

COMMON COUNCIL OF THE CITY OF SCOTTSBURG, INDIANA

ORDINANCE NO. 2025-

**AN ORDINANCE REGULATING THE OVERSIGHT AND MANAGEMENT OF
STORM WATER WITHIN THE CITY OF SCOTTSBURG**

WHEREAS, the City of Scottsburg recognizes the importance of proper oversight, regulation, and management of storm water systems to protect the public health, safety, and welfare of its citizens, to preserve property, and to comply with applicable federal and state environmental regulations; and

WHEREAS, the Common Council of the City of Scottsburg finds it necessary and appropriate to adopt policies and procedures governing the oversight and management of storm water within the municipal boundaries; and

WHEREAS, Indiana Code § 8-1.5-5 authorizes municipalities to establish and operate storm water systems and to adopt ordinances regulating the same, including provisions for the oversight, management, and financing of storm water facilities; and

WHEREAS, the Common Council of the City of Scottsburg finds it necessary and proper to adopt this Ordinance regulating the oversight and management of storm water within the City, and hereby declares that this Ordinance is adopted pursuant to and subject to the provisions of Indiana Code § 8-1.5-5, as amended; and

WHEREAS, the City has prepared a comprehensive policy document outlining regulations, standards, and procedures for the management of storm water, which is attached hereto and incorporated herein by reference as Exhibit “A”;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Scottsburg, Indiana, as follows:

SECTION 1. CREATION OF DEPARTMENT OF STORM WATER MANAGEMENT.

Pursuant to Indiana Code § 8-1.5-5-4, there is hereby created a Department of Storm Water Management for the City of Scottsburg (the “Department”). The Department shall be under the jurisdiction of the Board of Public Works and Safety, which shall constitute the Board of Storm Water Management for purposes of Indiana Code § 8-1.5-5. The Department shall have all powers, duties, and responsibilities as set forth in Indiana Code § 8-1.5-5, including but not limited to the oversight, management, operation, and financing of the storm water system, the adoption of rules and regulations consistent with law, and the collection of user fees as established herein.

SECTION 2. ADOPTION AND ENFORCEMENT OF STORM WATER POLICY. The City of Scottsburg hereby expressly adopts and incorporates by reference the provisions of Indiana Code § 8-1.5-5, as amended, and declares that this Ordinance and the policies, procedures, and user fees established herein are adopted pursuant to and subject to said statutory authority. The City of Scottsburg hereby further adopts the Storm Water Oversight and Management Policy attached hereto as Exhibit “A” and incorporated herein as though fully set forth. Said policy shall govern the regulation, oversight, and management of storm water within the City. The administration, oversight, and enforcement of the storm water policy shall be vested in the City’s Board of Public Works and Safety, or other duly authorized officials, consistent with Indiana law.

SECTION 3. SPECIAL TAXING DISTRICT AND STORM WATER USER FEE.

A. Establishment of Special Taxing District.

- i. Pursuant to Indiana Code § 8-1.5-5-5, there is hereby created a special taxing district, to be known as the City of Scottsburg Storm Water Management District (the “District”). The District shall include all of the territory within the corporate

boundaries of the City of Scottsburg, as the same may be amended from time to time.

- ii. The District is hereby declared to be a special taxing district only, and not a separate municipal corporation or political subdivision, and shall remain under the jurisdiction and control of the City of Scottsburg acting through its Board of Public Works and Safety, which shall serve as the Board of Storm Water Management pursuant to Indiana Code § 8-1.5-5.
- iii. The District shall exist for the purpose of providing for the operation, maintenance, and improvement of the storm water system, and for the levying and collection of user fees and other revenues as authorized by this Ordinance and by Indiana law.
- iv. All revenues derived from user fees, special assessments, or other lawful sources shall be used solely for the purposes of the District, including but not limited to the planning, construction, operation, repair, and replacement of storm water facilities, the acquisition of property or easements, and the payment of debt service obligations related thereto.

B. Establishment of Fee. Pursuant to Indiana Code § 8-1.5-5-7, there is hereby established a storm water user fee to provide for the proper construction, operation, oversight, and maintenance of the municipal storm water system and to ensure compliance with state and federal environmental mandates.

C. Equivalent Runoff Unit (ERU). For purposes of calculating the storm water user fee, one (1) ERU is hereby established as equal to three thousand one hundred (3,100) square feet of impervious surface area, which represents the average impervious area of single-

family residential parcels within the City.

D. Rate. The monthly storm water user fee is approved to be Seven Dollars (\$7.00) per ERU contingent upon the Board of Public Works and Safety holding a public hearing with notice given under IC 5-3-1 and formally adopting said rate.

- i. Single-family residential parcels shall be deemed to contain one (1) ERU and shall be billed at a flat rate of Seven Dollars (\$7.00) per month.
- ii. Non-residential parcels shall be billed based upon the total impervious surface area divided by one (1) ERU, multiplied by the rate of Seven Dollars (\$7.00) per month.

E. Collection of Fee. The storm water user fee shall be billed and collected by the Scott County Treasurer in the same manner as property taxes are levied and collected, pursuant to Indiana Code §§ 36-9-23-25 and 36-9-25-11.

F. Lien. Unpaid storm water user fees shall constitute a lien against the property served, enforceable in the same manner as delinquent property taxes, together with penalties, interest, and costs of collection as provided by law.

SECTION 4. STORMWATER MANAGEMENT PLAN REVIEW.

A. Submittal Requirement. Any person, firm, or entity proposing a development, redevelopment, subdivision, construction project, or other land disturbance activity subject to this Ordinance and the Storm Water Oversight and Management Policy shall submit a Stormwater Management Plan (“Plan”) to the City of Scottsburg for review and approval prior to the issuance of any building permit, improvement location permit, or land disturbance permit.

B. Plan Contents. The required contents and technical specifications of the Plan are set forth

in the Storm Water Oversight and Management Policy attached hereto and incorporated herein by reference as Exhibit “A.”

C. Review Authority. The Plan shall be reviewed by the City Engineer, or such other designee as may be appointed by the Board of Public Works and Safety. The reviewing authority may consult with technical experts, state or federal agencies, and other departments of the City, as necessary.

D. Approval or Denial.

- i. The reviewing authority shall approve the Plan if it meets the requirements of this Ordinance, Storm Water Oversight and Management Policy, and all applicable state and federal regulations.
- ii. If deficiencies are identified, the applicant shall be notified in writing and provided an opportunity to revise and resubmit the Plan. No construction activity shall commence until an approved Plan is on file with the City.

E. Plan Review Fees.

- i. Residential Projects.
 1. 1-4 lots: \$450.00.
 2. 5-25 lots: \$600.00.
 3. 26-75 lots: \$1,100.00.
 4. 76-150 lots: \$1,600.00
 5. 151+ lots: \$2,600.00
- ii. Commercial, Industrial, or Institutional Projects.
 1. For projects disturbing five (5) acres or less: \$600.00.
 2. For projects disturbing more than five (5) acres but not more than ten

(10) acres: \$1,300.00.

3. For projects disturbing more than ten (10) acres but not more than twenty-five (25) acres: \$2,100.00.

4. For projects disturbing more than twenty-five (25) acres: \$2,600.00.

iii. **Payment Requirement.** All Plan Review Fees shall be paid to the City at the time of Plan submittal. No Plan shall be deemed complete or eligible for review until the required fee has been paid in full.

iv. **Resubmittal Fees.** In the event a Stormwater Management Plan is returned to the applicant for revision, the first resubmittal shall be reviewed without additional charge. For a second resubmittal, or any subsequent resubmittal of the same Plan, the applicant shall pay a Resubmittal Fee of the original submission fee price at the time of each additional filing. No resubmittal shall be deemed complete or eligible for further review until the applicable Resubmittal Fee has been paid in full.

F. **Conditions of Approval.** The City may impose reasonable conditions on approval of the Plan to ensure compliance with best management practices (BMPs), long-term maintenance obligations, and public safety.

G. **Appeals.** Any applicant aggrieved by the decision of the reviewing authority may appeal to the Scottsburg Board of Public Works and Safety within thirty (30) days of the decision. The decision of the Board shall be final, subject only to judicial review as provided by law.

SECTION 5. STORM WATER FUND.

A. **Creation of Fund.** There is hereby created a special, non-reverting fund of the City of

Scottsburg to be known as the “Storm Water Fund” (the “Fund”).

- B. Deposits. All revenues derived from the storm water user fee, together with any interest or investment earnings thereon, shall be deposited into the Fund. The Fund may also receive grants, gifts, appropriations, or other revenues lawfully available for storm water purposes.
- C. Use of Funds. Monies deposited into the Fund shall be used exclusively for:
- i. Construction, reconstruction, repair, operation, and maintenance of the storm water management system;
 - ii. Payment of principal and interest on obligations lawfully issued for storm water purposes;
 - iii. Costs of compliance with state and federal storm water regulations, including NPDES permit requirements;
 - iv. Administrative and professional expenses related to the storm water program; and
 - v. Any other lawful purpose incidental to storm water oversight and management.
- D. Restriction. No monies deposited into the Fund shall be transferred to, or expended for, any purpose not directly related to the City’s storm water system.
- E. Accounting. The Clerk-Treasurer shall establish and maintain a dedicated “Storm Water Fund” and may create and maintain all other funds necessary and statutorily proper for the financial administration of the District. The Clerk-Treasurer shall maintain accurate records of all receipts and disbursements and shall provide reports to the Common Council and Board of Public Works and Safety as required by law.

SECTION 6. ADJUSTMENTS AND APPEALS.

- A. Administrative Authority. The Board of Public Works and Safety of the City of

Scottsburg (“Board”) shall administer all storm water user fee adjustment requests and appeals in accordance with this Ordinance and with written procedures adopted by Board resolution pursuant to Section 7 of this Ordinance.

- B. Adjustments. Any property owner who believes that the storm water user fee has been incorrectly calculated may file a written request for adjustment with the Board. Grounds may include, but are not limited to, errors in impervious surface calculation, classification of property, or other factual determinations material to the fee.
- C. Appeals. Any property owner aggrieved by a determination of the City concerning the storm water user fee may appeal to the Board. Appeals shall be heard and decided in accordance with procedures adopted by Board resolution.
- D. Procedures. Adjustment and appeal requests shall be processed in accordance with written procedures established by the Board pursuant to Section 7.
- E. Burden of Proof. The property owner bears the burden of proof and must demonstrate by a preponderance of the evidence that the fee has been incorrectly applied or calculated.
- F. Effect of Pending Adjustment or Appeal. Filing an adjustment or appeal does not suspend the obligation to pay billed fees. If granted, any overpayment shall be credited or refunded in accordance with City policy.

SECTION 7. DELEGATION OF AUTHORITY TO ADOPT PROCEDURES.

- A. Delegation. The Common Council delegates to the Board the authority and duty to adopt, by resolution, written procedures governing the form, timing, and processing of storm water user fee adjustment requests and appeals.
- B. Scope of Procedures. Such procedures shall include, but need not be limited to, rules concerning applications, filing deadlines, notice, hearing procedures, and issuance of

written decisions.

C. Consistency with Law. All procedures adopted by the Board shall be consistent with due process and Indiana law and administered to ensure fairness and transparency.

D. Amendments. The Board may amend or refine such procedures by resolution without further action of the Common Council, provided they remain consistent with this Ordinance and applicable law.

