



EXHIBIT A

ORDINANCE No. 23-27

The TOWN OF MERRILLVILLE, INDIANA STORMWATER MANAGEMENT ORDINANCE

WITNESS WHEREOF, the Town of Merrillville, Indiana has caused these documents to be signed in its name and behalf by the President of its Town Council, President of its Planning Commission and attest by its Clerk-Treasurer, and to evidence its acceptance of these documents hereby created.

TOWN OF MERRILLVILLE, INDIANA

By:_____ Date:_____
Rick Bella, President, Town Council

By:_____ Date:_____
Marge Uzelac President, Planning Commission

Attest:

_____ Date:_____
Kelly White Gibson, Clerk Treasurer



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GENERAL INFORMATION

1. AUTHORITY AND TITLE

This Ordinance is adopted in accordance with statutory authority granted to the Town of Merrillville under “Home Rule” as well as the “Indiana Drainage Code”, and further is required by IC 36-9-28.5, IC 36-9-27-69.5, Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management’s (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP) and the Indiana Department of Environmental Management’s Construction Stormwater General Permit (CSGP) Based on this authority and these requirements, this Ordinance regulates:

- A. Discharges of prohibited non-stormwater flows into the stormwater drainage system.
- B. Stormwater drainage improvements related to development of lands located within The Town of Merrillville, Indiana.
- C. Drainage control systems installed during new construction and grading of lots and other parcels of land.
- D. Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity.
- E. Stormwater discharges from construction support activities directly related to construction sites subject to this ordinance.
- F. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- G. The design, construction, and maintenance of stormwater drainage facilities and systems.
- H. The design, construction, and maintenance of stormwater quality facilities and systems.
- I. Land disturbing activities affecting wetlands.

This Ordinance shall be known and may be cited as the Town of Merrillville Stormwater Management Ordinance. Once adopted, this Ordinance will supersede any conflicting ordinances previously adopted by the Town of Merrillville.

2. APPLICABILITY AND EXEMPTIONS

This Ordinance shall regulate all development and redevelopment occurring within the Town of Merrillville, Indiana, falling under the jurisdiction of the Town of Merrillville government and any significant discharge into the Town’s stormwater conveyance facilities. No building permit shall be issued and no land disturbance started for any construction for any development or redevelopment, until the plans required by this Ordinance for such construction have been accepted in writing by the Stormwater Utility Executive Director on behalf of the Town of Merrillville Stormwater Management Board. With the exception of the requirements of Chapter Two, Chapter Eight – Section 4, and Chapter 9 of this Ordinance, single-family dwelling houses in approved subdivisions, and land-disturbing activities affecting less than 10,000 square feet area shall be exempt from the requirements of this Ordinance. Also exempt from this Ordinance shall be standard agricultural land-disturbing activities.

In addition to the requirements of this Ordinance, compliance with the requirements set forth in local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of The Town of Merrillville as well as with applicable Federal or State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available.

The Town of Merrillville government public works projects shall be exempt from obtaining a permit, but are expected to meet all applicable technical requirements of this Ordinance and the Town of Merrillville Stormwater Technical Standards Manual. If the project site is located within a Lake County Regulated Drain Easement, the applicant will need to apply to the Lake County Surveyor's Office through the Lake County Surveyor's Office for necessary permits to work with the regulated drain easement. In case there are conflicts between the requirements contained in this Ordinance and applicable requirements contained in other regulatory documents referenced above, the most restrictive shall prevail.

Any construction project which has had its final drainage plan approved by the Stormwater Utility Executive Director within a 2-year period prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance, with the exception of the requirements of Chapter 4 and applicable sections of Chapter 8, that are in excess of the requirements of ordinances in effect at the time of approval. Such an exemption is not applicable to the requirements detailed in Chapter 2 of this Ordinance.

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

3. BACKGROUND

On December 8, 1999, Phase II of the National Pollutant Discharge Elimination System (NPDES) permit program, was published in the Federal Register. The NPDES program, as authorized by the 1972 amendments to the Clean Water Act, controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Phase II of NPDES requires permit coverage for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) and for small construction activity that results in the disturbance of equal to or greater than one acre. This Federal regulation went into effect March 10, 2003. In response to Phase II of NPDES, the Indiana Department of Environmental Management enacted Rule 13 (327 IAC 15-13) and revised Rule 5 (327 IAC 15-5). Under State and Federal regulations, The Town of Merrillville is required to establish a regulatory mechanism for regulating stormwater quality management. In 2021, The Indiana Department of Environmental Management (IDEM) replaced 327 IAC 15-5 (Rule 5) with an updated Construction Stormwater General Permit (CSGP) and 327 IAC 15-13 (Rule 13) with an updated MS4 General Permit (MS4GP).

The Town Council of The Town of Merrillville, State of Indiana, adopted Ordinance No. 04-56 and 04-57, which established "A General Ordinance Establishing Stormwater Management and Sediment Control in order to govern the control of runoff of Stormwater and to protect, conserve and promote the orderly development of the land in The Town of Merrillville and its water resources. These ordinances were primarily targeted at Stormwater discharge quantity, and erosion and sediment control which were replaced by ordinances 07-24 and 10-22 to address stormwater quality in addition to quantity. The Town now includes additional requirements to implement low impact development to improve stormwater quality and quantity. Therefore, this document replaces ordinance 10-22 in its entirety.

4. FINDINGS

The Town of Merrillville Town Council finds that:

- A. Water bodies, roadways, structures, and other property within, and downstream of The Town of Merrillville are at times subjected to flooding;
- B. Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
- C. Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
- D. Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
- E. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within The Town of Merrillville will, absent reasonable regulation and control, adversely affect The Town of Merrillville's water bodies and water resources;
- F. Pollutant contributions from illicit discharges within The Town of Merrillville will, absent reasonable regulation, monitoring, and enforcement, adversely affect The Town of Merrillville's water bodies and water resources;
- G. stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
- H. Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;
- I. Adopting this Ordinance is necessary for the preservation of the public health, safety, and welfare, for the conservation of our natural resources, and for compliance with State and Federal regulations.

5. PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of The Town of Merrillville through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the coordinated development of land and water resources within The Town of Merrillville. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the stormwater drainage system in order to comply with State and Federal requirements. The objectives of this Ordinance are:

- A. To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- B. To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.
- C. To regulate the contribution of pollutants to the stormwater drainage system and public waters from runoff from new development and re-development.
- D. To prohibit illicit discharges into the stormwater drainage system.
- E. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

6. ABBREVIATIONS AND DEFINITIONS

For the purpose of this Ordinance, the abbreviations and definitions provided in Appendix A shall apply.

7. RESPONSIBILITY FOR ADMINISTRATION

The Town of Merrillville Stormwater Management Board shall administer, implement, and enforce the provisions of this Ordinance through the Stormwater Utility Executive Director, the Plan Commission, the

Zoning Director, the Community Development Director, and the MS4 Administrator. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by Town of Merrillville Stormwater Management Board to qualified persons or entities acting in the beneficial interest of or in the employ of The Town of Merrillville government.

8. CONFLICTING ORDINANCES

In case of conflicting requirements, the most restrictive shall apply.

9. INTERPRETATION

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

10. SEVERABILITY

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

11. EFFECTIVE DATE

This Ordinance shall become effective after its final passage, approval, and publication as required by law.

12. DISCLAIMER OF LIABILITY

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff amounts and/or stormwater quality may be altered by man-made or natural causes. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of Town of Merrillville Town Council, Town of Merrillville Stormwater Management Board, the Town of Merrillville Plan Commission, the Stormwater Utility Executive Director, the Town of Merrillville Department of Public Works, or any officer, representative, or employee thereof, for any damage which may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

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

Consideration, design, construction, and maintenance of safety measures for proposed or existing stormwater facilities shall be the responsibility of the developer, applicant, and/or the property owner. Jurisdiction Entity and its officials and representatives shall not be responsible for maintenance or liable for any accidents.



PROHIBITED DISCHARGES AND CONNECTIONS

1. APPLICABILITY AND EXEMPTIONS

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

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

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

2. PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMPs).

The Stormwater Utility Executive Director is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into The Town of Merrillville's Stormwater drainage system.

3. EXEMPTED DISCHARGES AND CONNECTIONS

Notwithstanding other requirements in this Ordinance, the following categories of non-stormwater discharges or flows are exempted from the requirements of this chapter:

- A. Water line flushing;
- B. Landscape irrigation;
- C. Diverted streamflows;
- D. Rising ground waters;
- E. Uncontaminated groundwater infiltration;
- F. Uncontaminated pumped ground water;
- G. Discharges from potable water sources;
- H. Foundation drains;
- I. Air conditioning condensation;
- J. Irrigation water;

- K. Springs;
- L. Water from crawl space pumps;
- M. Footing drains;
- N. Lawn watering;
- O. Individual residential car washing;
- P. Flows from riparian habitats and wetlands;
- Q. Dechlorinated swimming pool discharges;
- R. Street wash water;
- S. Discharges from firefighting activities;
- T. Naturally introduced detritus (e.g. leaves and twigs).

4. STORAGE OF HAZARDOUS OR TOXIC MATERIAL

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

5. PRIVATE PROPERTY MAINTENANCE DUTIES

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, 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. The Town of Merrillville will continue to maintain the stormwater drainage system on Town-owned property including the roadway ROW, as long as those water courses are not private retention / detention ponds and/or private drainage easements.

6. SPILL REPORTING

Any discharger who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the Town of Merrillville Fire Department concerning the discharge. A written report concerning the discharge shall be filed with the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director's Office and IDEM, by the dischargers, within five (5) days. The written report shall specify:

- A. The composition of the discharge and the cause thereof;
- B. The date, time, and estimated volume of the discharge;
- C. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;
- D. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section. This requirement does not relieve discharger from notifying other entities as required by State or Federal regulations.

7. INSPECTIONS AND MONITORING

A. Storm Drainage System

The Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director has the authority to periodically inspect the portion of the storm drainage system under the Town of Merrillville's control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

B. Potential Polluters

If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director may inspect and/or obtain Stormwater samples from Stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in Chapter 8 of this Ordinance.

C. New Development and Re-Development

Following the final completion of construction and the receipt of as-built drawings by the Stormwater Utility Executive Director's Office, the Stormwater Utility Executive Director has the authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this chapter.



STORMWATER QUANTITY MANAGEMENT

1. APPLICABILITY AND EXEMPTIONS

The storage and controlled release rate of excess stormwater runoff shall be required for all new business, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction with greater than 10,000 square feet of land-disturbing activities located within The Town of Merrillville. The Stormwater Utility Executive Director, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization. Additional exemptions regarding the detention requirements are provided under Section 2.A.v (below).

