

**Ordinance No. 1365C
Stormwater Management
and
Clean Water Regulations
Ordinance
for**



LAKE COUNTY DRAINAGE BOARD

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ABBREVIATED TABLE OF CONTENTS

<i>Chapter</i>	<i>Title</i>	<i>Page</i>
I	<u>GENERAL INFORMATION</u>	1
II	<u>PROHIBITED DISCHARGES AND CONNECTIONS</u>	6
III	<u>STORMWATER QUANTITY MANAGEMENT</u>	9
IV	<u>STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES</u>	15
V	<u>STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION</u>	19
VI	<u>DEVELOPMENT IN WETLANDS REGULATIONS</u>	22
VII	<u>PERMIT REQUIREMENTS AND PROCEDURES</u>	24
VIII	<u>ENFORCEMENT</u>	36
<i>Appendices</i>		
A	<u>ABBREVIATIONS AND DEFINITIONS</u>	A1
B	<u>MS4 BOUNDARY MAP</u>	B1
C	<u>FEE SCHEDULE</u>	C1



EXPANDED TABLE OF CONTENTS

CHAPTER ONE		Page
GENERAL INFORMATION		1
	Sections	
1. <u>AUTHORITY AND TITLE</u>		1
2. <u>APPLICABILITY AND EXEMPTIONS</u>		2
3. <u>BACKGROUND</u>		2
4. <u>FINDINGS</u>		3
5. <u>PURPOSE</u>		3
6. <u>ABBREVIATIONS AND DEFINITIONS</u>		4
7. <u>RESPONSIBILITY FOR ADMINISTRATION</u>		4
8. <u>CONFLICTING ORDINANCES</u>		4
9. <u>INTERPRETATION</u>		4
10. <u>SEVERABILITY</u>		4
11. <u>EFFECTIVE DATE</u>		4
12. <u>DISCLAIMER OF LIABILITY</u>		4

CHAPTER TWO		Page
PROHIBITED DISCHARGES AND CONNECTIONS		6
	Sections	
1. <u>APPLICABILITY AND EXEMPTIONS</u>		6
2. <u>PROHIBITED DISCHARGES AND CONNECTIONS</u>		6
3. <u>EXEMPTED DISCHARGES AND CONNECTIONS</u>		6
4. <u>PRIVATE PROPERTY MAINTENANCE DUTIES</u>		7
5. <u>SPILL REPORTING</u>		7
6. <u>INSPECTION AND MONITORING</u>		7

CHAPTER THREE	Page
STORMWATER QUANTITY MANAGEMENT	9
Sections	
1. <u>APPLICABILITY AND EXEMPTIONS</u>	9
2. <u>POLICY ON STORMWATER QUANTITY MANAGEMENT</u>	9
3. <u>CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS</u>	12
4. <u>DRAINAGE EASEMENT REQUIREMENTS</u>	12
5. <u>PLACEMENT OF UTILITIES</u>	14
6. <u>INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING</u>	14

CHAPTER FOUR	Page
STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES	15
Sections	
1. <u>APPLICABILITY AND EXEMPTIONS</u>	15
2. <u>POLICY ON STORMWATER POLLUTION PREVENTION</u>	16
3. <u>CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS</u>	17
4. <u>INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING</u>	17

CHAPTER FIVE	Page
STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION	19
Sections	
1. <u>APPLICABILITY AND EXEMPTIONS</u>	19
2. <u>POLICY ON STORMWATER QUALITY MANAGEMENT</u>	19
3. <u>CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS</u>	20
4. <u>INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING</u>	20

CHAPTER SIX Page
DEVELOPMENT IN WETLANDS REGULATIONS **22**

Sections

- 1. APPLICABILITY AND EXEMPTIONS 22
- 2. POLICY ON WETLANDS DISTURBANCE PREVENTION 22
- 3. WETLANDS IDENTIFICATION 22

CHAPTER SEVEN Page
PERMIT REQUIREMENTS AND PROCEDURES **24**

Sections

- 1. PERMIT PROCEDURES 24
- 2. INFORMATION REQUIREMENTS 25
- 3. REVIEW OF INDIVIDUAL LOTS WITHIN A PERMITTED PROJECT 30
- 4. CHANGES TO PLANS 31
- 5. FEE STRUCTURE 31
- 6. REQUIRED ASSURANCES 32
- 7. TERMS AND CONDITIONS OF PERMITS 32
- 8. CERTIFICATION OF AS-BUILT PLANS 33

CHAPTER EIGHT Page
ENFORCEMENT **36**

Sections

- 1. COMPLIANCE WITH THIS ORDINANCE 36
- 2. PENALTIES FOR VIOLATIONS 36
- 3. STOP WORK ORDER 36
- 4. FAILURE TO COMPLY OR COMPLETE 37
- 5. SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM 37
- 6. CORRECTIVE ACTION 37
- 7. APPEALS 37



CHAPTER ONE

GENERAL INFORMATION

1. AUTHORITY AND TITLE

This Ordinance is adopted in accordance with statutory authority granted to the Lake County Council and the Board of Commissioners 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 Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management’s Rule 5 (327 IAC 15-5). Based on this authority and these requirements, along with the Lake County Stormwater Technical Standards Manual 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 Lake County, Indiana.
- C. The Drainage control systems installed during new construction and the grading of lots and other parcels of land.
- D. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- E. The design, construction, and maintenance of stormwater drainage facilities and systems.
- F. The design, construction, and maintenance of stormwater quality facilities and systems.
- G. Land disturbing activities.

This Ordinance shall be known and may be cited as the Stormwater Management and Clean Water Regulations Ordinance of Lake County, Indiana and is applicable to all persons engaging in any act or omission affecting the stormwater quality or quantity in both incorporated and unincorporated Lake County, it being the finding of the County Council that a municipality does not have exclusive jurisdiction over stormwater quality and quantity within said municipality’s boundaries according to IND. CODE 36-1-3-9(a) and that runoff from incorporated areas has a direct impact on regulated drains and unincorporated areas. Notwithstanding anything to the contrary contained in the Lake County Stormwater Technical Standards Manual, the standards and regulations contained therein shall be mandatory, subject to the discretion of the Lake County Surveyor to approve deviations in appropriate cases. The Lake County Surveyor’s Office shall from time to time propose amendments and updates to the Lake County Stormwater Technical Standards Manual which shall become effective upon the Lake County Drainage Board adopting the amendments and updates after conducting a public hearing.