SECTION 8. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance, or of the Storm Water Oversight and Management Policy attached hereto as Exhibit “A”, shall be declared invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or of said Policy. The Common Council of the City of Scottsburg hereby declares that it would have adopted this Ordinance and the attached Policy, and each section, subsection, sentence, clause, phrase, and provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions might be declared invalid.

SECTION 9. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect upon its passage by the Common Council and approval by the Mayor of Scottsburg, Indiana.

PASSED AND ADOPTED by the Common Council of the City of Scottsburg, Indiana, this ____ day of _____, 2025 by a vote of _____ ayes and _____ nays.

Common Council City of Scottsburg, Indiana

Terry Amick, Presiding Officer

Attest:

Janetta C. Hardy, Clerk-Treasurer

Presented by me to the Mayor of the City of Scottsburg for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on _____ at ____:____ p.m.

Janetta C. Hardy, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on _____ at ____:____ p.m.

Terry Amick, Mayor

Attest:

Janetta C. Hardy, Clerk-Treasurer

EXHIBIT “A”

[Attach Storm Water Oversight and Management Policy]

CITY OF SCOTTSBURG, INDIANA

STORM WATER OVERSIGHT AND MANAGEMENT POLICY

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CITY OF SCOTTSBURG, INDIANA

STORM WATER OVERSIGHT AND MANAGEMENT POLICY

ARTICLE I

Section 1.1 — Jurisdiction

This article shall govern all properties and controlled activities within the jurisdictional boundaries of incorporated Scottsburg.

Section 1.2 — Recitals

Whereas, the community's municipal separate storm sewer system (MS4) receives discharges that are not composed entirely of storm water runoff causing increased non-point source pollution and receiving water degradation. Whereas, surface water runoff can carry pollutants into receiving waters, and uncontrolled storm water drainage and/or discharges may have significant adverse impacts on the health, safety and welfare of the citizens of Scottsburg, Indiana, the potential impacts of these pollutants and pollution may include:

- A. Adverse impacts to public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other land and water uses;
- B. Changing natural ecosystems through the destruction of habitat, and the loss of plant and animal life;
- C. Posing significant health risks through an increase in bacteria and toxic materials;
- D. Accelerating eutrophication of receiving waters by introducing excessive nutrients;
- E. Increasing metal deposits creating toxicity for aquatic life;
- F. Reducing in-stream oxygen levels because of oil, grease and organic matter; and
- G. Affecting animal and plant life, adversely, due to changing temperatures of receiving waters.

Whereas, the adverse water quality consequences described above may result in substantial economic losses. Potential losses include, but are not limited to, increased drinking water and wastewater treatment costs and diminished property values, as well as state and federal fines associated with water quality violations.

Whereas, every parcel of property, both private and public, either uses or benefits from Scottsburg's storm water system.

Whereas, current and anticipated growth will contribute to and increase the need for an effective storm water system.

Section 1.3 — Objectives

Protection of short-term and long-term public health, safety and general welfare will be achieved by:

- A. Providing for regulation and management of Scottsburg's storm water system, including public and private facilities within Scottsburg's service area;
- B. Protecting, and preserving water quality and fish and wildlife habitat within Scottsburg and in downstream receiving waters; and
- C. Protecting those downstream from storm water quality impairment(s).
- D. Compliance with state and federal storm water regulations developed pursuant to the Clean Water Act Amendments of 1987 and the Indiana Department of Environmental Management's Municipal Separate Storm Sewer System General Permit (MS4GP) and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP). The objectives of these regulations include:
 - a. Controlling the quality of water discharged by controlling the contribution of pollutants to the storm water system by storm water discharges associated with residential, commercial and industrial activity;
 - b. Prohibiting illicit discharges to storm water;
 - c. Controlling the discharge of spills and dumping or any disposal of materials other than storm water into the storm water system.

Section 1.4 — Authority and Right of Entry

- A. Scottsburg shall have right-of-entry on or upon the property of any Person subject to this ordinance and any permit/document issued hereunder. Scottsburg shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this ordinance.
- B. Where a property, site or facility has security measures in force which require proper identification and clearance before entry, the Responsible Party shall make necessary arrangements with its security personnel so that, upon presentation of

suitable identification, Scottsburg will be permitted to enter without delay.

- C. Access by Scottsburg shall include the right to erect upon the property such devices as are necessary to conduct sampling and/or metering of storm water operations or discharges.
- D. Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly upon request of, and at no cost to, Scottsburg.
- E. Scottsburg may inspect the facilities of any person in order to ensure compliance with this ordinance. Except in an emergency relating directly to the health, safety, and welfare of the public, an inspection shall be made only after reasonable notice to and consent by the responsible party. However, if such consent is refused, denied, or not promptly tendered, Scottsburg may seek appropriate judicial orders permitting such entry.
- F. Scottsburg has the right to determine and impose inspection schedules necessary to enforce the provisions of this article. Inspections may include, but are not limited to, the following:
 - 1. An initial inspection prior to storm water management plan approval;
 - 2. An inspection prior to burial of any underground drainage structure;
 - 3. Erosion control inspections as necessary to ensure effective control of sediment prior to discharge to the municipal separate storm sewer system;
 - 4. A finish inspection when all work, including installation of storm management facilities, have been completed; and
 - 5. An inspection to determine the effectiveness or operational viability of a permanent or long-term storm water quality management practice.

Section 1.5 Illicit Discharges

- A. Pursuant to the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) Program, illicit discharges to the MS4 are defined as illegal. Except as hereinafter provided, all non-storm water discharges into the MS4 are prohibited and declared to be unlawful.
- B. It is unlawful for any Person to connect any pipe, open channel, or any other conveyance system that discharges into the MS4 anything except (1) storm water, or (2) unpolluted water, or (3) such other substance which is approved by Scottsburg based on exemptions listed in section 1.5(E) below.

- C. It is unlawful for any Person to discharge waters from residential construction activities that are not in compliance with the Standard of Practice for Residential Construction Storm water Management as approved by Scottsburg.
- D. In addition to illicit discharges, the discharge of spills and the dumping and/or disposal of materials other than storm water, including, but not limited to, industrial and commercial wastes, commercial car wash wastes, sewage, garbage, yard waste, trash, petroleum products, including used motor vehicle fluids, as well as leaf litter, grass clippings, and animal wastes into the MS4, whether directly or indirectly, is prohibited, unless authorized under a NPDES permit.
- E. Allowable Discharges: Unless Scottsburg has identified a discharge as an unacceptable source of pollutants to the "Waters of the State of Indiana", the following non-storm water discharges into the MS4 are lawful:
 - 1. Discharges from emergency firefighting activities;
 - 2. Diverted stream flows;
 - 3. Rising ground waters;
 - 4. Uncontaminated groundwater infiltration to separate storm sewer systems (as defined by 40 CFR35.2005(20);
 - 5. Uncontaminated pumped ground water;
 - 6. Discharges from potable water sources as required for system maintenance;
 - 7. Drinking water line and hydrant flushing;
 - 8. Air conditioning condensate;
 - 9. Uncontaminated landscape irrigation;
 - 10. Uncontaminated irrigation water;
 - 11. Lawn watering;
 - 12. Uncontaminated springs;
 - 13. Uncontaminated water from crawl space pumps;
 - 14. Uncontaminated water from footing drains and pumps;
 - 15. Individual residential car washing and non-commercial car washing by community organizations;
 - 16. Flows from riparian habitats and wetlands;

17. De-chlorinated swimming pool discharges;
18. Springs;
19. External building wash down, without detergents;
20. Uncontaminated pavement wash waters;
21. Controlled flushing storm water conveyances (contained and treated by appropriate Best Management Practices (BMPs));
22. Discharges made from residential construction sites fully and completely utilizing guidance provided by “Standard of Practice for Residential Construction Storm water Management”;
23. Discharges within the constraints of a National Pollutant Discharges Elimination System (NPDES) permit from the Indiana Department of Environmental Management (IDEM); and
24. Discharges approved at the discretion of Scottsburg.

Section 1.6 Unlawful Discharges

It shall be unlawful for any Person to improperly dispose of any contaminant into the MS4. Contaminants include, but are not limited to the following:

- A. Trash or debris;
- B. Construction materials or uncontrolled sediment;
- C. Petroleum products, including but not limited to oil, gasoline, grease, fuel oil or hydraulic fluids;
- D. Antifreeze and other automotive products;
- E. Metals in either particulate or dissolved form;
- F. Flammable or explosive materials;
- G. Radioactive materials;
- H. Batteries, including but not limited to, lead acid automobile batteries, alkaline batteries, lithium batteries or mercury batteries;
- I. Acids, alkalis or bases;

- J. Paints, stains, resins, lacquers or varnishes;
- K. Degreasers and/or solvents;
- L. Drain cleaners;
- M. Pesticides, herbicides or fertilizers;
- N. Steam cleaning wastes;
- O. Soaps, detergents or ammonia;
- P. Swimming pool backwash including chlorinated swimming pool discharge;
- Q. Chlorine, bromine and other disinfectants;
- R. Heated water;
- S. Animal waste, either from domestic animals or from feeder lot operations;
- T. Leakage from sanitary sewers and connections that have remained
uncorrected for more than 7 days;
- U. Recreational vehicle waste;
- V. Animal carcasses;
- W. Food wastes;
- X. Medical wastes;
- Y. Bark and other fibrous materials;
- Z. Collected lawn clippings leaves or branches;
- AA. Silt, sediment, or gravel;
- BB. Dyes, except with permission from Scottsburg;
- CC. Chemicals not normally found in uncontaminated water;
- DD. Water from fresh concrete or that used for cleaning, finishing, and/or
expose aggregates;
- EE. Junk motor vehicles;

- FF. Leakage from solid waste disposal containers;
- GG. Sewage or sewage sludge;
- HH. Any polluted household wastewater, such as, but not limited to, laundry wash water and dishwater, except that discharged to a sanitary sewer or septic system;
- II. Leakage from water lines that has remained uncorrected for seven days or more;
- JJ. Commercial, industrial or public vehicle wash discharge;
- KK. Garbage or sanitary waste;
- LL. Dead animals or animal fecal waste;
- MM. Dredged or spoil material;
- NN. Wrecked or discarded vehicles or equipment;
- OO. Wash waters to the storm drain system from the cleaning of gas stations, auto repair garages or other types of auto repair facilities;
- PP. Wastewater to the storm drain system from mobile auto washing, steam cleaning, mobile carpet cleaning and other such mobile commercial and industrial operations;
- QQ. Waters from areas devoted to the repair of machinery and equipment, including Motor vehicles, which are visibly leaking oil, fluids or coolants
- RR. Waters from storage areas for materials containing grease, oil, or hazardous materials or uncovered receptacles containing hazardous materials, grease or oil

- SS. Toxic materials from paved or unpaved areas
- TT. Discharge into the storm drain system from the washing or rinsing of restaurant mats, roof vents, grease traps, equipment or garbage bins or cans
- UU. Sewage, industrial wastes, or other wastes if discharged into a well or a location that is likely that the discharged substance will move into a well, or the underground placement of fluids and other substances which do or may affect the waters of the State; and
- VV. Any hazardous material or waste not listed above.

It is not the intent of Scottsburg, by this ordinance, to propose penalties for de minimis discharges that have no significant adverse impact on the safety, health, the welfare of the environment or the functionality of the storm water drainage/collection system, and to this end, such de minimis discharges are expressly exempted from the application of this ordinance.

