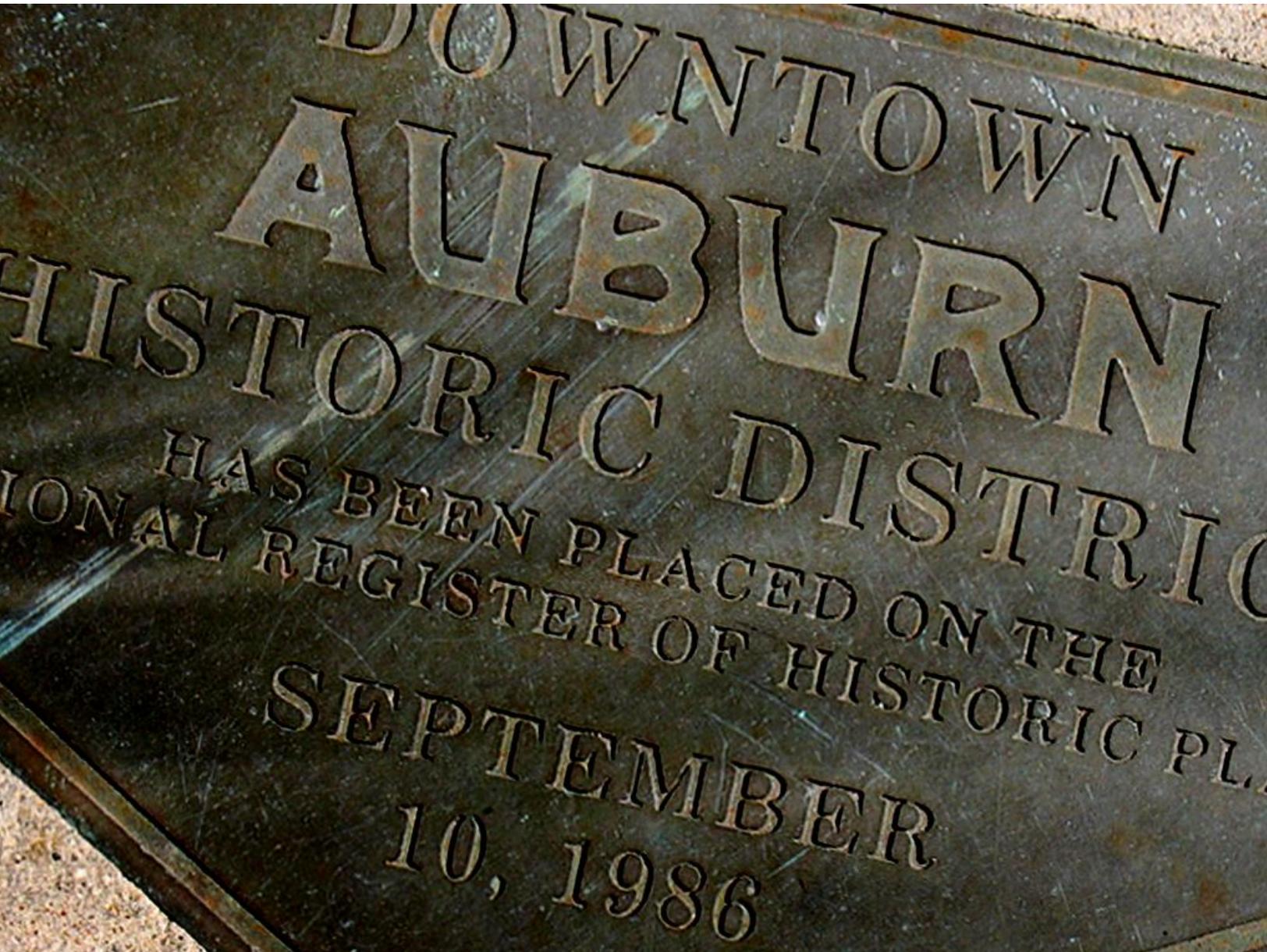




**Code of Ordinances**  
CITY OF AUBURN





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Storm Water Runoff  
Control