Pursuant to Indiana Code 36-9-27-114, the Lake County Drainage Board is required to, as part of its responsibility, to address issues of storm water quality and quantity, including the costs of constructing, maintaining, operating, and equipping storm water improvements to protect the public health, existing water uses, and aquatic biota for the benefit of the citizens of Lake County, Indiana, and to conform with the storm water regulation under 327 IAC 15-13 and all other applicable federal and state laws relating to municipal separate storm sewer system, hereinafter MS4, conveyances. In recognition of this additional authority as authorized by Public Law 282-2003, section 40, effective January 27, 2004, the Lake County Drainage Board. The Board shall appoint and convene a Lake County Clean Water Steering Committee, hereinafter Committee, Lake County Surveyor, the Lake County Drainage Administrator, the Lake County Storm Water inspector, the Lake County Surveying Administrator, the MS-4 Coordinator for Lake County, the legal advisor to the Lake County Surveyor, and a representative from each of the following entities: the Lake County Department of Health, the Lake County Department of Public Works, the Lake County Highway Department, the Lake County Plan Commission, the Lake County Parks and Recreation, and

the Lake County Soil and Water Conservation District. All members of the Committee serve at the will and pleasure of their appointing authority. The Committee shall be authorized to perform those services and duties, which the Lake County Drainage Board and the Lake County Surveyor may delegate. The Lake County Drainage Board may delegate any of its authority to the Committee, subject to any restrictions, which it deems necessary or desirable.

2. APPLICABILITY AND EXEMPTIONS

This Ordinance shall regulate all development and redevelopment occurring within unincorporated Lake County, Indiana, as well as regulated drains located within Lake County falling under the jurisdiction of the Lake County government. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Appendix A, until the plans required by this Ordinance for such construction have been accepted in writing by the Lake County Surveyor on behalf of the Lake County Drainage Board. With the exception of the requirements of Chapter Two and Chapter Seven – Section 4 of this Ordinance, single-family dwelling houses in approved subdivisions; new buildings (or cumulative building additions) with less than 500 square feet of area, and land-disturbing activities affecting less than 10,000 square feet of area may be exempt from the requirements of this Ordinance, at the discretion of the LCSO. Also exempt from this Ordinance shall be the agricultural land-disturbing activities as defined in Appendix A.

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 Lake County 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.

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

In consideration of the factors contained herein and in furtherance of the purposes of this ordinance, the Lake County Surveyor has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated technical standards document pursuant to review by the Committee.

3. BACKGROUND

The County Council of Lake County, State of Indiana, adopted Ordinance No. 1185-D on November 10, 1998, which established "A General Ordinance Establishing Storm Water Management and Sediment Control", commonly known as the "Lake County runoff control, erosion, and sediment control Ordinance", in order to govern the control of runoff of stormwater and to protect, conserve and promote the orderly development of the land in Lake County and its water resources. This Ordinance was primarily targeted at stormwater discharge quantity, along with erosion and sediment control.

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 these new State and Federal regulations, Lake County is required to establish a regulatory mechanism for regulating stormwater quality management. Therefore, the "Lake County Storm Water Management Ordinance" and Technical Standards is replaced with this document to include stormwater quality in addition to quantity.

4. FINDINGS

The Lake County Council and Lake County Commissioners, as applicable, finds that:

- A. Water bodies, roadways, structures, and other property within, and downstream of Lake County 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 may alter 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 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 Lake County will, absent reasonable regulation and control, adversely affect Lake County's water bodies and water resources;
- F. Pollutant contributions from illicit discharges within Lake County will, absent reasonable regulation, monitoring, and enforcement, adversely affect Lake County'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 needed 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 Lake County through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within unincorporated Lake County. 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 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 inspection, monitoring, enforcement and any other applicable 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

For projects, acts or omissions occurring in unincorporated Lake County or impacting a Lake County Regulated Drain, the Lake County Drainage Board and the Lake County Surveyor shall administer, implement, enforce, and prosecute violations of the provisions of this Ordinance. Any powers granted or duties imposed upon the applicable entity mentioned herein may be delegated to the Committee in writing by that entity or qualified persons or entities acting in the beneficial interest of or in the employ of Lake County government.

8. CONFLICTING ORDINANCES

The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other Lake County ordinances, and as supplemental requirements to Indiana's Rule 5 regarding Stormwater Discharge Associated with Construction Activity, (327 IAC 15-5), and Indiana's Rule 13 regarding Stormwater Runoff Associated with Municipal Separate Storm Sewer System (MS4) Conveyances (327 IAC 15-13).

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 **November 8, 2013** 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. 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 Lake County or any officer, representative, or employee thereof, for any damage,

October 8, 2013

**Lake County Stormwater Management
and Clean Water Regulations Ordinance**

which may result from reliance on this Ordinance or on any administrative decision lawfully made there under.



CHAPTER TWO

PROHIBITED DISCHARGES AND CONNECTIONS

1. APPLICABILITY AND EXEMPTIONS

This chapter shall apply to all discharges entering the stormwater drainage system under the control of Lake County, 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 are 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, or order and other applicable laws and regulations, and provided that written acceptance has been granted for the subject discharge to the stormwater drainage system, is also exempted from this chapter.

2. PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to a stormwater conveyance any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants to the maximum extent practicable through the use of best management practices (BMPs).

The Lake County Surveyor, as technical advisor to the Drainage Board, is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into Lake County'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. Rising ground waters;
- D. Uncontaminated groundwater infiltration;
- E. Uncontaminated pumped ground water;
- F. Discharges from potable water sources;
- G. Foundation drains;
- H. Air conditioning condensation;
- I. Springs;
- J. Water from crawl space pumps;
- K. Footing drains;
- L. Lawn watering;
- M. Individual residential car washing;

- N. Flows from riparian habitats and wetlands;
- O. Dechlorinated swimming pool discharges;
- P. Street wash water;
- Q. Discharges from firefighting activities;
- R. Naturally introduced detritus;

4. 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 Lake County Surveyor's Office shall have the authority to enforce the obligations of private property owners, provided that nothing contained herein shall obligate Lake County government to maintain anything located on private property. If the Lake County Surveyor or his representative is denied entry onto private property the Lake County Surveyor may apply to any court of competent jurisdiction for an administrative search warrant.

5. SPILL REPORTING

Any discharger who discharges into a water body any substance other than stormwater or an exempted discharge shall immediately inform the Lake County Health Department and Lake County Emergency Management concerning the discharge. A written report concerning the discharge shall be filed with the Lake County Health Department, as well as with the Lake County Surveyor's Office's 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 discharge shall be an affirmative defense from 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. The discharger may be subject to Lake County Ordinance #1159B. 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.

6. INSPECTIONS AND MONITORING

A. Storm Drainage System

The Lake County Drainage Board, the Lake County Surveyor, and/or its designee have the authority to periodically inspect the portion of the storm drainage system under the Lake County'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 include but is not limited to, 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. Illicit Discharge Incidents

If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the Lake County Drainage Board, the Lake County Surveyor or its designee 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 subject discharger shall allow the Lake County Drainage Board, the Lake County Surveyor or its designee to enter upon the premises of the subject discharger at all hours necessary for the purposes of such inspection or sampling and may place on the subject discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to immediate enforcement action and shall not be subject to the enforcement limitations described in Chapter 8 of this Ordinance, except for limitations according to applicable Indiana state law, if any.

C. New Development and Re-Development

Following the final completion of construction and the receipt of as-built drawings by the Lake County Surveyor's Office, the Lake County Plan Commission, and the Lake County Drainage Board have 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. The aforesaid also reserves the right to request a video inspection of underground storm water facilities and a related certification of consistency with approved plans, before recommending release of bond.