Section 1.7 - Accidental Discharges

In the event of any discharge of a hazardous substance in amounts that could cause a threat to public drinking supplies, a spill beyond that of de minimis levels, or any other discharge that could constitute a threat to human health or the environment, the person causing the discharge or the owner or operator of the facility responsible for same or his designee (collectively, responsible party) shall give notice to Scottsburg and IDEM as soon as practicable, but in no event later than of two hours after (1) discovery of the accidental discharge or (2) when the responsible party becomes aware of the circumstances of the incident.

If an emergency response by governmental agencies is needed, the responsible party shall call 911 immediately to report the discharge. Reports required by the Indiana Spill Rule (327 IAC 2-6.1-7), shall be made within two (2) hours of discovery, and a written report shall be provided to Scottsburg within five days of the time the incident, unless this requirement is waived by Scottsburg for good cause shown on a case-by-case basis. The report shall contain the following information:

- A. A description of the discharge;

B. The exact dates and times of discharge; and

C. Steps being taken to eliminate and prevent recurrence of the discharge.

The responsible party shall take all reasonable steps to minimize any adverse impact to the MS4 or the Waters of State, including accelerated or additional monitoring necessary to determine the nature and impact of the discharge.

Section 1.8 Enforcement

Any Person responsible for any connection to the MS4 which results in a prohibited discharge shall immediately cause such illegal connection to be discontinued and redirected, if necessary, to an approved sanitary sewer system. Such Person shall provide Scottsburg with written confirmation, in a form satisfactory to Scottsburg, that the connection has been discontinued, and, if necessary, redirected to the sanitary sewer.

Any Person responsible for illicit discharges or noncompliance with BMPs at industrial and/or construction sites, and who fails to correct any prohibited condition or discontinue any prohibited activity at the order of Scottsburg shall be liable to Scottsburg for expenses incurred in abating pollution. Such expenses may include those incurred in testing, measuring, sampling, collecting, removing, treating, and disposing of the polluting materials and preventing further noncompliance and/or illicit discharges.

A. Scottsburg may institute appropriate actions or proceedings by law or in equity for the enforcement of this ordinance, and Scottsburg shall be entitled to recover its costs expended and reasonable attorney fees in any such proceeding. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent Scottsburg from taking such other lawful action as necessary to prevent or remedy any violation, including application for injunctive relief. Any of the following enforcement remedies and penalties, to be applied independently or in a sequence as deemed necessary, shall be available to Scottsburg in response to violations of this ordinance. If the Person, property or facility has or is required to have a storm water discharge permit from the IDEM, Scottsburg shall notify the appropriate State authorities of the violation.

B. Notice of Violation (NOV) — Whenever Scottsburg finds that any Person owning or occupying premises has violated or is violating this ordinance or an order issued hereunder, the enforcement official may serve, by personal service, registered, or certified mail, upon said Person a written NOV. Within thirty (30) days of the receipt of this notice, or shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific

required actions, shall be submitted to Scottsburg. Submission of this plan shall not, however, affect liability for violations of this ordinance.

- C. Revocation of permit — Scottsburg may revoke and require surrender of a permit or certificate by notifying the permit holder, in writing, of the reason for the revocation. Permits or certificates may be revoked for any substantial departure from the approved application plans or specifications; refusal or failure to comply with the requirements of State or local law; or, for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.
- D. Stop Work Order — Scottsburg may issue a Stop Work Order and require that all activities cease, except those actions that are necessary to eliminate the illicit discharge. Unacceptable or untimely actions to eliminate the illicit discharge may be used as grounds to revoke permits for the construction site as described in 1.8 (C).
- E. Compliance order — If any Person shall violate the provisions of this ordinance, Scottsburg may order the owner, responsible party, or any Person in possession of the subject property that all unlawful conditions existing thereupon be abated within a scheduled period defined from the date of such notice.
- F. The enforcement official shall have the authority to establish elements of a storm water pollution prevention plan and require any business to adopt and implement such a plan as may be reasonably necessary to fulfill the purposes of this Article. The enforcement official may establish the requirements of BMPs for any premises.
- G. If it is determined by Scottsburg that an unlawful condition is such that there is imminent danger or peril to the public health, safety, or welfare, Scottsburg may, with or without notice, proceed to abate the same, with the costs of such abatement to be charged against the property, its owner, or the responsible party, jointly and severally.
- H. Civil Penalties — Any Person who has been found to have violated of any provision of this ordinance may be assessed a civil penalty not to exceed the amount the lesser of (1) that set forth in this subsection or (2) the maximum amount permitted by law.
- I. The penalty shall increase by twenty-five percent (25%) of the previous penalty amount for every subsequent but separate offense made by the same Person. This penalty shall be in addition to other enforcement actions of this section.
- J. The penalty may be assessed for each day that the prohibited activity continues beyond those schedules set forth in compliance orders or other

abatement schedules issued to the property owner or other Person responsible by Scottsburg.

K. In determining the amount of the penalty the Court shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The cumulative effect of other enforcement actions applied for the same offense;
- h. The prior record of the violator in complying or failing to comply with the storm water quality management program; and
- i. The costs of enforcement to Scottsburg.

L. A civil penalty of not more than \$2,500.00 may be assessed for each of the following offenses:

- a. Development without permit: To engage in any development, use, construction, remodeling or other activity of any nature upon land or improvements thereon, subject to the jurisdiction of this ordinance without all required permits, certificates or other forms of authorization as set forth in this ordinance.
- b. Development inconsistent with permit: To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with any approved plan, permit, certificate or other form of authorization granted for such activity.
- c. Violation by act or omission: To violate, by act or omission, any

term, variance, modification, condition or qualification placed by Scottsburg upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.

- d. Illicit Discharge: To improperly dispose of any substance defined as an illicit discharge.
- M. Household Products: To improperly dispose of any substance, not included in this section that was purchased over-the-counter for household use, in quantities considered normal for household purposes, which upon discharge to the MS4 or drainage network would have an adverse impact on water quality or cause Scottsburg to be in noncompliance with any applicable environmental permit. In the event there are penalties assessed by the State against Scottsburg and resulting from a violation of this ordinance, the Person responsible for such violation may be assessed the lesser of (1) the amount of the penalty assessed as against Scottsburg, or (2) \$2,500.00.
- N. Order to clean and abate/restore — Any violator may be required to clean and/or restore land to its condition prior to the violation.
- O. Cost Recovery - If corrective action, including required maintenance, is not completed in the time specified or within a reasonable time, Scottsburg may take the corrective action, and the cost of abatement or corrective action may be assessed against the responsible party, owner of the premises, and/or the developer. If these costs are not paid within 90 days of invoice, the enforcement official may initiate all appropriate legal actions to enforce the claim.
- P. Injunctions and/or proceedings at law or in equity — Any violation of this ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to State law.
- Q. Civil Actions - In addition to any other remedies provided in this ordinance, any violation of this ordinance may be enforced by civil action brought by Scottsburg. Monies recovered under this subsection shall be paid to Scottsburg to be used exclusively for costs associated with implementing or enforcing the provisions of this ordinance. In any such action, Scottsburg may seek, as appropriate, any or all of the following remedies:
 - 1. A temporary and/or permanent injunction;
 - 2. Assessment of the violator for the costs of any investigation, inspection or monitoring survey which lead to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

3. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation;
 4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.
- R. Emergency Orders and Abatements - Scottsburg may order the abatement of any discharge from any source to the storm water conveyance system when, in the opinion of Scottsburg, the discharge causes or threatens to cause a condition that presents an imminent danger to the public health, safety, or welfare of the citizens of Scottsburg, the environment, or is a violation of a NPDES permit. If such emergency situations occur and the property owner or other responsible party is unavailable, or time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare, Scottsburg may undertake the abatement of said threat or danger. The costs of any such action by Scottsburg may be recovered as in 1.8 (O).
- S. Violations deemed a Public Nuisance - Any condition caused or permitted to exist in violation of any of the provisions of this ordinance is deemed a threat to the public health, safety, welfare and environment, and is declared a nuisance which may be abated by injunctive or other equitable relief.
- T. Remedies Not Exclusive - The remedies listed in this ordinance are not exclusive of any remedies available under any applicable Federal, State or local law and Scottsburg may seek cumulative remedies.

Section 1.9 Compatibility and Severability

Should any article, section, subsection, clause or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared to be unconstitutional or invalid, each article, section, clause and provision being declared severable.

If any provision of this ordinance is inconsistent with any other, law, regulation, statute, or ordinance; or results in the imposition of overlapping or contradictory regulations; or if this ordinance contains any restriction covering any of the same subject matter of another law, regulation, statute, or ordinance, the provision which is most restrictive or imposes the highest standard or strictest requirement shall govern.

ARTICLE II

Section 2.1 Title, Purpose and General Provisions

This section shall control storm water activities associated with Construction Site Runoff Control of Scottsburg, Indiana.

Section 2.2 Jurisdiction, Alternatives, and Exemptions

The Construction Site Runoff Control Ordinance shall govern all properties within the jurisdictional boundaries of Scottsburg Plan Commission.

- A. There are alternatives for permit application and processing procedures as described by the following:
 - 1. Once all comments have been compiled, the project will be placed on the agenda of the next scheduled meeting of the Scottsburg Board of Works. Scottsburg will furnish the applicant with a complete list of comments and objections to the plans and supporting documentation submitted by the applicant, at least 10 days prior to the scheduled meeting. Within 10 days after the meeting, Scottsburg will either issue a permit, or request modification to the construction plans.
 - 2. The project site owner must notify Scottsburg and IDEM within 48 hours prior to the commencement of construction activities by the submission of an updated Notice of Intent (NOI). Upon completion of construction activities, stabilization of the project site and removal of all temporary erosion protection and sediment control measures, the applicant may submit a Notice of Termination (NOT) to Scottsburg. Scottsburg shall inspect the project site to verify that the requirements of the NOT have been met. Once the applicant receives a verified copy of the NOT, the applicant must forward a copy of the verified NOT to the IDEM.
- B. For projects located only partially inside Scottsburg's MS4 area, the project site owner must comply with the requirements of this ordinance and may also be required to comply with the CSGP and/or another MS4 community's construction site control ordinance.
- C. The following development activities are exempt from the provisions of this ordinance.
 - 1. Agricultural land management activities
 - 2. Additions to or modifications of existing detached, single-family dwellings
 - 3. Development of individual lots which are not part of a larger development project, if the total disturbance is less than one (1) acre. For multi-lot developments, see 2.9 (B) and 2.9 (C).
 - 4. Development that does not disturb more than 5,000 square feet of

land. This exception does not apply to tracts or parcels, whether in common or separate ownership, which have been subdivided from a single parent tract, if the total area within the original parent tract which is disturbed, any one time, exceeds 5,000 square feet.

NOTE: These exemptions apply only to permitting procedures under this Article and do not, necessarily, apply to any discharge of sediment or other form of water pollution that may leave a site. Such discharges may, in fact, constitute prohibited illicit discharges.

Section 2.3 Recitals

Whereas, uncontrolled storm water drainage/discharge may have a significant adverse impact on the health, safety and welfare of the citizens of Scottsburg, Indiana. More specifically, surface water runoff can carry pollutants and sediment pollution into receiving waters. The potential impacts include:

- A. Changing natural ecosystems through the destruction of habitat and the loss of plant and animal life.
- B. Posing significant health risks through an increase in bacteria and toxic materials.
- C. Accelerating eutrophication of receiving waters by introducing excessive nutrients.
- D. Increasing metal deposits creating toxicity for aquatic life.
- E. Reducing oxygen levels because of oil, grease and organic matter.
- F. Affecting animal and plant life, adversely, due to changing temperatures of receiving waters.
- G. Accumulation of excess sediment and/or debris that limits the function of flood control infrastructure.

