environmental limitations in a' major part of this area, the development will take place slowly over a number of years. The town, prior to mandate, has implemented several measures years before neighboring communities. As a result, much of the program to control and manage discharges will involve continuing and improving current policy.

A comprehensive land use plan was most recently developed in 1999, and updated in 2003, in which major open space zones were identified, and land use intensities were determined, which also encouraged open space. The Park Department and School District have been very active in acquiring property in advance of development in order to implement this goal. About 80 acres are owned, with the bulk of the property either undeveloped or developed with an emphasis on open space preservation.

The town zoning code has restricted development activity in floodways and floodway fringe areas for over twenty years. The code also has strict requirements for sizable landscaped % around and within parking lots in commercial districts. The subdivision regulations requires the limitation of removal of trees and cover vegetation during construction, and prompt restoration, in addition to storm water control which permits no increase from predeveloped release rates. Run-off coefficients are determined and detention established. The required property dedicated to detention and its possible reduction due to less impervious surfaces, is a strong incentive to reduce the intensity of development.

The current regulations only pertain to property requiring subdivision. As a result, all commercial and industrial developments are not covered if they are being developed on a lot of record. A set of infrastructure specifications will be developed and implemented to address this gap. Minimum and maximum grades, concrete channels, headwalls, and vegetation requirements will be included to help reduce the cost of maintenance and scouring, siltation, and escape of sediment. The specifications will also include the ability to propose "innovative practices" in order to accomplish the intent of this provision. These practices will be approved as equivalent, on a site specific basis, by the town engineer.

The town engineer would approve the storm water plan when the subdivision or building permit is submitted. Inspections of these systems will be conducted by the town engineer

or his designee. The new storm water fee, which went into effect during the summer of 2004 provides another strong incentive to reduce impervious surface, since this component has the most influence over the amount charged each month.

b. Provide a narrative description of how planning procedures will be implemented to promote improved water quality. The procedures must include, at a minimum, the post construction requirements of 327 IAC 15-6-5(b) (8).

The proposed storm water design requirements identified above should not be primarily limited to only a concern with the volume of the release of storm water, and the reduction in the incidents of flooding. Emphasis must also be placed on water quality. In a community with little industry or agricultural activity, and few sources of other pollution, controlling release rate by requiring detention, can have the side benefit of reduced sediment in receiving waters. Where parking lots are used to detain storm water, additional controls both structural and nonstructural should be initiated for the control of both sediment and hydrocarbons. The designs of more effective catch basins, inserts, etc. will be examined in order to determine if their use should be required.

c. Narrative description of how strategy will "use" or "allow/disallow" the following strategies:

- i. Infiltration practices in wellhead protection areas must be disallowed.
- ii. Disallow discharges into sink holes or fractured bedrock without treatment that meets groundwater standards as referenced in 327 IAC 2-11.
- iii. Discharge from Class V injection well must meet groundwater standards as referenced in 327 IAC 2-11.
- iv. Regulate flow rate through conveyance ofMS4 to reduce outfall scouring and stream bank erosion, as site conditions allow.
- v. Vegetated filter strip along unvegetated swales/ ditches as site conditions allow.
- vi. New, redeveloped (after tank pull) retail local, state and federal refueling operations must design and install proper practices to reduce lead, copper, zinc and polyaromatic hydrocarbons in SW runoff.

Infiltration practices may be approved by the new "innovative practices" provision, but only in residential areas, where the potential for ground water contamination is slight. Since there are drinking water wells in the immediate area, infiltration in wellhead protection areas will not be allowed. There are neither bedrock discharges nor injection wells; however, these practices would be disallowed. New storm water regulations will be developed which will improved the control of chemical pollutants, scouring and erosion. Vegetated filter strips or their engineering equivalent shall be considered. All new or redeveloped fueling stations will be required to install triple basin separator structures.

d. Narrative description of program to train MS4 operator personnel doing plan review, inspection and enforcement (annual).

The Town staffs including the Director of Engineering, Public Works Director and Building Department employees are supplied with MS4 training opportunities throughout the year. The Stormwater Board was allocated \$4,000 a year for training seminars and programs.

e. Narrative description of approach to develop and implement written operational and maintenance plan that addresses inspection frequency, operational testing or observation of BMPs, maintenance procedures, preventative maintenance and recordkeeping.

Discussions will take place with staff, developers and frequently used design engineers and architects to identify those measures which are effective at reducing pollutants through the use of structural improvements, while still practical from a installation and maintenance standpoint. Each of the BMPs proposed, approved, and installed will be site specific. Once installed the success of the each BMP will be judged solely by virtue of overall performance. Inspection frequency, operational testing, maintenance procedures, preventative maintenance, and recordkeeping obligations are performance driven and not discernable in advance.

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

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

BMP 1: Continual Administering of the Post Construction Runoff Control

Timeline for Implementation: Ongoing

Measurable Goal including timeline: None

BMP 2: Training of Staff for Post Construction Control

Timeline for Implementation: Yearly Training Seminars and Programs

Measurable Goal including timeline: Staff attending training programs

# MCM #6 – Good Housekeeping and Pollution Prevention

## 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.

In 2010, the town put out a \$5.1 million bond to improve the sanitary sewer collection system. This includes reconstruction of the Porter Avenue Lift station and the Triangle Lift station, as well as incorporating new generators, piping and interchangeable parts to make all the sixteen (16) lift stations compatible with specifications. Also included is the relining of the downtown 50+ year old system, which contains vitrified clay pipes and brick manholes which are deteriorating. The town has completed several storm sewer separation projects beginning in 1985. Efforts continue to eliminate sources of sanitary pollutants making their way into receiving streams.