CHAPTER THREE

STORMWATER QUANTITY MANAGEMENT

1. APPLICABILITY AND EXEMPTIONS

The storage and controlled release rate of stormwater runoff is required for all new business, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within Lake County. The Lake County Surveyor, 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 Lake County do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided in Sections iii and iv (below), the storage and controlled release of excess stormwater runoff shall be required for all developments and redevelopments (as defined in Appendix A) located within Lake County.

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 discharge 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 Lake County Stormwater Technical Standards Manual [See section C. 1. Chapter 6-Page 3], 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.

For determining the post-developed peak runoff rate, the depressional storage must be assumed to be filled unless the Lake County Surveyor 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 without attenuation. Such runoff may also be bypassed through the detention/retention facility without attenuation, 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.

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 Lake County Surveyor 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 Lake County Surveyor, 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 suspected, the Lake County Surveyor may require additional analysis to determine the receiving system's 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 Lake County Drainage Board and the Lake County Surveyor's Office 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 Lake County Surveyor (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 Lake County Surveyor 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 or when the subject development is immediately next to a major stream that has a larger than 100 square miles drainage area.

vi. Connection to Drain Tiles

In accordance with the required drain tile survey, any related connection outlet for detention facilities to a drain tile is prohibited.

B. Grading and Building Pad Elevations

Maximum yard slopes must be 3:1 where soil has been disturbed during construction processes. Finished floor elevation must be no less than 6 inches above finished grade and a minimum of 15 inches above an adjacent road elevation unless a written variance is granted by the Lake County Surveyor.

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 2 feet above the 100-year flood elevation.

The Lowest Adjacent Grade for residential, commercial, or industrial buildings outside a FEMA designated floodplain shall have two 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 2 feet of freeboard above the 100-year flood elevation under proposed conditions.

For areas outside a FEMA 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 or watercourse 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. No fences or landscaping can be constructed within the easement areas that may impede the free flow of stormwater and maintenance of stormwater conveyances unless approved by the Lake County Surveyor's Office. These areas are to be maintained by the property owners or be designated as common areas that are to be maintained by a 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 and drainage patterns on their lots and to take preventive measures against any and all erosion and/or deterioration of natural or constructed drainage features on their lots including overland flow patterns.

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 Lake County Drainage Board and the Lake County Surveyor) 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 Lake County Surveyor) 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 floodwaters from an upstream property.

Where the constructed outfall from the stormwater drainage system of any development flows through real estate owned by adjacent property owners 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 constructed outfall consent in writing to the use of their real estate through a recorded easement. Aforesaid would only apply if a constructed outfall creates a new drainage outlet on site or downstream.

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, bank

stabilization, clearing, dredging and/or removal of obstructions to open drains or natural watercourses, and the removal or replacement of undersized culvert pipes, as required by the Lake County Surveyor.

D. No Net Loss Floodplain Storage Policy

Floodplains exist adjacent to all natural and constructed 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 maximum extent possible.

Compensatory excavation 1.5 times the floodplain storage lost shall be required for all activities within floodplain of streams located in Lake County where drainage area of the stream is equal or larger than one square mile. This requirement shall be considered to be above and beyond the minimum requirements provided in the applicable flood hazard areas ordinance currently in effect in Lake County. The Lake County Surveyor may alter the compensation ratio, based on extenuating circumstances, for a specific project, for specific written reasons.

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.

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 Lake County 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

A. Developments and Subdivisions

- i. All new channels will have a minimum of 25 feet from top of the bank on each side and the ditch width shall be designated on the record plat as a Drainage Easement.
- ii. All new channels, drain tiles equal to or greater 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 and developments requiring a stormwater management permit from Lake County shall be contained within a minimum 30 feet of drainage easement (15 feet from centerline on each side). New drain tiles include all sub-surface stormwater piping, tubing, tiles, manholes, inlets, catch basins, risers, etc.
- iii. All new drain tile, 12 inches or larger in diameter shall be placed within a 30-foot drainage easement (15 feet from centerline on each side) and shall be designated on the record plat as 30-foot Drainage Easement. Wider easements may be required by the Lake County Surveyor when the depth of pipe is greater than 6 to 10 feet, depending on the pipe diameter.

- iv. All rear-yard swales and drainageways as well as emergency overflow paths associated with detention ponds shall be contained within a minimum of 30 feet width (15 feet from centerline on each side) of drainage easement.
- v. All maintenance easements shall have a minimum of 30 feet beyond the actual footprint (top of the bank) of stormwater detention facilities shall be designated as drainage easement. A minimum 30-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. The Lake County Surveyor or authorized representative of the surveyor has the right of entry over and upon land lying within a seventy-five (75') drainage easement of any regulated drain. The seventy-five feet (75') limit shall be measured at right angles from the top of each bank, and the centerline of a tiled drain as determined by the County Surveyor. The Indiana Drainage Code 36-9-27-33 may be referenced for further details. The Lake County Drainage Board, upon recommendation of the Lake County Surveyor, has authority to reduce the regulated drainage easements. Crops grown within the drainage easement are at risk of the owner, and, if necessary in the reconstruction or maintenance of the drain may be damaged without liability on the part of the Lake County Surveyor, the Lake County Drainage Board or their representative(s).
- vii. Any crossing and/or encroachment of a Regulated Drainage Easement requires application and acceptance from the Lake County Surveyor's office and the Lake County Drainage Board.

B. Non-Subdivisions

Where the Lake County Surveyor is responsible for maintenance of the drainage system, regulated drainage easements of 75 feet from the top of bank on each side of the channel or each side of the tile centerline must be dedicated to Lake County. In addition, a minimum of 25-foot width of vegetative filter strip, as defined in the Lake County Stormwater Technical Standards Manual, must be provided and maintained along top-of-bank, on each side, by the owner within these easements.

C. Establishment of New Regulated Drain

When the Lake County Surveyor, determines it is necessary to establish a new regulated drain, each developer shall provide the necessary information and meet the requirements of the 1965 Indiana Drainage Code, as amended, for the establishment of a new Regulated Drain. Necessary easements for adequate maintenance of any new Regulated Drain shall be determined by the Lake County Surveyor, if not already established in this Ordinance.

D. Municipalities and Schools

All new channels, swales, drain tiles, inlet and outlet structures of detention and retention ponds as well as appurtenances thereto as required by this chapter, that are installed on the municipal or school property will be constructed, maintained and repaired by the entity. The design must meet the standards of the Stormwater Management and Clean Water Regulations Ordinance of Lake County, Indiana, the Lake County Stormwater Technical Standards Manual and the Lake County Highway Department for sizing and installation. Any off-site portion of the constructed drainage system must be within easements and have clearly defined maintenance agreements.

E. Post-Construction Water Quality Facilities

All post-construction water quality facilities shall be located within an easement. A minimum 20 foot access easement shall also be provided.

F. Easement Language

Easements dedicated to the County of Lake shall read, "All designated drainage easements are granted to the County of Lake, Indiana for construction and emergency repair of the stormwater systems including all storage and conveyance systems. This easement does NOT relieve the property owner of their obligation to maintain the storage and conveyance systems on their property".