Whereas, adverse water quantity and quality consequences described above may result in substantial economic losses. Potential losses include, but are not limited to, increased wastewater treatment costs, diminished property values, as well as state and federal fines associated with water quality violations.

Whereas, every parcel of property, both private and public, either uses or benefits from Scottsburg's storm water system.

Whereas, current and anticipated growth will contribute to and increase the need for an effective storm water system.

Section 2.4 Objectives

Protection of the short-term and long-term public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of Scottsburg's storm water system, including public and private facilities in its service area.

- A. Protecting and preserving water quality and fish and wildlife habitat within Scottsburg and in downstream receiving waters.
- B. Protecting those downstream from water quality impairment.
- C. Compliance with state and federal storm water regulations developed pursuant to the Clean Water Act Amendments of 1987 and the Indiana Department of Environmental Management's Municipal Separate Storm Sewer System General Permit (MS4GP) and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP). The objectives of these regulations include:
 - 1. Managing the quality of water discharged to the municipal storm water system by controlling the contribution of pollutants associated with residential, commercial and industrial activity.
 - 2. Controlling storm water pollution caused by the suspension and transport of soils and other sediments.
 - 3. Protecting or enhancing storm water quality to a level of "designated use" and minimize the impacts from new development and/or areas of significant redevelopment.
- D. To help maintain a stable tax base by providing for the sound use and development of flood-prone area in such a manner as to maximize beneficial use without increasing flood hazard potential or diminishing the quality of the natural storm water resources.
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges.
- F. Ensure the use of the public and private storm water management system that will not result in excessive maintenance costs.
- G. Encourage the use of natural and aesthetically pleasing designs that maximize preservation of natural areas.
- H. Control the discharge of sediment and construction site materials into the storm water system.
- I. Guide the construction of storm water management facilities by developing comprehensive master plans to address storm water quantity and quality.

- J. Encourage preservation of flood plains, flood ways, and open spaces to protect and benefit the community's quality of life and natural resources.

Section 2.5 Authority and Right of Entry

- A. Scottsburg shall have right-of-entry on or upon the property of any Person subject to this Article and any permit/document issued hereunder. Scottsburg shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this Article.
- B. Where a property, site or facility has security measures in force which require proper identification and clearance before entry into its premises, the Responsible Party shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, Scottsburg will be permitted to enter without delay.
- C. Access by Scottsburg shall include the right to erect upon the property such devices as are necessary to conduct sampling and/or metering of storm water operations or discharges.
- D. Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly upon request and at no cost to Scottsburg.
- E. Scottsburg may inspect the facilities of any person in order to ensure compliance with this Article. Except in an emergency relating directly to the health, safety, and welfare of the public, an inspection shall be made only after reasonable notice to and the consent of the responsible party. However, if such consent is refused, denied or not promptly tendered, Scottsburg may seek appropriate judicial orders permitting such entry.
- F. Scottsburg has the right to determine and impose inspection schedules necessary to enforce the provisions of this article. Inspections may include, but are not limited to, the following:
 - 1. An initial inspection prior to storm water management plan approval;
 - 2. An inspection prior to burial of any underground drainage structure;
 - 3. Erosion control inspections as necessary to ensure effective control of sediment prior to discharge to the municipal separate storm sewer system;
 - 4. A finish inspection when all work, including installation of storm

management facilities, have been completed; and

5. An inspection to determine the effectiveness or operational viability of a permanent or long-term storm water quality management practice.

Section 2.6 Perimeter/Outfall Protection Permit

- A. A *Perimeter/Outfall Protection Permit* must be issued prior to breaking ground or disturbing soil in order to install sediment control practices at the hydrologic perimeter / outfall(s) of a construction site. The permit does not give permission to the permit holder to break ground or disturb soil on the entire construction site, as is granted through the approval and issuance of a *Storm water Quality Management Permit*.
- B. A *Perimeter/Outfall Protection Permit* is a predecessor to a *Storm water Quality Management Permit*. While plans for both permits are approved simultaneously, the provisions of a *Perimeter/Outfall Protection Permit* must be implemented, inspected and accepted by Scottsburg prior to issuance of a *Storm water Quality Management Permit*.
- C. A *Perimeter/Outfall Protection Permit* may only be issued after the review and acceptance of a Perimeter Control Plan.
- D. Securing the perimeter prior to any land disturbance will decrease sedimentation off-site once construction has begun. Perimeter protection shall focus on downstream points and outfall areas and does not necessitate protection of the entire site boundary. Efforts shall be focused on those areas where water flow is most likely to exit the project site.
- E. Clearing, except that necessary to establish sediment control devices shall not begin until all sediment control devices have been installed and have been stabilized. Sediment control devices prevent eroded soil from leaving the project site through the site perimeter or outfalls.
- F. Contractors shall install sediment control measures and regularly inspect and maintain the facilities throughout construction.
- G. Compliance with this Article requires that a grading plan be developed and submitted, a grading permit obtained, and a perimeter control plan be implemented before any clearing or stripping.
- H. Perimeter Control Plan
 1. The Perimeter Control Plan shall include measures to prevent sediment from leaving the site during initial disturbance activities and prior to temporary or permanent erosion prevention and/or sediment

control practices.

2. The Perimeter Control Plan shall address downstream outfall points, while the Grading Plan defines site-wide erosion prevention and sediment control measures.
 3. The Perimeter Control Plan shall address prevention of sediment deposition on properties adjacent to the project site. Utilizing well-vegetated buffer strips along lower perimeters, sediment barriers, filters, diversion berms, sediment basins or other means accepted by Scottsburg may all be employed or combined to adequately protect adjacent properties.
 4. In selection of sediment control measures the type of flow, site terrain, soil type, and other relevant factors shall be considered. Buffer strips may only be utilized for sheet flow and must be at least twenty-five (25) feet in width. If ineffective, a single sediment control device shall be supplemented with additional perimeter controls.
 5. The Perimeter Control Plan shall address stabilizing construction entrances/exits to reduce the amount of sediment transported onto nearby roadways, and potentially into waterways. Where possible, traffic entering a public right-of- way, alley, sidewalk, or parking lot, traffic shall first pass over a stabilized stone pad. This pad shall be at least six (6) inches thick, one-hundred (100) feet long, and contain two (2) to three (3)-inch crushed coarse graded stone. If operating under seasonally wet conditions and/or soft soils, filter fabric shall underlie the stabilized stone pad.
 6. The Perimeter Control Plan shall address protection of outlets such as pipes, drains, culverts, conduits or channels by significantly minimizing erosion and sedimentation through reduction of the velocity of flows from the project site. The placement of rock, grouted rip-rap, or concrete rubble at the outlet of a pipe to prevent scour of the soil around the culvert mouth caused by the high pipe flow velocities or similar measures are encouraged.
- I. Acceptance: Site inspection and approval by Scottsburg must be received before any land disturbance or grading may proceed.
1. Scottsburg shall make inspections of the site prior to the acceptance of the perimeter control plan. Inspection will be performed within seven (7) days after the submission of the plan and installation of the perimeter protection devices but before any disturbance or clearing has been performed. The inspector shall either approve the portion of work completed or shall advise the permittee as to the

noncompliance with the perimeter control plan as approved.

2. Inspection of perimeter protection BMPs shall consist of a visual check list for each type of BMP, to ensure that each was designed and installed according to site specific conditions.
 3. Acceptance of the perimeter control plan and inspection of the appropriate BMPs shall compensate for and address any seasonal variations which may hinder the effectiveness of the BMPs. Seasonal variations may include changes in flow, hydrology, temperature, and vegetation. BMPs shall be designed according to these variations and appropriately to maintain a level of service.
- J. The Indiana Department of Natural Resource's guidance documents, including the "Handbook for Erosion Control in Developing Areas, 1985" or the "Indiana Storm water Quality Manual", should be reviewed and considered when preparing the Perimeter Control Plan.
- K. Scottsburg reserves the right to develop or adopt other guidance documents to serve as design and implementation standards.

Section 2.7 Storm Water Quality Management Permit

- A. In order to apply for a Storm Water Quality Management Permit the following information must be submitted::
1. The NOI letter must be submitted to Scottsburg Board of Works or their designee at the designated address which is currently:

Scottsburg City Hall
2 E. McClain Ave.
Scottsburg, IN 47170
 2. Construction plan sheets and an accompanying narrative report shall be submitted describing existing and proposed site conditions, the narrative report and supporting documents shall including the following:
 - a. An index indicating the location in the construction plans of all information required by this subsection.
 - b. Description of the nature and purpose of the project.
 - c. Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township.
 - d. 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.

- e. General construction sequence of how the project site will be built, including phases of construction.
- f. 14-Digit Watershed Hydrologic Unit Code (HUC).
- g. A reduced plat or project site map showing the lot numbers, lot boundaries, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site.
- h. A general site plan exhibit with the proposed construction superimposed on an ortho-aerial map at a scale of 1" = 100'. The exhibit should provide 2-foot contour information and include all roads and buildings within a minimum 500' radius beyond the project boundaries.
- i. Identification of any other state or federal water quality permits that are required for construction activities associated with the owner's project site.
- j. Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map or county or municipal road map.
- k. An existing project site layout that must include the following information.
- l. Location, name and normal water level of all wetlands, lakes, ponds and water courses on, or adjacent to, the project site.
- m. Location of all existing structures on the project site.
- n. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.
- o. Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey or as determined by a soil scientist. A soil legend must be included with the soil map.
- p. Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site.

- q. Location of storm, sanitary, combined sewer and septic tank systems and outfalls.
- r. Location of regulated drains, farm drains, inlets and outfalls, if any exist of record.
- s. Land use of all adjacent properties.
- t. Existing topography at a contour interval appropriate to indicate drainage patterns.
- u. Final project site layout, including the following information:
 - v. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.
 - w. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.
 - x. Proposed final topography at a contour interval appropriate to indicate drainage patterns.

B.A Grading Plan, including the following information:

- 1. The Grading Plan shall include provisions for operation and maintenance of measures identified in the Perimeter Control Plan.
- 2. The Grading Plan shall make clear the erosion prevention and sediment controls which are most appropriate to the specific site conditions.
- 3. The Grading Plan shall illustrate the location and extent of erosion prevention and sediment controls.
- 4. The Grading Plan shall include sequencing and schedule information, structural and non-structural Best Management Practices (BMPs), temporary and permanent stabilization measures.
- 5. The Grading Plan shall include anticipated inspection and maintenance requirements for permanent and temporary measures. This shall include the expected frequency of routine inspections and maintenance activities (such as removal of sediment and construction debris).
- 6. The Grading Plan shall include provisions for construction phasing. This shall be designed so that stripping and clearing of the site exposes only the area necessary for immediate activities and

minimizes the amount of soil exposed at any one time. This includes rough grading, construction of utilities, infrastructure and buildings, and final grading and landscaping. Phasing should identify the expected date on which clearing of the area will begin and the estimated duration of exposure. The sequence of phased clearing and the installation of temporary and permanent erosion control measures should be identified.

7. The Grading Plan shall include provisions for a no-disturbance waterway buffer as defined by Indiana Department of Environmental Management's (IDEM) Construction Stormwater General Permit.