During the last ten (10) years, three (3) subdivisions have constructed detention facilities, which control the rate of release of stormwater downstream to not only prevent flooding, but also erosion and siltation. The town has adopted an infrastructure specification which will cover all significant construction, rather than just what requires subdivision. This specification will also place more emphasis on reduced maintenance cost, innovative practices, and pollution prevention, instead of merely flood control.

The Public Works Department cleaned 26 significant blockages in the receiving waters in 2010. In 2010, the entire town was swept 4 times, resulting in the collection of 375 cubic yards. This was material that was prevented from entering the catch basins. In 2010, 13 catch basins and 37 cubic yards of material were removed. 10,267 cubic yards of material was removed in total. Also in 2010, nearly 4,800 LFT of MS4's were cleaned. This material is captured, as opposed to being allowed to enter a receiving stream. Each roadside ditch and parkway is cleaned of litter twice per month during the mowing season. All major outfalls are required to be installed with concrete headwall and floors. The Public Works Department will inspect these headwalls for signs of failure during the periodic illicit discharge inspections of these same outfalls.

The town plans to sustain or improve the maintenance schedule identified above. A new area which will require investment will be the several storm water detention ponds, and their proper care and maintenance.

b. Describe how your program will ensure that local state and federal facilities in the MS4 area are managed reduce contamination from their operations.

There is several state or federal highways but no maintenance facilities in the town .of Porter. There are also county roads, but no county maintenance facilities. The most obvious potential for contamination is from the state and county highway snow removal and parkway maintenance chemicals. The town will ask the state and county to reduce the unnecessary application of salt through the use of more sophisticated spreader controls and employee training. Another potential for contamination involving state or county highway, is the disturbance of land during road construction or ditch maintenance. The town fully expects these agencies to be governed by the same requirements covering commercial and industrial development from a construction standpoint. Since the town has no jurisdiction over optional operational practices, a far better approach rather than regulation would be to inform officials about pollution potential reducing operational practices, and ask for their voluntary cooperation. The town, state, and county cooperate now on several mutually beneficial endeavors, including the shared maintenance of roads and drainage ways. There is every reason to expect cooperation in this effort.

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 washes waters and concrete or asphalt hydro-demolition waste waters;
- vii. Minimization of pesticide and fertilizer use;
- Viii. Proper disposal of animal 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.

Catch basin and sewer cleaning waste is currently trucked to the Chesterton Utilities WWTP for proper treatment. This practice will continue during the permit period. Street sweeping waste is currently hauled out of the yard, and disposed of as inert solid fill. The material will be periodically tested to determine whether it requires disposal as a regulated solid waste. In the absence of test results to the contrary, this material will be treated as fill material.

e. Describe how your program will address the requirement for assessment of new flood management projects for their impacts on water quality and how existing flood management projects are examined for incorporation of additional water quality protection devices or practices.

The only flood control projects involving the town have to do with requiring and maintaining storm water detention facilities in various developments and subdivisions which are approved. The most difficult task facing the town is the assumption of the maintenance. To that end, the town's new storm water design standards in the infrastructure specifications will encourage innovative techniques and new standards, which will improve water quality as well as protect against flooding, erosion and sedimentation.

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

The town will participate with other Porter and Lake County communities to possibly bring a qualified trainer to the area to train numerous municipal officials charged with the responsibility to initiate good housekeeping and pollution prevention practices. The Public Works Director, Director of Engineering and the Building Department staff will receive individual training, and in turn will train departmental personnel. The town will request that training be made available by the State of Indiana, through either IDEM or the Indiana Association of Cities and Towns.

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

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

BMP 1: Continued reduction in infiltration and inflow in the sanitary sewer

Timeline for Implementation: Ongoing

Measurable Goal including timeline: 2011, relining of downtown sewers and rehabilitation of brick manholes, removal of IDEM Agreed Order, case Number 2007-16782-W

BMP 2: Remove blockages and obstructions from the receiving streams

Timeline for Implementation: Ongoing

Measurable Goal including timeline: Successful opening of the Little Calumet River to Kayaking

BMP 3: Sweep streets in Town

Timeline for Implementation: Yearly

Measurable Goal including timeline: 4 times a year, 300 or more cubic yards collected

BMP 4: Clean catch basins

Timeline for Implementation: Yearly

Measurable Goal including timeline: Clean catch basins yearly, at least 30 cubic yards or 10 tons removed

BMP 5: Prevent outfall scouring

Timeline for Implementation: Yearly

Measurable Goal including timeline: Number of Outfalls repaired

BMP 6: Employee Training, Department Heads

Timeline for Implementation: Yearly

Measurable Goal including timeline: None, depends on number of training seminars offered and experience of department head

# Section Four: Narrative and Mapped Description of the MS4 Boundaries

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## A. Narrative Description

The Town of Porter's MS4 regulated area is the jurisdictional limits to the Town boundaries. The Town shares a boundary to the west with Burns Harbor, a boundary to the south with the Town of Chesterton and the north by Lake Michigan and the Town of Dune Acres. The unincorporated area to the east allows some annexation possibility, but there is nothing yet to indicate this may be done. The area to east is governed by Porter County and is part of their MS4 jurisdiction. (See Appendix A for Map)

## B. Estimate of Linear Feet for MS4 System/Documentation

The actual measured footage of storm sewers is 43,727 lft.