2. POLICY ON STORMWATER QUANTITY MANAGEMENT

A. Detention Policy

It is recognized that most streams and drainage channels serving The Town of Merrillville do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided in Sections v (below), the storage and controlled release of excess stormwater runoff as well as compensation for loss of floodplain storage shall be required for all developments and redevelopments (as defined in Appendix A) located within The Town of Merrillville.

i. General Release Rates

In general, the post-development release rates for developments up to and including the 100-year return period storm may not exceed 0.2 cfs per acre of development. For sites where the pre-developed area has more than one (1) outlet, the release rate should be computed based on pre-developed drainage area to each outlet point. The computed release rate for each outlet point shall not be exceeded at the respective outlet point even if the post developed conditions would involve a different arrangement of outlet points.

ii. Site-Specific Release Rates for Sites with Depressional Storage

For sites where depressional storage exists, the general release rates provided above may have to be further reduced. If depressional storage exists at the site, site-specific release rates must be calculated according to methodology described in the Town of Merrillville Stormwater Technical Standards Manual, accounting for the depressional storage by modeling it as a pond whose outlet is a weir at an elevation that Stormwater can currently overflow the depressional storage area. Post developed release rate for sites with depressional storage shall be the 2-year pre-developed peak runoff rate for the post-developed 100-year storm. In no case shall the calculated site-specific release rates be larger than general release rates provided above.

Also note that for determining the post-developed peak runoff rate, the depressional storage must be assumed to be filled unless the Stormwater Utility Executive Director can be assured, through dedicated easement, that the noted storage will be preserved in perpetuity.

iii. Management of Off-site Runoff

Runoff from all upstream tributary areas (off-site land areas) may be bypassed around the detention/retention facility. Such runoff may also be bypassed through the detention/retention facility, provided that a separate outlet system or channel is incorporated for the safe passage of such flows, i.e., not through the primary outlet of a

detention facility. Unless the pond is being designed as a regional detention facility, the primary outlet structure shall be sized and the invert elevation of the emergency overflow weir determined according to the on-site runoff only. Once the size and location of primary outlet structure and the invert elevation of the emergency overflow weir are determined by considering on-site runoff, the 100-year pond elevation is determined by routing the entire inflow, on-site and off-site, through the pond.

Note that the efficiency of the detention/retention facility in controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As a general guidance, on-line detention may not be effective in controlling on-site runoff where the ratio of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for on-site area) may be required by the Stormwater Utility Executive Director when the ratio of off-site area to on-site area is larger than 5:1.

iv. Downstream Restrictions

In the event the downstream receiving channel or storm sewer system is inadequate to accommodate the post-developed release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system. Additional detention, as determined by the Stormwater Utility Executive Director, shall be required to store that portion of the runoff exceeding the capacity of the receiving storm sewers or watercourses. When such downstream restrictions are known, the Stormwater Utility Executive Director may require additional analysis to determine the receiving system's limiting downstream capacity.

If the proposed development makes up only a portion of the undeveloped watershed upstream of the limiting restriction, the allowable release rate for the development shall be in direct proportion to the ratio of its drainage area to the drainage area of the entire watershed upstream of the restriction.

v. Direct Release Provisions

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

B. Grading and Building Pad Elevations

Maximum yard slopes are 3:1 where soil has been disturbed during construction processes. Finished floor elevation must be no less than 1 foot above finished grade and a minimum of 18 inches above an adjacent road elevation unless a written variance is granted by the Stormwater Utility Executive Director.

For all structures located in the Special Flood Hazards Area (SFHA) as shown on the FEMA maps, the lowest floor elevations of all residential, commercial, or industrial buildings, shall be such that Lowest Floor elevation, including basement, shall be at the flood protection grade and therefore have 2 feet of freeboard above the 100-year flood elevation.

The Lowest Adjacent Grade for residential, commercial, or industrial buildings outside a FEMA or

IDNR designated floodplain shall have 2 feet of freeboard above the flooding source's 100-year flood elevation under proposed conditions, unless the flooding source is a rear-yard swale. When the flooding source is a rear-yard swale, the Lowest Adjacent Grade for residential, commercial, or industrial buildings shall have 1 foot of freeboard above the 100-year flood elevation under proposed conditions.

For areas outside a FEMA or IDNR designated floodplain, the Lowest Adjacent Grade (including walkout basement floor elevation) for all residential, commercial, or industrial buildings adjacent to ponds shall be set a minimum of 2 feet above the 100-year pond elevation or 2 feet above the emergency overflow weir elevation, whichever is higher. In addition to the Lowest Adjacent Grade requirements, any basement floor must be at least a foot above the permanent water level (normal pool elevation).

The 100-year overflow paths throughout the development, whether shown on FEMA maps or not, must be shown as hatched area on the plans and 30 feet along the centerline of the flow path contained within permanent drainage easements. A statement shall be added to the plat that would refer the viewer to the construction plans to see the entire extent of overflow path as hatched areas. No fences, landscaping, or other obstruction can be constructed within the easement that may impede the free flow of stormwater. These areas are to be maintained by the property owners or be designated as common areas that are to be maintained by the homeowner's association. The Lowest Adjacent Grade for all residential, commercial, or industrial buildings shall be set a minimum of 1 foot above the noted overflow path/ponding elevation, calculated based on all contributing drainage areas, on-site and off-site, in their proposed or reasonably anticipated land use and with storm pipe system assumed completely plugged.

It shall be the property owners' responsibility to maintain the natural features on their lots and to take preventive measures against any and all erosion and/or deterioration of natural or manmade features on their lots.

C. Acceptable Outlet and Adjoining Property Impact Policies

Design and construction of the stormwater facility shall provide for the discharge of the stormwater runoff from off-site land areas as well as the stormwater from the area being developed (on-site land areas) to an acceptable outlet(s) (as determined by the Stormwater Utility Executive Director) having capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to a regulated drain or natural watercourse (as determined by the Stormwater Utility Executive Director) shall be provided on an exhibit that includes topographic information. Any existing field tile encountered during the construction shall also be incorporated into the proposed Stormwater drainage system or tied to an acceptable outlet. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of flood waters from an upstream property.

Where the outfall from the Stormwater drainage system of any development drains to real estate owned by others prior to reaching a regulated drain or watercourse, no acceptance shall be granted for such drainage system until all owners of real estate and/or tenants crossed by the outfall consent in writing to the use of their real estate through a recorded easement.

If an adequate outlet is not located on site, then off-site drainage improvements may be required. Those improvements may include, but are not limited to, extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural water courses, and the removal or replacement of undersized culvert pipes as required by the Stormwater Utility Executive Director.

D. No Net Loss Floodplain Storage Policy

Floodplains exist adjacent to all natural and man-made streams, regardless of contributing

drainage area or whether they have been previously identified or mapped. Due to potential impacts of floodplain loss on peak flows in streams and on the environment, disturbance to floodplains should be avoided. When the avoidance of floodplain disturbance is not practical, the natural functions of floodplain should be preserved to the extent possible.

In an attempt to strike a balance between the legitimate need for economic development within The Town of Merrillville and the need to preserve the natural functions of floodplains to the extent possible, compensatory excavation 1.5 times the floodplain storage lost shall be required for all activities within floodplain of streams located in The Town of Merrillville where drainage area of the stream is equal or larger than one square mile. The Stormwater Utility Executive Director may alter the compensation ratio, based on extenuating circumstances, for a specific project.

Note that by definition, compensatory storage is the replacement of the existing floodplain and, in rare exceptions, the floodway storage lost due to fill. Compensatory storage is required when a portion of the floodplain is filled, occupied by a structure, or when as a result of a project a change in the channel hydraulics occurs that reduces the existing available floodplain storage. The compensatory storage should be located adjacent or opposite the placement of the fill and maintain an unimpeded connection to an adjoining floodplain area.

Computations must show 1.5 times the provision of compensatory floodplain storage for 10-year and 100-year storm events. That is, the post-development 10-year floodplain storage along a stream shall be 1.5 times the 10-year pre-development floodplain storage along the stream within the property limits, and the post-development 100-year floodplain storage along a stream shall be 1.5 times the 100-year pre-development floodplain storage along the stream within the property limits. For sites that are not able to provide the full volume of required compensatory storage, and at the discretion of the Stormwater Executive Director, floodplain compensatory storage may be mitigated off-site within the watershed on a separate property with the Town's corporate limits.

Calculations for floodplain volume shall be submitted in tabular form showing calculations by cross-section. The volume of floodplain storage under the without-project conditions and the with-project conditions should be determined using the average-end-area method with plotted cross-sections at a horizontal to vertical ratio of between 5:1 and 10:1, with 10- through 100-year flood elevations noted on each cross section. The scale chosen should be large enough to show the intent of proposed grading. Cross-sections should reflect both the existing and proposed conditions on the same plot. The location and extent of the compensatory storage area as well as the location and orientation of cross-sections should be shown on the grading plan.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

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

4. DRAINAGE EASEMENT REQUIREMENTS

There shall be no trees or shrubs planted, nor any structures or fences erected, in any drainage easement, unless otherwise accepted by the Stormwater Utility Executive Director in writing. The following specific areas shall be included in a petition:

A. Subdivisions

- i. All new channels, storm sewers equal to or greater than 12 inches in diameter (no storm sewer shall be less than 12 inches in diameter), inlet and outlet structures of detention and retention

ponds, and appurtenances thereto as required by this Chapter, that are installed in subdivisions requiring a stormwater management permit from the Town of Merrillville shall be contained within a minimum 10 feet of drainage easement. New storm sewers refer to all sub-surface stormwater piping, tubing, tiles, manholes, inlets, catch basins, risers, etc.

- ii. New storm sewers, 12 inches or larger in diameter shall be placed in a 10-foot easement (5 feet from centerline on each side) and shall be designated on the record plat as 10-foot Drainage Easement. Wider easements may be required by the Stormwater Utility Executive Director when the depth of pipe is greater than 6 to 10 feet, depending on the pipe size.
- iii. A minimum of 10 feet from top of the bank on each side of a new channel shall be designated on the record plat as a Drainage Easement.
- iv. Rear-yard swales and emergency overflow paths associated with detention ponds shall be contained within a minimum of 10 feet width (5 feet from centerline on each side) of drainage easement.
- v. A minimum of 10 feet beyond the actual footprint (High Water Level) of stormwater detention facilities shall be designated as drainage easement. A minimum 10-foot width easement shall also be required as access easement from a public right-of-way to the facility, unless the pond is immediately next to a public right-of-way.
- vi. Any crossing and/or encroachment of a Lake County Regulated Drainage Easement requires application and acceptance from the Lake County Surveyor's office.

B. Municipalities and Schools

All new channels, swales, storm sewers, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this chapter, that are installed on the municipal or school property will be maintained, repaired, and constructed by the entity. The design must meet the standards of the Town of Merrillville Stormwater Management Ordinance and the Stormwater Utility Executive Director for sizing and installation. Any off-site portion of the drainage system must be within easements and have clearly defined maintenance agreements.

