

ORDINANCE 2024-14

AN ORDINANCE AMENDING CHAPTER 161 ENTITLED "STORMWATER RUNOFF CONTROL" OF THE AUBURN CITY CODE OF ORDINANCES

SUMMARY

This ordinance amends and restates Chapter 161 entitled "Stormwater Runoff Control" of the Auburn City Code of Ordinances.

_____ Recorder's Office

_____ Auditor's Office

 x Clerk's Office

_____ Other

 x Publish Public Hearing

_____ Publish O/R after adoption

First Reading _____
Second Reading _____

ORDINANCE NO. 2024-14

AN ORDINANCE AMENDING CHAPTER 161 ENTITLED “STORMWATER RUNOFF CONTROL” OF THE AUBURN CITY CODE OF ORDINANCES

SECTION 1. That Chapter 161 entitled “Stormwater Runoff Control” of the Auburn City Code of Ordinances is hereby amended, as follows and restated as provided in Exhibit “A”:



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Stormwater Runoff Control

161.001 INTRODUCTION / PURPOSE

During the construction process, the 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~~ habitats for fish and other desirable species. Eroded soil also necessitates the repair of sewers, ~~and~~ ditches, and ~~the dredging of lakes~~ streams. In addition, clearing and grading during construction ~~cause~~ causes the loss of native vegetation necessary for terrestrial and aquatic ~~habitat~~ habitats. Construction activities can also expose stormwater runoff to pollutants from spills, trash, concrete washout, washouts, sediment tracking, leaky equipment, and other activities.

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 the~~ public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development, redevelopment, 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 LEGAL AUTHORITY

This chapter is adopted per statutory authority granted under code authorizing jurisdiction over the storm system and is required by the NPDES program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act and the Indiana Department of Environmental Management's (IDEM) Construction Stormwater General Permit (CSGP) and Municipal Separate Storm Sewer System (MS4) General Permit (MS4GP). Based on this authority and these requirements, this chapter regulates:

- A. Stormwater drainage improvements related to developing lands located within the City boundaries.
- B. Drainage control systems installed during construction and grading of lots and other parcels of land.
- C. Erosion and sediment control measures installed during construction and grading of lots and other parcels of land.
- D. Stormwater pollution prevention planning for land-disturbing activities.

161.002

161.003 DEFINITIONS

- Agricultural Conservation Practices
Means practices that are constructed on agricultural land ~~for the purposes of controlling~~ to control 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 tiles.

For purposes of this ordinance, the term does not include ~~land-disturbing~~ land-disturbing activities for the construction of ~~agricultural-related~~ 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

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- **Best Management Practices (BMPs)**
Means structural or nonstructural practices, or a combination of practices, designed to ~~act as a function~~ 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 ~~though~~ 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~~ nonpoint 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~~ stormwater 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~~ buildings, and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A ~~storm-water~~ stormwater pollution prevention plan is a part of the construction plan.
- **Construction Site Access**
Means a stabilized ~~stone~~ stone surface (often made of stone) at all points of ingress or egress to a project site ~~for the purpose of capturing and detaining~~ to capture and detain sediment carried by tires of vehicles or other equipment entering or exiting the project site.
- **Construction Stormwater General Permit (CSGP)**
Means the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP).
- **Contiguous**
Means a Adjoining or in actual contact with.
- **Contour**
Means a An imaginary line on the surface of the earth connecting points of the same elevation.
- **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.
- **Conveyance**
Means a Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.
- **Design Storm**

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

- Developer

Means aAny individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity person financially responsible for construction activity; or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

- Development

Means cConstruction and site preparation work involving structures or improvements of any kind, and all land disturbingland-disturbing activities including, but not limited to, digging, drilling, excavating, grading, clearing, earth moving, filling, or performing any subsurface work.

- Discharge of a Pollutant

Means any addition of any pollutant, or combination of pollutants, into any waters of the state from a point or non-point source in Indiana. The term includes, without limitation, additions of pollutants into waters of the state from the following: (1) Surface surface run-off collected or channeled by man; (2) Discharges discharges through pipes, sewers, or other conveyances that do not lead to treatment works; and; (3) sheet flow of stormwater runoff.

- Drainage Way

Means any channel that conveys surface runoff throughout the site.

- ErosionErosion

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

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

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

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

- Filter Strip

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

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- **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.
- ~~**Gasoline Outlet**
An operating gasoline or diesel fueling facility whose primary function is the resale of fuels.~~
- **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.~~ any land surface with a low or no capacity for soil infiltration, including, but not limited to pavement (sidewalks, streets, parking areas, and driveways), packed compacted gravel or soil, and rooftops.
- **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. A measurable storm event excludes an accumulated snow event.~~
- ~~**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~~ which is:

 1. ~~Owned or operated by:~~
 - a. Federal, state, city, town, county, district, association, or other public body (created by or pursuant to under state law) having jurisdiction over stormwater, 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~~

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Water Act (33 U.S.C. 1288) that discharges into waters of the state; or

- b. Privately owned stormwater utility, hospital, university, or college having jurisdiction over stormwater that discharges into waters of the state;
2. Designed or used for collecting or conveying stormwater;
3. Not a combined sewer; and
4. Not part of a publicly owned treatment works (POTW).

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
- Privately owned storm water utility, hospital, university or college having jurisdiction over storm water that discharges into waters of the state;
- Designed or used for collecting or conveying storm water;
- Not a combined sewer; and
- Not part of a publicly owned treatment works (POTW);
- Municipal Separate Storm Sewer System General Permit or "MS4GP"
Means the Indiana Department of Environmental Management's Municipal Separate Storm Sewer System General Permit.

MS4 Area

Means the land area described in the City of Auburn MS4 general stormwater permit pursuant to the Indiana Department of Environmental Management (IDEM) Municipal Separate Storm Sewer System General Permit (MS4GP);

MS4 Operator

Means the person responsible for development, implementation, or enforcement of the minimum-control measures for the City of Auburn MS4 area.

- National Pollution Discharge Elimination System (NPDES)

Means a permitting program that regulates point sources that discharge pollutants to waters of the United States.

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

- Nonpoint Source Pollution

Means pollution does not have a single identifiable origin, but rather comes from many diffuse sources. It is caused by rainfall or snowmelt moving over and through the ground picking up and carrying away natural and human-made pollutants generally resulting from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. Nonpoint source pollution, unlike pollution from industrial and sewage treatment plants, comes from many diffuse sources. It is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and groundwaters.

Notice of Termination (NOT)

Means a written notification indicating that facility has met the conditions to terminate its permit coverage under rule the CSGP;

- Peak Discharge

Means the maximum instantaneous flow from a given storm condition at a specific location—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~~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; sediment; nutrients; 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~~Construction SWPPP Application under this ~~ordinance~~ chapter and required to comply with the terms of this ~~ordinance~~ chapter, including either of the following:
 1. A developer.
 2. A person or entity that~~who~~ has financial and operational control of construction activities and project plans and specifications, including the ~~ability~~authority to approve an expenditure of funds and 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 wastewater~~ 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
- 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 water that originates during a precipitation event and flows over the land rather than infiltrating



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into the ground or evaporating. 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 t~~The process that deposits soils, debris, and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses~~Means the settling and accumulation of unconsolidated sediment carried by storm water run-off.~~
- **Site**
~~Means t~~The entire area included in the legal description of the land on which land-disturbing activity is to be performed.
- **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.
- **Spill**
~~Means t~~The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.
- **Stormwater Management Measure**
Means a practice, or a combination of practices, selected to improve the quality of runoff discharges, divert runoff, or mitigate impacts related to the quantity of runoff.
- **Storm WaterStormwater Pollution Prevention Plan (SWPPP)**
~~Means a plan developed to minimize the impact of storm waterstormwater 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 waterstormwater pollutants.~~
- **Storm WaterStormwater Quality Measure**
~~Means a practice, or a combination of practices, to control or minimize pollutants associated with storm waterstormwater run-off.~~
- **Strip Development**
Means a multi-lot project site where individual lots front on an existing road and are note part of a larger common plan of development- or sale.
- **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.
- **Surface Runoff**
Means p~~Precipitation that flows onto the surfaces of roofs, streets, the ground, and the like, and is not absorbed or retained by that surface but collects and runs off.~~
- **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.