The actual measured footage of ditches is 58,593 lft. However, it is estimated that only  $\frac{1}{4}$  of the ditches have normally flowing water. This is estimated to be 14,650 lft.

The actual values were totaled from the Auto CAD Base Map.

# Section Five: Narrative Summary of Allowed Structural BMP Types for New and Redevelopment Areas

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## A. Narrative Discussion of Overall Structural BMP Approach

The two primary areas of structural BMP's include the continuation of Infiltration/inflow reduction and ditch erosion prevention. The two significant pollutants from the town into receiving streams involve sediment and e coli from fecal. The single most significant source of sediment is scouring erosion and near the Little Calumet River.

## B. Structural BMPs Selection Criteria and Performance Standards

As stated earlier, the Town of Porter Stormwater Board oversees the MS4 and administers the Stormwater fee. The Stormwater fee offsets the cost to manage the MS4 and for storm water projects to reduce flooding and increase water quality. The Stormwater Board uses a Master Plan with priority ranking to determine order. The Board is consulted by the Director of Engineering and Public Works Director to manage its projects and assist with determining target areas and grant funds.

# Section Six: Programmatic Indicators for MCM's

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 checked="" 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 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 checked="" type="checkbox"/>
11. Number and location of constituent drop-off centers for automotive fluid recycling.	<input type="checkbox"/>
12. Number or percentage of constituents that participate in the HHW Collection program.	<input checked="" 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 checked="" 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 checked="" 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.	<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 Sources

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## A. Summary of the Program Budget for Five Year Permit Period

Description	Budget
<b>Personal Services</b>	
Board Salaries	2,000.00
Board Secretary	750.00
Utility Clerk	10,000.00
MS-4 Eng.	15,000.00
<b>TOTAL</b>	<b>27,750.00</b>
<b>Supplies</b>	
General Office	1,250.00
Billing and Accounting	2,000.00
Computer Updates	
Computer Software	1,000.00
Maintenance	
<b>TOTAL</b>	<b>4,250.00</b>
<b>Services and Charges</b>	
Engineering Services	35,000.00
Planning Services	
Contract Lab. Services	
NIRPC Contract	4,000.00
Town Attorney Service	
Communications	
Transportations	
Printing and Advertising	
Insurance	
Utility	
Rentals	
Dept Service	
Construction Control	
Post Construction Control	
Training and Education	4,000.00
<b>TOTAL</b>	<b>44,000.00</b>
<b>Capital Outlays</b>	
	124,000.00
Land	
Building	
Ditch Projects	
Drain Projects	
Portable Flow Meter	
Equipment Purchasing	
Project Cumulative Fund	
<b>TOTAL</b>	<b>124,000.00</b>
<b>Grand Total</b>	<b>200,000.00</b>

Town staff, including the Director of Engineering, Public Works Director and Building Department staff, have focused on water quality improvements at the source. Each department head includes the MS4 implementation/enforcement as a part of their job function, so salaries for the MS4 are partitioned off of the Stormwater Boards annual budget. The preconstruction and post construction inspections are handled by Town staff and due to the size of the Town; additional staff is not seen as required at this point.

## B. Identification of Funding Source for Permit Implementation

The Town instated a Stormwater Fee in 2005 and annually collects approximately \$200,000 to fund the Stormwater Board. The Stormwater Board oversees the MS4 implementation through the Director of Engineering, who is the MS4 Operator.

Along with the fees, the Town aggressively pursues grant opportunities to help offset costs and incorporates storm water quality management prospects in every project being reviewed.

The Stormwater Board has requested an increase to the stormwater fee, currently set at \$4/residential lot, to be more proactive on infrastructure projects. However, the Town recently was compelled to raise the sanitary sewer rate to fund Agreed Order mandate improvements to the sanitary sewer infrastructure and could not raise both fees at the same time. The sanitary sewer improvements will try to incorporate storm water improvements into the surrounding areas.

# Appendices:

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**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 E:** Documentation of Legal Agreements for Sharing Program Responsibilities (Use only if more than one entity is carrying out responsibilities covered in this Part C)