5. PLACEMENT OF UTILITIES

No utility company may disturb existing storm management facilities without the consent of the Stormwater Utility Executive Director, whose decision may be appealed to the Town of Merrillville Stormwater Management Board. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Chapter 8 of this ordinance.

6. STRUCTURES NEAR COUNTY REGULATED DRAINS

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

7. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the approval of the Stormwater management permit by the Stormwater Utility Executive Director and the Plan Commission, and the commencement of construction activities, the Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, the Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

The Stormwater Utility Executive Director and the Town of Merrillville Stormwater Management Board also have the authority to perform long-term, post-construction inspection of all public or privately owned Stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. A performance bond is required for 100% of the cost of improvements for all Stormwater infrastructure improvements and stabilization of rights-of-way. Stormwater quantity facilities shall be maintained in good condition, in accordance with the terms and conditions of the approved Stormwater management permit, and shall not be subsequently altered, revised or replaced except in accordance with the approved Stormwater permit, or in accordance with approved amendments or revisions to the permit. If deficiencies are found during the inspection, the owner of the facility will be notified by Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director and has the authority to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Merrillville Stormwater Management Board may undertake the work and collect from the owner using compliance and enforcement actions noted in Chapter 8 if necessary.

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



CHAPTER FOUR

STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

1. APPLICABILITY AND EXEMPTIONS

The Stormwater Utility Executive Director will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of the construction plans and specifications. Any project located within The Town of Merrillville that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on one 10,000 square feet or more of total land area, is subject to the requirements of this chapter. This includes both new development and re-development. This chapter also applies to disturbances of less than one 10,000 square feet of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more land, within the MS4 area. Section 3 of this chapter provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of IDEM's CSGP shall also be in compliance with the requirements contained in that permit.

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

- a. Standard agricultural land disturbing activities; or
- b. Typical forest harvesting activities.

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

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

For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the Town of Merrillville Planning and Building Department, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Chapter 7 of this Ordinance; regardless of whether the individual lot is part of a larger permitted project site.

An individual lot with land disturbance or impact less than one (1) acre, located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, these individual lots are required to submit Individual Lot Plot Plan Permit applications prior to receiving a building permit. Details of the permitting process are contained in Chapter 7.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Stormwater Utility Executive Director in accordance with Chapter 7 of this Ordinance. It will be the responsibility of the project site owner and/or permit holder to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and in following and implementing all best management practices, and to notify the Stormwater Utility Executive Director with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all persons engaging in

construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this chapter and this Ordinance.

2. POLICY ON STORMWATER POLLUTION PREVENTION

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling. The developer must submit to the Stormwater Utility Executive Director, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials type and specification, handling and storage, and construction sequencing. The SWPPP and the project management log must be retained for at least three (3) years from the date the project permit is terminated. The following principles apply to all land-disturbing activities and should be considered in the preparation of a SWPPP within The Town of Merrillville.

- A. Minimize the potential for soil erosion by designing a development that fits the topography and soils of the site. Deep cuts and fills in areas with steep slopes should be avoided wherever possible, and natural contours should be followed as closely as possible.
- B. Existing natural buffer vegetation next to Waters of the State shall be retained and protected in accordance with IDEM's CSGP.
- C. All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
- D. The length and steepness of designed slopes should be minimized to reduce erosion potential. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. Methods for determining acceptable velocities are included Stormwater Technical Standards Manual.
- E. Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. A stable and erosion resistant construction site access point (i.e., crushed stone, slag, aggregate, etc.) shall be provided at all points of construction traffic ingress and egress to the project site.
 - a. Crushed stone, slag, and or aggregate shall be at least 6 inches deep from the surface elevation and such material shall be between 3 – 5 inches in diameter.
- F. Appropriate measures shall be implemented to prevent wastes or unused building materials, including, garbage, debris, packaging material, fuels and petroleum products, hazardous materials or wastes, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by runoff or wind. Identification of the area where concrete truck washout is permissible must be clearly posted on the site. Only one washout location shall be allowed for each building site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable State statutes and regulations. Proper storage and handling of materials such as fuels or hazardous wastes, and spill prevention and cleanup measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
- G. Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

- H. Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
- I. Natural features, including wetlands, shall be protected from pollutants associated with stormwater runoff.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

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

- A. Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
- B. To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - i. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
 - ii. For a single-family residential project site where the lots are less than one half (0.5) acre in size, the total lot must be calculated as being disturbed.
 - iii. To calculate lot disturbance on all other types of project sites, such as industrial and commercial projects project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the "Indiana Stormwater Quality Manual" or the Town of Merrillville Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's CSGP.

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

4. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Following approval of the stormwater management permit by the Town of Merrillville Plan Commission and/or Planning and Building Department and commencement of construction activities, the Stormwater Utility Executive Director, the Town Manager, Community Development Director, Zoning Director and the Town of Merrillville Stormwater Management Board have the authority to conduct inspections of the site to ensure full compliance with the provisions of this chapter, the *Indiana Stormwater Quality Manual*, and the terms and conditions of the approved permit.

A self-monitoring program must be implemented by the project site owner and/or permit holder to ensure the Stormwater pollution prevention plan is working effectively. A trained individual, acceptable to Stormwater Utility Executive Director, shall perform a written evaluation of the project site by the end of

the next business day following each measurable storm event. There shall be one designated on-site person to complete such evaluations, maintain a storm log, and to be contacted in the event of any concerns. An alternate should be identified in the event that the designated monitor is unavailable. If there are no measurable storm events within a given week, the site should be monitored at least once in that week. Weekly inspections by the trained individual shall continue until the entire site has been stabilized and a Notice of Termination has been issued. The trained individual should look at the maintenance of existing stormwater pollution prevention measures, including erosion and sediment control measures, drainage structures, and construction materials storage/containment facilities, to ensure they are functioning properly. The trained individual should also identify additional measures, beyond those originally identified in the stormwater pollution prevention plan, necessary to remain in compliance with all applicable statutes and regulations.

The resulting evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of maintenance, additional measures, and corrective actions recommended and completed.

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

Although self-monitoring reports do not need to be submitted to Stormwater Utility Executive Director, the Stormwater Utility Executive Director has the right to request complete records of maintenance and monitoring activities involving Stormwater pollution prevention measures. All evaluation reports for the project site must be made available to Stormwater Utility Executive Director and/or the Town of Merrillville Stormwater Management Board, in an organized fashion, within forty-eight (48) hours upon request.



CHAPTER FIVE

STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

1. APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Chapter 4, the Stormwater pollution prevention plan, which is to be submitted to the Stormwater Utility Executive Director as part of the stormwater management permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within The Town of Merrillville that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on 10,000 square feet or more of total land area, is subject to the requirements of this chapter. This includes both new development and re-development, and disturbances of less than 10,000 square feet of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more of land, within the MS4 area. In addition, regardless of the amount of disturbance, the Town of Merrillville reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance to provisions contained in the Town of Merrillville Stormwater Technical Standards Manual.

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

- A. agricultural land disturbing activities; or
- B. forest harvesting activities; or
- C. oil and gas exploration, production, processing, or treatment operations, or transmission facilities; or
- D. construction activities associated with a single-family residential dwelling disturbing less than 1 acre when the dwelling is not part of a larger common plan of development or sale; or
- E. individual building lots within a larger permitted project.

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

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

It will be the responsibility of the project site owner to complete a Stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Stormwater Utility Executive Director in accordance with Chapter 7 of this Ordinance. It will be the responsibility of the project site owner and/or permit holder to ensure proper construction and installation of all Stormwater BMPs in compliance with this Ordinance and with the approved Stormwater management permit, and to notify the Stormwater Utility Executive Director with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all eventual property owners of Stormwater quality management facilities meeting the applicability requirements must comply with the requirements of this chapter and this Ordinance.

2. POLICY ON STORMWATER QUALITY MANAGEMENT

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues in The Town of Merrillville, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of Best Management Practices (BMP), stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed. The Town of Merrillville has established a minimum standard that the measurement of the effectiveness of the control of stormwater quality will be based on the management of Total Suspended Solids (TSS).

It is also recognized that another major source of pollution in many Indiana streams, including those within the corporate boundaries of the Town of Merrillville, is the streambank erosion associated with urbanizing watersheds. Stream channels develop their shape in response to the volume and rate of runoff that they receive from their contributing watersheds. When land is developed, the volume and rate of runoff from that land increases for these comparatively small flooding events that are not normally addressed by the detention practices and the stream channel will adapt by changing its shape. As the stream channel works to reach a new stable shape, excess erosion occurs. As new development and re-development continues within the corporate boundaries of the Town of Merrillville, measures must be taken to minimize the impact of such development or re-development on streambank erosion. Through the use of appropriate Best Management Practices (BMP's), the volume and rate of runoff for channel forming flows will be reduced in an attempt to minimize increased streambank erosion in the receiving streams and channels.

The project site owner must submit to the Stormwater Utility Executive Director, SWPPP that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the Town of Merrillville Stormwater Technical Standards Manual. The SWPPP submittal shall include an Operation and Maintenance Manual for all post-construction BMP(s) included in the project and a notarized Maintenance Agreement, consistent with the sample agreement provided in the Stormwater Technical Standards Manual, providing for the long-term maintenance of those BMPs, both of which shall be recorded with the deed for the property on which the project is located. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the Town of Merrillville Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be according to guidelines provided in the Town of Merrillville Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the Town of Merrillville Stormwater Technical Standards Manual.

Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff. Infiltration of stormwater in these areas may not be allowed per the discretion of the Stormwater Utility Executive Director. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

Calculation of land disturbance should follow the guidelines discussed in Chapter 4, Section 3.

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the *Indiana Stormwater Quality Manual* or the Town of Merrillville Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's MS4 GP.

4. EASEMENT REQUIREMENTS

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities, a 30-foot-wide perimeter beyond the actual footprint of the stormwater quality management facility as well as a 30-foot-wide access easement from a public right-of-way to each BMP shall be provided. The easement size may be adjusted at the discretion of the Stormwater Utility Executive Director.

5. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the approval of the Stormwater management permit by the Stormwater Utility Executive Director or, if applicable, the Town of Merrillville Plan Commission and the commencement of construction activities, the Stormwater Utility Executive Director and the Town of Merrillville Stormwater Management Board have the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, the Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

Stormwater quality management facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the *Indiana Stormwater Quality Manual* or the Town of Merrillville Stormwater Technical Standards Manual, and the terms and conditions of the approved stormwater permit, and shall not be subsequently altered, revised, or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions in the permit. Following construction completion, maintenance of stormwater quality facilities shall be the long-term responsibility of the facility's owner.