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- Topography

Means the representation of a portion of the earth's surface showing natural and man-made features of a given locality such as rivers, streams, ditches, lakes, roads, buildings, and most importantly, variations in ground elevations for the terrain of the 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 stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enables the individual to make judgments regarding stormwater control or treatment and monitoring.

- Waterbody

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

- Watercourse

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

- Watersheds

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

~~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.~~

161.004 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

161.005 SEVERABILITY

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

161.004161.006 RESPONSIBILITY FOR ADMINISTRATION

The City shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the City may be delegated by the Mayor to persons or entities acting in the beneficial interest of or in the employ of the agency.

161.007 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated under this chapter are minimum standards; therefore, this

chapter does not intend nor imply that compliance by any person will ensure that there will not be violations of NPDES permits.

161.005161.008 DISCLAIMER OF LIABILITY

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur, or stormwater runoff amounts, or stormwater quality may be altered by man-made or natural causes. This chapter does not imply that land uses permitted will be free from stormwater damage. This chapter shall not create liability on the part of the City or any officer, representative, or employee thereof, for any damage which may result from reliance on this chapter or on any administrative decision lawfully made there under.

161.009 DEVELOPMENT OF TECHNICAL MANUAL

The City has furnished additional policy, criteria, and information including specifications and standards, for the proper implementation of the requirements of this ordinance and has provided such information in the form of a *Stormwater Best Management Practices Technical Manual* (Technical Manual). This manual includes a list of approved stormwater management measures, including specific design criteria and operation and maintenance requirements for each. The manual may be updated and expanded from time to time, at the discretion of the City, based on improvements in engineering, science, monitoring, and local maintenance experience. Stormwater management measures that are constructed per these design and sizing criteria are presumed to meet the minimum performance standards.

161.010

161.044161.010 APPLICABILITY AND EXEMPTIONS

- A. The requirements under this ordinance chapter applies to the discharge of stormwater from construction activities in compliance with 327 IAC 15-5 (Rule 5) IDEM's Construction Stormwater General Permit (CSGP) 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 within the City resulting in land disturbance greater than or equal to one (1) acre, or to disturbances of less than one (1) acre of land that if it is part of a larger common plan of development or sale if the larger common plan that will disturb more than one or more acres of land as determined below.
- B. 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 at the project site. Land disturbances for this chapter include:
1. 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 as a part of the total land disturbance calculation for the project site a part of the permitted project site when the activity is under the control of the project site owner.
 2. Construction support activities including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material, etc. provided the support activity is directly related to the construction site.
 3. Strip developments or multi-lot project sites are regulated by this ordinance in accordance with the following, unless the total combined land disturbance on for all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale, as determined by the following:
 - a. 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 in total size, at least 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.
- 4. Land disturbance for industrial and commercial project sites shall be considered a minimum of one (1) acre for all lots regardless of actual size.
- 5. Land-disturbing activities for the construction of the following agricultural operations must obtain permit coverage when the land disturbance is greater than or equal to one (1) acre:
 - a. To calculate lot disturbance on all other types of project sites, such as industrial and commercial project sites, a minimum of one acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one acre in size, in which case the total lot must be calculated as being disturbed the following apply:

~~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.~~

~~Where the lots are less than one (1) acre in size, the total lot must be calculated as being disturbed.~~

~~Strip developments will be considered as one project site and must comply with this chapter unless the total combined disturbance on all individual lots is less than one acre and is not part of a larger common plan of development or sale. For purposes of this ordinance, strip developments:~~

~~Land-disturbing activities for the construction of the following agricultural operations must obtain permit coverage:~~

Barns:

- a. Barns.
- b. Buildings to house livestock.
- c. Roads associated with infrastructure.
- d. Agricultural waste lagoons and other facilities.
- e. Lake, ponds, and impoundments.
- f. Wetlands constructed voluntarily or as mitigation.
- g. Other infrastructure

~~B.C. The requirements under this rule chapter do not apply to persons who are involved in agricultural land disturbing activities or forest harvesting activities. the following land disturbing activities:~~

- 1. Agricultural land disturbing activities, including tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural subsurface field tile.
- 2. Silviculture activities associated with nonpoint discharges (40 CFR 122.27).
- 3. Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26)
- 4. Ditch maintenance for activities performed on a regulated drain by a county drainage board, or a ditch where the drainage board has relinquished jurisdiction to a municipality or sanitary district in accordance with per IC 36-9-27.

~~C.D. 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 under a permit issued by the Indiana Department of Environmental Management (IDEM) under 329 IAC 10 that contains



equivalent ~~storm water~~stormwater requirements, including the expansion of landfill boundaries and construction of new ~~cell cells~~ either within or outside the original solid waste permit boundary.

4. Indiana Department of Transportation conducting business under its CSGP within city limits.

3.—

~~D. Road and regulated drain maintenance~~

~~E. The~~The following discharges from construction activities are not authorized by this chapter:

1. Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge from the land-disturbing activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.
2. Direct discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters.
3. Discharges of concrete or mortar wash water from concrete washout activities or release from containment systems.
4. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
5. Soaps, detergents, or solvents used in vehicle and equipment washing.
6. Other discharges, including but not limited to fuel, oil, or other pollutants used in vehicle and equipment operation and maintenance.

~~F. Waivers and Special Conditions.~~

1. The City of Auburn has the authority to modify, grant exemptions, and/or waive certain requirements of this chapter and its associated technical standards document. A pre-submittal meeting with the City of may be requested by the applicant to discuss the applicability of various provisions of the chapter and its associated technical standards document with regards to about unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the City of Auburn that may be based on the review of more detailed information and plans.
2. Discharges are conditionally authorized for land-disturbing activities that are subject to this chapter, but are considered an emergency. Emergency activities include any work which that requires immediate implementation to avoid imminent endangerment to human health, public safety, or the environment, or to re-establish essential public services.
 - a. Procedures for obtaining an emergency condition authorization, require the applicant to:
 - b. Submit a preliminary notification of the emergency to IDEM and the townCity within 24 hours or the next business day of initiating land disturbance.
 - c. Develop a Stormwater Pollution Prevention Plan (SWPPP) that specifically addresses the operations associated with the emergency. The submittal of the plan is not required.
 - ~~a-d.~~ Submit a complete Notice of Intent (NOI) within 30 calendar days after commencing land-disturbing activities to IDEM and the City of Auburn.

161.011 CONSTRUCTION STORMWATER CONTROL GENERAL REQUIREMENTS

- A. All property owners or developers shall implement the requirements of this chapter for construction activities within the City resulting in land disturbance greater than or equal to one (1) acre of land.
- B. Individual lot owners or operators shall follow the requirements in Chapter 161.015 for Individual Lot Owner or Operator Responsibilities when the land disturbance is less than or greater than one (1) acre and the lot lies within a larger common plan for development or sale.



Stormwater Runoff Control

161.012 CONSTRUCTION SWPPP APPLICATION~~STORM WATER~~STORMWATER POLLUTION PREVENTION PLAN

- A. No land-disturbing activity that would require the disturbance of one (1) acre or more of land shall be initiated without submittal of all the required documentation identified in the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form and receiving approval from the SWCD or the City.
- B. Construction SWPPP approval is not required for any emergency activity that is immediately necessary for the protection of life, property, or natural resources. Notification to the City and IDEM is required per the CSGP.
- ~~A-C.~~ The application shall contain the items in the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form and the Technical Manual including the following~~Submission Requirements:~~
1. City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form.
 2. Professionally certified design plans with erosion and sediment control measures identified and details following the Technical Manual or the *Indiana Stormwater Quality Manual*, as applicable.
 3. Construction Site SWPPP.
 4. A draft of IDEM's Notice of Intent with proof of public notice.
 5. Post-Construction SWPPP documents as described in Chapter 162.01, including design calculations, O&M Manual and covenant, easement documentation, and any additional documentation as required by the City of Auburn Unified Development Ordinance, 3.
 6. Plan review and inspection fees.
- D. The SWPPP will serve as a guideline for stormwater management but should not be interpreted to be the only basis for the implementation of stormwater measures for a project site. The permittee is responsible for implementing all measures necessary to comply with the provisions of this chapter and the CSGP.
- E. The posting of the notice under (C)(4) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.