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

1. Illicit Discharge Ordinance
2. Erosion Control Ordinance

# Appendix A:

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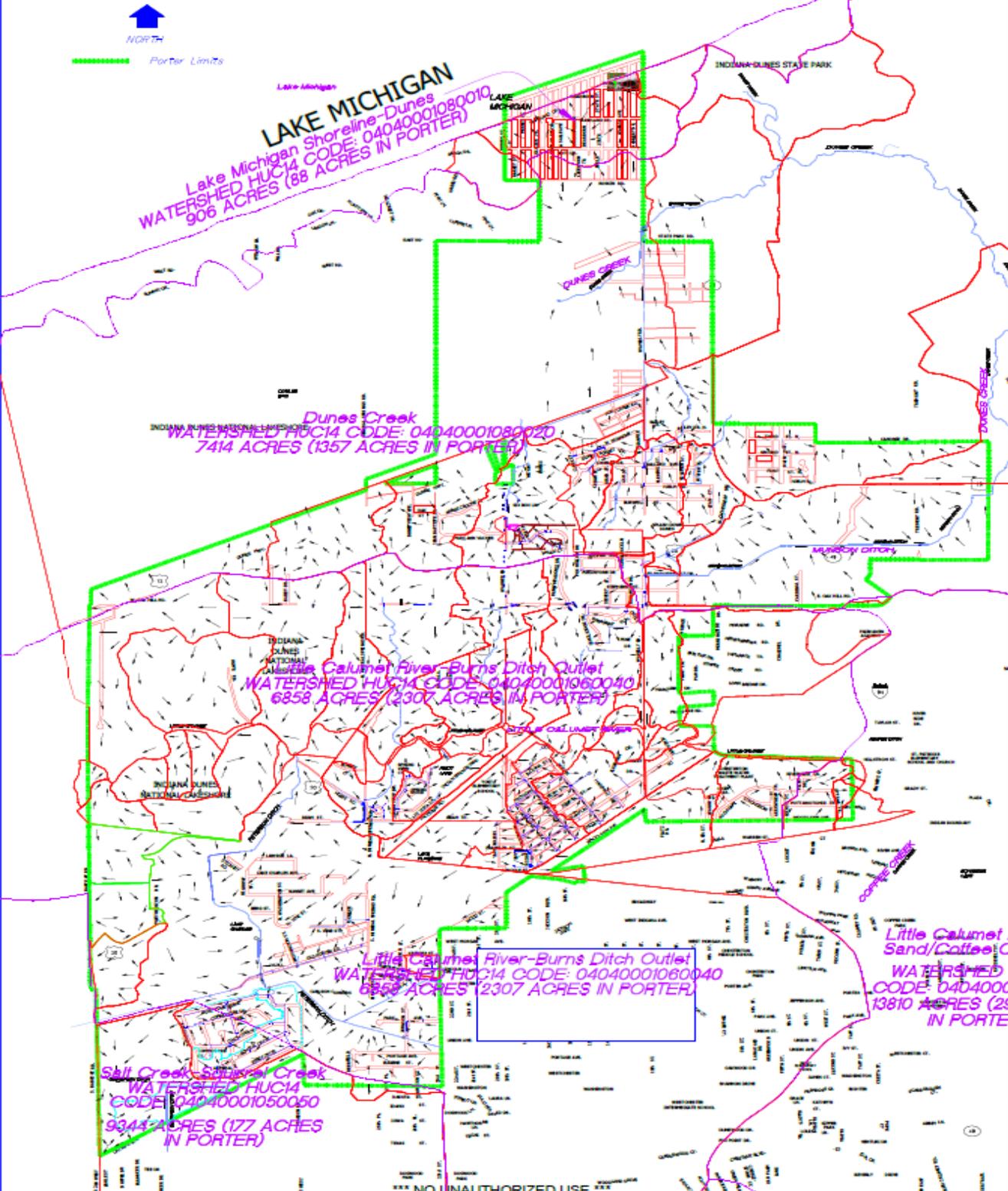
## Map of MS4 Boundaries



# TOWN OF PORTER BASE MAP

7/30/2010

303 FRANKLIN ST. PORTER, IN 46304 219-926-2771



## Appendix B:

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# List of all known industrial facilities discharging to MS4

## List of all known industrial facilities discharging to MS4

1. Worthington Steel – 100 Worthington Drive; Porter, IN 46304

Contact Name: Brad Kern, GM; 219-921-1541

2. T/A Truck Stop – 1600 W US Hwy 20; Porter, IN 46304

Contact Name: TJ Lyons, Manager; 219- 921-1506

3. Steel City – 1441 W US Hwy 20; Porter, IN 46304

Contact Name: Manager; 219-926-4871

4. Signature Graphics – 1000 Signature Drive; Porter, IN 46304

Contact Name: Manager; 219-926-4994

5. Tilden Enterprises – 340 Lincoln Street; Porter, IN 46304

Contact Name: Paul Tilden, Owner; 219-926-1415

6. Chesterton Waste Water Treatment Plant

Contact Name: Robert Lovell, Superintendent; 219-926-1032

7. Splash Down Dunes (Closed 2010)

Contact Name: Ken Heyman, Principal; 847-422-3371

# Appendix C:

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## List of Allowed Structural BMPs

## List of Allowed Structural BMPs

1. Sewer Separation
2. Ditch Stabilization
3. Storm Water Retention/Detention
4. Preservation of Open Space
5. Innovative Practices
6. Inlet/Outlet Protection
7. Check Dam and Velocity Reduction Practices