Details regarding the required stormwater BMP Maintenance Agreement, O&M Maintenance Manual, and a Maintenance Escrow account and their transfer to other parties or subsequent owners prior to release of the maintenance bond discussed in Chapter 8 of this Ordinance is provided in the Town of Merrillville Stormwater Technical Standards Manual.

The Stormwater Utility Executive Director and the Town of Merrillville Stormwater Management Board have the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspections will follow the Operation and Maintenance procedures included in the Stormwater Technical Standards Manual and/or permit application for each specific BMP. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report. If deficiencies are found during the inspection, the owner of the facility will be notified by the Stormwater Utility Executive Director and the Town of Merrillville Stormwater Management Board and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Merrillville Stormwater Management Board will undertake the work and collect from the owner using lien rights if necessary.



CHAPTER SIX

LOW IMPACT DEVELOPMENT (LID) FOR STORMWATER MANAGEMENT

1. APPLICABILITY AND EXEMPTIONS

The following activities shall be exempt from this chapter:

- Permitted surface or deep mining operations and projects, or oil and gas operations.
- Tilling, planting, or harvesting of agricultural, horticultural, or forest crops.
- Linear development projects, provided that (i) less than one acre of land will be disturbed per outfall or watershed, (ii) there will be insignificant increases in peak flow rates, and (iii) there are no existing or anticipated flooding or erosion problems downstream of the discharge points.
- Single-family detached residences separately built and not part of a subdivision, including additions or modifications to existing single-family detached residential structures.
- Structures considered ancillary to single-family detached and semidetached residences, duplexes, and townhouses, including, but not limited to, garages, decks, patios, and barns.

Any project located within The Town of Merrillville that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on one (1) acre or more of total land area, is subject to the requirements of this chapter. Residential, commercial or industrial development or re-development shall apply LID stormwater management criteria when feasible. If the Developer or Owner feels that their project is not capable of meeting the criteria or want to alter standards then all appeals will be directed to the Town of Merrillville Stormwater Management Board. After the Boards review, a recommendation will be made to the Plan Commission where final approval or denial will take place. Residential, commercial or industrial developments shall apply these stormwater management criteria to land development as a whole. Individual residential lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.

2. POLICY ON LOW IMPACT DEVELOPMENT

The Town of Merrillville recognizes that Low Impact Development (LID) is an innovative Stormwater Management approach with a basic principle that is modeled after nature: manage rainfall at the source using site design techniques that store, infiltrate, filter, evaporate and detain runoff. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate and detain runoff close to its source. A goal of LID is to use site and subdivision design techniques in coordination with stormwater management engineering to mimic the hydrologic conditions associated with an undeveloped site. The Town also recognizes that development tends to degrade receiving waters through increased flooding, stream channel erosion, and the transport and deposition of waterborne pollutants. This degradation is due, in part, to increased stormwater runoff as property is developed. The regulation of stormwater runoff from developments can control the negative impacts of generating increased flooding, erosion, and non-point source pollutant runoff. The intent of this chapter is to establish minimum LID requirements which: protect the safety and welfare of Merrillville residents and businesses; reduce flood damage to property; minimize the impacts of increased stormwater runoff from new land development; maintain the adequacy of existing and proposed culverts, bridges, dams, and other structures; prevent, to the maximum extent practicable (MEP), non-point source pollution; maintain the integrity of stream channels for their biological functions and drainage; minimize the impact of

development upon stream erosion; and preserve and protect water supply facilities from increased flood discharges, stream erosion, and non-point source pollution.

3. SITE DESIGN

Site Designs shall minimize the generation of stormwater and maximize pervious area for stormwater treatment. Structural and Non-structural infiltration BMPs shall be encouraged to provide stormwater quality and quantity control and ground water recharge. The basic LID strategy for handling runoff is to reduce the volume of runoff and decentralize flows.

Natural channel characteristics shall be preserved to the maximum extent practicable (MEP).

The use of LID site planning and integrated management practices shall be encouraged to control stormwater runoff at the source and closely approximate predevelopment runoff conditions.

Clustering homes on slightly smaller lot areas is permissible provided that it allows more preserved open space to be used for recreation, visual aesthetics, and conservation of natural areas.

Site design must consider directing impervious area stormwater flows collected from structures, driveways, or street sections, into separate localized detention cells instead of combining it in drainpipes with additional sources of runoff.

All low impact development stormwater management practices consistent with the requirements of this chapter shall satisfy the water quality and quantity performance criteria of this Ordinance and Town of Merrillville Stormwater Technical Standards Manual or equivalent document.

LID design plans shall not conflict with existing state, town or local laws, ordinances, regulations or policies.

Property owners shall not remove or structurally alter integrated management practices without prior written approval from the Town Administrator.

All structural stormwater management BMPs shall have an Operations and Maintenance (O&M) Plan and agreement which identify the owner(s) and/or responsible party for implementation.

Innovative and alternative water quality BMPs may be allowed for land development at the discretion of the MS4 Coordinator subject to pollution removal efficiencies recognized by IDEM.

Stormwater discharges for stormwater hotspots may require the use of specific structural BMPs and pollution prevention practices. Stormwater from a hotspot shall not be infiltrated without proper pre-treatment.

A landscaping plan shall describe woody and herbaceous vegetative stabilization and management techniques as well as tree protection measures to be used within and adjacent to the stormwater management facility in accordance the Town of Merrillville's Tree Ordinance and Landscaping Standards.

Safety measures shall be incorporated into the design of all stormwater management facilities.

Stormwater management facilities shall be designed to minimize the propagation of insects, particularly mosquitoes, provided that design features proposed will not negatively impact the functions of the facility.

Storm drainage easements shall be required on lots or parcels where the conveyance, storage or treatment of stormwater is proposed or can reasonably be expected to occur.

4. RECEIVING WATERS

Outflows from a stormwater management facility shall be discharged to an adequate channel, and velocity dissipaters shall be placed at the outfall of all stormwater management facilities and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the facility to a channel.

Properties and receiving waterways downstream of any land development project shall be protected from erosion and damage due to increases in volume, velocity and frequency of peak flow rate of stormwater runoff.

Stream channel erosion impacts to receiving streams due to land development projects shall be addressed for each point of discharge from the development project.

5. STORMWATER PRE-TREATMENT BMPS FOR SITE PLANS

In addition to the 80% Total Suspended Solids removal rate requirements at the 50 to 125-micron range, all development shall have additional BMPS to pre-treat stormwater runoff prior to releasing off-site. Stormwater quality BMPs shall be used to the MEP to satisfy the applicable water quality control requirements in this chapter. These LID techniques must be installed and maintained to control stormwater at the source and allow the natural ability of a developed site to absorb stormwater. They must also be effective in removing common urban non-point source pollutants such as nutrients, sediments and metals thereby protecting human health and the environment as well as reducing flow of stormwater entering storm sewers. The post-developed stormwater runoff shall be treated by an approved technology-based water quality BMP(s) based on the imperviousness of the drainage area. The design shall be certified by a Professional Engineer licensed in Indiana to perform such work.

The following is a list of approved water quality BMPs that can be used to satisfy the applicable water quality control requirements in for the Town of Merrillville:

- Stormwater Management Retention and Extended Detention Basins
- Stormwater Management Wetlands / Wetland Restoration
- Rain Gardens/Bio-retention Cells
- Stormwater Management Infiltration Basins
- Open Space Conservation
- Conservation of Existing Resources, Wetlands, Native Trees, Shrubs and other Vegetation
- Vegetated/Green Roofs
- Sediment Control Devices
- Catch Basin Inserts
- Hydrodynamic Separators
- Two Stage Ditches
- Stormwater Management Filtering Systems
- Grassed Buffer Strips
- Vegetated Swales
- Pervious Pavement
- Soft/Green Armoring
- Green Parking/Emergency Access
- Regional Stormwater Management Facilities
- Low-Impact/Conservation Development Site Planning and Integrated Management Practices
- Approved Alternative Measures (Emerging Technology)

6. COMPLIANCE - LID WATER QUALITY BMP POINTS SYSTEM

Compliance with LID non-point source pollution control requirements is based on a points system. This is a tool for screening BMPs to ensure that the site is adequately covered by preferred practices. The points assigned to each BMP are weighted by the proportion of the site served by the BMP. To achieve compliance, a stormwater management plan must attain at least **100 LID Points per each Disturbed Acre** of development through implementation of approved practices. A minimum of three (3) different BMPs must be incorporated for each development. Practices utilized must be approved by the Stormwater Management Board. The BMPs utilized to satisfy the 80% TSS removal rate requirements cannot be counted as part of the required LID point total.

The LID Point System is applied as outlined below:

Factsheet #	LOW IMPACT DEVELOPMENT BMP	Quantity	LID Points
PC-101	Bio-Retention Facility (Rain Garden)	100sf	20
PC-102	Catch Basin Inserts	1ea	10
PC-103	Cistern / Dry Well	1ea	10
PC-104	Constructed Wetland	100sf	20
PC-105	Dry Extended Detention Basins	100sf	20
PC-106	Infiltration Basin	100sf	10
PC-107	Infiltration Trench	100sf	10
PC-108	Media Filtration	1ea	10
PC-109	Storm Drain Inserts/ Hydrocarbon Filter	1ea	10
PC-110	Vegetated Filter Strips	100sf	10
PC-111	Vegetated Swales	100 linear ft	10
PC-112	Wet Ponds / Retention Basins	100sf	20
LID-101	Pervious Pavement with Infiltration Bed	100sf	10
LID-102	Vegetated Roof	100sf	15
LID-103	Level Spreaders	100 linear ft	15
LID-104	Hydrodynamic Separator	1ea	50
LID-105	Two Stage Ditch	100 linear ft	15
LID-106	Riparian Buffer Restoration	100sf	5
LID-107	Wetland Restoration/Creation	100sf	20
LID-108	Cluster Design	1ac	10
LID-109	Open Space Conservation	100sf	10
LID-110	Sensitive Area Protection	100sf	10
LID-111	Design for LEED Certification	1ac	20
LID-112	Native Revegetation	100sf	10
LID-113	Stormwater Disconnection	1ea	5-commercial 1-residential
LID-114	Additional Tree Installation	1ea	5
LID-115	Soft Armoring	100sf	20
LID-116	Recycled Pipe (60% or more recycled HDPE)	100 linear ft	10
N/A	Emerging Technology	variable	variable

7. SMART GROWTH PRINCIPALS

The following smart growth principals shall be applied when feasible in order to allow for stormwater infiltration and promote green space.

- Compact building design
- Mixed land uses
- Preserve open space and critical environmental areas

- Cluster development

8. ROADWAY AND PARKING LOT RUNOFF

Stormwater runoff from parking lots shall utilize stormwater management infiltration facilities and/or stormwater management filter systems placed within or near parking lot islands.