- C. The Grading Plan shall include provisions for stabilizing denuded areas and soil stockpiles.
1. Soil stabilization shall be designed to prevent the erosive forces of rain and water flow from washing soil from the site. Soil stabilization measures may be temporary and/or permanent and should be appropriate to the seasonal hydrology, site conditions, and estimated duration the measure will be in place.
 2. Denuded areas must be stabilized with permanent or temporary soil stabilization measures per IDEM's Construction Stormwater General Permit (CSGP).
 3. Soil stockpiles shall be stabilized per IDEM's Construction Stormwater General Permit (CSGP). Sediment trapping measures such as sediment traps and detention ponds shall be utilized to prevent soil loss from the project site through the duration of soil stockpiling practices.
 4. The Grading Plan shall include provisions for stabilizing cut and fill slopes.
 5. Minimization of erosion must be considered when designing and constructing cut and fill slopes. Length, steepness, soil type, upslope tributary area, groundwater, and other relevant factors must all be taken into account.
 6. Stabilization practices such as rock rip-rap, geosynthetic material, or other methods approved shall be used on cut and fill slopes at 3 to 1 or greater.
 7. Cut and fill slopes must be stabilized with permanent or temporary soil stabilization measures As described in Section 3.4 of the IDEM Construction Stormwater General Permit (CSGP).
 8. The Grading Plan shall include provisions for erosion prevention

measures. Erosion prevention measures shall be designed to minimize the suspension of sediment from the soil. The controls may function independently or in combination with sediment control measures, to prevent sediment laden runoff from leaving the construction site.

Acceptable erosion prevention practices include:

- a. Phased Construction/Clearing
- b. Dust control
- c. Construction Road Stabilization
- d. Temporary seeding
- e. Top Soiling
- f. Mulching
- g. Nets and Mats
- h. Geotextiles
- i. Terracing
- j. Soil bioengineering — slope and stream stabilization
- k. Rip-rap
- l. Channel linings
- m. Temporary diversions, drains and swales
- n. Stream crossings
- o. Water bar
- p. Other measures reviewed and accepted by the City of

Scottsburg are also appropriate erosion prevention practices.

- D. The Grading Plan shall include provisions for sediment control measures. Sediment control measures shall be designed to remove sediment, by settling, flocculating, filtering or other means, from storm runoff prior to discharge from the construction site. The controls may function independently or in combination with erosion prevention measures, to

prevent sediment laden runoff from leaving the construction site. Acceptable sediment control practices include:

1. Stabilized construction entrance
2. Construction entrance tire washing
3. Buffer zones
4. Check dams
5. Silt fence
6. Double layered straw bale barrier
7. Sand bag barrier
8. Brush, rock filter and continuous berms
9. Sediment traps
10. Temporary sediment / detention basin
11. Temporary inlet protection
12. Temporary outlet protection
13. Infiltration systems
14. Wet detention ponds
15. Dry detention ponds
16. Constructed wetlands
17. Biofilter swales
18. Water quality inlets and hydrodynamic separators
19. Other measures reviewed and accepted by the City of Scottsburg are also appropriate sediment control practices.

E. A drainage plan, including the following information:

1. An estimate of the peak discharge, based on the 10-year storm event,

of the project site for both pre-construction and post-construction conditions.

2. Calculations showing the peak runoff rate after development for the 2-year, 10-year, and 100-year return period 24-hour storms do not exceed the respective allowable release runoff rates. The allowable release runoff rates shall match the most current IDEM Construction Stormwater General Permit (CSGP).

The release rates may be set at a different value by the City if more detailed data becomes available as a result of comprehensive watershed studies conducted and/or formally approved and adopted by the City of Scottsburg's City Council. The applicant shall confirm the applicable release rates with the City prior to initiating the design calculations to determine whether a basin-specific rate has been established for the watershed.

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, where practicable. 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.

3. Location, size, and dimensions of all storm water drainage systems, such as culverts, storm sewers, and conveyance channels.
4. Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exists.
5. Locations of specific points where storm water discharge will leave the project site.
6. 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.
7. Location, size, and dimensions of features, such as permanent retention or detention facilities, including existing or manmade wetlands, used for the purpose of storm water management. Include existing retention or detention facilities that will be maintained, enlarged or otherwise altered and new ponds or basins to be built and the basis of their design.

8. The estimated depth and amount of storage required by the design of the new pond(s) or basin(s).

F. A Storm Water Pollution Prevention Plan (SWPPP) for construction activities must be designed to, at a minimum, meet the requirements of this Article, and must include the following:

1. Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures.
2. Temporary stabilization plans and sequence of implementation.
3. Permanent stabilization plans and sequence of implementation.
4. 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.
5. Construction sequence describing the relationship between implementation of storm water quality measures and stages of construction activities.
6. Anticipated inspection and maintenance requirements for permanent and temporary measures. This shall include the expected frequency of routine inspections and maintenance activities (such as removal of waste concrete)
7. A description of potential pollutant sources associated with the construction activities that may reasonably be expected to add a significant amount of pollutants to storm water discharges, including:
 - a. Waste concrete management
 - b. Material delivery, handling and storage
 - c. Sanitary / septic waste management
 - d. Solid waste / trash and debris management
 - e. Spill prevention control and countermeasures
 - f. Vehicle and equipment cleaning, fueling and maintenance

- g. Sensitive and vegetated area preservation
- h. Material delivery, handling, and storage associated with construction activities shall meet the spill prevention and spill response requirements of 327 IAC 2-6.1.

G. The SWPPP must include provisions for addressing the following issues as applicable to the site-specific construction activities:

- a. De-watering operations
- b. Contaminated soil management
- c. Hazardous materials and waste management
- d. Pesticides, herbicides and fertilizer use
- e. Collection system maintenance
- f. Drainage system flushing
- g. Over-water activities
- h. A typical erosion and sediment control plan for individual lots.

Section 2.8 Self-monitoring program including plan and procedures.

The Indiana Department of Natural Resource's guidance documents, including the "Handbook for Erosion Control in Developing Areas, 1985" or the "Indiana Storm water Quality Manual", should be reviewed and considered when preparing the Grading Plan and Storm water Pollution Prevention Plan.

Scottsburg reserves the right to develop or adopt other guidance documents to serve as design and implementation standards.

Section 2.9 Requirements for Individual Lots

Although no permit is required for individual lots disturbing less than one (1) acre, within a larger permitted project, a formal storm water review will be required prior to the issuance of a building permit. All storm water management measures necessary to comply with this Article must be implemented in accordance with the permitted plan for the larger project.

- A. The information following in 2.9 (B) and 2.9 (C) must be submitted for review and approval, prior to the issuance of a building permit for an individual lot.

- B. A site location plan showing the individual lot and all adjacent lots dimensions, elevations, drainage patterns and swales.
- C. An erosion and sediment control plan that, at a minimum, includes the following measures:
 - 1. Installation and maintenance of a stable construction site access.
 - 2. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
 - 3. Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been achieved.
 - 4. 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.
 - 5. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

Section 2.10 Self-monitoring program, including a plan and procedures

Certification of Compliance stating that the individual lot plan is consistent with the storm water management permit approved by Scottsburg for the larger project.

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

Section 2.11 Storm Water Quality Management Permit Termination

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

- A. The project site owner shall submit a Notice of Termination (NOT) letter to Scottsburg and the IDEM and in accordance with the following:
 - 1. The project site owner shall submit an NOT letter when the following conditions have been met:
 - a. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been

stabilized.

- b. All temporary erosion and sediment control measures have been removed.
2. The NOT letter must contain a verified statement that each of the conditions in this subdivision has been met.
3. The project site owner may submit an NOT letter to obtain early release from compliance with this Article, if the following conditions are met:
 - a. The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.
 - b. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.
 - c. All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.
 - d. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
 - e. All permanent storm water quality measures have been implemented and are operational.
- B. Following acceptance of the NOT letter, the project site owner shall notify all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with this Article. The remaining individual lot owners do not need to submit an NOI letter or NOT letter. The notice must inform the individual lot owners of the requirements to:
 1. Install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and
 2. Maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.
- C. The Department of Natural Resources-Division of Soil Conservation (DNR-

DSC), other entity designated by the department or a regulated MS4 entity, or the department may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter requirements. If the inspecting entity finds that the project site owner has sufficiently filed an NOT letter, the entity shall forward notification to the department. Upon receipt of the verified NOT letter by the department and receipt of written approval from the department, the project site owner shall no longer be responsible for compliance with this rule.

- D. After a verified NOT letter has been submitted for a project site, maintenance of the remaining storm water quality measures shall be the responsibility of the individual lot owner or occupier of the property.
- E. A Storm Water Quality Management Permit shall be considered open and active until a time when Scottsburg accepts the site conditions and as-built requirements have been completed.
- F. Acceptance of site conditions shall be made by Scottsburg based upon an inspection. If any of the following items are deemed to be insufficient, not appropriate and/or inconsistent with the Grading Plan, Storm Water Pollution Prevention Plan or objectives stated in this Article the approval will not be granted.
- G. Pipes, channels, catch basins, water quality treatment devices and other infrastructure are clear of sediment, obstructions and debris, and are designed and operating as appropriate for final site conditions.
 - 1. Slopes are permanently stabilized.
 - 2. Temporary erosion prevention or sediment control devices (such as silt fence and staking, outlet protection, etc.) have been removed (as appropriate) and any resulting soil disturbance stabilized.
 - 3. Temporary pollution prevention practices have been demobilized or removed and affected areas stabilized.
 - 4. Sediment has been removed and slopes stabilized for permanent flood control and water quality control practices.
 - 5. Detention pond grading is stabilized and/or excess sediment removed so that actual volume is at least equal to designed volume and condition.
 - 6. Other items as deemed to be important by Scottsburg.

Section 2.12 As-built Requirements

Prior to issuance of a use and occupancy permit or final release of bond, the as-built condition of critical storm water management facilities must be reviewed and approved.

- A. The volume, capacity, slope, configuration, condition, “as-planted” plans and topographic information, as well as all pipe size, material, lengths, for all detention, retention and water quality practices shall be certified by a Professional Engineer licensed in the State of Indiana. This information shall be provided to Scottsburg in the form of an as-built drawing or other electronic form accepted/required by Scottsburg. The as-built certification shall indicate if final conditions are consistent with, or exceed, the Storm water Quality Management Permit provisions.
- B. If it is determined that information provided in the as-built drawing, certification, inspection or survey of the site do not meet or exceed the Storm water Quality Management Permit requirements, then Scottsburg reserves the right to withhold certification of occupancy or final bond. Furthermore, other enforcement mechanisms, as identified within this Article, may be applied to the Person certifying the as-built information.
- C. If upon inspection by Scottsburg it is determined that there is an item that must be addressed to receive acceptance of site conditions, then the Person shall be required to continue inspections and maintenance as described in the Storm water Quality Management Permit.

Section 2.13 Inspections and Maintenance

- A. Permittee Performed Inspections (Self Inspections) must be performed by a Qualified Professional such as Qualified Professional Inspector (QPI) or a Professional Engineer (PE).
- B. Inspections shall be performed at all control measures every fourteen (14) days and within twenty-four (24) hours of a one quarter (0.25) inch rain event. The inspections will determine the overall effectiveness of the Grading and Storm Water Pollution Prevention Plans, needed maintenance activities and the need for additional control measures.
- D. All inspections shall be documented in written form and made available to Scottsburg or submitted at the time interval specified in the approved permit.
- E. Inspections shall be performed consistent with specific visual maintenance checklists approved by Scottsburg.
- F. Documentation of permittee performed inspections and inspection findings shall be kept on site, if appropriate facilities (such as a project trailer or building) are available. In the event, that appropriate facilities are not available then a copy of the most recent inspection shall be displayed at the

site along with other documents that must be displayed to the public per other local, state and federal regulations.