CHAPTER  
161

AUBURN



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## 161.001 INTRODUCTION/ PURPOSE

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

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

## 161.002 DEFINITIONS

- Agricultural Conservation Practices  
Means practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation. These practices include grass waterways, sediment basins, terraces, and grade stabilization structures.
- Agricultural Land Disturbing Activity  
Means tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this ordinance, the term does not include land disturbing activities for the construction of agricultural related facilities, such as:
  1. Barns
  2. Buildings to house livestock
  3. Roads associated with infrastructure
  4. Agricultural waste lagoons and facilities
  5. Lakes and ponds
  6. Wetlands
  7. Other infrastructure
- Best Management Practices (BMPs)  
Means structural or nonstructural practices, or a combination of practices, designed to act as effective, practicable means of minimizing the impacts of development and human activities on water quality. Traditional structural BMPs, including extended detention dry ponds, wet ponds, infiltration trenches, and sand filtration systems are now common elements of most new development projects. Structural BMPs rely heavily on gravitational settling and/or the infiltration of soluble nutrients through a porous medium for pollutant removal. Nonstructural BMPs, which may be used independently or in conjunction with structural BMPs, rely on a much wider breadth of mechanisms to prevent or control non point source pollution (NPS). Nonstructural BMPs range from programs that increase public awareness to prevent pollution, to the implementation of control-oriented techniques (such as bioretention and storm water wetlands) that utilize vegetation to enhance pollutant removal and restore the infiltrative capacity of the landscape.
- Certified Contractor  
Means a person who has received training related to the Indiana Department of Environmental Management Rule 5 and Rule 13 procedures to inspect and maintain erosion and sediment control practices.



- City of Auburn  
Means employees or designees of the City of Auburn designated to enforce and administer this ordinance.
- Clearing  
Means any activity that removes the vegetative surface cover.
- Construction Activity  
Means land disturbing activities and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.
- Construction Plan  
Means a representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A storm water pollution prevention plan is a part of the construction plan.
- Construction site access  
Means a stabilized stone surface at all points of ingress or egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.
- Contractor or Subcontractor  
Means an individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.
- Developer  
Means:
  1. Any person financially responsible for construction activity; or
  2. An owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.
- Discharge of a Pollutant  
Means any addition of any pollutant, or combination of pollutants, into any waters of the state from a point source in Indiana. The term includes, without limitation, additions of pollutants into waters of the state from the following: (1) Surface run-off collected or channeled by man. (2) Discharges through pipes, sewers, or other conveyances that do not lead to treatment works.
- Drainage Way  
Means any channel that conveys surface runoff throughout the site.
- Erosion  
Means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- Erosion and Sediment Control Measure  
Means a practice or a combination of practices, to control erosion and resulting sedimentation.
- Erosion and Sediment Control System  
Means the use of appropriate erosion and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged from or within a project site.



- Final Stabilization  
Means the establishment of permanent vegetative cover or the application of a permanent non-erosive material to areas where all land disturbing activities have been completed and no additional land disturbing activities are planned under the current permit.
- Grading  
Means the cutting and filling of the land surface to a desired slope or elevation.
- Impervious Surface  
Means surfaces, such as pavement and rooftops that prevent the infiltration of storm water into the soil.
- Individual Lot  
Means a single parcel of land within a multi-parcel development.
- Individual Lot Operator  
Means a contractor or subcontractor working on an individual lot.
- Individual Lot Owner  
Means a person who has financial control of construction activities for an individual lot.
- Land Disturbing Activity  
Means any manmade change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading. This term does not include routine ditch or road maintenance or minor landscaping projects.
- Larger Common Plan of Development or Sale  
Means a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.
- Measurable Storm Event  
Means a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.
- MS4 Area  
Means the land area described in the City of Auburn MS4 general storm water permit pursuant to 327 IAC 15-13.
- MS4 Operator  
Means the person responsible for development, implementation, or enforcement of the minimum control measures for the City of Auburn MS4 area.
- Municipal Separate Storm Sewer System” or “MS4”  
Means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, that is:
  1. Owned or operated by a:
    - a. Federal, state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over storm water, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity,