5. PLACEMENT OF UTILITIES

No utility company may disturb existing storm management facilities without the consent of the Lake County Surveyor and the Lake County Drainage 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. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

The Lake County Planning Commission and the Lake County Surveyor's Office have the authority to conduct inspections to insure full compliance with the provisions of this chapter, the Lake County Stormwater Technical Standards Manual, and the terms and conditions of an approved SWPPP.

The Lake County Public Works and the Lake County Surveyor's Office also have the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the terms and conditions of an approved SWPPP, and shall not be subsequently altered, revised or replaced except in accordance with the approved plan, or in accordance with approved amendments or revisions to the plan. If deficiencies are found during the inspection, the owner of the facility will be notified by the Lake County Public Works or the Lake County Surveyor's Office 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 Lake County Public Works Department, Lake County Surveyor's Office or other applicable entity may undertake the work and collect from the owner using lien rights if necessary. Copies of related documentation will be provided to the Office of the Lake County Surveyor.

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 SWPPP is approved. Stormwater detention/retention basins may be donated to the Lake County Board of Commissioners or other unit of government designated by the Lake County Board of Commissioners for ownership and permanent maintenance, providing the Lake County Board of Commissioners or other governmental unit is willing to accept responsibility.



CHAPTER FOUR

STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

1. APPLICABILITY AND EXEMPTIONS

The Lake County Drainage Board will require a Stormwater Pollution Prevention Plan (SWPPP) to be submitted as part of the construction plans and specifications. Any project, that requires permitting, located within Lake County that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on 1 acre 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 1 acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land, within the Lake County Unincorporated Area. Section 3 of this chapter provides guidelines for calculating land disturbance.

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

- a. agricultural land disturbing activities; or
- b. timber 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, and ensure that a sufficient SWPPP is submitted and approved 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 SWPPP approved for the larger project site. The SWPPP for the larger project site must include detailed erosion and sediment control measures for a typical individual lot. 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 submit an NOI, SWPPP and NOT to the Lake County Plan Commission or Lake County Surveyor's Office in accordance with 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 plan and to notify the Lake County Planning Commission 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 water body (sediment control), and proper on-site materials handling. The developer must submit to the Lake County Plan Commission a SWPPP. The following principles apply to all land-disturbing activities and should be considered in the preparation of a Stormwater Pollution Prevention Plan within Lake County.

- 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 vegetation should be retained and protected wherever possible. Areas immediately adjacent, within 25 feet of top of bank, to watercourses and lakes also should be left undisturbed wherever possible. Unvegetated or vegetated areas with less than 70% cover that are scheduled or likely to be left inactive for 15 days or more must be temporarily or permanently stabilized with measures appropriate for the season to reduce erosion potential. Alternative measures to site stabilization may be acceptable if the project site owner or their representative can demonstrate they have implemented and maintained erosion and sediment control measures adequate to prevent sediment discharge from the inactive area.
- 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 in the Lake County 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.
- 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 areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the 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.

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. Strip developments will be considered as one (1) project site and must comply with this chapter unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.
- C. 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 projects 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 Lake County 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 Rule 5.

4. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Following approval of the SWPPP by the Lake County Planning Commission, the Lake County Planning Commission has the authority to conduct inspections of the site to ensure full compliance with the provisions of this chapter and the terms and conditions of the approved plan.

It is the responsibility of the project site owner to establish self-monitoring program conducted by a trained individual to ensure effective implementation of the SWPPP which includes a written evaluation of the project site. Evaluations shall be conducted on a weekly basis or within 24 hours after each measurable storm event and shall continue until a Notice of Termination has been issued. The self-monitoring evaluation shall include the maintenance of existing stormwater pollution prevention measures, drainage structures, and construction material storage/containment facilities, to ensure they are functioning

properly. The evaluation should list additional measures, beyond those originally identified in the SWPPP, necessary to remain in compliance with all applicable statutes and regulations.

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

The Lake County Surveyor's Office, Lake County Plan Commission, Lake County Health Department and the Lake County Drainage Board, and the Committee shall be provided with self-monitoring documentation from the project owner within 48 hours of 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, submitted to the Lake County Plan Commission, 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 unincorporated Lake County that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on 1 acre 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 one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land, within unincorporated Lake County.

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

- A. agricultural land disturbing activities; or
- B. timber harvesting activities; or
- C. construction activities associated with a single family residential dwelling disturbing less than 1 acres, when the dwelling is not part of a larger common plan of development or sale; or
- D. individual building lots within a larger permitted project with an approved SWPPP.

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 SWPPP and ensure that a sufficient construction plan is completed and submitted to the Lake County Plan Commission. 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 SWPPP, and to notify the Lake County Plan Commission 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 Lake County, 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. Lake County has adopted a policy that the control of Stormwater quality will be based on the management of Total Suspended Solids (TSS) and floatable materials.

The project site owner must submit to the Lake County Plan Commission or Lake County Surveyor's Office, a Storm Water Pollution Prevention Plan (SWPPP) that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the Lake County Stormwater Technical Standards Manual. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the Lake County Stormwater Technical Standards Manual. Details regarding the procedures and criteria for consideration of acceptance of BMPs other than those specified in the pre-approved list are provided in the Lake County Stormwater Technical Standards Manual.

Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff regardless of the area of land-disturbing activity. These requirements will apply to all new facilities as well as existing facilities that replace their tanks.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

Calculations to determine the total area 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 Lake County Stormwater Technical Standards Manual. Where there may be a conflict between these manuals, the Lake County Stormwater Technical Standards Manual shall prevail. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 13.

4. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Following the submittal and verification of a notice of termination (NOT) from the Lake County Planning Commission, post-construction maintenance of stormwater quality facilities shall be the long-term responsibility of the facility's owner. Stormwater quality management facilities shall be maintained in working condition, in accordance with the Operation and Maintenance procedures and schedules listed in the Indiana Stormwater Quality Manual, the Lake County Stormwater Technical Standards Manual and/or SWPPP.

The Lake County Surveyor and the Lake County Drainage Board or their designee has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspections will follow Operation and Maintenance procedures included in the Lake County Stormwater Technical Standards Manual and/or SWPPP 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 Lake County Public Works or the Lake County Surveyor 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

October 8, 2013

**Lake County Stormwater Management
and Clean Water Regulations Ordinance**

in the notification letter, Lake County Public Works Department will undertake the work and collect from the owner using lien rights if necessary.



CHAPTER SIX

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 Lake County Plan Commission 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. 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;
- 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 SWPPP 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

It is the public policy of Lake County 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 Lake County.

3. WETLANDS IDENTIFICATION

In implementing the terms of this Chapter, any of the following materials shall be the prima facie evidence which may be relied upon 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 Lake County 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.

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. This is subject to Army Corps of Engineers acceptance/approval.



CHAPTER SEVEN

PERMIT REQUIREMENTS AND PROCEDURES

1. PERMIT PROCEDURES

This section applies to all development, or re-development of land, that results in land disturbance within unincorporated Lake County. Individual lots with land disturbance less than one (1) acre that are developed within a larger permitted project site should refer to Section 4 of this chapter for plan review requirements and procedures.