Permeable roadway or parking areas can be constructed from a variety of materials, including traditional asphalt and concrete, gravel or pavers, they must allow water to flow through to replenish soil areas directly beneath. However, the sub-base underneath permeable pavements must be engineered to accommodate both filtration and the quantity of water storage.

Vegetated swales may function as alternatives to curb and gutter systems, along residential streets or highways as allowed by the Planning Commission utilizing grasses or other vegetation to reduce runoff velocity and allow filtration, while high volume flows are channeled away safely to a quantity management facility. Features like plantings and check dams may be incorporated to further reduce water velocity and encourage additional filtration. In areas where salts are commonly used for winter de-icing, plant species must be salt tolerant.

9. THREATENED AND ENDANGERED SPECIES

Prior to any land disturbance, written proof from the U.S. Fish and Wildlife Service at <http://www.fws.gov/midwest/Bloomington/> indicating the absence of threatened or endangered species or their habitat must be provided. This may be submitted along with the SWPPP to ensure the project is not likely to jeopardize the continued existence of endangered or threatened species or modify critical habitat of such species. The Indiana Heritage Data Center maintained by IDNR Division of Nature Preserves shall also be utilized assist with the assessment. A list of Indiana endangered, threatened and rare species can be viewed at: <http://www.in.gov/dnr/naturepreserve/>

10. OPEN SPACE REQUIREMENTS

See Town of Merrillville Code: ARTICLE XII. OPEN SPACE REQUIREMENTS Sec. 19-225 found in the Town of Merrillville Zoning Ordinance.

LID Compliance Summary Worksheet (Table 6-2)

Project Information				
Project Name		Developer/ Owner		
Plan Preparer		Developer/Owner Address		
Plan Preparer Telephone		Developer/Owner Telephone		
This worksheet is a tool to allow both the Municipality and the Developer/Owner to reference various measures implemented within the development in order to meet the development's Stormwater Management Ordinance requirements.				
Site Specific Information				
		Total Site Area (ac)		
		Total Disturbed Area (ac)		
		Total Required LID Points (disturbed acres x 100)		
LOW IMPACT DEVELOPMENT BMP	Quantity of BMP	LID Points	Proposed Quantity	Proposed LID Points
Bio-Retention Facility (Rain Garden)	100sf	20		
Catch Basin Inserts	1ea	10		
Cistern/Dry Well	1ea	10		
Constructed Wetland	100sf	20		
Dry Extended Detention Basins	100sf	20		
Infiltration Basin	100sf	10		
Infiltration Trench	100sf	10		
Media Filtration	1ea	10		
Storm Drain Inserts / Hydrocarbon Filters	1ea	10		
Vegetated Filter Strips	100sf	10		
Vegetated Swales	100 linear ft	10		
Wet Ponds/Retention Basins	100sf	20		
Pervious Pavement with Infiltration Bed	100sf	10		
Vegetated Roof	100sf	15		
Level Spreaders	100 linear ft	15		
Hydrodynamic Separator	1ea	50		
Two Stage Ditch	100 linear ft	15		
Riparian Buffer Restoration	100sf	5		
Wetland Restoration/Creation	100sf	20		
Cluster Design	1ac	10		
Open Space Conservation	100sf	10		
Sensitive Area Protection	100 linear ft	10		
LEED Certification	1ac	20		
Native Revegetation	100sf	10		
Stormwater Dysconnectivity	1ea	5-commercial 1-residential		
Additional Tree Installation	1ea	5		
Soft Armoring	100sf	20		
Recycled Pipe (60% or more recycled HDPE)	100 linear ft	10		
OTHER: Emerging Technology	variable	variable		
OTHER: Emerging Technology	variable	variable		
Total Proposed LID Points				
Note: Not all LID measures are necessary or appropriate for every site. It is imperative that proper site assessments and due diligence is completed by the Developer and/or Engineer prior to design.				



DEVELOPMENT IN WETLANDS REGULATIONS

1. APPLICABILITY AND EXEMPTIONS

This chapter shall apply to all land-disturbing activities regulated by this Ordinance. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Appendix A, identified as containing wetlands until the owner thereof has obtained all required state and federal permits or releases related to the dredging or filling of wetlands. As a pre-condition to receiving a building or land disturbance permit for a development identified as containing wetlands where the applicant for the permit does not intend to fill a wetland, such unaffected wetland must be identified in one of the methods enumerated in Section 3 of this Chapter, shown on the proposed development plans, and submitted to the Stormwater Utility Executive Director along with plans to protect and avoid any disturbance to such unaffected wetland.

The requirements under this chapter do not apply to the following:

- A. For the purpose of Town's regulations, artificially-constructed ponds, drainage ditches, stormwater retention/detention basins, gravel pits, stone quarries, and treatment lagoons that exist at the site and that may appear to display wetland-like properties. However, the applicant would need to independently contact IDEM or the U.S. Army Corps of Engineers for appropriate Federal and State requirements;
- B. Wetlands or portions thereof for which federal or state permits for fill were issued prior to the enactment of this Chapter; or to
- C. Any area or use excluded from local planning and zoning jurisdiction by federal or state law.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that all wetlands identified to be present at the project site are sufficiently protected and preserved as set forth in this Chapter.

2. POLICY ON WETLANDS DISTURBANCE PREVENTION

- A. It is the public policy of The Town of Merrillville to preserve, protect, and conserve freshwater wetlands, and the benefits derived wherefrom, to prevent the despoliation and destruction of freshwater wetlands, and to regulate use and development of such wetlands to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial to economic, social, and agricultural development of The Town of Merrillville.
- B. Any depressional storage associated with wetlands must be preserved. In the event the depressional storage is filled, it must be compensated for at a rate of 1.5:1. This storage must be provided in addition to any stormwater detention that is required for the site development.

3. WETLANDS IDENTIFICATION

In implementing the terms of this Chapter, any of the following materials shall be prima facie evidence which may be relied upon by the Stormwater Utility Executive Director for the identification, delineation, and existence of a wetland:

- A. National Wetlands inventory (NWI) maps produced or maintained by the United States Fish and Wildlife Service (USFWS).
- B. Maps produced, or maintained and utilized, by the United States Corps of Engineers for identification and/or delineation of wetlands.
- C. Maps produced, or maintained and utilized, by the United States Natural Resources Conservation Service (NRCS) for the identification and/or delineation of wetlands.
- D. USDA – NRCS Soil Survey of The Town of Merrillville hydric soils list.
- E. Field investigations performed by the United States Army Corps of Engineers or private consultants recognized by the Corps as authorities in wetland identification and delineation.

NOTE:

NWI maps are intended to identify *potential* wetlands. Due to the lack of field verification, NWI classified wetlands are sometimes erroneously identified, missed, or misidentified. Additionally, the criteria used in identifying these wetlands, as established by USFWS, are different from those currently used by the U.S. Army Corps of Engineers. NWI maps best serve as an indicator of potential jurisdictional wetlands.

Likewise, soil survey maps were developed from actual field investigations by soil scientists from the NRCS but they address only one of the three required wetland criteria and may reflect historical conditions rather than current site conditions.

It is recommended that all sites be field reviewed by a qualified person with experience in wetland identification in order to determine the presence or absence of wetlands. In the event a suspected wetland area is proposed to be impacted by the proposed development, it must first be field verified with a delineation report by an environmental scientist, soil scientist or Professional Wetland Scientist (PWS),



PERMIT REQUIREMENTS AND PROCEDURES

1. CONCEPTUAL DRAINAGE PLAN REVIEW

In order to establish that proper stormwater planning and adequate drainage outlet(s) exists for a proposed development seeking a Preliminary Plat approval or Development Plan approval from the Town of Merrillville Plan Commission, a developer may apply for a conceptual drainage plan review by the Stormwater Utility Executive Director's office. As part of the noted Conceptual Drainage Plan Review, a developer shall submit conceptual drainage plans for review by the Stormwater Utility Executive Director prior to the Plan Commission hearing. Note that any preliminary drainage approval by the Town of Merrillville Plan Commission and/or Stormwater Utility Executive Director as a result of such a review is based on preliminary data and shall not be construed as a final drainage approval or considered binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

- A. Conceptual plans showing general project layout, including existing and proposed drainage systems and proposed outlets.
- B. General description of the existing and proposed drainage systems in narrative form.
- C. Map showing on-site 100-year floodplain and floodway (please note if none exists).
- D. Map showing all wetlands, lakes, and ponds on or adjacent to the site.
- E. Watershed Boundaries on County's 1-foot topographic mapping.
- F. Existing watercourse or regulated drains.
- G. Drainage calculations detailing existing and proposed discharges from the site.
- H. Letter of Intent for obtaining any needed consents, off-site easements, right-of-way, or regulatory permits.

2. PERMIT PROCEDURES

Except as provided in Chapter 5, Section 1, this section applies to all development, or re-development of land, that results in land disturbance of 10,000 square feet or more. Individual lots with land disturbance less than 10,000 square feet that are developed within a larger permitted project site, should refer to Section 4 for plan review requirements and procedures.

The project site owner shall submit an application for a stormwater management permit to the Town of Merrillville. The application will include a Draft Notice of Intent letter (NOI) that would also act as permit application form, construction plan sheets, stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information. Specific information to be included in the application can be found in Section 3 below. Application material must be submitted to the Town of Merrillville. Additionally, a digital copy of the construction plans is required in a format accepted by the Stormwater Utility Executive Director.

After the Town of Merrillville receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. The information provided will be reviewed in detail by the Stormwater Utility Executive Director and/or its plan review consultant(s). Once all comments have been received and review completed, the Stormwater Utility Executive Director will either approve the project or request modifications.

Once the Merrillville Stormwater Permit has been issued, the project site owner must file a Notice of Intent. The IDEM CSGP must be provided to the Town prior to the start of construction and proof of permit coverage shall be posted on-site. For Town of Merrillville, copies of the final, approved

construction plans, stormwater drainage technical report, stormwater pollution prevention plan for construction sites, and post-construction stormwater pollution prevention plan shall also accompany the above-noted written notification and proof of publication. The number of required copies varies from case to case and should be determined by contacting the Town of Merrillville. A pre-construction may be held with the participation of the Town of Merrillville prior to any grading activity to ensure that appropriate perimeter control measures have been implemented on the site and the location of any existing tiles has been properly marked.

Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, as-built plans must be submitted to the Town of Merrillville. A Notice of Termination (NOT) shall be sent to the Town of Merrillville once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The Stormwater Utility Executive Director, or a representative, shall inspect the construction site to verify the requirements for an NOT have been met. Permits issues under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, the NOI must be resubmitted at least 90 days prior to expiration.