- or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges into waters of the state; or
    - b. Privately owned storm water utility, hospital, university or college having jurisdiction over storm water that discharges into waters of the state;
  - 2. Designed or used for collecting or conveying storm water;
  - 3. Not a combined sewer; and
  - 4. Not part of a publicly owned treatment works (POTW).
- Peak Discharge  
Means the maximum rate of flow during a storm, usually in reference to a specific design storm event.
- Permanent Stabilization  
Means the establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.
- Pollutant  
Means anything that causes or contributes to pollution discharged into waterways. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. Also, but not limited to dredged spoil; incinerator residue, filter backwash; sewage; garbage; sludge; munitions; chemical wastes; solid wastes; toxic wastes; hazardous substances; biological materials; radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended; 42 U.S.C. 011, et seq., heat, wrecked or discarded equipment; rock; sand; cellar dirt; and other industrial, municipal, and agricultural waste; discharged into water.
- Phasing of Construction  
Means sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.
- Project Site  
Means the entire area on which construction activity is to be performed.
- Project Site Owner  
Means the person required to submit the Erosion Control Permit Application under this ordinance and required to comply with the terms of this ordinance, including either of the following:
  1. A developer.
  2. A person who has financial and operational control of construction activities and project plans and specifications, including the ability to make modifications to those plans and specifications.
- Publicly Owned Treatment Works" or (POTW)  
Means a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) owned in this instance by the City of Auburn. This definition includes any sewers, pipes, and other conveyances conveying wastewater to the POTW treatment plant. The term does not include pipes, sewers or other conveyances not connected to a facility providing treatment or storage. For the purposes of this Ordinance, "POTW" shall also include any sewers, pipes or other conveyances that convey wastewaters



to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW. The term also means the municipality, as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the discharges to and the direct discharges from such a treatment works.

- Runoff  
Means waters derived from melting snow or rain falling within a tributary drainage basin that exceed the infiltration capacity of the soils of that basin, flow over the surface of the ground, or are collected in channels or conduits.
- Sediment  
Means solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.
- Sedimentation  
Means the settling and accumulation of unconsolidated sediment carried by storm water run-off.
- Soil  
Means the unconsolidated mineral and organic material on the surface of the earth that serves as the natural medium for the growth of plants.
- Soil and Water Conservation District (SWCD)  
Means the DeKalb County Soil and Water Conservation District.
- Storm Water Pollution Prevention Plan (SWPP)  
Means a plan developed to minimize the impact of storm water pollutants resulting from land disturbing activities. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the control of storm water pollutants.
- Storm Water Quality Measure  
Means a practice, or a combination of practices, to control or minimize pollutants associated with storm water run-off.
- Strip Development  
Means a multi-lot project site where individual lots front on an existing road.
- Subdivision  
Means any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.
- Temporary Stabilization  
Means the covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area.
- Tracking  
Means the deposition of soil that is transported from one (1) location to another by tires, tracks of vehicles, or other equipment.
- Trained Individual  
Means an individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification,



experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

### 161.003 APPLICABILITY

The requirements under this ordinance are in compliance with 327 IAC 15-5 (Rule 5) and apply to all persons meeting the requirements of IAC 15-5-2. This ordinance requires the control of polluted run-off from construction sites with a land disturbance greater than or equal to one acre or disturbances of less than one acre if it is part of a larger common plan of development or sale that will disturb more than one acre as determined below.