Figure 1 is a flowchart summarizing the plan review/approval process and can be found at the end of this chapter. The project site owner shall submit to the Lake County Planning Commission a Preliminary Stormwater Application for all land disturbing activity with project name, address, description and proposed disturbed area. The County Plan Commission with assistance from the Lake County MS4 Department determines if project is exempt or complete submittal required. If a complete submittal is required, an Initial Notice of Intent letter (NOI) that would act as the permit application form, proof of public notice, construction plan sheets, stormwater drainage technical report, a stormwater pollution prevention plan (SWPPP), and any other necessary support information. Specific information to be included can be found in Section 3 below. Four (4) copies of each must be submitted to the Lake County Plan Commission. Additionally, a digital copy of the construction plans is required in a format accepted by the Lake County Surveyor.

The plan will be reviewed in detail by the Lake County Plan Commission and Lake County Surveyor. Once all comments have been received and review completed, the Lake County Plan Commission and Lake County Surveyor will either approve the plan, request modifications, or place the project on the agenda of the next scheduled meeting of the Lake County Drainage Board (if the project impacts a Lake County Regulated Drain). If the project must go through a scheduled meeting, the Lake County Surveyor will furnish the applicant a complete list of comments and objections to the plans and accompanying data prior to the scheduled meeting. After the scheduled meeting, the Lake County Drainage Board will either issue approval, or request modifications to the plans.

The project site owner must notify the Lake County Plan Commission and IDEM 48 hours before beginning construction through submittal of an updated NOI (along with proof of public notice). Once construction starts, the project owner shall commence self-monitoring as described in Chapter 4, Section 4 of this Ordinance. Upon completion of construction activities, as-built plans must be submitted to the Lake County Surveyor. A Notice of Termination (NOT) shall be sent to the Lake County Plan Commission once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The Lake County Surveyor, Lake County Plan Commission or designated representatives, shall inspect the construction site to verify the requirements for an NOT have been met. Once the applicant receives a "verified" copy of the NOT, they must forward a copy to IDEM. Permits issued 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 to both the County and IDEM.

2. 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, a justification 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 a 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. Initial Notice of Intent

The NOI is a standard form developed by the Indiana Department of Environmental Management, which requires general project information. The NOI form should be completed in full and accompanied by proof of publication in a newspaper of general circulation, in the affected area, that notified the public that a construction activity is to commence. The publication must include the following language:

“(Company name, address) is submitting an NOI letter to notify the Lake County Drainage Board and/or Lake County Surveyor, and the Indiana Department of Environmental Management of our intent to comply with the requirements of the Lake County Stormwater Management Ordinance, as well as the requirements of 327 IAC 15-5 and 327 IAC 15-13, to discharge stormwater from construction activities for the following project: (name of the construction project, address of the location of the construction project, and Parcel Identification Number). Run-off from the project site will discharge to (stream(s) receiving the discharge(s)).”

B. Construction Plans

Construction plan sheets (larger than 11” by 17”, but not to exceed 24” by 36” in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. This must be submitted in digital format acceptable to the Lake County Surveyor as well as hard copy. 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 following detailed items:

- i. Title sheet which includes location map, vicinity map, operating authority, design company name, developer name, and index of plan sheets. The title sheet shall also include a table listing the stormwater quality units or BMPs and their respective state plane coordinates.

- ii. A copy of a legal boundary survey for the site, performed in accordance with Rule 12 of Title 865 of the Indiana Administrative Code or any applicable and subsequently adopted rule or regulation for the subdivision limits, including all drainage easements and wetlands.
- iii. A reduced plat or project site map showing the parcel identification numbers, lot numbers, lot boundaries, easements, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site.
- iv. A current Drain Tile Survey to be provided in below format.
- v. An existing project site layout that must include the following information:
 - a. A topographic map of the land to be developed and such adjoining land whose topography may affect the layout or drainage of the development. The contour intervals shall be one (1) foot when slopes are less than or equal to two percent (<2%) and shall be two (2) feet when slopes exceed two percent (>2%). All elevations shall be given in either National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum of 1988 (NAVD). The horizontal datum of topographic map shall be based on Indiana State Plane Coordinates, NAD83. The map will contain a notation indicating this datum information.
 - a] If the project site is less than or equal to two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least one hundred (100) feet.
 - b] If the project site is greater than two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least two hundred (200) feet.
 - b. Location, name, and normal water level of all wetlands, lakes, ponds, and water courses on or adjacent to the project site.
 - c. Location of all existing structures on the project site.
 - d. One hundred (100) year floodplains, floodway fringes, floodways, and date reference information used to establish such. Please note if none exists.
 - e. Identification and delineation of vegetative cover such as grass, weeds, brush, and trees on the project site.
 - f. Location of storm, sanitary, combined sewer, and septic tank systems and outfalls.
 - g. Apparent land use of all adjacent properties.
 - h. Identification and delineation of sensitive areas.
 - i. The location of regulated drains, farm drains, inlets and outfalls, if any of record, along with recordation number, etc.
 - j. Location of all existing cornerstones within the proposed development and a plan to protect and preserve them.
 - k. Date topographic survey (field work) was performed.
- vi. A grading and drainage plan, including the following information:
 - a. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas, along with finished floor elevations of all living areas.
 - b. One hundred (100) year floodplains, floodway fringes, floodways, and date reference information used to establish such. Please note if none exists.

- c. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
 - d. Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site, and under the control of the project site owner.
 - e. Existing and proposed topographic information at a contour interval appropriate to indicate drainage patterns.
 - f. Location, size, and dimensions of all existing streams to be maintained, and new drainage systems such as culverts, bridges, storm sewers, conveyance channels, and 100-year overflow paths/ponding areas shown as hatched areas, along with all associated easements.
 - g. Location, size, and dimensions of features such as permanent retention or detention facilities, including natural or constructed wetlands, used for the purpose of stormwater management. Include existing retention or detention facilities that will be maintained, enlarged, or otherwise altered and new ponds or basins to be built.
 - h. One or more typical cross sections of all existing and proposed channels or other open drainage facilities (including existing retention or detention facilities) carried to a point above the 100-year high water and showing the elevation of the existing land and the proposed changes, together with the high water elevations expected from the 100-year storm under the controlled conditions called for by this Ordinance, and the relationship of structures, streets, and other facilities.
- vii. Utility plan sheet(s) showing the location of all proposed utility lines for the project.
- viii. Storm sewer plan/profile sheet(s) showing the elevation, size, length, location of all proposed storm sewers. Existing and proposed ground grades, storm sewer structures elevations, and utility crossings also must be included.
- ix. A 24-inch by 36-inch plat (both in hard copy and digital format acceptable to the Lake County Surveyor), including the following information:
- a. Legal description.
 - b. Cross reference to Rule 12.
 - c. Regulated drain statement and table [Including any maintenance agreements].
- x. Any other information required by Lake County Drainage Board and/or Lake County Surveyor in order to thoroughly evaluate the submitted material.

C. 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 analysis 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 Lake County 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.

D. 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:

- 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 including off-site locations.
- 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 amount 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.

E. Post-Construction Storm Water Pollution Prevention Plan

The post-construction storm water pollution prevention plan must include the following information:

- i. A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount 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 authorization allowing County 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 shall 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 Lake County Surveyor.
- f. A statement requiring the owner to maintain all records of inspections and maintenance and that these records must be available upon request by the County.
- g. A statement requiring the owner to address deficiencies or repairs noted during inspection by the County in the time period specified by the County or the County may elect to address the deficiencies or repairs themselves and charge the owner.