- G. Documentation of permittee performed inspections and inspection findings shall be made available within three (3) days of a request by Scottsburg. Failure to post or timely submit documentation as requested will be assumed to indicate that inspections were not performed and may result in corresponding enforcement procedures. Inspection documentation shall include but shall not be limited to the following:

1. The address of the site.
2. The parcel identification number.
3. The name of the owner or owner's agent.
4. The location of the storm water system(s).
5. A description of the current operational or functional status of the storm water system(s). For sediment control structures, an indication of used and remaining, capacity (fraction, percentage, depth or volume) shall be given to identify when the control must be cleaned out.
6. Identification of any necessary repairs, sediment/debris removal or replacement of all or portions of the storm water system(s).
7. The results of any field or laboratory analyses performed.
8. Other relevant or unusual observations related to the system(s).
9. Action plan to prevent premature storm water system failure as consistent with the Storm water Quality Management Permit provisions.
10. Action plan to prevent the premature system failure that exceeds the Storm water Quality Management Permit provisions, but are necessary to prevent storm water pollution from leaving the site.

Section 2.14 Oversight Inspections

Scottsburg shall have the authority to periodically inspect the site of land disturbing activities for which permits have been issued; may make inspections of the site at its discretion; and shall either approve the portion of the work completed or shall notify the permittee wherein the work fails to comply with the Grading or Storm Water Pollution Prevention Plans as approved or is ineffective (regardless of consistency with an approved Grading Plan).

The results of the inspections and findings will be presented and reviewed with the permittee at the time of inspection (as available to site personnel), and be available in the permit file within 7 days.

- A. In order to obtain inspections, the permittee shall notify Scottsburg at least two (2) working days before the following activities:
 - 1. Perimeter/Outfall Protection Permit Approval - Prior to the initiation of the project after perimeter protection erosion prevention and sediment control practices have been installed, but prior to disturbance of the remaining site.

Section 2.15 Bond Release Inspections

Upon completion of the project in order to receive approval to cease permittee inspections in compliance with the *Storm water Quality Management Permit*.

- A. Scottsburg may identify any repairs, sediment/debris removal or replacement of all or portions of the storm water system(s) necessary to comply with the objectives of this Article and the *Storm water Quality Management Permit*.
- B. Scottsburg may develop and require the implementation of an action plan and compliance schedule that prevents the premature storm water quality management system failure as consistent with the *Storm water Quality Management Permit* provisions.
- C. Scottsburg may develop and require the implementation of an action plan to prevent the premature system failure that exceeds the Storm water Quality Management Permit provisions, but are necessary to prevent storm water pollution from leaving the site.

Section 2.16 Maintenance

Maintenance must be performed under the direction and/or supervision of a Qualified Professional such as a Qualified Professional Inspector (QPI), or a Professional Engineer (PE).

- A. Maintenance of erosion prevention, sediment control and pollution prevention practices shall be performed according to the Grading and Pollution Prevention Plans.
- B. Maintenance activities shall be performed in accordance with action plans developed through the course of permittee performed inspections. This may represent activities that exceed provisions of the Grading and Pollution Prevention Plans but are necessary to prevent storm water pollution from leaving the site.

Section 2.17 Qualified Professional Registration and Certification

A Qualified Professional such as a Professional Engineer (PE) or Qualified Professional Inspector (QPI) is required to perform routine inspections and direct and/or supervise maintenance activities to ensure that the Storm water Quality Management Permit provisions are being implemented properly.

All Qualified Professionals performing inspections or overseeing maintenance activities under this Article must be registered with Scottsburg and certified prior to execution of those actions. All applicants must file an application with Scottsburg. Applicants must demonstrate knowledge of 1.) construction practices, 2.) operational standards, 3.) cause and failure indicators and 4.) maintenance measures used to prevent and correct failures.

- A. Scottsburg reserves the right to require that Qualified Professional applicants pay a registration fee.
- B. Scottsburg reserves the right to require that Qualified Professional applicants satisfactorily complete a Qualified Professional Inspector (QPI) training course through The Southern Indiana Stormwater Advisory Committee (SISWAC) or an approved training course.
- C. Scottsburg reserves the right to require that Qualified Professional applicants be re- certified as often as every 5 years.
- D. Scottsburg reserves the right to require that Qualified Professional applicants successfully pass a written exam covering construction practices, operational standards, causes and indicators of storm water quality management system failures and corrective actions as approved by Scottsburg.
- E. Scottsburg may de-certify any Qualified Professional under one or more of the following circumstances:
 - 1. The individual fails to comply with this Article.
 - 2. Scottsburg determines that the individual is not qualified to perform his duties hereunder.
 - 3. The individual is unable to properly perform an evaluation of a storm water quality management system.
 - 4. The individual is negligent in the discharge of his duties as outlined in the certification requirements.
 - 5. The individual submits false or misleading information.

6. The individual fails to maintain the required certification as required by this Article.
- F. Scottsburg shall give written notice to a Qualified Professional before being de-certified. The inspector shall be given an opportunity at an informal meeting to show cause why de-certification is not appropriate.
- G. A de-certified Qualified Professional may apply for re-certification after completion of approved certifying training.
- H. It shall be the responsibility of Scottsburg to:
 1. Administer and enforce this Article.
 2. Develop and administer a process for certifying Qualified Professionals.
 3. Maintain a list of certified Qualified Professionals.
 4. Require corrective actions where there is evidence of a system failure.
 5. Establish criteria for the inspections and the certification of Qualified Professionals and make such criteria and related forms available to the public.

Section 2.18 Fees

Scottsburg reserves the right to require fees to cover expenses, including but not limited to overhead, labor, storage, training, etc., associated with the certification, training and inspection process.

Fees shall be paid prior to a certification training course and/or

exam. Section 2.19 Enforcement

Scottsburg may institute appropriate actions or proceedings by law or equity for the enforcement of this Article and shall, in each instance, be entitled to recover its costs and attorney fees. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent Scottsburg from taking such other lawful action as necessary to prevent or remedy any violation, including application for injunctive relief. Any of the following enforcement remedies and penalties may be applied independently, collectively, or in a sequence deemed necessary, shall be available to Scottsburg in response to violations of this Article. If the Person, property or facility has or is required to have a storm water discharge permit from IDEM; Scottsburg shall alert the appropriate State authorities of the violation.

- A. Notice of Violation (NOV) — Whenever Scottsburg finds that any Person owning or occupying premises has violated or is violating this Article or an order issued hereunder, the enforcement official may serve such person, personally, or by registered or certified mail, a written NOV. Within thirty (30) days of the receipt of this notice, or shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted to Scottsburg. Submission of this plan shall not, however, affect liability for violations of this Article.
- B. Revocation of permit — Scottsburg may revoke and require the surrender of a permit or certificate by notifying the permit holder, in writing, the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans or specifications; refusal or failure to comply with the requirements of State or local law; or, for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.
- C. Stop Work Order — Scottsburg may issue a Stop Work Order and require that all activities cease.
- D. Compliance order — If any Person shall violate the provisions of this Article, Scottsburg may give notice to the owner, responsible party, or to any Person in possession of the subject property ordering that all unlawful conditions existing thereupon be abated within a scheduled period defined from the date of such notice.
- E. The enforcement official shall have the authority to establish elements of a storm water pollution prevention plan and require any business to adopt and implement such a plan as may be reasonably necessary to fulfill the purposes of this Article. The enforcement official may establish the requirements of BMPs for any premises.
- F. If it is determined by Scottsburg that the unlawful condition is such that there is an imminent danger or peril to the public, then Scottsburg may, with or without notice, proceed to abate the same, with the costs of such abatement to be charged to the owner, responsible party, or against the property.
- G. Civil Penalties — Any Person that has been found to have violated any provision of this Article may be assessed a civil penalty not to exceed the lesser of (1) the amount presented in this subsection, or (2) the maximum amount permitted by law.
- H. The penalty shall increase by twenty-five percent (25%) of the previous penalty amount for every subsequent but separate offense made by the same Person. This penalty shall be in addition to other enforcement actions of this

section.

- I. The penalty may be assessed for each day that the prohibited activity continues beyond those schedules set forth in compliance orders or other abatement schedules issued to the property owner, or other Person responsible, by Scottsburg.
- J. In determining the amount of the penalty the Court shall consider the following:
 - 1. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
 - 2. The duration and gravity of the violation;
 - 3. The effect on ground or surface water quality;
 - 4. The cost of rectifying the damage;
 - 5. The amount of money saved by noncompliance;
 - 6. Whether the violation was committed willfully or intentionally;
 - 7. The cumulative effect of other enforcement actions applied for the same offense;
 - 8. The prior record of the violator in complying or failing to comply with the storm water quality management program; and
 - 9. The costs of enforcement to Scottsburg.
- K. A civil penalty of not more than \$2,500.00 may be assessed for each of the following offenses:
 - 1. Development without permit - To engage in any development, use, construction, remodeling or other activity of any nature upon land or improvements thereon, subject to the jurisdiction of this Article without all required permits, certificates or other forms of authorization as set forth in this Article.
 - 2. Development inconsistent with permit - To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with any approved plan, permit, certificate or other form of authorization granted for such activity.
- L. Violation by act or omission.
- M. To violate, by act or omission, any term, variance, modification, condition or qualification placed by Scottsburg or its designated representative upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.
- N. In the event there are penalties assessed by the State against Scottsburg and resulting from a violation of this Article, the Person responsible for such violation may be assessed the lesser of (1) the amount of the penalty assessed as against Scottsburg, or (2) \$2,500.00.

- O. Order to clean and abate/restore — Any violator may be required to clean and/or restore land to its condition prior to the violation.
- P. Cost Recovery - If corrective action, including maintenance delinquency, is not taken in the time specified or within a reasonable time, Scottsburg may undertake the corrective action, and the cost of the abatement or corrective action shall be assessed against the responsibility party, owner of the premises and/or the developer. If these costs are not paid within (90) days of invoice, the enforcement official may initiate all appropriate legal actions to enforce the claim.
- Q. Injunctions and/or proceedings at law or in equity — Any violation of this Article or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to State law.
- R. Civil Actions — In addition to any other remedies provided in this Article, any violation of this Article may be enforced by civil action brought by Scottsburg. Monies recovered under this subsection shall be paid to Scottsburg to be used exclusively for costs associated with implementing or enforcing the provisions of this Article. In any such action, Scottsburg may seek, as appropriate, any or all of the following remedies:
1. A temporary and/or permanent injunction;
 2. Assessment of the violator for the costs of any investigation, inspection or monitoring survey which lead to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection, to include reasonable attorney fees and costs of the action;
 3. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; and
 4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.
- S. Emergency Orders and Abatements. Scottsburg may order the abatement of any discharge from any source to the storm water conveyance system when, in the opinion of Scottsburg, the discharge causes or threatens to cause a condition that presents an imminent danger to the public health, safety, or welfare of the citizens of Scottsburg, the environment, or is a violation of a NPDES permit. If such emergency situations occur and the property owner or other responsible party is unavailable or time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare, Scottsburg may perform or cause to be performed such work as shall be necessary to abate said threat or danger. The costs of any such abatement may be recovered as

in 2.19 (R).