- A. For off-site construction activities that provide services including, but not limited to, road extensions, sewer, water, and other utilities, to a permitted project site, these off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.
- B. Multi-lot project sites are regulated by this ordinance in accordance with the following, unless the total combined land disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale:
  - 1. A determination of the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
    - a. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
    - b. For a single-family residential project site where the lots are less than one-half (0.5) acre in size, the total lot must be calculated as being disturbed.
    - c. To calculate lot disturbance on all other types of project sites, such as industrial and commercial project sites, the following apply:
      - i. Where lots are one (1) acre or greater in size, a minimum of one (1) acre of land disturbance must be calculated as the expected lot disturbance.
      - ii. Where the lots are less than one (1) acre in size, the total lot must be calculated as being disturbed.
- C. For purposes of this ordinance, strip developments:
  - 1. Are considered as one (1) project site; and
  - 2. Must comply with this ordinance.
- D. The requirements under this rule do not apply to persons who are involved in agricultural land disturbing activities or forest harvesting activities.
- E. The requirements under this rule do not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures.
  - 1. Landfills that have been issued a certification of closure under 329 IAC 10
  - 2. Coal mining activities permitted under IC 14-34
  - 3. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management (IDEM) under 329 IAC 10 that contains equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cell either within or outside the original solid waste permit boundary
  - 4. Road and regulated drain maintenance



## **161.004 PROJECT SITE OWNER RESPONSIBILITIES**

- A. The project site owner has the following responsibilities:
  - 1. Ensure that a Storm Water Pollution Prevention Plan (SWPPP) is completed and submitted in accordance with Section 8 of this ordinance.
  - 2. Ensure compliance with this ordinance during the land disturbing activity and the implementation of the SWPPP.
  - 3. Complete and submit a Notice of Intent (NOI) in accordance with Section 7 of this ordinance.
  - 4. Complete and submit a notice of termination letter (NOT) in accordance with Section 11 of this ordinance.
  - 5. Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this ordinance and the approved SWPPP.
  - 6. The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the requirements of this ordinance, the conditions and standards included in the SWPPP and the schedule for proposed implementation.

## **161.005 INDIVIDUAL LOT OWNER OR OPERATOR RESPONSIBILITIES**

- A. An Individual Lot Operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with the activities on Individual Lots.
- B. For an Individual Lot where land disturbance is expected to be one (1) acre or more and the lot lies within a project site permitted under this ordinance, the Individual Lot Owner shall:
  - 1. Complete and submit a Notice of Intent (NOI) in accordance with Section 7 of this ordinance; and
  - 2. Ensure that a SWPPP is completed and submitted in accordance with Section 8 of this ordinance.
- C. For an Individual Lot where the land disturbance is less than one (1) acre and the lot lies within a project site permitted under this ordinance, the Individual Lot Operator is not required to submit an Erosion Control Permit Application or a SWPPP. The individual lot operator shall comply with the provisions and requirements of the SWPPP developed by the project site owner and the requirements under Section 6 of this ordinance.

## **161.006 GENERAL REQUIREMENTS FOR STORM WATER POLLUTION PREVENTION**

- A. The following requirements shall be met on all project sites:
  - 1. Sediment-laden water flowing from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation.
  - 2. Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations.
  - 3. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.
  - 4. Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared



sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

5. Storm water run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.
6. Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.
7. Appropriate measures shall be planned and installed as part of an erosion and sediment control system.
8. All storm water quality measures must be designed and installed under the guidance of a trained individual.
9. Collected run-off leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
10. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.
11. Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water run-off.
12. Un-vegetated areas that are scheduled or likely to be left inactive for fifteen (15) calendar days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) shall be restabilized using appropriate methods to minimize the erosion potential.
13. During the period of construction activities, all storm water quality measures necessary to meet the requirements of this rule shall be maintained in working order.
14. Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
15. Final stabilization of a project site is achieved when:
  - a. All land disturbing activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and
  - b. Construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements in subsection (A);
  - c. For individual residential lots, final stabilization meeting the criteria in subsection (A) will be achieved when the individual lot operator:
    - i. Completes final stabilization; or
    - ii. Has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

## 161.007 NOTICE OF INTENT

### A. Information Requirements



The project site owner must submit the following information with a complete NOI letter under this ordinance:

1. Name, mailing address, and location of the project site for which the notification is submitted.
2. The project site owner's name, address, telephone number, e-mail address (if available), ownership status as federal, state, public, private, or other entity.
3. Contact person (if different than project site owner), person's name, company name, address, e-mail address (if available), and telephone number.
4. A brief description of the construction project, including a statement of the total acreage of the project site. Total acreage claimed in the NOI letter shall be consistent with the acreage covered in the construction plan.
5. Estimated dates for initiation and completion of construction activities. Within forty-eight (48) hours of the initiation of construction activity, the project site owner must notify the commissioner and the appropriate plan reviewing agency of the actual project start date.
6. The latitude and longitude of the approximate center of the project site to the nearest fifteen (15) seconds, and the nearest quarter section, township, range, and civil township in which the project site is located.
7. Total impervious surface area, in square feet, of the final project site including structures, roads, parking lots, and other similar improvements.
8. The number of acres to be involved in the construction activities.
9. Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence, that states, "(Company name, address) is submitting an NOI letter to notify the City of Auburn MS4 and the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-5 to discharge storm water from construction activities for the following project: (name of the construction project, address of the location of the construction project). Run-off from the project site will discharge to (stream(s) receiving the discharge(s))."
10. As applicable, a list of all MS4 areas designated under 327 IAC 15-13 within which the project site lies.
11. A written certification by the operator that:
  - a. The storm water quality measures included in the construction plan comply with the requirements of this ordinance;
  - b. The measures required by section 6 of this rule will be implemented in accordance with the storm water pollution prevention plan;
  - c. If the projected land disturbance is one (1) acre or more, the applicable soil and water conservation district or other entity designated by the department has been sent a copy of the construction plan for review;
  - d. Storm water quality measures beyond those specified in the storm water pollution prevention plan will be implemented during the life of the permit if necessary to comply with section 6 of this rule; and
  - e. Implementation of storm water quality measures will be inspected by trained individuals.
12. The name of receiving water or, if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water.
13. The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).
14. A notification from the DeKalb County SWCD or an authorized IDEM representative or the City of Auburn MS4 indicating that the constructions plans are sufficient to comply with this rule. This requirement may be waived if the project site owner has not received notification from the reviewing agency within 28 days.



- a. Send NOI letters to:
  - i. Attention: Rule 5 Storm Water Coordinator  
Indiana Department of Environmental Management  
Office of Water Quality, Urban Wet Weather Section  
100 North Senate Avenue  
P.O. 6015  
Indianapolis, Indiana 46206-6015
  - ii. MS4 Operator  
City of Auburn  
2010 South Wayne Street  
Auburn, Indiana 46706
  - iii. DeKalb County SWCD  
942 W 15th Street  
Auburn, Indiana 46706

## B. Submission Requirements

After the project site owner has received notification from the reviewing agency that the construction plans meet the requirements of the rule or the 28 day review period has expired, all NOI letter information required under Section 7(a) of this rule shall be submitted to the commissioner at least forty-eight (48) hours prior to the initiation of land disturbing activities at the site. If the NOI letter is determined to be deficient, the project site owner must address the deficient items and submit an amended NOI letter to all parties as specified in Section 7(a) of this ordinance.

For a project site where the proposed land disturbance is one (1) acre or more as determined under section 3 of this rule, the following requirements must be met:

1. A construction plan must be submitted according to the following:
  - a. Prior to the initiation of any land disturbing activities.
  - b. Sent to the DeKalb County SWCD or IDEM authorized representative or the City of Auburn for review and verification that the plan meets the requirements of the rule
2. If the construction plan required by subdivision (1) is determined to be deficient, the DeKalb County SWCD or IDEM or IDEM authorized representative or the City of Auburn may require modifications, terms, and conditions as necessary to meet the requirements of the rule. The initiation of construction activity following notification by the reviewing agency that the plan does not meet the requirements of the rule is a violation and subject to enforcement action. If notification of a deficient plan is received after the review period outlined in subdivision (3) and following commencement of construction activities, the plans must be modified to meet the requirements of the rule and resubmitted within fourteen (14) days of receipt of the notification of deficient plans.
3. If the project site owner does not receive notification within twenty-eight (28) days after the plan is received by the reviewing agency stating that the reviewing agency finds the plan is deficient, the project site owner may submit the NOI letter information.