3. REVIEW OF INDIVIDUAL LOTS WITHIN A PERMITTED PROJECT

For individual lots disturbing or impacting less than 1 acre, 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 Lake County Plan Commission, 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. A lot plan sealed/signed by an Indiana Registered Land Surveyor with following minimum requirements:

- i. Drainage Patterns and Swales
- ii. FEMA Flood Zone Designation. If applicable, identify Flood Elevation Line.
- 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.
- B. 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. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

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

4. 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 Lake County Surveyor prior to land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

5. FEE STRUCTURE

A. FEE AMOUNT

As a condition of the submittal and the review of development plans by Lake County, the applicant shall agree to pay the Lake County Surveyor the applicable fee, as set by the Lake County Council (See Appendix C), with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as any applicable pre-paid inspection fees. The Lake County Surveyor reserves the right to increase or decrease this fee due to the complexity or simplicity of the site with sufficient information to support the deviation.

In addition thereto, and consistent with the provisions of IC 36-9-27-114, in its applicable current or subsequently amended form, or any provisions relating thereto which may apply, there may be separate fees established and imposed as provided for therein. A separate non-reverting fund shall be established for implementation of Phase II of NPDES and IDEM Rule 13 (327 IAC 15-13) in Lake County and the fees collected as provided by the provisions contained herein.

B. TIME OF PAYMENT

Before the Lake County Surveyor's approval of plans or, if applicable, after the meeting at which the Lake County Drainage Board is scheduled to consider acceptance of the applicant's final stormwater management plan, the Lake County Surveyor will furnish a written statement to the applicant specifying the total amount due the Lake County Surveyor in connection with the review of the applicant's submittals, plans and accompanying information and data, including the amount required to be paid by applicant for review and pre-paid inspection fees.

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

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

C. METHOD OF PAYMENT

Fees shall be paid by one of the following methods:

- Certified Check
- Cashier's Check
- Money Order
- Such other methods as may be agreed in writing by the Lake County Surveyor

All checks shall be made payable to the: Lake County Surveyor
2293 North Main Street
Crown Point, IN 46307

D. REFUND OF PAYMENT

Fees are refundable or may be waived only if the Lake County Surveyor determines that compliance by the development to this Ordinance is not necessary.

6. REQUIRED ASSURANCES

As a condition of approval and issuance of the permit, the Lake County Surveyor shall require the applicant to provide assurance in the form of an irrevocable letter of credit, a bond, or such other instrument or method of security acceptable in writing by the Lake County Surveyor when the stormwater management plan has been accepted, all applicable fees paid, and before construction begins. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. The assurance shall be for an amount equal to at least 110 percent of the total costs of all stormwater management measures for the entire project. The above mentioned costs shall be based on an estimate as prepared by a registered engineer or registered land surveyor. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMPs, as regulated under this Ordinance, until the construction is completed, site is stabilized, and as-built plans are accepted by the Lake County Surveyor. Assurances shall be for a minimum of \$5,000. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

7. TERMS AND CONDITIONS OF PERMITS

In granting a stormwater management permit, the Lake County Surveyor 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.

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 Lake County Surveyor may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in 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. A listing of highly erodible soils, outstanding water, impaired water, recreation water, and surface drinking water sources can be found in the Lake County Storm Water Quality Management Plan (SWQMP) - Part B, dated May 2005 Draft and its updates. 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 to the requirements of Chapter 6 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 Lake County Surveyor. 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 Lake County Surveyor.

- i. A floodway or floodplain as designated by the most updated Lake County Code dealing with floodplain regulation.
- 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.

The Lake County Drainage Board and the Lake County Surveyor is authorized, but is not required, to classify certain additional geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, The Lake County Drainage Board and the Lake County Surveyor 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 Lake County Drainage Board and the Lake County Surveyor. Special terms and conditions for development within any Impact Drainage Area shall be included in the stormwater management permit.