- T. Remedies Not Exclusive. The remedies listed in this Article are not exclusive of any remedies available under any applicable Federal, State or local law and Scottsburg may seek cumulative remedies.

Section 2.20 Compatibility and Severability

Should any article, section, subsection, clause or provision of this Article be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole or any part thereof, other than the part declared to be unconstitutional or invalid, each article, section, clause and provision being declared severable.

If any provision of this Article is inconsistent with any other, law, regulation, statute, or ordinance; or results in the imposition of overlapping or contradictory regulations; or if this Article contains any restriction covering any of the same subject matter of another law, regulation, statute, or ordinance, the provision which is most restrictive or imposes the highest standard or strictest requirement shall govern.

ARTICLE III

Section 3.1 Post Construction Site Runoff

This section shall control storm water activities associated with Post Construction Site Runoff Control of Scottsburg, Indiana.

Section 3.2 Applicability

All new development and redevelopment activities that result in the disturbance of one (1) or more acres of land within Scottsburg, Indiana, including land disturbing activities on individual lots of less than one (1) acre as part of a larger common plan of development of sale, shall develop a post-construction Storm Water Pollution Prevention Plan (SWPPP) which includes provisions necessary for minimizing the impacts of pollutants from the proposed land use.

Section 3.3 Post-Construction Storm Water Pollution Prevention Plan Requirements

- A. A *Storm Water Quality Management Permit* may only be issued after the review and acceptance of a Post-Construction SWPPP. The Post-Construction SWPPP is part of the *Storm Water Quality Management Plan* (SWQMP) and must include the following information:
 - 1. A description of potential pollutant sources from the proposed land use that may reasonably be expected to add a significant amount of

pollutants to storm water discharges.

2. Location, dimensions, detailed specifications, and construction details of all post- construction storm water quality Best Management Practices (BMPs). Reference Section IV for acceptable storm water quality BMPs.
3. A description of BMPs that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strips and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds.
4. A sequence describing when each post-construction storm water quality BMP will be installed. Storm water quality BMPs that will remove or minimize pollutants from storm water runoff. Storm water BMPs that will be implemented to prevent or minimize adverse impact to stream and riparian habitat.
5. A narrative description of the maintenance guidelines for all post-construction storm water quality measures to facilitate their proper long-term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction storm water quality measures.

Section 3.4 Buffers: The SWPPP shall include provisions for buffers.

A. No-Disturbance Buffer

1. The No-Disturbance Buffer will be used to define areas where land disturbance activities shall not be permitted. Grading, clearing, and grubbing shall not be permitted in this area, but pruning, trimming, and partial removal of standing vegetation is permitted.
2. The no-disturbance waterway buffer shall be defined as Defined in the Indiana Department of Environmental Management's (IDEM) Construction Stormwater General Permit (CSGP).
3. The no-disturbance waterway buffer shall be applied to all waterways and drainage systems.

B. Waterway Buffer: The Waterway Buffer will be used to define areas where land disturbance activities shall be permitted, but construction of any building or structure shall not be permitted.

1. A waterway buffer shall be applied to all waterways per the Indiana Department of Environmental Management's (IDEM) Construction Stormwater General Permit (CSGP).
 2. Automatic exemptions may be applied for the following (provided erosion prevention and sediment control, water quality, and cut-fill policies are adequately addressed):
 - a. roads and utilities crossing waterways.
 - b. pedestrian trails and walkways proximate to waterways.
- C. The waterway buffer is defined In the Indiana Department of Environmental Management's (IDEM) Construction Stormwater General Permit (CSGP). At a minimum the waterway buffer shall be at least the width of the no-disturbance buffer, if applicable.
- D. The waterway buffer and flood plain may be used for application of water quality devices. This may only be permitted provided erosion prevention and sediment control, water quality, and cut-fill policies are adequately addressed as determined by Scottsburg according to the provisions of this Ordinance.

Section 3.5 Approved Storm water Best Management Practices (BMPs)

- A. The SWPPP shall include provisions for storm water quality BMPs functioning independently or in combination. Acceptable storm water quality BMPs include:
1. Vegetated Buffers
 2. Bioretention Swales
 3. Vegetated and Forested Buffer Strips
 4. Level Spreaders
 5. Infiltration Systems
 6. Dry Detention Ponds
 7. Wet Detention Ponds
 8. Retention Ponds

9. Constructed and Pocket Wetlands
10. Media Filtration and Screening Systems
11. Baffle Boxes and Grit Separators
12. Hydrodynamic Separator Systems
13. Sediment Forebays
14. Oil/Water Separators
15. Vault Storage / Infiltration BMPs (infiltration prohibited within wellhead protection areas)
16. Other measures reviewed and accepted by Scottsburg.

Section 3.6 BMP Design Requirement

- A. The SWPPP shall include provisions for storm water quality BMPs that are designed to achieve the following design / performance objectives:
 1. Reduce Total Suspended Solids (TSS) from the first flush as defined by land use characteristics and contributing area; or, capture and treatment of at least 0.5-inch precipitation applied over the contributing area. Reduce or buffer increases in storm runoff temperature caused by contact with impervious surfaces.
 2. Storm water detention / retention facilities shall be designed to address the rate at which flow is released over the entire runoff discharge period and the volume of discharge over the critical design-storm period. The outlet structure shall be designed as a v-notch weir or other multiple stage configurations capable of controlling the discharge rates for the 2-, 10-, and 100-year design-storm events.
- B. The *Indiana Drainage Handbook* or the *Indiana Storm Water Quality Manual* should be reviewed and considered when preparing the SWPPP.
- C. Scottsburg reserves the right to develop or adopt other guidance documents to serve as design and implementation standards. Other guidance documents distributed by Scottsburg should be reviewed and considered when preparing the SWPPP. These documents may be applied as standards by which designs are to be prepared and controls implemented. Scottsburg shall have authority to implement this Ordinance by appropriate regulations, guidance, or other related materials. In this regard, technical, administrative, or procedural

matters may be modified as needed to meet the objectives defined herein, so long as such modifications as to technical, administrative, or procedural matters are not contrary to or beyond the intent of the objectives defined herein.

- D. Regulations, guidance, or other related materials that may be given authority by this Ordinance may include, but are not limited to: Best Management Practice (BMP) manuals, design regulations and requirements, submission checklists, review checklists, inspection checklists, certifications, storm water management manuals and operation and maintenance manuals.
- E. Materials may include information deemed appropriate by Scottsburg including guidance and specifications for the preparation of grading plans, selecting environmentally sound practices for managing storm water, minimum specifications and requirements, more complete definitions, and performance standards.
- F. The above referenced documents shall not in any way require specific commercially available products. However, they may refer to performance specifications, class of devices, construction, or management practice. The above referenced documents may restrict or prevent the use of specific products, techniques or management practices (that are to be accepted by the public or are deemed to have a negative impact on public infrastructure or the MS4) that have been identified as unacceptable for performance, maintenance or other technically based reasons.
- G. Documents referenced above may be updated periodically to reflect the most current and effective practices and shall be made available to the public. However, the failure to update the manual shall not relieve any applicant from the obligation to comply with this Ordinance, and shall not prevent Scottsburg from imposing the most current and effective practices.
- H. Soil bioengineering, "green" and other "soft" slope and stream bank stabilization methods shall receive preference over rip rap, concrete and other hard armoring techniques. "Hard" alternatives shall only be permitted when their necessity can be demonstrated given site-specific conditions.
- I. Retention - Supportive data must be submitted to justify the type of facility selected. If the facility is designed to retain (volume control) all or a significant portion of runoff (as opposed to temporarily detain it), then appropriate soils analyses shall be submitted to Scottsburg. This submission shall also discuss the impacts the facility will have on local karst topography as found through a geotechnical investigation of the site. The facility may be designed to infiltrate runoff to groundwater rather than transmit it downstream under conditions up to a 10-year storm event. It must be able to bypass all other storms up to a 100-year event Per the allowable discharge rates in the most current Indiana Department of Environmental Management's (IDEM) Construction Stormwater General Permit (CSGP).If

data indicates that the facility cannot retain a significant portion of the runoff (95%) then the facility must be sized to detain runoff.

- J. Detention facilities may, and are encouraged to be designed to serve multiple purposes. For example, runoff may be detained under wet-weather conditions in facilities that also serve as common or recreational areas during dry-weather conditions. Where multi- purpose facilities are provided, or where flat grades or poorly draining soils are encountered, provisions for adequate low-flow storm water management systems may be required. Where the retention/ detention facility is planned to be used as a lake, pond, or storm water quality management practice with a permanent pool, water budget calculations shall be performed and submitted to demonstrate that an adequate pool is expected during dry summer months.
- K. A licensed Professional Engineer shall approve and sign all plans for construction, to include all proposed improvements or modifications to existing or new storm water infrastructure and other related improvements or modifications.
- L. Scottsburg reserves the right to require supersede or additional treatment criteria or objectives for specific pollutant(s) as necessary to meet overall storm water quality management program objectives or directives under a watershed improvement or Total Maximum Daily Load (TDML) program.

Section 3.7 BMP Ownership and Easements

- A. Any storm water management facility or BMP which services individual property owners or subdivisions shall be privately owned. General routine maintenance (controlling vegetative growth and removing debris) shall be provided by the owner(s). The owner(s) shall maintain a perpetual, non-exclusive easement that allows access for inspection and emergency maintenance by Scottsburg. Scottsburg has the right, but not the duty, to enter premises for emergency repairs.
- B. Any storm water management facility or BMP which services an individual subdivision in which the facility or BMP is within designated open areas or an amenity with an established homeowner's association shall be privately owned and maintained by the owner consistent with provisions of this Ordinance. The owner shall maintain a perpetual, nonexclusive easement which allows for access for inspection and emergency maintenance by Scottsburg. Scottsburg has the right, but not the duty, to enter premises for emergency repairs.
- C. Any storm water management facility or BMP which services commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, nonexclusive easement which allows for access for inspection and emergency maintenance by Scottsburg. Scottsburg has the right, but not the duty, to enter premises for emergency repairs.

- D. All regional storm water management control facilities proposed by the owner(s), if approved and accepted by Scottsburg, shall, upon dedication as a public regional facility, be publicly owned and/or maintained.
- E. All other storm water management control facilities and BMPs shall be privately owned and/or maintained unless accepted for maintenance by Scottsburg.
- F. Scottsburg may require dedication of privately owned storm water facilities, which discharge to Scottsburg storm water system.

Section 3.8 Coordination with Regional BMPs

- A. All property owners are expected to implement adequate on-site storm water quality control measures, but the extent thereof may be reduced given the availability, proximity, and nature of regional storm water quality BMPs.
- B. The extent and type of on-site storm water quality management practices implemented must be proportionate to the land use, pollutant discharge potential, and proximity to regional storm water quality management practices.
- C. For properties where storm water quantity management practices are either not feasible, or not necessary in lieu of regional storm water quantity controls, Scottsburg has the right to require on-site controls for storm water quality.
- D. Scottsburg encourages regional storm water quantity and/or quality management practices, serving 25 acres or more of tributary area, which may be consistently and efficiently managed and maintained. These types of practices will be encouraged in order to replace or reduce the implementation of on-site storm water quantity and/or quality management practices, as determined to be appropriate by Scottsburg.
- E. Where a regional storm water management facility has been established by 1 or more local governments, or by an authority operating on behalf of 1 or more local governments, a development or property owner may participate in said program in lieu of runoff control required by this Ordinance.