## C. Site Size Fee Structure

For purposes of establishing the fee structure, the term “development” shall be defined as any residential, commercial, industrial, or combination thereof under the administration of the City of Auburn, Indiana’s jurisdiction and or control, whether located in the city limits or outside thereof.

Before the issuance of building permits associated herein, the following fees shall be paid to the City of Auburn to administrate the storm water control plan.



1. Developments of 10.00 acres or more are \$1,500.00.
2. Developments of 5.00 acres to 9.99 acres are \$1,000.00.
3. Other Developments 1.00 acre to 4.99 acres are \$500.00

A current active permit must be in place until all development activities associated with the project have been completed, including but not limited to the construction of all structures within the development.

The permit shall expire at the end of five (5) years. Upon the expiration of the permit a new application shall be made and additional fees as set forth above shall be submitted.

### 161.008 STORM WATER POLLUTION PREVENTION PLAN

#### A. Submission Requirements

After the project site owner has received notification from the reviewing agency that the construction plans meet the requirements of the rule or the 28 day review period has expired, all NOI letter information required under Section 7(a) of this rule shall be submitted to the commissioner at least forty-eight (48) hours prior to the initiation of land disturbing activities at the site. If the NOI letter is determined to be deficient, the project site owner must address the deficient items and submit an amended NOI letter to all parties as specified in Section 7(a) of this ordinance.

For a project site where the proposed land disturbance is one (1) acre or more as determined under section 3 of this rule, the following requirements must be met:

1. A construction plan must be submitted according to the following:
  - a. Prior to the initiation of any land disturbing activities.
  - b. Sent to the DeKalb County SWCD or IDEM authorized representative or the City of Auburn for review and verification that the plan meets the requirements of the rule
2. If the construction plan required by subdivision (1) is determined to be deficient, the DeKalb County SWCD or IDEM or IDEM authorized representative or the City of Auburn may require modifications, terms, and conditions as necessary to meet the requirements of the rule. The initiation of construction activity following notification by the reviewing agency that the plan does not meet the requirements of the rule is a violation and subject to enforcement action. If notification of a deficient plan is received after the review period outlined in subdivision (3) and following commencement of construction activities, the plans must be modified to meet the requirements of the rule and resubmitted within fourteen (14) days of receipt of the notification of deficient plans.
3. If the project site owner does not receive notification within twenty-eight (28) days after the plan is received by the reviewing agency stating that the reviewing agency finds the plan is deficient, the project site owner may submit the NOI letter information.

### 161.008 STORM WATER POLLUTION PREVENTION PLAN

#### A. Submission Requirements

For a project site where the proposed land disturbance is one (1) acre or more as determined under Section 3 of this ordinance, the following requirements must be met:

1. A Storm Water Pollution Prevention Plan (SWPPP) containing the information required in Section 8(b) of this ordinance must be submitted to the DeKalb County SWCD or an IDEM authorized representative prior to the initiation of any land disturbing activities.

Submit two copies of the SWPPP to:



DeKalb County SWCD  
942 W 15th Street  
Auburn, Indiana 46706

2. The DeKalb County SWCD or an IDEM authorized representative will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 28 days after receiving an application the DeKalb County SWCD or an IDEM authorized representative shall, in writing:
  - a. Approve the permit application;
  - b. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
  - c. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
3. Failure of the DeKalb County SWCD or an IDEM authorized representative to act on an original or revised application within 28 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the DeKalb County SWCD or an IDEM authorized representative. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the DeKalb County SWCD or an IDEM authorized representative.
4. Approval of construction plans shall be based on Rule 5 regulations and any design criteria in the City of Auburn Storm Water BMP manual.
5. If construction plans are altered after approval then they must be resubmitted for additional review.
6. If the SWPPP required by subdivision (1) is determined to be deficient, the SWCD may require modifications, terms, and conditions as necessary to meet the requirements of this ordinance. A notice of deficiency will be sent and permit will not be issued. Deficient items will need to be amended and resubmitted and will begin a 14-28-day review period. The initiation of land disturbing activities following written notification by the SWCD or an authorized IDEM representative or the City of Auburn that the SWPPP does not meet the requirements of this ordinance is a violation of this ordinance and subject to enforcement action.