161.013 REVIEW AND APPROVAL

- ~~A.~~ 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:
- ~~A~~ Storm Water~~Stormwater~~ 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~~the City of Auburn 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
- ~~B-A.~~ The DeKalb County SWCD~~SWCD or an IDEM authorized representative~~ vor the City will review each application to determine its conformance with the provisions of this chapter, the Technical Manual, and the CSGP. The SWCD or the City will follow the procedures outlined ~~en-in~~ in the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form. Upon review, the DeKalb County SWCD~~SWCD or an IDEM authorized representative~~ the City shall, in writing:
1. Approve the application and associated documentation and provide a Construction/Stormwater Pollution Prevention Plan Technical Review form deeming the "Plan is Adequate."
 2. Approve the application and associated documentation subject to such reasonable conditions as may be necessary to secure the objectives of this chapter and provide a Construction/Stormwater Pollution Prevention Plan Technical Review form deeming the "Plan is Adequate." Conditions may include obtaining other City department or agency permits or approvals.



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3. Provide a Construction/Stormwater Pollution Prevention Plan Technical Review form stating that the "Plan is Deficient" and indicate the reason(s) and procedure for submitting a revised application and/or submission.

~~G.B.~~ If the submitted application and support documents are altered after approval, plans must be resubmitted for additional review.

~~D.C.~~ If the submitted application and support documents are determined to be deficient, the ~~DeKalb County SWCD~~ ~~SWCD or City~~ may require modifications, terms, and conditions as necessary to meet the requirements of this chapter, Technical Manual, or CSGP. Deficient items will need to be amended and resubmitted ~~will begin a 14-28 day review period for review~~. The initiation of land-disturbing activities following written notification by the ~~DeKalb County SWCD~~ ~~or an authorized IDEM representative~~ ~~or~~ the City that the submitted application and support documents ~~does do~~ not meet the requirements violates this chapter and is subject to enforcement action.

~~E. Information Requirements~~

~~The City of Auburn will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of a project's construction plans and specifications. 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 runoff. Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling.~~

~~All permittees shall manage stormwater discharges as necessary to meet the narrative water quality criteria (327 IAC 2-1-6(a)(1)(A-D) and 327 IAC 2-1-5-8(a) and (b)(1)(A-D)) for any discharge authorized by this chapter and CSGP, with compliance required upon beginning such a discharge. For stormwater discharges, the use of stormwater management measures and planning principles is expected to achieve the control necessary to meet water quality criteria.~~

~~The SWPPP will serve as a guideline for stormwater management but should not be interpreted to be the only basis for implementation of stormwater measures for a project site. The permittee is responsible for implementing all measures necessary to comply with the provisions of this chapter and the CSGP.~~

~~All stormwater management measures, including erosion and sediment control measures and post-construction measures, shall be implemented in accordance with this chapter, the City of Auburn Chapter 162, City of Auburn Stormwater BMP Technical Standards Manual, the terms and conditions of the approved Stormwater Management Permit, and CSGP.~~

~~The SWPPP must include the following:~~

~~Project narrative and supporting documents, including the following information:~~

~~An index indicating the location, in the plan, of all information required by this subsection.~~

~~Description of the nature and purpose of the project.~~

~~Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township.~~

~~General construction sequence of how the project site will be built, including phases of construction.~~

~~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.~~

~~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.~~

~~Identification of any other state or federal water quality permits that are required for construction activities associated~~

with the owner's project site.

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.

A project site layout that must include the following information:

Location and name of all wetlands, lakes, and watercourses on or adjacent to the project site.

Location of all existing structures on the project site, if applicable.

One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.

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.

Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site.

Land use of all adjacent properties.

Existing topography at a contour interval appropriate to indicate drainage patterns.

Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.

A construction grading plan, including the following information:

Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.

Location of all soil stockpiles and borrow areas.

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.

Proposed final topography at a contour interval appropriate to indicate drainage patterns.

Proposed final one hundred (100) year floodplains, floodway fringes, and floodways, if different than existing.

A Stormwater Pollution Prevention Plan, including the following information:

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.

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.

Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exists.

Locations of specific points where storm water discharge will leave the project site.



Stormwater Runoff Control

~~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.~~

~~Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures.~~

~~Temporary and permanent stabilization plans include sequence of implementation and the following:~~

~~Specifications and application rates for soil amendments and seed mixtures.~~

~~The type and application rate for anchored mulch.~~

~~Construction sequence describing the relationship between implementation of storm water quality measures and stages of construction activities.~~

~~Self-monitoring program including plan and procedures.~~

~~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.~~

~~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.~~

~~A copy of the post construction storm water management plan.~~

F.D. ~~The MS4 Operator~~City or the DeKalb County SWCD or an ~~IDEM~~ authorized representative may, upon finding reasonable cause, require modification to the Construction 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 28 calendar days of a request for a modification or before land disturbance.

~~Are considered as one (1) project site; and
Must comply with this ordinance.~~

161.013161.014 PROJECT SITE OWNER RESPONSIBILITIES

Upon receiving stormwater approval, it is the responsibility of the project site owner, operator, or agent to:

- A. Submit the ~~approval form~~Technical Review form and the final NOI with proof of public notice for the CSGP to IDEM, at least 48 hours before any land disturbance or discharges occur.
- B. ~~Provide~~Submit the Notice of Sufficiency from IDEM ~~along~~ with a final NOI to the ~~DeKalb County SWGDSWCD~~ and City at least 48 hours ~~before any land disturbance or discharges occur.~~
- C. Receive approval for other building permits or City permits, and State and Federal permits as required.
- D. Ensure proper construction and installation of all stormwater measures in compliance with the approved submittal, this chapter, the Technical Manual, the *Indiana Stormwater Quality Manual*, and the CSGP (as applicable).
- E. Ensure that all persons engaging in construction activities on the permitted project site comply with the applicable requirements of this chapter, CSGP, and the approved application.
- F. Install and stabilize all erosion and sediment control devices before any clearing, except what is necessary to establish the devices.
- G. Ensure all stormwater quality measures are designed and installed under the guidance of a trained individual.

~~H.~~

I.H. ~~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~~chapter, the conditions and standards included in the

SWPPP, and the schedule for proposed implementation.

- ~~J. I.~~ M. ~~The permittee or his/her agent shall maintain a self-monitoring program and complete regular inspections of all control measures per the inspection schedule outlined in the CSGP. The purpose of such inspections will be to determine the overall effectiveness of the SWPPP and the need for additional control measures. All inspections shall be documented and submitted to the City upon request within 48 hours. Self-monitoring reports are to be completed by a trained/qualified individual.~~
- ~~K. J.~~ D. ~~The project site owner shall develop and maintain a Project Management Log per the CSGP.~~
- K. Meet all performance standards and implementation requirements of the CSGP.
- L. The following requirements for stormwater pollution prevention 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.
 - 4.2. Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete or cementitious washout water, mortar/masonry products, soil stabilizers, lime stabilization materials 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 per all applicable statutes and regulations.
 - 2.3. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.
 - 3.4. Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff 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~~ per all applicable statutes and regulations.
 - 4.5. Minimize the generation of dust through dust suppression techniques to prevent deposition into waters of the state and areas located beyond the permitted boundaries of the site.
 - 5.6. ~~Storm water~~ Stormwater run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.
 - 6.7. Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.
 - 7.8. Soil compaction is to be minimized, especially in areas where permanent vegetation will be re-established and/or areas that are designated to infiltrate stormwater for the post-construction phase.
 - 8.9. Topsoil must be preserved, unless infeasible.
 - 9.10. Appropriate measures shall be planned and installed as part of an erosion and sediment control system.
 - 10.11. All ~~storm water~~ stormwater quality measures must be designed and installed under the guidance of a trained individual.
 - 11.12. 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.
 - 12.13. 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.
 - 13.14. Sediment basins, where feasible, must withdraw water from the surface of the water column unless equivalent sediment reduction can be achieved ~~by use of~~ using alternative measures.
 - 14.15. Discharge water from dewatering of ~~ground water~~ groundwater must not be discharged when sediment-laden water is not first directed to an appropriate sediment control measure or a series



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of control measures that ~~minimizes~~ minimize the discharge of the sediment or when a visible sheen and/or pollutants are present at a level that requires additional treatment and/or an alternate permit.