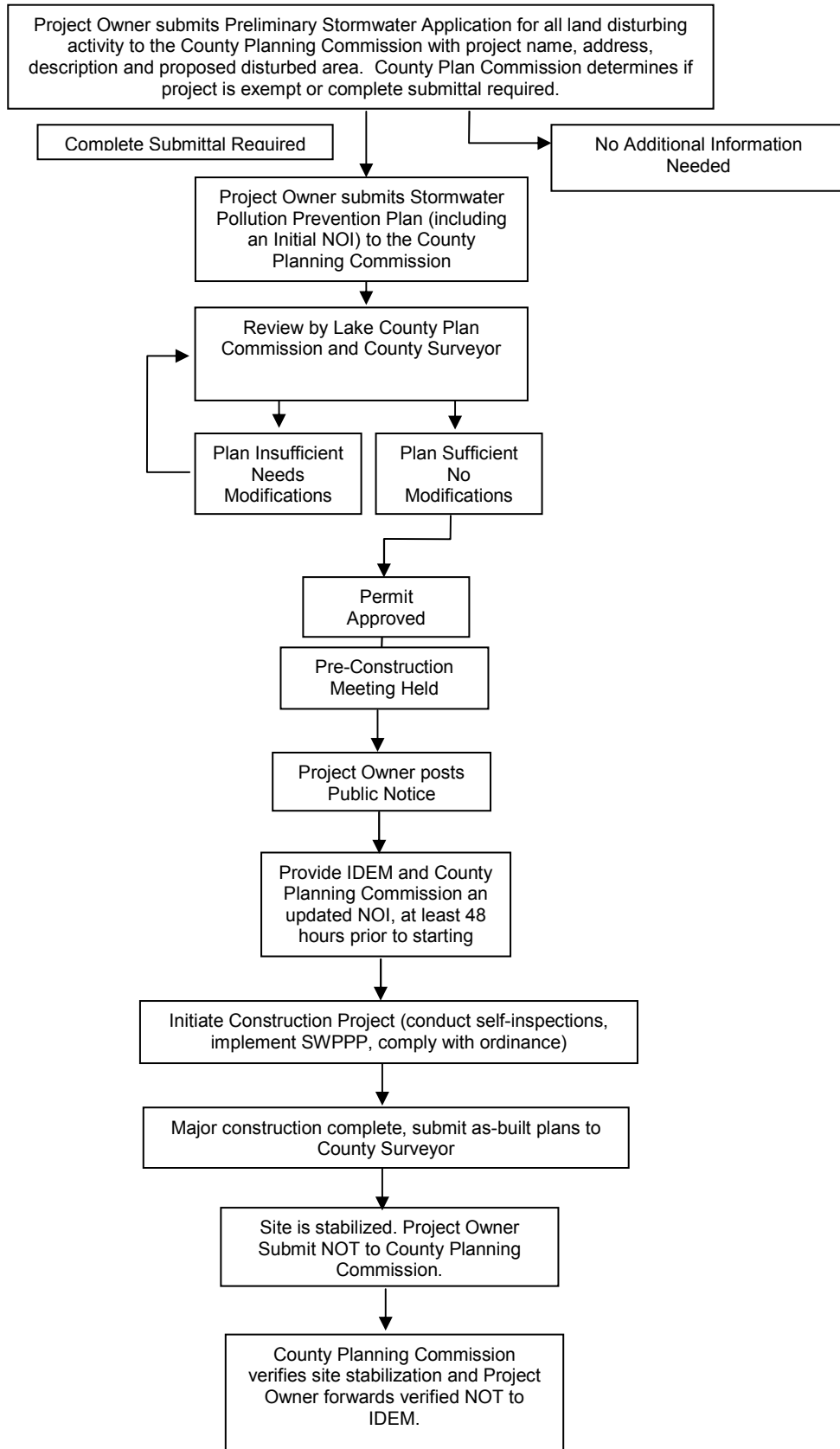
8. CERTIFICATION OF AS-BUILT PLANS

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 Lake County Surveyor for review. Additionally, a digital copy of the 'as-built' plans is required in a format accepted by the Lake County Surveyor. 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. Pipe structure lengths**
- E. BMP types, dimensions, boundaries/easements and state plane coordinates**
- F. "As-planted" plans for BMPs, as applicable including make and model**
- G. Data and calculations showing detention basin storage volumes**
- H. 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 Lake County Surveyor or, if applicable, the Lake County Drainage Board. (See certificate in Stormwater Technical Standards Manual.)**

Figure 1: Permit Approval Process





CHAPTER EIGHT

ENFORCEMENT

1. COMPLIANCE WITH THIS ORDINANCE

In addition to the requirements of this Ordinance, compliance with the requirements set forth in the local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of Lake County 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 person found in violation of any provision of this Ordinance shall be responsible in a civil action and subject to any and all sanctions permitted according to IND.CODE 36-1-3-8 and other applicable law, provided that in the event of an alleged first violation for a location, the alleged violator shall first be given a written warning, and if the alleged violation is not abated within seventy two (72) hours thereafter, the alleged violator shall be subject to a penalty of a fine in the amount of two hundred fifty dollars (\$250.00) per day per violation.. To the greatest extent permitted according to law, each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a penalty of a fine for each day. Outstanding fines shall be a basis for denial of permits and approvals. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

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

The Lake County Plan Commission or the Lake County Surveyor's Office shall have the authority to prosecute the provisions of this ordinance as outlined above. Any fines collected shall be collected by Lake County Plan Commission or the Lake County Surveyor's Office and appropriated within their respective budgets.

For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

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 Lake County Plan Commission or the Lake County Surveyor's Office may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing of such work to be done, and any such person(s) shall forthwith stop such work until authorized by the Lake County Plan Commission to proceed with the work. The Lake County Plan Commission 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(s) of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

If any person neglects or fails to comply with a stop work order, the Lake County Plan Commission or the Lake County Surveyor's Office may bring a proceeding for injunctive relief in any court of competent jurisdiction. A permit reinstatement fee may be assessed by the Lake County Plan Commission or the Lake County Surveyor's Office.

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 Lake County Plan Commission or the Lake County Surveyor's Office may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the Lake County Department of Public Works for all costs of such work.

5. SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM

A. Suspension due to Emergency Situations

The Lake County Surveyor, the Lake County Plan Commission and/or Lake County Health Department 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 Lake County Surveyor, the Lake County Plan Commission and/or Lake County Health Department 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 Lake County Drainage Board will notify a violator of the proposed termination of its MS4 access. The violator may petition the Lake County Drainage Board for a reconsideration and hearing.

6. CORRECTIVE ACTION

Nothing herein contained shall prevent the Lake County Surveyor, the Lake County Plan Commission, the Lake County Public Works and/or Lake County Health Department from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the Lake County's NPDES permit, attorney fees, and other costs and expenses.

7. APPEALS

Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Lake County Drainage Board the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Lake County Drainage 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 Lake County Drainage Board may consider the recommendations of the

Lake County Surveyor, the Lake County Plan Commission, the Lake County Public Works and/or Lake County Health Department and the comments of other persons having knowledge of the matter. In considering any such appeal, the Lake County Drainage 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 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.



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, exceeding its design flow rate or storage volume.

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.

Compensatory Storage. The replacement of the existing floodplain and, in rare exceptions, the floodway storage lost due to fill.

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 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 storm water 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 for more than hundred eighty (180) days;
3. Installing utilities, construction of walls, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
5. Mining, dredging, filling, grading, excavation, or drilling operations;
6. Construction or reconstruction of bridges or culverts;
7. Storage of materials; or
8. 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.

Drainageway. See Natural Drainage or Natural Drainageway.

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 water body. 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.

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.

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 storm water runoff, more completely described as a storm drain inlet.

Land-disturbing Activity. Any unnatural change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading. Land surface inundated continuously or periodically by construction of dams, and surface water or runoff control structures is also considered a land-disturbing activity and the inundated area is considered disturbed under this ordinance.

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.

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.

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, city, 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).

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

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 or Natural Drainageway. The flow pattern of stormwater run-off over the land by gravity. This includes sheet flow, shallow concentrated flow and channelized flow. The post-developed natural drainage may be changed by development as compared to the pre-developed natural drainage.

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.

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.

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.

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 pavement which allows run-off to percolate through the pavement and into underlying soils or to a subsurface drain.

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

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 land. The term does not include such activities as exterior remodeling.

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 storm water release from a storm water 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 storm water runoff 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 storm water 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).

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 $(100 \cdot V/H)$ --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.

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

Storm 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 storm water, while excluding sewage and industrial wastes. Also called a storm drain.

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

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

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.

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 storm water runoff.

Stormwater Drainage System - All means, natural or man-made, used for conducting storm water 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.

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 storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

Unincorporated Area. All land lying outside of incorporated city and/or town limits.

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.