# Appendix D:

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## Five Year Program Budget

## Five Year Program Budget

Description	2010	2011	2012	2013	2014
<b>NIRPC Contract</b>	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00
MCM1 - Public Education					
MCM2 - Public Involvement					
Porter/Chesterton Outreach Educational	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
<b>Salaries for MS4</b>					
Board Salaries	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Board Secretary	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00
Utility Clerk	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
MS-4 Engineer	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
<b>Supplies</b>					
Office/Billing/Software	\$ 4,250.00	\$ 4,250.00	\$ 4,250.00	\$ 4,250.00	\$ 4,250.00
<b>Services</b>					
Engineering/Training	\$ 39,000.00	\$ 39,000.00	\$ 39,000.00	\$ 39,000.00	\$ 39,000.00
<b>Capital Outlays</b>					
Ditch/Drain Projects/BMP Improvements	\$ 124,000.00	\$ 124,000.00	\$ 124,000.00	\$ 124,000.00	\$ 124,000.00
<b>Grand Total</b>	<b>\$ 200,000.00</b>				

\*\*\*The budget is based on the rates not increasing\*\*\*

# Appendix E:

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## Documentation of Legal Agreements for Sharing Program Responsibilities

## MUNICIPAL SEPARATE STORM WATER SYSTEM (MS4) AGREEMENT

Between

The Northwestern Indiana Regional Planning Commission

And

Town of Porter

**WHEREAS**, the Federal Clean Water Act requires storm water discharges from certain types of urbanized areas to be permitted under the National Pollution Discharge Elimination System (NPDES) program (Phase II); and,

**WHEREAS**, the Indiana Department of Environmental Management, hereinafter referred to as "IDEM", has designated communities in Lake, Porter, and LaPorte Counties as MS4 Entities under the provisions of 327IAC 15-13 (Rule 13); and,

**WHEREAS**, the Storm Water Phase II Rule 13 extends coverage of the NPDES storm water program to all Small MS4s, requiring the implementation of a six (6) element program (minimum control measures); and,

**WHEREAS**, each MS4 entity is responsible for implementation of all six MCMs in their own jurisdiction; and,

**WHEREAS**, IDEM encourages regulated communities and entities to coordinate their MS4 activities; and,

**WHEREAS**, two of the MCMs are:

- (1) Public Education/Outreach that can be significantly implemented on a regional basis and
- (2) Public Participation/Involvement that can be implemented on both a regional basis and also a local basis,

**WHEREAS**, the Northwestern Indiana Regional Planning Commission has developed a regional program to satisfy the mutual permitting requirements placed on area MS4 entities for Public Education/Outreach and many of the mutual permitting requirements placed on the Public Participation/Involvement; and,

**WHEREAS**, the MS4 entities participating in this regional public education and participation program will be able to identify this regional cooperative agreement in their Notice of Intent filed with the Indiana Department of Environmental Management (IDEM) and in their required permit reports to IDEM; and,

**WHEREAS**, this regional program will be cost effective for all MS4 entities while fulfilling permit requirements; and,

**WHEREAS**, the Town of Porter is a Small MS4 entity in northwest Indiana required to comply with Rule 13;

**NOW THEREFORE BE IT RESOLVED THAT THE PARTIES SIGNATORY HERETO DO HEREBY AGREE AS FOLLOWS:**

1. The Northwestern Indiana Regional Planning Commission (NIRPC) will be responsible for annual implementation of the Scope of Work presented in Table 1 of this agreement each year of this five-year Joint Regional Storm Water Quality Phase II Public Education and Involvement Program.

2. NIRPC will be responsible for meeting all state and federal requirements as they pertain to common regional elements of the Rule 13 permit program: Public Education/Outreach and Public Involvement/Participation as listed in Table 1. NIRPC is not responsible for additional local activities **Town of Porter** might have included in their permit beyond the regional program.
3. NIRPC will be responsible with providing necessary permit reports as required by IDEM.
4. The **Town of Porter** agrees to participate in the regional program and agrees to pay NIRPC an base program fee of twenty-five hundred dollars (**\$2,500.00**) per year plus an **annual per capita** of twenty-five cents (**.25**) per capita for 2010, 2011, 2012, 2013, and 2014.
5. The cost for per year will be a total of **\$3,743** based on a 2000 population of **4,972**. The cost will remain the same for 2010 and 2011. In 2012, the annual cost will be recalculated based on the results of the 2010 Census population numbers.
6. The five year program will begin in 2010 and conclude in 2014. Annual fees will be invoiced in January each year and are due to the Commission by February 28<sup>th</sup> of the same year.
7. NIRPC may use funds received through this Agreement to match federal, state, local, or non-profit grant funds available for use for the MS4 program objectives as provided for in Attachment A to this Agreement.
8. Either party may during the fourth quarter of each year provide the other party with written notice of its intent to withdraw from the Agreement.

NIRPC Contact:

Ms Kathy Luther, Director  
Environmental Programs  
6100 Southport Road  
Portage, IN 46368  
(219) 763-6060  
[kluther@nirpc.org](mailto:kluther@nirpc.org)

Town of Porter Contact:

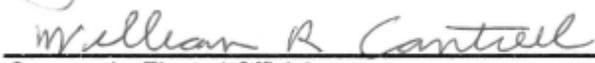
Matt Keiser, Director of Engineering and Development  
Town of Porter  
303 Franklin Street  
Porter, IN 46304  
(219) 926-2771  
[mkeiser@townofporter.com](mailto:mkeiser@townofporter.com)

IT IS FURTHER UNDERSTOOD that this agreement becomes effective when both parties are signatory hereto.