~~15.16.~~ The use of anionic polymers (cationic polymers are not authorized for use) on the project site is authorized for sediment control provided their use is in conformance with current State of Indiana standards and specifications and the use is identified in the SWPPP. If the use of a polymer is not in the SWPPP and is selected ~~at a later date~~ later, notification to IDEM and the City of Auburn is required.

17. Natural features, including wetlands and sinkholes, ~~must be protected with appropriate stormwater management and/or treatment measures to address pollutant discharges associated with~~ shall be protected from pollutants associated with storm water stormwater run-off.

18. Existing natural buffers that are adjacent to the waters of the state must be preserved to promote infiltration and provide protection of the water resource, unless infeasible. Activities performed by a county drainage board under IC 36-9-27 are excluded.

19. Natural buffers must be preserved, including the entire buffer bordering and/or surrounding the water resource. Existing buffers:

a. 50 feet or more in width must be preserved to a minimum of 50 feet.

b. ~~Less than 50 feet in width must be preserved in their entirety. It may be enhanced with~~ vegetation that is native and promotes ecological improvement and sustainability.

20. Runoff directed to the natural buffer must be:

a. ~~Treated with appropriate erosion and sediment control measures prior to~~ before discharging to the buffer.

b. ~~Managed with appropriate runoff control measures to prevent erosion from occurring within~~ the buffer area.

~~a-c.~~ Further information regarding buffer requirements is contained in IDEM's "Implementation of Buffers" guidance document.

~~16.21.~~ Un-vegetated areas that are ~~left idle or scheduled to be left inactive must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion~~ potentialscheduled 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. Stabilization must be initiated by the end of the seventh day the area is left idle. The stabilization activity must be completed within 14 days after initiation. 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 70% shall be restabilized using appropriate methods to minimize the erosion potential.

~~17.22.~~ During the period of construction activities, all ~~storm water~~ stormwater quality measures necessary to meet the requirements of this rule shall be maintained in working order.

23. 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.

L.M. Project Completion and Permit Termination

1. The project site owner or operator shall ~~plan an orderly and timely termination of the land-~~ disturbing activities, including the implementation of stormwater management measures that are to remain on the project site.

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

3. The City approval shall expire simultaneously with the CSGP. Upon the expiration, a new application shall be made and additional fees as set forth above shall be submitted.
- ~~4.4.~~ The project site owner or operator shall notify Notify the City of final stabilization so that the City may verify the Notice of Termination (NOT) by completing and sign off on a final site inspection before the project site owner or operator submits the NOT ~~submittal of the Notice of Termination (NOT) to IDEM.~~
- a. Final stabilization of a project site is achieved when all land disturbing activities have been completed, temporary BMPs have been removed, permanent BMPs have been cleaned, and a uniform perennial vegetative cover with a density of 70% has been established on all unpaved areas and areas not covered by a permanent structure or equivalent permanent stabilization measures have been employed.
- a.b. Final stabilization does not apply to landscaping that is part of the final project plan.
- b.c. Final stabilization for construction projects on land used for agricultural purposes is achieved when:
- i. Stabilization is completed per (44)(a) above as land disturbance progresses;
 - ii. Land returned to its preconstruction agricultural use is temporarily or permanently seeded upon completing land disturbance activities; Stabilization may be waived by the City if the project site does not pose a threat of discharging sediment, and
 - iii. Disturbed areas, not previously used for agricultural production, such as filter strips, are being returned to their preconstruction agricultural use.
5. After a verified NOT has been submitted for a project site, City approval and CSGP coverage are terminated and maintenance of the remaining stormwater management measures shall be the responsibility of the property owner or occupier of the property.

~~A current active permit must be in place until all land disturbing 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.~~

~~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~~

~~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);~~

~~For individual residential lots, final stabilization meeting the criteria in subsection (aA) will be achieved when the individual lot operator:~~

~~Completes final stabilization; or~~

~~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.~~

GENERAL REQUIREMENTS FOR STORM WATER STORMWATER POLLUTION PREVENTION

~~The following requirements shall be met on all project sites:~~

~~Sediment-laden water flowing from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation.~~

161.014 161.015 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. ~~A~~ For an individual lot operator of a lot (less than or greater than where land disturbance is expected to be one (1) acre) or more and the lot lies within a larger common plan of development or sale, is



Stormwater Runoff Control

~~required to: project site permitted under this ordinance, the Individual Lot Owner shall:~~

- ~~1. Submit all the documents identified in the City of Auburn's Individual Construction SWPPP Review form to the City of Auburn Building Department before construction.~~
- ~~2. Develop a lot-specific Individual Construction SWPPP that includes all provisions in the City of Auburn's Individual Construction SWPPP Review form.~~
- ~~3. Comply with the erosion and sediment control requirements described and approved in the Individual Construction SWPPP.~~
- ~~4. Comply with the approved plans under the larger common plan for development or sale for individual lots.~~

~~4.5. Complete final stabilization per C. below.~~

~~C. Complete and submit a Notice of Intent (NOI) in accordance with Section 7 of this ordinance; and~~

~~D. Ensure that a SWPPP is completed and submitted in accordance with Section 8 of this ordinance.~~

~~E. 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.~~

~~F.~~

~~1. City of Auburn Building Department before.~~

~~2.~~

~~G.C. Final stabilization for individual lots (less than or greater than one (1) acre) within a larger common plan of development or sale, is achieved when the operator:~~

~~1. Completes final stabilization considering weather and season;~~

~~2. Initiates permanent seeding with appropriately crimped or tackified mulch cover, erosion control blanket or sod; or~~

~~2.3. Installs appropriate and/or ensures functional erosion and sediment control measures are in place in the individual lot. Upon issuance of a Certificate of Occupancy through the City of Auburn Building Department to the homeowner, the homeowner is responsible for maintaining the erosion and sediment control measures until final stabilization has occurred.~~

~~H.~~

161.045161.016 ~~stormwater pollution prevention and NOTICE OF INTENT FEE STRUCTURE~~

~~A copy of the completed IDEM NOI or a document, such as the Permit Summary Report & Notice of Sufficiency letter produced by IDEM's online ePortal system, that contains the information required in the IDEM CSGP Section 5.0 shall be submitted to the DeKalb County SWCD and City of Auburn.~~

~~The NOI shall be submitted via mail or electronic copy to the DeKalb County SWCD and City of Auburn.~~

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 approvals or permits associated herein, the following fees shall be paid to the City of Auburn for the administration of the requirements for projects regulated under this chapter and under the administration of the City's jurisdiction and or control, whether located in the city limits or outside thereof. e the stormwater control plan.~~

~~A. Information Requirements~~

~~A. Developments of 10.00 acres or more are \$1,500.00.~~

B. Developments of 5.00 acres to 9.99 acres are \$1,000.00.

B-C. Other Developments 1.00 acre to 4.99 acres are \$500.00\$500.00.

161.017 CONSTRUCTION INSPECTIONS

A. DeKalb County SWCD SWCD or and ,the City of Auburn IDEM, or an IDEM authorized representative shall make inspections as hereinafter required the installation, implementation, and maintenance of erosion and sediment control and pollution prevention measures at any project site involved in construction activities. The SWCD or the City shall and either approve that portion of the work co-ompleted or shall notify the permittee owner wherein the work fails to comply with the SWPPP as approved.

B. Plans for grading, stripping, excavating, and filling work with the approval of the DeKalb County SWCD SWCD or, IDEM, or an the City of Auburn IDEM or an IDEM authorized representative shall be maintained at the site during the progress of the work.

A-C. The applicant must notify the City in advance before the commencement of construction of stormwater BMPs.

B-D. To obtain inspections, the permittee shall follow the directions on the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form at least 40-48 hours (two (2) business working days) before the following:

1. Start of construction;
2. Installation of sediment and erosion measures;
- 3-1. Completion of site clearing Installation of infrastructure (grading, roads, and utilities);
- 4-2. Completion of rough grading Installation of post-construction BMP(s);
5. Completion of final grading;
6. Close of the construction season; and
- 7-3. Completion of final landscaping and final stabilization.

The DeKalb County SWCD and the City of Auburn, 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.

All persons engaging in construction activities on a project site shall be responsible for complying with the SWPPP and the provisions of this ordinance.

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 stormwater 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.

161.016 PROJECT TERMINATION

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

The project site owner shall submit a Notice of Termination (NOT) meeting the requirements of the IDEM CSGP.