3. SWPPP Review Time Limits

Pursuant to IC 13-18-27, an MS4-designated entity or other review authority such as SWCD must make a preliminary determination as to whether the construction plan associated with SWPPP is substantially complete before the end of the tenth (10th) working day after the day on which the construction plan associated with SWPPP is submitted to the review authority, in the case of a less than 5 acres construction activity site or the fourteenth (14th) working day after the day on which the construction plan associated with SWPPP is submitted to the review authority, in the case of a 5 acres or larger construction activity site. Depending on the outcome of the SWPPP review, the following scenarios may play out:

- a. No SWPPP review notification received: If the review authority does not notify of its preliminary determination as to whether the construction plan is substantially complete within either 10 or 14 days as noted above, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Town of Merrillville Stormwater Technical Standards Manual, and after submission of the notice of intent letter to IDEM, may begin the construction project, including the land disturbing activities of the construction project.
- b. SWPPP not substantially complete: If the review authority notifies the construction plan is not substantially complete, the project site owner may not submit a notice of intent letter to IDEM until the review authority makes a conclusive favorable determination concerning the construction plan under the IDEM rule/permit, or this Ordinance and the Town of Merrillville Stormwater Technical Standards Manual.
- c. Unfavorable SWPPP: If the review authority notifies the construction plan is substantially complete; and makes a conclusive unfavorable determination concerning the construction plan under IDEM rule/permit, or this Ordinance and the Town of Merrillville Stormwater Technical Standards Manual; the land disturbing activities of the construction project must stop when the review authority notifies the project site owner of the review authority's conclusive unfavorable determination concerning the construction plan.

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

3. INFORMATION REQUIREMENTS

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the “Applicability and Exemptions” Sections of Chapters 2 through 5. If a project or activity is exempt from any or all requirements of this Ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots, disturbing or impacting less than 1 acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under Section 4 of this Chapter.

The different elements of a permit submittal for a Secondary Stormwater Plan approval include an IDEM Notice of Intent (NOI), proof of publication of a public notice, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana.

A. Application Checklist

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

A. Construction Plans

Construction plan sheets (larger than 11” by 17”, but not to exceed 24” by 36” in size) in pdf digital format or hard copy and an accompanying narrative report shall describe and depict the existing and proposed conditions. This must be submitted in digital format acceptable to the Stormwater Utility Executive Director. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans need to include the detailed items from the most recent version of the Technical Standards Manual.

B. Stormwater Drainage Technical Report

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

- i. A summary report, including the following information:
 - a. Description of the nature and purpose of the project.
 - b. The significant drainage problems associated with the project.

- c. The analysis procedure used to evaluate these problems and to propose solutions.
 - d. Any assumptions or special conditions associated with the use of these procedures, especially the hydrologic or hydraulic methods.
 - e. The proposed design of the drainage control system.
 - f. The results of the analysis of the proposed drainage control system showing that it does solve the project's drainage problems. Any hydrologic or hydraulic calculations or modeling results must be adequately cited and described in the summary description. If hydrologic or hydraulic models are used, the input and output files for all necessary runs must be included in the appendices. A map showing any drainage area subdivisions used in the analysis must accompany the report.
 - g. Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.
 - h. Identification of any other State or Federal water quality permits that are required for construction activities associated with the owner's project site.
- ii. A Hydrologic/Hydraulic Analysis, consistent with the methodologies and calculation included in the Town of Merrillville Stormwater Technical Standards Manual, and including the following information:
- a. A hydraulic report detailing existing and proposed drainage patterns on the subject site. The report should include a description of present land use and proposed land use. Any off-site drainage entering the site or any downstream restrictions should be addressed as well. This report should be comprehensive and detail all of the steps the engineer took during the design process.
 - b. All hydrologic and hydraulic computations should be included in the submittal. These calculations should include, but are not limited to the following: runoff curve numbers and runoff coefficients, runoff calculations, stage-discharge relationships, times-of-concentration and storage volumes.
 - c. Copies of all computer runs. These computer runs should include both the input and the outputs. Electronic copies of the computer runs with input files must also be included.
 - d. A set of exhibits should be included showing the drainage sub-areas and a schematic detailing of how the computer models were set up.
 - e. A conclusion which summarizes the hydraulic design and details how this design satisfies this Ordinance.
 - f. Signed and Certified (stamped) by a Professional Engineer registered in the State of Indiana.

C. Stormwater Pollution Prevention Plan for Construction Sites

A stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance and must include the following at a minimum:

- i. Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures.
- ii. Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or as determined by a soil scientist. Hydrologic classification for soils should be shown when hydrologic methods requiring soils information are used. A soil legend must be included with the soil map.
- iii. 14-Digit Watershed Hydrologic Unit Code.

- iv. An estimate of the peak discharge, based on the ten (10) year storm 24-hour event, of the project site for post-construction conditions.
- v. Locations where stormwater may be directly discharged into groundwater, such as abandoned wells or sinkholes. Please note if none exists.
- vi. Locations of specific points where stormwater discharge will leave the project site.
- vii. Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.
- viii. Temporary stabilization plans and sequence of implementation.
- ix. Permanent stabilization plans and sequence of implementation.
- x. Temporary and permanent stabilization plans shall include the following:
 - a. Specifications and application rates for soil amendments and seed mixtures.
 - b. The type and application rate for anchored mulch.
- xi. General construction sequence of how the project site will be built, including phases of construction and the associated time of year they are expected to be done.
- xii. Construction sequence describing the relationship between implementation of stormwater quality measures and stages of construction activities.
- xiii. Location of all soil stockpiles and borrow areas.
- xiv. A typical erosion and sediment control plan for individual lot development.
- xv. Self-monitoring program including plan and procedures.
- xvi. A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant quantity of pollutants to stormwater discharges.
- xvii. Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1.
- xviii. Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

D. Post-Construction Stormwater Pollution Prevention Plan

The post-construction Stormwater pollution prevention plan must include the following information at a minimum:

- i. A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant quantity of pollutants to stormwater discharges.
- ii. Location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality measures.
- iii. A description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds.
- iv. A sequence describing when each post-construction stormwater quality measure will be installed.
- v. Stormwater quality measures that will remove or minimize pollutants from stormwater run-off.
- vi. Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
- vii. An operation and maintenance manual for all post-construction stormwater quality measures to facilitate their proper long-term function. This operation and maintenance manual shall be made available to future parties who will assume responsibility for the

operation and maintenance of the post-construction stormwater quality measures. The manual shall include the following:

- a. Contact information for the BMP owner (i.e., name, address, business phone number, cell phone number, pager number, e-mail address, etc.).
- b. A statement that the BMP owner is responsible for all costs associated with maintaining the BMP.
- c. A right-of-entry statement allowing Town personnel to inspect and maintain the BMP.
- d. Specific actions to be taken regarding routine maintenance, remedial maintenance of structural components, and sediment removal. Sediment removal procedures should be explained in both narrative and graphical forms. A tabular schedule should be provided listing all maintenance activities and dates for performing these required maintenance activities.
- e. Site drawings showing the location of the BMP and access easement, cross sections of BMP features (i.e., pond, forebay(s), structural components, etc.), and the point of discharge for stormwater treated by the BMP. Additionally, the drawings should provide dimensional information and indicate where applicable warning signs will be placed around a stormwater quality pond. These drawings need to be submitted both in hard copy and in digital format acceptable to the Stormwater Utility Executive Director.

4. REVIEW OF INDIVIDUAL LOTS WITHIN A PERMITTED PROJECT

For individual lots disturbing or impacting less 10,000 square feet developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. All stormwater management measures necessary to comply with this Ordinance must be implemented in accordance with permitted plan for the larger project.

The following information must be submitted to the Planning and Building Department, for review and acceptance, by the individual lot operator, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an Individual Lot Plot Plan Permit that must be obtained prior to the issuance of a building permit.

- A. 1. A site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
- B. A lot plan sealed/signed by an Indiana Registered land Surveyor with following minimum requirements:
 - i. Drainage Patterns and Swales
 - ii. Flood Zone Designation
 - iii. Proposed or Existing Structures tied to lot lines to nearest tenth of a foot.
 - iv. Bearings and distances of lots including: set-back lines, square footage, easements, streets, alleys, sidewalks, building set-back lines, width of lots at building set-back line and lot grades.
 - v. Proposed elevations required to nearest tenth [must be in accordance with approved subdivision plan (including Benchmark) for the following:
 - a. entry way
 - b. main floor
 - c. top of foundation
 - d. ground grade at each corner of building
 - e. ground grade at lot corners
 - f. grade at side yard
 - g. slope of Driveway expressed as a percentage

- h. elevations of adjacent properties including top finished floor, lot and building corners.
 - vi. A certified as-built with all the Lot Plan information and as-built information will be required for Occupancy. Any difference of over 0.5 feet, either vertically or horizontally between proposed and actual, shall be highlighted by the registered land surveyor signing the as-built. If winter conditions do not allow final grading, a certificate of future compliance must be noted on as-built drawing.
- C. Erosion and sediment control plan that, at a minimum, includes the following measures:
 - i. Installation and maintenance of a stable construction site access.
 - ii. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
 - iii. Minimization of sediment discharge and tracking from the lot.
 - iv. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
 - v. Implementation of concrete washout practices that securely contain and allow for the proper disposal of washout waste.
 - vi. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
 - vii. Self-monitoring program including plan and procedures.
- D. Certification of Compliance stating that the individual lot plan is consistent with the stormwater management permit, as approved by the Stormwater Utility Executive Director or, if applicable, the Town of Merrillville Plan Commission, for the larger project.
- E. Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

5. CHANGES TO PLANS

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

6. REQUIRED ASSURANCES

Performance bonds, maintenance bonds or other assurances may be required by the Town of Merrillville Planning and Building Department in accordance with any and all other ordinances.

7. TERMS AND CONDITIONS OF PERMITS

In granting a stormwater management permit, the Stormwater Utility Executive Director may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Chapter 8.

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

It is the intent of this Ordinance to direct the community's physical growth away from sensitive areas and towards areas that can support it without compromising water quality. In the event that a project site is determined to impact or discharge to a Sensitive Area or is located in an Impact Drainage Area, the Stormwater Utility Executive Director may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the latest edition of the *Indiana Stormwater Quality Manual*.

A. Determination of Sensitive Areas

Sensitive Areas include highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards and registered with US EPA as required by the IDEM MS4 GP. If wetlands are suspected on a site, wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE) and the wetland addressed in accordance with the requirements of Chapter 7 of this Ordinance. If the presence of threatened or endangered species habitat is suspected on a site, the site must be evaluated and inspected by a professional experienced in such and the results reported to the Stormwater Utility Executive Director. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the stormwater management permit.