This AGREEMENT, made and entered into as of the 26 day of January, 2010.

Northwestern Indiana Regional Planning Commission

  
\_\_\_\_\_  
John Swanson, Executive Director

  
\_\_\_\_\_  
Community Elected Official

# Appendix F:

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## Documentation of Implementation of Regulatory Mechanisms

1. Illicit Discharge Ordinance
2. Erosion Control Ordinance

**Ordinance 2006 - 03**  
**Separate Storm Water Drainage System**  
**Illicit Discharge Ordinance**  
**Town Of Porter, Indiana**

**Section I. Purpose.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Porter, Indiana, through the regulation of non-storm water discharges into the Town of Porter storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the Town of Porter's municipal separate storm sewer system (MS4) in order to comply with requirements of Town of Porter's issued National Pollutant Discharge Elimination System (NPDES) permit. The objectives of this ordinance are as follows:

1. To regulate the contribution of pollutants into the Town of Porter's municipal separate storm sewer system (MS4) by storm water discharges by any user of the system;
2. To prohibit illicit connections and discharges into the Town's municipal separate storm sewer system;
3. To establish the Town of Porter's legal authority in order to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance, and
4. To provide penalties for violations of this ordinance.

**Section II. Definitions.**

For the purposes of this ordinance, the following shall mean:

1. **Authorized Enforcement Agency.** Employees or designees of the Town of Porter designated to enforce this ordinance.
2. **Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good house keeping 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. **Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

4. **Construction Activity.** Activities subject to NPDES Construction Permits for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
5. **Code Of Federal Regulations (CFR).** A publication of the federal government of the United States of America which contains all of the finalized federal regulations.
6. **Hazardous Materials.** 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.
7. **Illegal Discharge.** Any direct or indirect non-storm water discharge into the Town's storm drain system, except as exempted in Section VII of this ordinance.
8. **Illicit Connections.** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the Town of Porter's 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 into the Town's storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Town of Porter or any drain or conveyance connected from a commercial or industrial land use into the Town's storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Town of Porter.
9. **Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
10. **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.
11. **Non-Storm Water Discharge.** Any discharge to the Town of Porter's storm drain system that is not composed entirely of storm water.
12. **Person.** Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
13. **Pollutant.** Anything, which 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, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform 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.
14. **Precipitation.** Naturally occurring rain, sleet or snow which falls to the ground from the atmosphere.

15. **Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
16. **Storm Drainage System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
17. **Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
18. **Storm Water Pollution Prevention Plan.** A document which describes the Best Management Practices 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 Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
19. **Town.** The Town of Porter, Porter County, Indiana.
20. **Wastewater.** Liquid and water carried wastes and sewage, other than uncontaminated storm water, which is discharged from residential dwellings, commercial buildings, industrial and manufacturing facilities whether treated or untreated.

### **Section III. Applicability.**

This ordinance shall apply to all water entering the Town's storm drain system generated on any developed and undeveloped lands unless explicitly exempted by Town of Porter through prior written notification to the Town and exempted, in writing, by the Town of Porter.

### **Section IV. Responsibility For Administration.**

The Town of Porter's Director of Public Works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Town of Porter may be delegated in writing by the Director of Public Works for the Town of Porter to persons or entities acting in the beneficial interest of or in the employ of the Town of Porter.

### **Section V. Severability.**

The provisions of this ordinance are hereby declared severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

### **Section VI. Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards illicit storm water discharge standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

## **Section VII. Discharge Prohibitions.**

### **A. Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the Town of Porter's municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge into the Town of Porter's storm drain system is prohibited except as described as follows:

- 1.a. The following discharges are exempt from discharge prohibitions established by this ordinance: Water line flushing or 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 wet-land flows, swimming pools only if dechlorinated to less than 0.02 ppm of total chlorine and fire fighting activities.
- 1.b. The following discharges exempt from discharge prohibitions stated in Section VII.A.1.a of this ordinance are required to have prior approval from the Town of Porter before commencement of the discharge: Water line flushing or other potable water sources, uncontaminated ground water, crawl space pumps, swimming pools only if dechlorinated to less than 0.02 ppm of total chlorine.
2. Discharges specified in writing by the Town of Porter as being necessary to protect public health and safety.
3. Dye testing using a biodegradable dye is an allowable discharge, but requires written approval from the Town of Porter prior to the time of the test.
4. 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 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 prior written approval has been granted by the Town of Porter for any proposed discharge into the Town's storm drain system.

### **B. Prohibition of Illicit Connections.**

1. The construction, use, maintenance or continued existence of illicit connections into the Town of Porter's storm drain system is prohibited.
2. 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.

A person is considered to be in violation of this ordinance if the person connects a line conveying sewage into the Town of Porter's storm water drainage system or allows such a connection to continue.

## **Section VIII. Suspension of MS4 Access.**

### **A. Suspension due to Illicit Discharges in Emergency Situations.**

The Director of Public Works 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 into the Town of Porter's storm water drainage system or waters of the United States of America. If the violator fails to comply with a suspension order issued in an emergency, the Town of Porter may take such steps as deemed necessary to prevent or minimize damage to the Town of Porter's storm water drainage system or waters of the United States of America or to minimize danger to persons.