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:

All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.

All temporary erosion and sediment control measures have been removed.

All post-construction certified BMPs and associated control devices have been installed and documented with jurisdictional entity.

~~6. The project site owner may submit an NOT letter to obtain early release from compliance with this ordinance if the following conditions are met:~~

~~The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.~~

~~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.~~

~~All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.~~

~~The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.~~

~~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.~~

~~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:~~

~~Install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and~~

~~Maintain all erosion and sediment control measures that are to remain on site as part of the construction plan.~~

~~After a verified NOT letter has been submitted for a project site, maintenance of the remaining stormwater quality measures shall be the responsibility of the individual lot property owner or occupier of the property.~~

DURATION OF PERMIT

~~A permit issued under this ordinance is granted for a period of five (5) years from the date coverage commences. 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).~~

~~To obtain a renewal permit, the information required a NOI as required under Section 7 of this ordinance and the IDEM CSGP 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.~~

161.018 ENFORCEMENT

A. The City, or designee, shall investigate potential violations of this chapter to determine which person may be responsible for the violation. The City 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, stormwater pollution prevention plans, permit applications, and other information related to the specific facts and circumstances of the potential violation.

- B. Enforcement of this chapter shall be subject to enforcement actions within the city code, the severity of the violation, and the owner's or operator's efforts to comply. The City shall reserve the right to interpret enforcement on a case-by-case basis. Tiered enforcement will be practiced at the discretion of the City designee. The tiered enforcement may include:
1. Verbal warning to the owner or operator to make corrections of identified deficiencies.
 2. Written warning to the owner or operator to make corrections within a specified time, but not less than 72 hours. The specified time shall consider issues such as the severity of the problem, pending weather, seasonal conditions, and the level of effort necessary to correct the problem.
 3. Written warning of non-compliance with directions to the owner or operator that site deficiencies require corrective action within 72 hours.
 4. Stop work order.
 - a. If deficiencies in a written warning of non-compliance are not resolved 72 hours after receipt of the written notification, the City may issue a stop work order or may revoke the owner's stormwater approval. In this event, all construction work shall cease until and unless the City determines that compliance has been obtained.
 - b. Any person who neglects or fails to comply with a stop work order may be fined for each offense, plus costs, damages, and expenses. Each day such violation occurs or continues, shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The City may assess a stormwater approval reinstatement fee.
 - c. The City may issue a stop work order and may suspend or revoke stormwater approval if any of the work is being conducted 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 to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
 5. Injunctive Relief.
 - a. It shall be a violation for any person to violate any provision or fail to comply with any of the requirements of this chapter.
 - b. If a person has violated or continues to violate the provisions of this chapter, the City may petition any court of competent jurisdiction for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.
 - c. Costs, including attorney fees, for injunctive relief may be assessed against the violator.
 6. Cost Recovery.
 - a. If the property owner fails to complete the corrective actions and the work is completed through the City or a contractor, the City will provide a letter to the property owner of the work completed, copies of all invoices paid by the City, and a log of all hours spent by City personnel and/or its designated contractor.
 - b. If the amount contained in the letter is not paid within 30 days of the receipt of the bill, the City may certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification, and said amounts shall be collected as delinquent taxes are collected per I.C. 36-1-6-2.
- C. If abatement of a violation and/or restoration of affected property is required, the written notifications shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor, and the expense shall be charged to the violator.
- D. All written enforcement actions shall be delivered to the owner:
1. By hand;
 2. The next business day through an overnight delivery service; or



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3. By mail, on the third business day following delivery to the U.S. Postage Service.

A.—

161.019 REMEDIES NOT EXCLUSIVE:

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the City to seek cumulative remedies.

Failure to Comply or Complete.

Compliance with this ordinance, all applicable City ordinances, as well as all state and federal statutes and regulations is required. Unless otherwise stated, all references, specifications, statutes, and regulations referred to in this chapter shall be the most recent edition available.

The City of Auburn or it's designee may delay issuance of a permit under this ordinance or revoke SWPPP approval where the application, plan or other supporting documents reflect:

A false statement or misrepresentation as to material fact.

Failure to or lack of compliance with the requirements of this chapter.

Failure to bond, execute covenants, dedicate easements, or perform other requirements pursuant to this chapter.

Notice of Violation

In the event that the City of Auburn or it's designee finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the City may order compliance by written Notice of Violation to the responsible person.

The Notice of Violation shall be in writing, include a description of the property for identification and include a statement of the violation(s) and why the notice is being issued. The Notice of Violation shall provide at least ten (10) days to bring the property into compliance.

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

161.017 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, a Stop Work Order may be issued requiring the suspension of the land alteration.

Penalty

161.018 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.

~~161.019~~ If remaining storm water stormwater quality measures are not properly maintained by the person occupying or owning the property, IDEM the City of Auburn may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4.

~~161.020~~ 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.

~~161.024~~ 161.020 Violation and PENALTIES

A. Any person found violating any provision of this chapter shall be responsible for fines per IC 36-1-3-8 (a)(1) of up to \$2,500 for a first violation of the ordinance and up to \$7,500 for a second or subsequent violation of the ordinance. Each fine is subject to cost recovery for damages and expenses. Each day a violation continues after the original notification shall be deemed a separate offense under this chapter.

A. The City may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this chapter, including sampling and monitoring expenses. 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.~~

First Reading _____
Second Reading _____

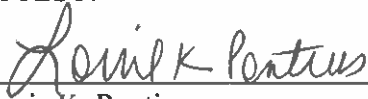
SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

First Reading _____
Second Reading _____

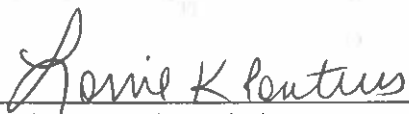
PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this
2nd day of July, 2024.


James Finchum, Councilmember


ATTEST:


Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 2nd day of
July, 2024.


Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 2nd day of July, 2024.


David E. Clark, Jr., Mayor

VOTING:

AYE

NAY

Natalie DeWitt



Rod Williams




James Finchum



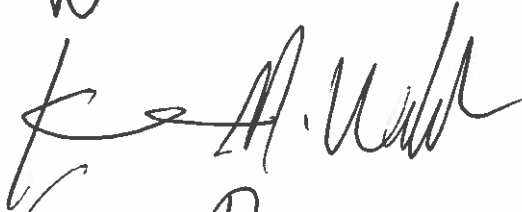
Dan Braun



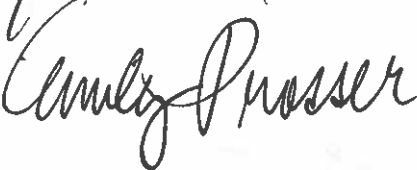
David Bundy



Kevin Webb



Emily Prosser



First Reading _____
Second Reading _____

EXHIBIT "A"



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**161.001 INTRODUCTION / PURPOSE**

During the construction process, the 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 habitats for fish and other desirable species. Eroded soil also necessitates the repair of sewers, ditches, and streams. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitats. Construction activities can also expose stormwater runoff to pollutants from spills, trash, concrete washouts, sediment tracking, leaky equipment, and other activities.

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, redevelopment, 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 LEGAL AUTHORITY

This chapter is adopted per statutory authority granted under code authorizing jurisdiction over the storm system and is required by the NPDES program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act and the Indiana Department of Environmental Management's (IDEM) Construction Stormwater General Permit (CSGP) and Municipal Separate Storm Sewer System (MS4) General Permit (MS4GP). Based on this authority and these requirements, this chapter regulates:

- A. Stormwater drainage improvements related to developing lands located within the City boundaries.
- B. Drainage control systems installed during construction and grading of lots and other parcels of land.
- C. Erosion and sediment control measures installed during construction and grading of lots and other parcels of land.
- D. Stormwater pollution prevention planning for land-disturbing activities.

161.003 DEFINITIONS

- **Agricultural Conservation Practices**
Means practices that are constructed on agricultural land to control 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 tiles.

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 function 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 nonpoint 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 stormwater wetlands) that utilize vegetation to enhance pollutant removal and restore the infiltrative capacity of the landscape.