## B. Information Requirements

A project site owner shall develop a Storm Water Pollution Prevention Plan designed to achieve the storm water quality and erosion control requirements specified in Section 6 of this ordinance. The SWPPP shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this rule, all measures necessary to adequately prevent polluted storm water run-off. The SWPPP must include the following:

1. Project narrative and supporting documents, including the following information:
  - a. An index indicating the location, in the plan, 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. Identify the name and the Hydrologic Unit Code (14 Digit) available from the United States Geological Survey (USGS) for the watershed the project is located in.
  - g. A reduced plat or project site map showing the applicable 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. Identification of any other state or federal water quality permits that are required for construction activities associated with the owner's project site.
2. 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.
  3. A project site layout that must include the following information:
    - a. Location and name of all wetlands, lakes, and watercourses on or adjacent to the project site.
    - b. Location of all existing structures on the project site, if applicable.
    - c. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.
    - d. 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 an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map.
    - e. Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site.
    - f. Land use of all adjacent properties.
    - g. Existing topography at a contour interval appropriate to indicate drainage patterns.
    - h. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.
  4. A construction grading plan, including the following information:
    - a. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
    - b. Location of all soil stockpiles and borrow areas.
    - c. Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site and under the control of the project site owner.
    - d. Proposed final topography at a contour interval appropriate to indicate drainage patterns.
    - e. Proposed final one hundred (100) year floodplains, floodway fringes, and floodways, if different than existing.
  5. A Stormwater Pollution Prevention Plan, including the following information:
    - a. An estimate of the peak discharge, based on the ten (10) year storm event, of the project site for both preconstruction and post construction conditions
    - b. Location, size, and dimensions of all storm water management systems, such as culverts, storm sewers, conveyance channels, permanent retention or detention facilities, including existing or manmade wetlands.
    - c. Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exists.
    - d. Locations of specific points where storm water discharge will leave the project site.



- e. 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.
  - f. Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures.
  - g. Temporary and permanent stabilization plans include sequence of implementation and the following:
    - i. Specifications and application rates for soil amendments and seed mixtures.
    - ii. The type and application rate for anchored mulch.
  - h. Construction sequence describing the relationship between implementation of storm water quality measures and stages of construction activities.
  - i. Self-monitoring program including plan and procedures.
  - j. 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.
  - k. Material handling and storage associated with the construction activity shall meet the storage, spill prevention and spill response requirements in the City of Auburn Ground Water Protection Ordinance, as amended.
6. A copy of the post construction storm water management plan.
- C. The MS4 Operator or the SWCD or an IDEM authorized representative may upon finding reasonable cause require modification to the SWPPP if it is determined that changes are necessary due to site conditions or project design changes. Revised plans, if requested, must be submitted to the appropriate entity within twenty-eight (28) calendar days of a request for a modification or before land disturbance.

### 161.009 SELF-MONITORING REQUIREMENTS

- A. A self-monitoring program that includes the following must be implemented at all permitted project sites:
- 1. A trained individual shall perform a written evaluation of the project site:
    - a. By the end of the next business day following each measurable storm event; and
    - b. By a minimum of one (1) time per week.
  - 2. The evaluation must:
    - a. Address the maintenance of existing storm water quality measures to ensure they are functioning properly; and  
Identify additional measures necessary to remain in compliance with all applicable statutes and rules.
  - 3. Written evaluation reports must include:
    - a. The name of the individual performing the evaluation;
    - b. The date of the evaluation;
    - c. Problems identified at the project site; and
    - d. Details of corrective actions recommended and completed.
  - 4. All evaluation reports for the project site must be made available to the MS4 Operator or other designated entity within forty-eight (48) hours of a request.
  - 5. Maintain inspection records for three (3) from date of NOT.