B. Determination of Impact Drainage Areas

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

- i. A floodway or floodplain as designated by the most updated The Town of Merrillville Code dealing with floodplain regulation and/or by the Best Available Data through IDNR Division of Water.
- ii. Land within 75 feet of each bank of any ditch within the Lake County Regulated Drainage System.
- iii. Land within 75 feet of the centerline of any drain tile or enclosed conduit within the Lake County Regulated Drainage System.
- iv. Land within the Fluvial Erosion Hazard (FEH) corridor.
- v. viii. Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.

The Town of Merrillville Stormwater Management Board or, if applicable, the Town of Merrillville Plan Commission is authorized, but is not required, to classify certain additional geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the Town of Merrillville Stormwater Management Board or, if applicable, the Town of Merrillville Plan Commission shall consider such factors as land use, topography, soil type, capacity of existing drains, and distance from adequate drainage facility.

Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the Town of Merrillville Stormwater Management Board or, if applicable, the Town of Merrillville Plan Commission. Special terms and conditions for development within any Impact Drainage Area shall be included in the stormwater management permit.

8. CERTIFICATION OF AS-BUILT PLANS

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the Town of Merrillville or retained privately. After completion of construction of the project and before final project acceptance of the stormwater management plan (the issuance of a “verified” NOT), a professionally prepared and certified ‘as-built’ set of plans by a Professional Engineer or licensed Land Surveyor registered in the State of Indiana shall be submitted to the Town Consulting Engineer for review. Additionally, a digital copy of the ‘as-built’ plans is required in a format accepted by the Stormwater Utility Executive Director. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

- A. Pipe size and pipe material
- B. Invert elevations
- C. Top rim elevations
- D. Elevation of the emergency overflow (spillway) for ponds
- E. Grades along the emergency flood routing path(s)
- F. Pipe structure lengths
- G. BMP types, dimensions, and boundaries/easements
- H. “As-planted” plans for BMPs, as applicable
- I. Data and calculations showing detention basin storage volume
- J. Data and calculations showing BMP treatment capacity
- K. Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the stormwater management permit as approved by the Stormwater Utility Executive Director and/or the Town of Merrillville Plan Commission. (See certificate in Stormwater Technical Standards Manual.)

In addition to as-built plans and the certification of completion and compliance, following the release of performance assurances, the property owner, developer, or contractor shall be required to file a two-year maintenance bond or other acceptable guarantee with the Town of Merrillville Planning and Building, prior to final project acceptance (the issuance of a “verified” NOT), in an amount not less than twenty five percent (25%) of the cost of the stormwater drainage system, and in a form satisfactory to the Town Attorney in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, that such project was done in accordance with the accepted plans, and this Ordinance, and that any off-site drainage problems that may arise, whether upstream or downstream of such project, will be corrected if such drainage problems are determined by the Town to have been caused by the development of such project. The bond or other acceptable guarantee shall be in effect for a period of two years after the date of the final project acceptance by the Town of Merrillville.

To verify that all enclosed drains are functioning properly, visual recordings (via closed circuit television) of such tile drains may be required, once following the completion of installation (including the installation of all utility mains) and the second time before release of maintenance bonds. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the Town of

Merrillville before the plat is recommended for recording and again before maintenance bond would be recommended to be released.



COMPLIANCE AND ENFORCEMENT

1. COMPLIANCE WITH THIS ORDINANCE

In addition to the requirements of this Ordinance, compliance with the requirements set forth in the Town Ordinances is also necessary. Compliance with all applicable ordinances of The Town of Merrillville as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Violations of the requirements of this Ordinance are subject to the penalties listed below.

2. PENALTIES FOR VIOLATIONS

Any action or inaction which violates this Ordinance, the requirements of an approved stormwater management design plan, SWPPP, or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in this Section.

If the Town of Merrillville becomes aware of an MS4 violation, as prohibited under this Ordinance, the Town through any of its departments may issue a written notice of violation to the offender. The notice shall identify the violation, and suggest appropriate remedial actions, if applicable. The notice of violation shall contain its date and time. The notice shall give the offender 72 hours from the time of the notice to remedy or cure the violation. The offender has 72 hours after notice of violation to appeal under subsection 7 of this Chapter. At the time of notice of violation offender shall be notified of the range of the fine called for by this Ordinance and that a stop work order may be issued if the violation is not cured or remedied within an additional 48 hours. Fines will be levied upon the entity who has been approved for a building permit on the suspect area. If the violator is a developer who is installing infrastructure pursuant to a development plan approved by the Plan Commission, the developer is responsible for the fines. Each day such violation occurs or continues beyond the initial 72 hours, shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day.

If the offending entity, or any of its principals, commit a similar violation within a 24-month period it shall be considered a second offense even if at a different location in the Town of Merrillville. A principal for this Ordinance includes any person or entity involved in the initial violation and a change in business name does not relieve the person or entity from the increased fines for a second violation.

Fines:

Any party and/or person(s) found in violation of any provision of this Ordinance shall be fined not less than one hundred fifty dollars (\$150.00) and not more than two thousand five hundred dollars (\$2,500) for a first offense, not less than five hundred dollars (\$500) and not more than three thousand dollars (\$3,000) for a second offense, and not less than one thousand dollars (\$1,000) and not more than seven thousand five hundred dollars (\$7,500) for a third offense. For purposes of this section, each lot in which a violation occurs will be issued a separate fine.

The Town of Merrillville has deemed it necessary to identify fine amounts on first offenses for common violations of this Ordinance. The following lists of violations are not inclusive and in no way indicates that only these infractions are finable.

- A. A fine of \$150 dollars per day, per lot shall be enforced for first offenses on the following violations:
 - I. For each disturbed lot that does not maintain vegetation coverage of 70% of the entire site and does not have a silt fence (properly installed and functioning) surrounding it, as per approved site plan, pollution prevention plan, stormwater drainage plan, and or any approved plats / development plans.

- II. Constructions lots that do not have a stone drive 6 inches deep and of a material 3-5 inches in diameter.
 - III. Each manhole and or drain which does not have a sediment filter covering;
 - IV. Failure to have a proper record keeping log on site detailing storm events and stormwater management issues;
 - V. Failure to properly maintain BMP's including silt fences, stone drives, sediment filter coverings, etc.
- B. A fine of \$300 dollars per day, per lot shall be enforced for first offenses on the following violations:
- I. Streets littered with dirt and debris;
 - II. Debris (including construction material) located in wetlands, streams, or drainage areas.
 - III. Cleaning our trucks or chutes (i.e., concrete mix trucks, concrete pump trucks, etc.) in non-approved areas.
- C. A fine of \$500 dollars per day, per lot shall be enforced for first offenses on the following violations:
- I. A disturbed area for purposes of installing infrastructure generally prior to the division and delineation of individual lots, which does not maintain vegetation coverage of 70% and does not have a silt fence surrounding the entire site, as per approved site plan, pollution prevention plan, stormwater drainage plan, and or any approved plats / development plans.
 - II. Storage of pollutants such as diesel fuel, gasoline, and lubricants in unauthorized areas or in an unapproved manner.

The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the Offender from compliance with the requirements of this Ordinance. Any party and/or person(s) who aids or abets any party and/or person(s) in a violation of this Ordinance shall be subject to the penalties provided in this section.

3. STOP WORK ORDER

In addition to the penalties listed above, if land disturbance or impact activities are conducted contrary to the provisions of this Ordinance or accepted final Stormwater management plans, the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director, the Town Manager, The Community Development Director, and or the Zoning Director may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director to proceed with the work. Unless there is a public health hazard or safety hazard, a Stop Work Order shall not be issued until at least 72 hours after the initial notice of violation. A Stop Work Order will be posted on the site by the Town of Merrillville and it is unlawful for any person to remove the notice or continue any work on the site without permission from the Town of Merrillville. The Town of Merrillville Stormwater Management Board through the Town of Merrillville Department of Public Works may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

Any person who neglects or fails to comply with a stop work order shall, upon conviction, be subject to a fine of not less than \$1,000, and such person shall also pay such costs as may be imposed in the discretion of the court. A permit reinstatement fee may also be assessed by the Town of Merrillville.

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

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

4. FAILURE TO COMPLY OR COMPLETE

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director may, after giving reasonable written notice and a reasonable opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the Town of Merrillville Stormwater Management Board for all costs of such work. If the owner has not reimbursed the Town for the cost of the work within 30 days of being billed for it, the Board may have a lien in the amount of that cost recorded against the real estate parcel(s) upon which the work was performed.

5. SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM

A. Suspension due to Emergency Situations

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

B. Suspension due to the Detection of Illicit Discharge

Any person discharging to the stormwater drainage system in violation of this Ordinance may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director for a reconsideration and hearing.

C. Suspension due to damage to stormwater drainage system within the development

Any person committing acts that result in damage to the stormwater drainage system that was approved for the subdivision or development may have all of his/her approvals for the subdivision or project revoked and denied access to any stormwater outlet for the subdivision or project.

6. CORRECTIVE ACTION

Nothing herein contained shall prevent the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director, from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the Stormwater drainage system made necessary by the violation; civil penalties provided for in this Ordinance, as well as those penalties levied by the EPA or IDEM for violation of the Town of Merrillville's NPDES permit; reasonable attorney fees; and other related costs and expenses incurred by the Board. Property owners are ultimately responsible and bear full liability for actions on their properties.

7. APPEALS

An appeal may be filed with Stormwater Management Board contesting the first written notice issued to a builder, developer and / or principal. Any entity or person appealing a notice of violation must pay a \$100 administrative appeal cost. If such an appeal is not filed within the 72-hour time frame given to remedy the violation, then the violator waives any right to appeal the violation. The failure to appeal the initial notice of violation also waives any right to challenge a subsequent civil penalty and/or stop work order based on the violation. Any appeal made to the Stormwater Management Board shall be heard by the Board within fourteen (14) days of the Board's receipt of the appeal. Appeals shall be made in writing to the Stormwater Management Board and identify the matter being appealed, and the basis for the appeal. The Board shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Board may consider the recommendations of the Stormwater Utility Executive Director and the comments of other persons having knowledge of the matter. In considering any such appeal, the Board may grant a variance from the terms of this Ordinance to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- A. The application of the Ordinance provisions being appealed will present or cause substantial practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the Ordinance; and
- B. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.
- C. If the appeal is denied by the Board, the violator will be liable for the fines for the violations as provided for in this Chapter.

8. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days after a decision of the Board upholding the action of the Stormwater Utility Executive Director, then representatives of the Board may 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 representatives of the Stormwater Management Board or its designated contractor to enter upon the premises for the purposes set forth above. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the Stormwater drainage system made necessary by the violation; civil penalties provided for in this Ordinance, as well as those penalties levied by the EPA or IDEM for the Town of Merrillville's violation of the General NPDES Stormwater permit; reasonable attorney fees; and other related costs and expenses incurred by the Board. Property owners are ultimately

responsible and bear full liability for reimbursement of these costs and actions on their properties.