- **City**
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 stormwater pollution prevention plan is a part of the construction plan.
- **Construction Site Access**
Means a stabilized surface (often made of stone) at all points of ingress or egress to a project site to capture and detain sediment carried by tires of vehicles or other equipment entering or exiting the project site.
- **Construction Stormwater General Permit (CSGP)**
Means the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP).
- **Contiguous**
Means adjoining or in actual contact with.
- **Contour**
Means an imaginary line on the surface of the earth connecting points of the same elevation.
- **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.
- **Conveyance**
Means any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.
- **Design Storm**
Means a selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.
- **Developer**
Means any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity financially responsible for construction activity; or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.



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- **Development**
Means construction and site preparation work involving structures or improvements of any kind, and all land-disturbing activities including, but not limited to, digging, drilling, excavating, grading, clearing, earth moving, filling, or performing any subsurface work.
- **Discharge of a Pollutant**
Means any addition of any pollutant, or combination of pollutants, into any waters of the state from a point or non-point source in Indiana. The term includes, without limitation, additions of pollutants into waters of the state from the following: (1) surface runoff collected or channeled; (2) discharges through pipes, sewers, or other conveyances that do not lead to treatment works; and (3) sheet flow of stormwater runoff.
- **Erosion**
Means the wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:
 1. *Accelerated erosion.* Erosion is much more rapid than normal or geologic erosion, primarily because of the activities of man.
 2. *Channel erosion.* An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
 3. *Gully erosion.* An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1 to 2 feet to as much as 75-100 feet.
 4. *Rill erosion.* An erosion process in which numerous small channels only several inches deep are formed; occurs on recently disturbed and exposed soils (see *Rill*).
 5. *Splash erosion.* The spattering of small soil particles caused by the impact of raindrops on wet soils, the loosened and spattered particles may or may not be subsequently removed by surface runoff.
 6. *Sheet erosion.* The gradual removal of a uniform layer of soil from the land surface by runoff water.
- **Erosion and Sediment Control**
Means a practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, rapping sediment to prevent it from being discharged from or within a project site.
- **Filter Strip**
Means usually a long, relatively narrow area (usually 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses; reservoirs, or adjacent properties.
- **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 any land surface with a low or no capacity for soil infiltration, including, but not limited to pavement (sidewalks, streets, parking areas, and driveways), compacted gravel or soil, and rooftops.
- **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.
- **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.
- **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, which is:
 1. Owned or operated by:
 - a. Federal, state, city, town, county, district, association, or other public body (created by or under state law) having jurisdiction over stormwater, 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 stormwater utility, hospital, university, or college having jurisdiction over stormwater that discharges into waters of the state;
 2. Designed or used for collecting or conveying stormwater;
 3. Not a combined sewer; and
 4. Not part of a publicly owned treatment works (POTW).
- **Municipal Separate Storm Sewer System General Permit or “MS4GP”**
Means the Indiana Department of Environmental Management’s Municipal Separate Storm Sewer System General Permit.
- **National Pollution Discharge Elimination System (NPDES)**
Means a permitting program that regulates point sources that discharge pollutants to waters of the United States.
- **Nonpoint Source Pollution**
Means pollution does not have a single identifiable origin, but rather comes from many diffuse sources. It is caused by rainfall or snowmelt moving over and through the ground picking up and carrying away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and groundwater.
- **Peak Discharge**
Means the maximum instantaneous flow from a given storm condition at a specific location.
- **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; sediment; nutrients; 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 Construction SWPPP Application under this chapter and required to comply with the terms of this chapter, including either of the following:
 1. A developer.
 2. A person or entity that has financial and operational control of construction activities and project plans and specifications, including the authority to approve an expenditure of funds and 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 this Ordinance, "POTW" shall also include any sewers, pipes, or other conveyances that convey wastewater 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 water that originates during a precipitation event and flows over the land rather than infiltrating into the ground or evaporating.
- 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 process that deposits soils, debris, and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.
- Site
Means the entire area included in the legal description of the land on which land-disturbing activity is to be performed.
- 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.
- Spill
Means the unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.
- Stormwater Management Measure
Means a practice, or a combination of practices, selected to improve the quality of runoff discharges,

divert runoff, or mitigate impacts related to the quantity of runoff.

- **Stormwater Pollution Prevention Plan (SWPPP)**
Means a plan developed to minimize the impact of stormwater pollutants resulting from land-disturbing activities.
- **Stormwater Quality Measure**
Means a practice, or a combination of practices, to control or minimize pollutants associated with stormwater runoff.
- **Strip Development**
Means a multi-lot project site where individual lots front on an existing road and are not part of a larger common plan of development or sale.
- **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.
- **Surface Runoff**
Means precipitation that flows onto the surfaces of roofs, streets, the ground, and the like, and is not absorbed or retained by that surface but collects and runs off.
- **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.
- **Topography**
Means the representation of a portion of the earth's surface showing natural and man-made features of a given locality such as rivers, streams, ditches, lakes, roads, buildings, and most importantly, variations in ground elevations for the terrain of the 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 stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enables the individual to make judgments regarding stormwater control or treatment and monitoring.
- **Watercourse**
Means any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.
- **Watersheds**
Means the region drained by or contributing water to a specific point that could be along a stream, lake, or other stormwater facility. Watersheds are often broken down into subareas for hydrologic modeling.

161.004 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.



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161.005 SEVERABILITY

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

161.006 RESPONSIBILITY FOR ADMINISTRATION

The City shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the City may be delegated by the mayor to persons or entities acting in the beneficial interest of or in the employ of the agency.

161.007 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated under this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will not be violations of NPDES permits.

161.008 DISCLAIMER OF LIABILITY

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur, or stormwater runoff amounts, or stormwater quality may be altered by man-made or natural causes. This chapter does not imply that land uses permitted will be free from stormwater damage. This chapter shall not create liability on the part of the City or any officer, representative, or employee thereof, for any damage which may result from reliance on this chapter or on any administrative decision lawfully made there under.

161.009 DEVELOPMENT OF TECHNICAL MANUAL

The City has furnished additional policy, criteria, and information including specifications and standards, for the proper implementation of the requirements of this ordinance and has provided such information in the form of a *Stormwater Best Management Practices Technical Manual* (Technical Manual). This manual includes a list of approved stormwater management measures, including specific design criteria and operation and maintenance requirements for each. The manual may be updated and expanded from time to time, at the discretion of the City, based on improvements in engineering, science, monitoring, and local maintenance experience. Stormwater management measures that are constructed per these design and sizing criteria are presumed to meet the minimum performance standards.

161.010 APPLICABILITY AND EXEMPTIONS

- A. This chapter applies to the discharge of stormwater from construction activities within the City resulting in land disturbance greater than or equal to one (1) acre, or to disturbances of less than one (1) acre of land that is part of a larger common plan of development or sale if the larger common plan will disturb more than one or more acres of land.
- B. 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 at the project site. Land disturbances for this chapter include:
 1. 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 as a part of the total land disturbance calculation for the project site when the activity is under the control of the project site owner.
 2. Construction support activities including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material, etc. provided the support activity is directly related to the construction site.
 3. Strip developments or multi-lot project sites, unless the total combined land disturbance for all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale, as determined by the following:

- a. For a single-family residential project site where the lots are one-half (0.5) acre or more in total size, at least 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.
4. Land disturbance for industrial and commercial project sites shall be considered a minimum of one (1) acre for all lots regardless of actual size.
5. Land-disturbing activities for the construction of the following agricultural operations must obtain permit coverage when the land disturbance is greater than or equal to one (1) acre:
 - a. Barns.
 - b. Buildings to house livestock.
 - c. Roads associated with infrastructure.
 - d. Agricultural waste lagoons and other facilities.
 - e. Lake, ponds, and impoundments.
 - f. Wetlands constructed voluntarily or as mitigation.
 - g. Other infrastructure
- C. The requirements under this chapter do not apply to the following land-disturbing activities:
 1. Agricultural land disturbing activities, including tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural subsurface field tile.
 2. Silviculture activities associated with nonpoint discharges (40 CFR 122.27).
 3. Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26)
 4. Ditch maintenance for activities performed on a regulated drain by a county drainage board, or a ditch where the drainage board has relinquished jurisdiction to a municipality or sanitary district per IC 36-9-27.
- D. 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 under a permit issued by the Indiana Department of Environmental Management (IDEM) under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.
 4. Indiana Department of Transportation conducting business under its CSGP within city limits.
- E. The following discharges from construction activities are not authorized by this chapter:
 1. Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge from the land-disturbing activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.
 2. Direct discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters.