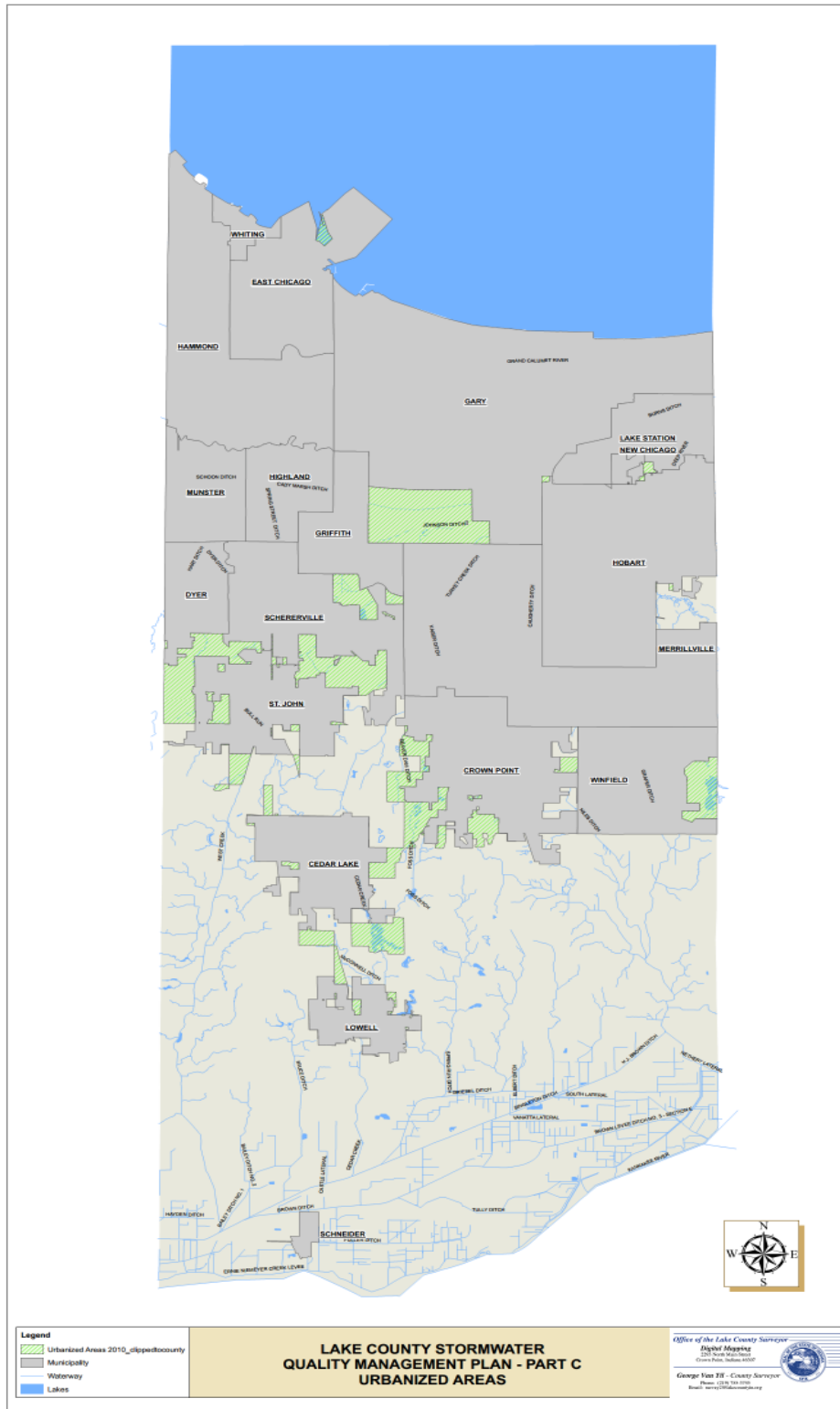
Watercourse. Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently. This includes areas of sheet flow that convey runoff from more than one parcel.

Watershed. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facilities. 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.

APPENDIX B
MS4 BOUNDARY MAP – 2010 CENSUS



LAKE COUNTY SURVEYOR'S OFFICE
DEPOSIT CALCULATION FORM FOR STORMWATER MANAGEMENT REVIEW
Revised October 8, 2013

In accordance with Ordinance No. 2005-XX of the County of Lake, Indiana

NOTE: DEPOSIT TO BE PAID AT THE "PRIMARY PLAN" SUBMITTAL.

NAME OF SUBDIVISION: _____

SUBDIVIDER: _____

ADDRESS: _____

(A) RESIDENTIAL MAJOR/MINOR SUBDIVISION: _____ (Check appropriate space)

(B) COMMERCIAL OR INDUSTRIAL SUBDIVISION: _____

GROSS LAND AREA (GLA): _____ NO. OF LOTS (NOL): _____
(ACRES)

(A) RESIDENTIAL MAJOR/MINOR SUBDIVISION GREATER OF i) and ii); plus iii)

i) \$225.00 + (\$35.00 X NOL) = \$ _____
\$ _____

ii) \$225.00 + (\$50.00 X GLA) = \$ _____

Plus iii) \$350.00 (Field Review/Compliance) = \$ _____

THE GREATER VALUE BETWEEN i) and ii) plus iii) IS THE REQUIRED DEPOSIT FOR

(A) - RESIDENTIAL MAJOR/MINOR SUBDIVISION.

(B) COMMERCIAL OR INDUSTRIAL SUBDIVISION GREATER OF i) and ii); plus iii)

i) \$225.00 + (\$75.00 X NOL) = \$ _____
\$ _____

ii) \$225.00 + (\$75.00 X GLA) = \$ _____

Plus iii) \$350.00 (Field Review/Compliance) = \$ _____

(C) INDIVIDUAL LOTS WITHIN PERMITTED PROJECT.
\$250.00 per lot

THE GREATER VALUE BETWEEN i) and ii) plus iii) IS THE REQUIRED DEPOSIT FOR

B - COMMERCIAL OR INDUSTRIAL SUBDIVISION.

PLEASE MAKE CHECKS PAYABLE TO THE LAKE COUNTY SURVEYOR

DEPOSIT PAID: \$ _____ RECEIPT NUMBER: _____

RECEIVED BY: _____ DATE: _____

ORDINANCE NO. 1365C

LAKE COUNTY STORM WATER MANAGEMENT ORDINANCE

WHEREAS, on April 11, 2006, the Lake County Council adopted the Stormwater Management and Clean Water Regulations Ordinance of lake County, Indiana, Ordinance No. 1274A; and

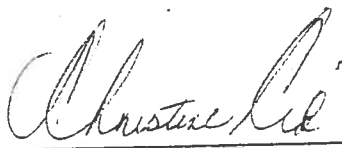
WHEREAS, Indiana counties are required to adopt new storm water management ordinances to comply with the requirements of Phase II of the National Pollution Discharge Elimination System Program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5); and

WHEREAS, the Lake County Council desires to adopt a new Storm Water Management Ordinance in compliance with the above regulations (Exhibit "A") and repeal the prior Ordinance, Ordinance No. 1274A.

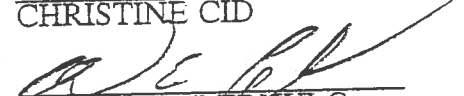
NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Storm Water Management Ordinance attached hereto and made a part hereof entitled Lake County Storm Water Management Ordinance (Exhibit "A") is adopted as hereinafter set out.
2. That Ordinance No. 1274A is hereby rescinded and repealed.

SO ORDAINED THIS 8TH DAY OF OCTOBER, 2013.

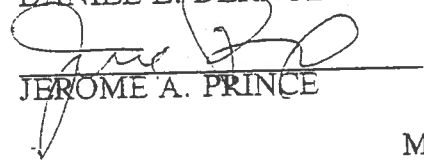

CHRISTINE CID


TED F. BILSKI, President


DANIEL E. DERNULC


ELSIE FRANKLIN

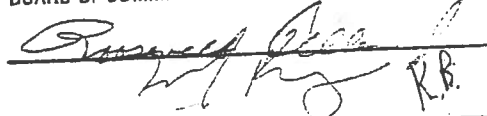

ELDON STRONG


JEROME A. PRINCE


DAVID HAMM

Members of the Lake County Council

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE


R.B.


APPROVED THIS 14th DAY OF OCTOBER 2013

PRESENTED TO
BOARD OF COMMISSIONERS
BY LAKE COUNTY AUDITOR

OCT 09 2013 12:05 PM