### **B. Suspension due to the Detection of Illicit Discharge.**

Any person discharging into the Town of Porter's storm water drainage system in violation of this ordinance may have their access into the Town of Porter's storm water drainage system terminated if such termination would abate an illicit discharge. The Town of Porter will notify a violator, in writing, of the termination of its access into the Town of Porter's storm water drainage system. The violator may petition the Town of Porter for a reconsideration and hearing.

A person commits an offense if the person reinstates access into the Town of Porter's storm water drainage system to premises terminated pursuant to this Section, without the prior written approval of the Town of Porter.

## **Section IX. 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 shall be required in a form acceptable to the Town of Porter prior to the allowing of discharges to the Town of Porter's storm water drainage system.

## **Section X. Monitoring of Discharges.**

### **A. Applicability.**

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

### **B. Access to Facilities.**

1. The Town of Porter 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. 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 representatives of the Town of Porter.
2. Facility operators shall allow the Town of Porter ready access to all parts of the premises 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 Town of Porter shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Town of Porter to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The Town of Porter 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 operator at the written or oral request of the Town of Porter and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Town of Porter 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 Town of Porter reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

If the Town of Porter 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 Town of Porter may seek issuance of a search warrant from any court of competent jurisdiction.

## **Section XI. Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.**

The Town of Porter will adopt requirements identifying Best Management Practices (BMPs) 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 United States of America. 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 Town of Porter's 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 shall 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 into the Town of Porter's 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 (SWPPP) as necessary for compliance with requirements of the Town of Porter's issued NPDES permit.

## **Section XII. 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 XIII. Notification of 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 storm drain system, or water of the United States of America 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 and the Town of Porter of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall immediately notify the Town of Porter in person or by phone. This immediate notification to the Town of Porter for both hazardous and non-hazardous materials shall include the location of the discharge, type of waste or material discharged, concentration of the waste and the volume of the waste, if applicable, and corrective actions taken by the discharger. Notifications in person or by phone shall be confirmed by a written and signed report addressed and mailed to the Town of Porter within three (3) days of the immediate 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 (3) years.

## **Section XIV. Enforcement.**

Whenever the Town of Porter finds that a person, business, partnership or corporation has violated a prohibition or failed to meet a requirement of this Ordinance, the Town of Porter may order compliance by written notice of violation to the responsible person. Such notice shall 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 immediately 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 to cover administrative and remediation costs; and
6. The implementation of source control or treatment Best Management Practices.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

### **Section XV. Appeal of Notice of Violation.**

Any person receiving a Notice of Violation from the Town of Porter may appeal the determination of the Town of Porter. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the Town of Porter's Public Works Director or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Town of Porter Public Works Director or their designee shall be final.

### **Section XVI. 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, thirty (30) within days of the decision of the Town of Porter's Public Works Director upholding the decision of the Town of Porter, then representatives of the Town of Porter shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. 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.

### **Section XVII. Cost of Abatement of the Violation.**

Within thirty (30) days after abatement of the violation, the owner of the property will be notified by the Town of Porter of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the Town of Porter by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of ten percent (10%) per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

### **Section XVIII. Injunctive Relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Town of Porter may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**Section XIX. Violations Deemed A Public Nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed 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.

**Section XX. Penalties and Fines.**

Any person that has violated or continues to violate this ordinance shall be liable to prosecution to the fullest extent of the law, and shall be subject to a civil and/or criminal penalty of up to \$2,500.00 dollars per violation per day. The Town of Porter may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**Section XXI. 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 Town of Porter to seek cumulative remedies.

**Section XXII. Adoption of Ordinance.**

This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption by the Town of Porter Town Council. All prior Town of Porter ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this 28 day of FEBRUARY, 2006, by the following vote:

<p><u>Sandy Snyder</u> SANDY SNYDER, PRES</p> <p><u>William E. Sexton</u> WILLIAM E. SEXTON</p> <p><u>Paul Childress</u> PAUL CHILDRESS</p>	<p><u>Jennifer Granat</u> JENNIFER GRANAT, VICE PRES.</p> <p><u>Sandy Booth E</u> SANDY BOOTH E</p>
<p>ATTEST <u>Carol Poweroy</u> CAROL POWEROY, CLERK TREASURER</p>	

**Ordinance 2006 - 02**  
**Separate Storm Water Drainage System**  
**Erosion Control**  
**Town of Porter, Indiana**

**Section I. Purpose.**

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in Town of Porter. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Town of Porter.

**Section II. Definitions.**

1. **Building Commissioner.** The Town of Porter's Building Commissioner or an authorized and designated Town of Porter employee.
3. **Certified Contractor.** A person who has received training and is licensed by the State of Indiana to inspect and maintain erosion and sediment control practices.
4. **Clearing.** Any activity that removes the vegetative surface cover.
5. **Drainage Way.** Any channel that conveys surface runoff throughout the site.
6. **Erosion Control.** A measure that prevents erosion.
7. **Erosion and Sediment.** A set of plans prepared by or under the direction of a licensed professional engineer
8. **Control Plan.** indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
9. **Grading.** Excavation or fill of material, including the resulting conditions thereof.
10. **Perimeter Control.** A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.
11. **Permit.** Improvements and structures for the control of erosion, runoff, and grading.
12. **Phasing.** Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

13. **Sediment Control.** Measures that prevent eroded sediment from leaving the site.
14. **Site.** A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.
15. **Site Development.** A permit issued by the municipality for the construction or alteration of ground
16. **Stabilization.** The use of practices that prevent exposed soil from eroding.
17. **Start of Construction.** The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
18. **Town.** Town of Porter, Porter County, Indiana.
19. **Watercourse.** Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the Town of Porter.
20. **Waterway.** A channel that directs surface runoff to a watercourse or to the public storm drain.