3. Discharges of concrete or mortar wash water from concrete washout activities or release from containment systems.
4. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
5. Soaps, detergents, or solvents used in vehicle and equipment washing.
6. Other discharges, including but not limited to fuel, oil, or other pollutants used in vehicle and equipment operation and maintenance.

F. Waivers and Special Conditions.

1. The City has the authority to modify, grant exemptions, and/or waive certain requirements of this chapter and its associated technical standards document. A pre-submittal meeting with the City may be requested by the applicant to discuss the applicability of various provisions of the chapter and its associated technical standards document about unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the City that may be based on the review of more detailed information and plans.
2. Discharges are conditionally authorized for land-disturbing activities that are subject to this chapter but are considered an emergency. Emergency activities include any work that requires immediate implementation to avoid imminent endangerment to human health, public safety, or the environment, or to re-establish essential public services.
 - a. Procedures for obtaining an emergency condition authorization, require the applicant to:
 - b. Submit a preliminary notification of the emergency to IDEM and the City within 24 hours or the next business day of initiating land disturbance.
 - c. Develop a Stormwater Pollution Prevention Plan (SWPPP) that specifically addresses the operations associated with the emergency. The submittal of the plan is not required.
 - d. Submit a complete Notice of Intent (NOI) within 30 calendar days after commencing land-disturbing activities to IDEM and the City.

161.011 CONSTRUCTION STORMWATER CONTROL GENERAL REQUIREMENTS

- A. All property owners or developers shall implement the requirements of this chapter for construction activities within the City resulting in land disturbance greater than or equal to one (1) acre of land.
- B. Individual lot owners or operators shall follow the requirements in Chapter 161.015 for Individual Lot Owner or Operator Responsibilities when the land disturbance is less than or greater than one (1) acre and the lot lies within a larger common plan for development or sale.

161.012 CONSTRUCTION SWPPP APPLICATION

- A. No land-disturbing activity that would require the disturbance of one (1) acre or more of land shall be initiated without submittal of all the required documentation identified in the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form and receiving approval from the SWCD or the City.
- B. Construction SWPPP approval is not required for any emergency activity that is immediately necessary for the protection of life, property, or natural resources. Notification to the City and IDEM is required per the CSGP.
- C. The application shall contain the items in the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form and the Technical Manual including the following:
 1. City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form.
 2. Professionally certified design plans with erosion and sediment control measures identified and details following the Technical Manual or the *Indiana Stormwater Quality Manual*, as applicable.
 3. Construction Site SWPPP.



4. A draft of IDEM's Notice of Intent with proof of public notice.
 5. Post-Construction SWPPP documents as described in Chapter 162.01, including design calculations, O&M Manual and covenant, easement documentation, and any additional documentation as required by the City of Auburn Unified Development Ordinance.
 6. Plan review and inspection fees.
- D. The SWPPP will serve as a guideline for stormwater management but should not be interpreted to be the only basis for the implementation of stormwater measures for a project site. The permittee is responsible for implementing all measures necessary to comply with the provisions of this chapter and the CSGP.
- E. The posting of the notice under (C)(4) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.

161.013 REVIEW AND APPROVAL

- A. The SWCD or the City will review each application to determine its conformance with the provisions of this chapter, the Technical Manual, and the CSGP. The SWCD or the City will follow the procedures outlined in the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form. Upon review, the SWCD or the City shall, in writing:
1. Approve the application and associated documentation and provide a Construction/Stormwater Pollution Prevention Plan Technical Review form deeming the "Plan is Adequate."
 2. Approve the application and associated documentation subject to such reasonable conditions as may be necessary to secure the objectives of this chapter and provide a Construction/Stormwater Pollution Prevention Plan Technical Review form deeming the "Plan is Adequate." Conditions may include obtaining other City department or agency permits or approvals.
 3. Provide a Construction/Stormwater Pollution Prevention Plan Technical Review form stating that the "Plan is Deficient" and indicate the reason(s) and procedure for submitting a revised application and/or submission.
- B. If the submitted application and support documents are altered after approval, plans must be resubmitted for additional review.
- C. If the submitted application and support documents are determined to be deficient, the SWCD or City may require modifications, terms, and conditions as necessary to meet the requirements of this chapter, Technical Manual, or CSGP. Deficient items will need to be amended and resubmitted for review. The initiation of land-disturbing activities following written notification by the SWCD or the City that the submitted application and support documents do not meet the requirements violates this chapter and is subject to enforcement action.
- D. The City or the DeKalb County SWCD may, upon finding reasonable cause, require modification to the Construction 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 28 calendar days of a request for a modification or before land disturbance.

161.014 PROJECT SITE OWNER RESPONSIBILITIES

Upon receiving stormwater approval, it is the responsibility of the project site owner, operator, or agent to:

- A. Submit the Technical Review form and the final NOI with proof of public notice for the CSGP to IDEM, at least 48 hours before any land disturbance or discharges occur.
- B. Submit the Notice of Sufficiency from IDEM with a final NOI to the SWCD and City at least 48 hours before any land disturbance or discharges occur.
- C. Receive approval for other building permits or City permits, and State and Federal permits as required.

- D. Ensure proper construction and installation of all stormwater measures in compliance with the approved submittal, this chapter, the Technical Manual, the *Indiana Stormwater Quality Manual*, and the CSGP (as applicable).
- E. Ensure that all persons engaging in construction activities on the permitted project site comply with the applicable requirements of this chapter, CSGP, and the approved application.
- F. Install and stabilize all erosion and sediment control devices before any clearing, except what is necessary to establish the devices.
- G. Ensure all stormwater quality measures are designed and installed under the guidance of a trained individual.
- H. 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 chapter, the conditions and standards included in the SWPPP, and the schedule for proposed implementation.
- I. Maintain a self-monitoring program and complete regular inspections of all control measures per the inspection schedule outlined in the CSGP. The purpose of such inspections will be to determine the overall effectiveness of the SWPPP and the need for additional control measures. All inspections shall be documented and submitted to the City upon request within 48 hours. Self-monitoring reports are to be completed by a trained individual.
- J. Develop and maintain a Project Management Log per the CSGP.
- K. Meet all performance standards and implementation requirements of the CSGP.
- L. The following requirements for stormwater pollution prevention 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 or cementitious washout water, mortar/masonry products, soil stabilizers, lime stabilization materials 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 per 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 runoff 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 per all applicable statutes and regulations.
 - 5. Minimize the generation of dust through dust suppression techniques to prevent deposition into waters of the state and areas located beyond the permitted boundaries of the site.
 - 6. Stormwater runoff leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.
 - 7. Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.
 - 8. Soil compaction is to be minimized, especially in areas where permanent vegetation will be re-established and/or areas that are designated to infiltrate stormwater for the post-construction phase.
 - 9. Topsoil must be preserved, unless infeasible.
 - 10. Appropriate measures shall be planned and installed as part of an erosion and sediment control system.

11. All stormwater quality measures must be designed and installed under the guidance of a trained individual.
12. Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
13. 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.
14. Sediment basins, where feasible, must withdraw water from the surface of the water column unless equivalent sediment reduction can be achieved using alternative measures.
15. Discharge water from dewatering of groundwater must not be discharged when sediment-laden water is not first directed to an appropriate sediment control measure or a series of control measures that minimize the discharge of the sediment or when a visible sheen and/or pollutants are present at a level that requires additional treatment and/or an alternate permit.
16. The use of anionic polymers (cationic polymers are not authorized for use) on the project site is authorized for sediment control provided their use is in conformance with current State of Indiana standards and specifications and the use is identified in the SWPPP. If the use of a polymer is not in the SWPPP and is selected later, notification to IDEM and the City of Auburn is required.
17. Natural features, including wetlands and sinkholes, must be protected with appropriate stormwater management and/or treatment measures to address pollutant discharges associated with stormwater runoff.
18. Existing natural buffers that are adjacent to the waters of the state must be preserved to promote infiltration and provide protection of the water resource, unless infeasible. Activities performed by a county drainage board under IC 36-9-27 are excluded.
19. Natural buffers must be preserved, including the entire buffer bordering and/or surrounding the water resource. Existing buffers:
 - a. 50 feet or more in width must be preserved to a minimum of 50 feet.
 - b. Less than 50 feet in width must be preserved in their entirety. It may be enhanced with vegetation that is native and promotes ecological improvement and sustainability.
20. Runoff directed to the natural buffer must be:
 - a. Treated with appropriate erosion and sediment control measures before discharging to the buffer.
 - b. Managed with appropriate runoff control measures to prevent erosion from occurring within the buffer area.
 - c. Further information regarding buffer requirements is contained in IDEM's "Implementation of Buffers" guidance document.
21. Un-vegetated areas that are left idle or scheduled to be left inactive must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Stabilization must be initiated by the end of the seventh day the area is left idle. The stabilization activity must be completed within 14 days after initiation. 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 70% shall be restabilized using appropriate methods to minimize the erosion potential.
22. During the period of construction activities, all stormwater quality measures necessary to meet the requirements of this rule shall be maintained in working order.
23. 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 groundwater or degrade soil quality.