1. This may be permitted provided that:

- a. Runoff from the development drains to an approved existing or proposed public regional storm water management facility that will be operational within 1 year of commencement of development.
- b. The total value of such participation by contribution of funds,

contribution of land, contribution of storm water management facility construction work, or a combination of these, shall equal or exceed the appropriate fee imposed or to be imposed by the City of Scottsburg with respect alternative private controls.

- c. Scottsburg finds that the storm water quality management plans are in compliance with all other applicable requirements and Ordinances.
 - d. Each fiscal or in-kind contribution from a development owner participating in a regional storm water quality management facility shall be used for acquisition, design, construction or maintenance of one (1) or more such facilities in the same watershed in which the development is located.
2. Redevelopment of properties containing on-site storm water quantity management practices may be permitted, at the discretion of the City of Scottsburg, provided the subject property and downstream public and private properties and infrastructure or “Waters of the State” are adequately protected by a regional facility(s) from storm water quantity or quality impacts.

Section 3.9 Coordination with Master Plans and Watershed Studies

- A. If available, each SWPPP shall be evaluated for consistency with the storm water master plan or watershed study for the major watershed or watersheds within which the project site is located. The individual project evaluation will determine if storm water quantity and quality management practices can adequately serve the property and limit impacts to downstream public and private properties. The presence of a regional facility(s) will be considered in determining the extent to which quantity and/or quality controls will be necessary.
- B. Special design criteria or requirements may be applied to storm water quality BMPs based on the direction or results of Master Plans, Watershed Studies and/or Total Maximum Daily Load (TMDL) requirements.

Section 3.10. Storm Water Quality Management Plan Permit Closure

- A. A SWQMP shall be considered open and active until the time when Scottsburg accepts the site conditions, as-built requirements have been completed, and a *Long-Term Operation and Maintenance Agreement* has been accepted.
- B. Acceptance of site conditions shall be made by Scottsburg through

inspection. If any of the following items are deemed to be insufficient, not appropriate, and/or inconsistent with the SWPPP or objectives stated in this Ordinance, then approval will not be granted.

- C. Pipes, channels, catch basins, water quality treatment devices, and other infrastructure are clear of sediment, obstructions, and debris, and are designed and operating as appropriate for final site conditions.
- D. Slopes are permanently stabilized.
- E. Temporary erosion prevention or sediment control devices (such as silt fence and staking, outlet protection, etc.) have been removed (as appropriate) and any resulting soil disturbance stabilized.
- F. Temporary pollution prevention practices have been demobilized, removed, and/or affected areas stabilized.
- G. Sediment has been removed and slopes stabilized for permanent flood control and water quality control practices.
- H. Detention pond grading is stabilized and/or excess sediment removed so that actual volume is at least equal to design volume and condition.
- I. Other items as deemed important by Scottsburg.

Section 3.11 As-Built Requirements

- A. Prior to issuance of a use and occupancy permit, or final release of bond, the as-built condition, including invert elevations, size, shape, and location of critical storm water management features, must be identified and approved.
- B. The volume, slopes, configuration, condition, and topographic information of all detention, retention, and water quality practices shall be certified by a licensed Professional Engineer. This information shall be provided to Scottsburg in the form of an as-built drawing or other electronic form accepted/required by Scottsburg. The as-built certification shall indicate if final conditions are consistent with, or exceed, the SWQMP provisions.
- C. If it is determined that information provided in the as-built drawing, certification, inspection or survey of the site do not meet or exceed the SWQMP provisions, Scottsburg reserves the right to withhold certification of occupancy or release of final bond. Furthermore, other enforcement mechanisms, as identified within this Ordinance, may be initiated to ensure compliance.
- D. If upon inspection by Scottsburg, or its designated representative, it is determined that acceptance of site conditions is inappropriate by virtue of deficiencies, the permittee shall continue inspections and maintenance, as described in the SWQMP, pending such acceptance.

Section 3.12 Long-Term Operation and Maintenance

- A. A *SWQMP* may not be closed until a *Long-Term Operation and Maintenance Agreement* has been accepted by Scottsburg.
- B. *Long-Term Operation and Maintenance Agreements* shall include a maintenance plan for all storm water quality BMPs in new development or redevelopment that require more than general maintenance (e.g. periodic mowing).
- C. The plan will be developed to ensure that the storm water quality BMPs are kept functional. The maintenance agreement will specify minimum operation and maintenance requirements and intervals to be performed by the property owner.
- D. The plan shall address schedules for inspections and techniques for operation and maintenance including vegetation clearing or mowing and removing accumulated trash, debris, sediment pollutants and other forms of pollution.
- E. The agreement shall be noted on the final plat with the appropriate notation on the particular lot(s).
- F. The agreement shall be recorded so as to be binding on the OWNER, its administrators, executors, assigns, heirs, and any other successors in interest.
- G. A suggested format for the *Long-Term Operation and Maintenance Agreement*. Provisions shall be made to assure that Water Detention and Retention facilities do not become nuisances or health hazards. Detention and retention facilities should be designed to require minimal maintenance, and maintenance expectations must be clearly stated in a *Long-Term Operation and Maintenance Agreement*.
- H. When a storm water quality BMP serves more than (1) parcel, an owners' association or binding contract for the purpose of operation and maintenance is required. The owner's association shall be responsible for operation and maintenance as directed by this Ordinance.
- I. The maintenance responsibilities for permanent storm water quality BMPs shall be determined based upon the type of ownership of the property which is controlled by the facilities.
- J. Single entity ownership — Where the permanent storm water runoff control facilities are designed to manage runoff from property in single entity ownership, the maintenance responsibility for the storm water control facilities shall be with the single entity owner.
- K. A single entity shall be defined as an association, public or private corporation, partnership firm, trust, estate or any other legal entity allowed to own real estate, exclusive of an individual lot owner.

- L. The stated responsibilities of the entity shall be documented in the form of a *Long-Term Operation and Maintenance Agreement*. Terms including ownership, operation, and maintenance of the facilities shall be submitted with an application for a SWQMP, so as to permit a determination of adequacy. Approval of a SWQMP shall be conditioned upon the approval of the Agreement, which shall be in writing and recordable form, and shall, in addition to any other terms deemed necessary by Scottsburg, contain a provision permitting inspection of all facilities at any reasonable time by Scottsburg.
- M. As a condition for approval of the storm water quality BMPs by Scottsburg, the facility owner(s) shall demonstrate the ability to guarantee and apply the financial resources necessary for long-term maintenance requirements. Scottsburg will accept a funding mechanism for long-term maintenance responsibilities only if same can be demonstrated to be permanent or transferable to another entity with equivalent longevity.
- N. In the event that proposed funding is through an owner's association, it must be demonstrated that the association may not be dissolved unless long-term operation and maintenance activities are accepted by another entity with equivalent longevity and adequate funding. Furthermore, the owner's association's responsibility must be stated in the association's declaration, covenants, or by-laws, as appropriate.
- O. Unless made specifically clear in the preliminary stages of the site design and construction plan review procedure, it will be assumed that all storm water detention, retention, treatment or storage facilities and/or devices shall be owned, operated and maintained by a single entity as defined above.
- P. Scottsburg Ownership — Where Scottsburg has accepted an offer of dedication of permanent storm water quality BMPs, Scottsburg shall be responsible for operation and maintenance.
- Q. Maintenance Bond — Scottsburg may require the posting of a maintenance bond to secure the structural integrity of said facilities as well as the functioning of said facilities in accordance with the approved *SWQMP* for a term of 18 months from the date of acceptance of dedication. Scottsburg may approve a cash contribution in lieu of a maintenance bond, provided that the contribution be approximately equivalent to the amount that would be estimated for such bond.

ARTICLE IV

Section 4.1 Definitions

The definitions contained in this section shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular;

words used in the masculine genre shall include the feminine.

ACCIDENTAL DISCHARGE means a discharge or release prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.

ADJACENT PROPERTY OWNERS means the owners of property contiguous to the subject property, excluding those who are also the owners of the subject property, ignoring all intervening streams, street and railroad rights-of-way.

APPLICANT means a person or persons submitting an application for development.

CLEAN WATER ACT means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONTIGUOUS means when at least one boundary line of a parcel touches the boundary line of another parcel.

CONSTRUCTION ACTIVITY means land disturbance activities subject to state NPDES General Construction Permits related to “MS4GP” or “CSGP” or local permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

COUNTY HEALTH DEPARTMENT means the Scott County Health Department.

SCOTTSBURG BOARD OF WORKS means the Board of Public Works and Safety of the City of Scottsburg.

IDEM means the Indiana Department of Environmental Management.

IDNR means the Indiana Department of Natural Resources.

IDEM Construction Stormwater General Permit (CSGP) means the most current CSGP issued by IDEM. This document aims to reduce pollutants from construction and land disturbance activities.

ILLICIT DISCHARGE means any discharge to a Municipal Separate Storm Sewer System (MS4) that is not composed entirely of storm water except discharges pursuant to a National Pollutant Discharge Elimination System permit (other than Scottsburg’s NPDES storm water permit) or otherwise defined by this ordinance.

INDUSTRIAL ACTIVITY means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

INDOT means Indiana Department of

Transportation

ISDH means the Indiana State Department of

Health.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means any facility designed or used for collecting and/or conveying storm water, including, but not limited to, any roads with drainage systems, highways, streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural storm water controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

- a) Owned or maintained by Scottsburg.
- b) Not a combined sewer; and
- c) Not part of a publicly owned treatment works.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

STORM WATER DISCHARGE PERMIT means a permit issued by the Indiana Department of Environmental Management (IDEM) under delegated authority by the United States Environmental Protection Agency (USEPA), whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORM WATER DISCHARGE means any discharge to the storm drainage system that is not composed entirely of storm water.

NRCS means the Natural Resources Conservation Service

PAVED means a durable surface for parking, driving, riding or similar activities, that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, dirt, sand, or grass is not permitted as a paved surface.

POLLUTANT means anything of a chemical component or nature which causes or contributes to pollution.

POLLUTION means the presence of matter or energy whose nature, location or quantity produces undesired environmental effects.

PROPERTY OWNER means any person who has a legal or equitable interest in the property or his authorized representative.

RESPONSIBLE PARTY means the person causing or permitting a prohibited discharge in violation of this ordinance, or the person in control of, or having; the right to control, the property or premises from which a prohibited discharge has occurred.

STANDARD OF PRACTICE FOR RESIDENTIAL CONSTRUCTION STORM WATER MANAGEMENT means a document that defines the management

practices for erosion prevention, sediment control and other construction site waste management by which homebuilders may use as guidance and minimum expectations to be achieved during inspections by the City of Scottsburg. In the event that this document is not published, then the “Indiana Storm water Quality Manual” or the “Indiana Handbook for Erosion and STEEP

STORM WATER RUNOFF OR STORM WATER means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STRUCTURAL STORM WATER CONTROL OR BEST MANAGEMENT PRACTICE (BMP) means a structural storm water management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

UNDILUTED DISCHARGES means a discharge that has not been mixed with that of another source such as another septic tank.

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

WETLAND means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. [33 C.F.R. § 328.3(b)]