APPENDIX A

ABBREVIATIONS AND DEFINITIONS

ABBREVIATIONS

BMP	Best Management Practice
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	Environmental Protection Agency
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
MS4	Municipal Separate Storm Sewer System
NRCS	USDA-Natural Resources Conservation Service
NPDES	National Pollution Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

DEFINITIONS

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Agricultural Land Disturbing Activity. Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lakes and ponds, wetlands; and other infrastructure.

Base Flow. Stream discharge derived from groundwater sources as differentiated from surface runoff. Sometimes considered to include flows from regulated lakes or reservoirs.

Best Management Practices. Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

Buffer Strip. An existing, variable width strip of vegetated land intended to protect water quality and habitat.

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

Catch Basin. A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

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

Comprehensive Stormwater Management. A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

Constructed Wetland. A manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

Construction Activity. Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

Construction Site Access. A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

Contiguous. Adjoining or in actual contact with.

Contour. An imaginary line on the surface of the earth connecting points of the same elevation.

Contour Line. Line on a map which represents a contour or points of equal elevation.

Contractor or Subcontractor. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

Conveyance. Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

Cross Section. A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

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

Dechlorinated Swimming Pool Discharge. Chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

Design Storm. A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

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

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

Detention Storage. The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

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

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

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

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

1. Construction, reconstruction, or placement of a building or any addition to a building;
2. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site;
3. for more than hundred eighty (180) days;
4. Installing utilities, construction of walls, construction of roads, or similar projects;
5. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
6. Mining, dredging, filling, grading, excavation, or drilling operations;
7. Construction or reconstruction of bridges or culverts;
8. Storage of materials; or
9. Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

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

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

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

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

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

Drainage Area. The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

Dry Well. A type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.

Duration. The time period of a rainfall event.

Environment. The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

Erodibility Index (EI). The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of $(R \times K \times LS)/T$ (from the Universal Soil Loss Equation) and $(C \times I)/T$ (from the Wind Erosion Equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.

Erosion. The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

- *Accelerated erosion*--Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- *Channel erosion* --An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- *Gully erosion* --An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 ft. to as much as 75-100 ft.
- *Rill erosion*--An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see Rill).
- *Splash erosion*--The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- *Sheet erosion*--The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

Erosion and Sediment Control. A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

Fill Material. Any material used for primary purpose of replacing a wetland area with dry land or of changing the bottom elevation of a wetland or a waterbody. This definition shall be considered to be automatically amended to conform with the definition of fill material established from time to time by the United States of America or United States Army Corps of Engineers.

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

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

Flood (or Flood Waters). A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Floodplain. The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 100-year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The floodplain includes both the floodway and the floodway fringe districts.

Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

Floodway Fringe. That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

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

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

Gasoline Outlet. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surfaces, or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

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

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

Grading. The cutting and filling of the land surface to a desired slope or elevation.

Grass. A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

Green Space. Open space maintained in a natural, undisturbed, or re-vegetated condition.

Groundwater. Accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

Habitat. The environment in which the life needs of a plant or animal are supplied.

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

Hotspot. An area where the land use or activities are considered to generate runoff with concentrations of pollutants in excess of those typically found in stormwater.

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

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

Illicit Discharge. Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

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

Impervious Surface. Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

Individual Building Lot. A single parcel of land within a multi-parcel development.

Individual Lot Operator. A contractor or subcontractor working on an individual lot.

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

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

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

Integrated Management Practice. Low-impact development microscale and distributed management techniques used to maintain predevelopment site hydrology. Integrated management practices shall include bio-retention facilities, dry wells, filter/buffer strips, grassed swales, rain barrels, cisterns, infiltration trenches and amended soils as specified in the low-impact development design manuals.

Land Development or Land Development Project. A man-made change to the land surface that potentially changes its runoff characteristics.

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

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

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

Linear Development Project. A land development project that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines and natural gas pipelines; (ii) construction of

tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; and (iii) highway construction projects.

Lowest Adjacent Grade. The elevation of the lowest grade adjacent (abutting) to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well).

Lowest Floor. Refers to the lowest of the following:

1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a] The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - b] Such enclosed space shall be usable only for the parking of vehicles or building access.

Low Impact Development. A hydrologically functional site design with pollution-prevention measures to reduce impacts and compensate for development impacts on hydrology and water quality.

Low-impact Development Design Manuals. Low-Impact Development Design Strategies: An Integrated Design Approach Manual and the Low-Impact Development Hydrologic Analysis Manual as incorporated by reference in this Ordinance.

Maintenance Agreement. A legally binding agreement between the landowner of a stormwater management structure and the Town of Merrillville outlining each party's responsibility towards the operation, maintenance and general upkeep of said structure.

Maintenance Plan. A component of the stormwater management design plan describing the stormwater management structures at the land development project and identifying maintenance items that will be performed by the landowner to ensure proper functioning of said structures.

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

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

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

Municipal Separate Storm Sewer System. An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, Town, town, or other public entity; (2) discharges

to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

National Pollution Discharge Elimination System. A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

Natural Drainage. The flow patterns of stormwater run-off over the land in its pre-development state.

Nonpoint Source Pollution. Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from urban land development and use.

Non-Structural Stormwater Practice. A stormwater runoff treatment technique which uses natural measures to reduce pollutant levels, does not require extensive construction efforts and/or promotes pollution reduction by eliminating the pollutant source.

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

Off-Site Stormwater Management Facility. A stormwater management facility located outside the subject property boundary described in the stormwater management design plan for the land development activity.

On-Site Stormwater Management Facility. A stormwater management facility located within the subject property boundary described in the stormwater management design plan for the land development activity.

Open Drain. A natural watercourse or constructed open channel that conveys drainage water.

Open Space. Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.

Outfall. The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

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

Overcompensation. The extra water quantity or quality control provided at one site discharge point in order to allow another discharge point(s) to go uncontrolled.

Peak Discharge (or Peak Flow). The maximum instantaneous flow from a given storm condition at a specific location.

Percolation. The movement of water through soil.

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

Person. Any firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Pervious. Allowing movement of water.

Point Source. Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

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

Post-Development. The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Pre-Development. The land condition that exists at the time that plans for the land development are submitted to the locality. Where phased development or plan approval occurs (preliminary grading, roads, and utilities, etc.), the existing land use at the time the first item is submitted shall establish predevelopment conditions.

Pre-Treatment. The techniques employed in a stormwater management plan to provide storage or filtering to help trap coarse materials before they enter the stormwater BMP. Pretreatment is required on some BMPs to help avoid costly maintenance.

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

Program Administrator. The Town Administrator or his designee.

Project Site. The entire area on which construction activity is to be performed.

Project Site Owner. The person required to submit a stormwater permit application, and required to comply with the terms of this ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

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

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

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

Redevelopment. Alterations of a property that change a site or building in such a way that there is disturbances of one (1) acre or more of land. The term does not include such activities as exterior remodeling.

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

Regional Stormwater Management Facility (Regional Facility). A facility or series of facilities designed to control stormwater runoff from a specific watershed and for one or more developments.

Regulatory Flood. The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and accepted by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood".

Regulatory Floodway. See Floodway.

Release Rate. The amount of stormwater release from a stormwater control facility per unit of time.

Reservoir. A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

Retention. The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

Retention Basin. A type of storage practice, that has no positive outlet, used to retain stormwater run-off for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

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

Riparian Zone. Of, on, or pertaining to the banks of a stream, river, or pond.

Riparian habitat. A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

Runoff. That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

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

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

Sedimentation. The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

Sensitive Water. A waterbody in need of priority protection or remediation based on its:
providing habitat for threatened or endangered species,
usage as a public water supply intake,
relevant community value,
usage for full body contact recreation,
exceptional use classification as found in 327 IAC 2-1-11(b), outstanding State resource water
classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

Setback. The distance a structure must be located from property lines or other structures.

Site. The entire area included in the legal description of the land on which land disturbing activity is to be performed.

Slope. Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise)--e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and Width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented

as the vertical or width component shown on the numerator--e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes--e.g., 2:1 with the metric presentation shown in parenthesis--e.g., (1V:2H). Slopes can also be expressed in "percents". Slopes given in percents are always expressed as $(100 \times V/H)$ --e.g., a 2:1 (1V:2H) slope is a 50% slope.

Soil. The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Soil and Water Conservation District. A public organization created under State law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of State government with a local governing body, established under IC 14-32.

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

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

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

Storm Event. An estimate of the expected amount of precipitation within a given period of time. For example, a 10-yr. frequency, 24-hr. duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hr. period.

Storm Sewer. A closed conduit for conveying collected stormwater, while excluding sewage and industrial wastes. Also called a storm drain.

Stormwater. Water resulting from rain, melting or melted snow, hail, or sleet.

Stormwater Drainage System - All means, natural or man-made, used for conducting stormwater to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

Stormwater Management Extended Detention Basin (Extended Detention Basin). A stormwater management facility that temporarily impounds runoff and discharges it through a hydraulic outlet structure over a specified period of time to a downstream conveyance system for the purpose of water quality enhancement or stream channel erosion control. Since an extended detention facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

Stormwater Management Facility. A device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow.

Stormwater Management Filtering System. A stormwater treatment practice that utilizes an artificial media [medium] to filter out pollutants. Filtering systems shall include bio-retention facilities and sand filters, as specified in the Merrillville Stormwater Technical Standards Manual.

Stormwater Management Infiltration Facility. A stormwater management facility that temporarily impounds runoff and discharges it via infiltration through the surrounding soil. Infiltration facilities shall include infiltration basins, infiltration trenches, dry wells and porous pavement as specified in the Merrillville Stormwater Technical Standards Manual.

Stormwater Management Open Channel System. A vegetated open channel designed to remove pollutants from stormwater runoff by filtration through grass and infiltration into the soil.

Stormwater Management Wetland. An area intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from stormwater.

Stormwater Pollution Prevention Plan. A plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

Stormwater Quality Management Plan. A comprehensive written document that addresses stormwater runoff quality.

Stormwater Quality Measure. A practice, or a combination of practices, to control or minimize pollutants associated with stormwater runoff.

Stormwater Runoff. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

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

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

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

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

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

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

Tile Drain. Pipe made of perforated plastic, burned clay, concrete, or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

Topographic Map. Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

Topography. The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

Trained Individual. An individual who is trained and experienced in the principles of stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding stormwater control or treatment and monitoring.

Urban Drain. A drain defined as "Urban Drain" in Indiana Drainage Code.

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

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

Water Quality. A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

Water Resources. The supply of groundwater and surface water in a given area.

Waterbody. Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

Watercourse. Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

Watershed. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facility. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

Watershed Area. All land and water within the confines of a drainage divide. See also Watershed.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition shall be considered to be automatically amended to conform with the definition of a wetlands established from time to time by the United States of America or United States Army Corps of Engineers.