M. Project Completion and Permit Termination

1. The project site owner or operator shall plan an orderly and timely termination of the land-disturbing activities, including the implementation of stormwater management measures that are to remain on the project site.
2. A current active permit must be in place until all land-disturbing activities associated with the project have been completed, including but not limited to the construction of all structures within the development or project site.
3. The City approval shall expire simultaneously with the CSGP. Upon the expiration, a new application shall be made and additional fees as set forth above shall be submitted.
4. The project site owner or operator shall notify the City of final stabilization so the City may verify the Notice of Termination (NOT) by completing a final site inspection before the project site owner or operator submits the NOT to IDEM.
 - a. Final stabilization of a project site is achieved when all land disturbing activities have been completed, temporary BMPs have been removed, permanent BMPs have been cleaned, and a uniform perennial vegetative cover with a density of 70% has been established on all unpaved areas and areas not covered by a permanent structure or equivalent permanent stabilization measures have been employed.
 - b. Final stabilization does not apply to landscaping that is part of the final project plan.
 - c. Final stabilization for construction projects on land used for agricultural purposes is achieved when:
 - i. Stabilization is completed per (4)(a) above as land disturbance progresses.
 - ii. Land returned to its preconstruction agricultural use is temporarily or permanently seeded upon completing land disturbance activities. Stabilization may be waived by the City if the project site does not pose a threat of discharging sediment.
 - iii. Disturbed areas, not previously used for agricultural production, such as filter strips, are being returned to their preconstruction agricultural use.
5. After a verified NOT has been submitted for a project site, City approval and CSGP coverage are terminated and maintenance of the remaining stormwater management measures shall be the responsibility of the property owner or occupier of the property.

161.015 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. An Individual lot operator of a lot (less than or greater than one (1) acre) within a larger common plan of development or sale, is required to:
 1. Submit all the documents identified in the City of Auburn’s Individual Construction SWPPP Review form to the City of Auburn Building Department before construction.
 2. Develop a lot-specific Individual Construction SWPPP that includes all provisions in the City of Auburn’s Individual Construction SWPPP Review form.
 3. Comply with the erosion and sediment control requirements described and approved in the Individual Construction SWPPP.
 4. Comply with the approved plans under the larger common plan for development or sale for individual lots.
 5. Complete final stabilization per C. below.
- C. Final stabilization for individual lots (less than or greater than one (1) acre) within a larger common plan of development or sale, is achieved when the operator:



Stormwater Runoff Control

1. Completes final stabilization considering weather and season;
2. Initiates permanent seeding with appropriately crimped or tackified mulch cover, erosion control blanket or sod; or
3. Installs appropriate and/or ensures functional erosion and sediment control measures are in place in the individual lot. Upon issuance of a Certificate of Occupancy through the City of Auburn Building Department to the homeowner, the homeowner is responsible for maintaining the erosion and sediment control measures until final stabilization has occurred.

161.016 FEE STRUCTURE

Before the issuance of approvals or permits associated herein, the following fees shall be paid to the City of Auburn for the administration of the requirements for projects regulated under this chapter and under the administration of the City's jurisdiction and or control, whether located in the city limits or outside thereof.

- A. Developments of 10.00 acres or more are \$1,500.00.
- B. Developments of 5.00 acres to 9.99 acres are \$1,000.00.
- C. Other Developments 1.00 acre to 4.99 acres are \$500.00.

161.017 CONSTRUCTION INSPECTIONS

- A. SWCD or the City shall inspect as required the installation, implementation, and maintenance of erosion and sediment control and pollution prevention measures at any project site involved in construction activities. The SWCD or the City shall either approve that portion of the work completed or notify the owner where the work fails to comply with the SWPPP as approved.
- B. Plans for grading, stripping, excavating, and filling work with the approval of the SWCD or the City shall be maintained at the site during the progress of the work.
- C. The applicant must notify the City in advance before the commencement of construction of stormwater BMPs.
- D. To obtain inspections, the permittee shall follow the directions on the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form at least 48 hours (two (2) business days) before the following:
 1. Installation of infrastructure (grading, roads, and utilities);
 2. Installation of post-construction BMP(s);
 3. Completion of final landscaping and final stabilization.

161.018 ENFORCEMENT

- A. The City, or designee, shall investigate potential violations of this chapter to determine which person may be responsible for the violation. The City 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, stormwater pollution prevention plans, permit applications, and other information related to the specific facts and circumstances of the potential violation.
- B. Enforcement of this chapter shall be subject to enforcement actions within the city code, the severity of the violation, and the owner's or operator's efforts to comply. The City shall reserve the right to interpret enforcement on a case-by-case basis. Tiered enforcement will be practiced at the discretion of the City designee. The tiered enforcement may include:
 1. Verbal warning to the owner or operator to make corrections of identified deficiencies.
 2. Written warning to the owner or operator to make corrections within a specified time, but not less than 72 hours. The specified time shall consider issues such as the severity of the problem, pending weather, seasonal conditions, and the level of effort necessary to correct the problem.
 3. Written warning of non-compliance with directions to the owner or operator that site deficiencies require corrective action within 72 hours.



4. Stop work order.
 - a. If deficiencies in a written warning of non-compliance are not resolved 72 hours after receipt of the written notification, the City may issue a stop work order or may revoke the owner's stormwater approval. In this event, all construction work shall cease until and unless the City determines that compliance has been obtained.
 - b. Any person who neglects or fails to comply with a stop work order may be fined for each offense, plus costs, damages, and expenses. Each day such violation occurs or continues, shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The City may assess a stormwater approval reinstatement fee.
 - c. The City may issue a stop work order and may suspend or revoke stormwater approval if any of the work is being conducted 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 to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
5. Injunctive Relief.
 - a. It shall be a violation for any person to violate any provision or fail to comply with any of the requirements of this chapter.
 - b. If a person has violated or continues to violate the provisions of this chapter, the City may petition any court of competent jurisdiction for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.
 - c. Costs, including attorney fees, for injunctive relief may be assessed against the violator.
6. Cost Recovery.
 - a. If the property owner fails to complete the corrective actions and the work is completed through the City or a contractor, the City will provide a letter to the property owner of the work completed, copies of all invoices paid by the City, and a log of all hours spent by City personnel and/or its designated contractor.
 - b. If the amount contained in the letter is not paid within 30 days of the receipt of the bill, the City may certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification, and said amounts shall be collected as delinquent taxes are collected per I.C. 36-1-6-2.
- C. If abatement of a violation and/or restoration of affected property is required, the written notifications shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor, and the expense shall be charged to the violator.
- D. All written enforcement actions shall be delivered to the owner:
 1. By hand;
 2. The next business day through an overnight delivery service; or
 3. By mail, on the third business day following delivery to the U.S. Postage Service.

161.019 REMEDIES NOT EXCLUSIVE

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the City to seek cumulative remedies.

161.020 PENALTIES

Any person found violating any provision of this chapter shall be responsible for fines per IC 36-1-3-8 (a)(1) of up to \$2,500 for a first violation of the ordinance and up to \$7,500 for a second or subsequent violation of the ordinance. Each fine is subject to cost recovery for damages and expenses. Each day a violation continues



after the original notification shall be deemed a separate offense under this chapter.

The City may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this chapter, including sampling and monitoring expenses.