## 161.010 INSPECTION AND VIOLATIONS

- A. DeKalb County SWCD, IDEM, or an IDEM authorized representative shall make inspections as hereinafter required and either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the SWPP as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the DeKalb County SWCD, IDEM, or an IDEM or an IDEM authorized representative shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the DeKalb County SWCD, IDEM, or an IDEM authorized representative at least two working days before the following:
  - 1. Start of construction
  - 2. erosion control measures
  - 3. Completion of site clearing
  - 4. Completion of rough grading
  - 5. Completion of final grading
  - 6. Close of the construction season
  - 7. Completion of final landscaping
- B. The DeKalb County SWCD, IDEM, or an IDEM, or an IDEM authorized representative shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section 9.
- C. All persons engaging in construction activities on a project site shall be responsible for complying with the SWPPP and the provisions of this ordinance.
- D. The MS4 Operator or an IDEM authorized representative shall investigate potential violations of this ordinance to determine which person may be responsible for the violation. The MS4 Operator or an IDEM authorized representative shall, if appropriate, consider public records of ownership, building permits issued by local units of government, and other relevant information, which may include site inspections, storm water pollution prevention plans, permit applications, and other information related to the specific facts and circumstances of the potential violation. Any person causing or contributing to a violation of any provisions of this ordinance shall be subject to enforcement and penalty under section 13.

## 161.011 PROJECT TERMINATION

- A. The project site owner shall plan an orderly and timely termination of the land disturbing activities, including the implementation of storm water quality measures that are to remain on the project site.
- B. Except as provided in subdivision (c), the project site owner shall submit a Notice of Termination (NOT) letter to the MS4 Operator or other designated entity certifying that each of the following conditions have been met:
  - 1. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.
  - 2. All temporary erosion and sediment control measures have been removed.
  - 3. All post-construction certified BMPs and associated control devices have been installed and documented with jurisdictional entity.
- C. The project site owner may submit an NOT letter to obtain early release from compliance with this ordinance if the following conditions are met:
  - 1. The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.



2. 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.
  3. All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.
  4. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
  5. All permanent storm water quality measures have been implemented and are operational.
- D. The MS4 Operator or other designated entity shall verify the information in the NOT letter. Upon receipt of written approval of the NOT letter from the MS4 Operator or other designated entity, the Erosion Control Permit shall no longer be valid and the project site owner shall no longer be responsible for compliance with this ordinance.
- E. Following receipt of a written approval of an early release NOT letter in accordance with Subsection (c), 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 under Section 6 of this ordinance. The remaining individual lot owners do not need to submit an SWPPP or an NOT letter. The notice must contain a verified statement that each of the conditions in subsection (c) have been met. The notice must also 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.
- F. 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.

### **161.012 DURATION OF PERMIT**

- A. A permit issued under this ordinance is granted for a period of five (5) years from the date coverage commences.
- B. Once the five (5) year permit term duration is reached, the permit issued under this ordinance will be considered expired, and, as necessary for construction activity continuation, a new permit application would need to be submitted in accordance with subsection (c).
- C. To obtain a renewal permit, the information required under Section 7 of this ordinance must be submitted to the MS4 Operator ninety (90) calendar days prior to the termination date of the permit. Coverage under a renewal permit will begin on the date of expiration from the previous five (5) year permit term. SWPPP should be updated if necessary.

### **161.013 ENFORCEMENT**

- A. Stop-Work Order; Revocation of Permit

In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City of Auburn or its designated representatives may refer the matter to IDEM for enforcement.



- B. If remaining storm water quality measures are not properly maintained by the person occupying or owning the property, IDEM may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4.
- C. Construction plans, SWPPP, self-inspection logs, and other supporting documentation associated with the project site must be made available to the MS4 Operator or its designated representatives within forty-eight (48) hours of such a request.
- D. Violation and Penalties  
No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any penalties for violation of this ordinance shall be governed by IC 13-18-4 as detailed in 327 IAC 15-1 et al.

### **161.014 SEPARABILITY**

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