### Section III. Permits.

- A. No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of one (1) or more acres, without the approval of an Erosion and Sediment Control Plan by the Town of Porter.
- B. No site development permit is required for the following activities:
  1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- C. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.
- D. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when construction or grading activity takes place.
- E. The applicant will be required to file with the Town of Porter, a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the Town to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the Town of Porter and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

## Section IV. Review And Approval.

The Town of Porter Building Department will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within thirty (30) days after receiving an application, the Building Department shall, in writing, either:

- A. Approve the permit application;
- B. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- C. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

## Section V. Erosion and Sediment Control Plan.

- A. The Erosion and Sediment Control Plan shall include the following:
  1. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. This map shall be at a scale no smaller than 1"=100'.
  2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
  3. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
  4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  5. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- B. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section IV of this regulation. Modifications to the plan may be authorized by the Town of Porter Building Department, by written authorization to the permittee, and shall include:
  1. Major amendments of the erosion and sediment control plan submitted to the Town Porter Building Commission.
  2. Field modifications of a minor nature.

## Section VI. Design Requirements.

- A. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Town of Porter Infrastructure Specifications, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Town of Porter Building Department. Cut and fill slopes shall be no greater than 3:1, except as approved by the Building Department to meet other community or environmental objectives.
- B. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this ordinance. Clearing techniques that retain natural vegetation and drainage patterns, as described in the Infrastructure Specifications shall be used to the satisfaction of the Building Department.
- C. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- D. Phasing shall be required on all sites disturbing greater than thirty (30) acres, with the size of each phase to be established at plan review and as approved by the Building Department.
- E. Erosion control requirements shall include the following:
  - 1. Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.
  - 2. If seeding or another vegetative erosion control method is used, it shall become established within thirty (30) days, or the Town of Porter may require the site to be reseeded or a non-vegetative option employed.
  - 3. Special techniques that meet the design criteria outlined in the Infrastructure Specifications on steep slopes or in drainage ways shall be used to ensure stabilization.
  - 4. Soil stockpiles must be stabilized or covered at the end of each workday.
  - 5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
  - 6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
  - 7. Techniques that divert upland runoff past disturbed slopes shall be employed.
- F. Detention pond protection requirements shall include:
  - 1. Settling basins, sediment traps, or tanks and perimeter controls.
  - 2. Settling basins that are designed in a manner that allows adaptation to provide long-term storm water management, if required by the Town of Porter.
  - 3. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

- G. Waterway and watercourse protection requirements shall include:
1. A temporary stream crossing installed and approved, in writing, by the Porter County Drainage Board and the Town of Porter Building Commissioner, if a wet watercourse will be crossed regularly during construction.
  2. Stabilization of the watercourse channel before, during, and after any in-channel work.
  3. All on-site storm water conveyance channels designed according to the criteria outlined in the Infrastructure Specifications.
  4. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels
- H. Construction site access requirements shall include:
1. A temporary access road provided at all sites.
  2. Other measures required by the Town of Porter, in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

## **Section VII. Inspection.**

- A. The Town of Porter Building Commissioner or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Town of Porter shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Porter Building Department at least two (2) working days before the following:
1. Start of construction
  2. Installation of sediment and erosion measures
  3. Completion of site clearing
  4. Completion of rough grading
  5. Completion of final grading
  6. Close of the construction season
  7. Completion of final landscaping
- B. The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the Town of Porter's Building Department at the time interval specified in the approved permit.

- C. The Building Commissioner or a Town of Porter employee designated as the Building Commissioner's agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

### Section VIII. Enforcement.

A. **Stop-Work Order And Revocation of Permit**

In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Town of Porter's Building Commissioner shall suspend or revoke the site development permit.

B. **Violation And Penalties**

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person, partnership or corporation violating any of the provisions of this ordinance shall be liable to prosecution to the fullest extent of the law, and shall be subject to a civil and/or a criminal penalty of up to \$ 2,500.00 dollars per day per violation. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

### Section IX. Separability.

The provisions and sections of this ordinance shall be deemed separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

### Section X. Adoption of Ordinance.

This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption by the Town of Porter Town Council. All prior Town of Porter ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this 28 day of FEBRUARY, 2006. By the following vote:

<p><u>Sandy Snyder</u> SANDY SNYDER, PRESIDENT</p> <p><u>William F. Sexton</u> WILLIAM F. SEXTON</p> <p><u>Paul Childress</u> PAUL CHILDRESS</p>	<p><u>Jennifer Ganas</u> JENNIFER GANAS, VICE PRES.</p> <p><u>Sandy Boothe</u> SANDY BOOTHE</p>
<p>ATTEST <u>Carol Pomeroy</u> CAROL POMEROY, CLERK TREASURER</p>	

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