

ORDINANCE NO. SECOND EDITION (2021)
**TOWN OF DYER STORMWATER
MANAGEMENT
ORDINANCE**





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CHAPTER ONE

GENERAL INFORMATION

1. AUTHORITY AND TITLE

This Ordinance is adopted in accordance with statutory authority granted to the Town of Dyer Town Council under “Home Rule” as well as the “Indiana Drainage Code”, and further is required by IC 36-9-28.5, IC 36-9-27-69.5, Phase II of the National Pollutant Discharge Elimination System (NPDES) program (FR Doc. 99–29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management’s (IDEM) Rule 13 (327 IAC 15-13), and IDEM’s Rule 5 (327 IAC 15-5). Based on this authority and these requirements, along with the Town of Dyer, Indiana Stormwater Technical Standards Manual this Ordinance regulates:

- A. Discharges of prohibited non-stormwater flows into the stormwater drainage system.
- B. Stormwater drainage improvements related to development and redevelopment of lands located within the Town of Dyer, Indiana’s MS4 boundary (corporate limits).
- C. The Drainage control systems installed during construction and other parcels of land.
- D. Erosion and sediment control systems installed during construction and grading of lots and other parcels of land.
- E. The design, construction, and maintenance of stormwater drainage facilities and systems.
- F. The design, construction, and maintenance of stormwater quality facilities and systems.
- G. Land disturbing activities affecting wetlands.

This Ordinance shall be known and may be cited as the Town of Dyer Stormwater Management Ordinance.

2. APPLICABILITY AND EXEMPTIONS

This Ordinance shall regulate all development and redevelopment occurring within the Town of Dyer, Indiana. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Appendix A, until the plans required by this Ordinance for such construction have been accepted in writing by the Town of Dyer Planning, Zoning & Building Department. With the exception of the requirements of Chapter Two and Chapter Seven, Section 4 of this Ordinance, the following developments of properties are exempt from the provisions of this Ordinance:

- Single-family dwelling houses and duplexes in accepted subdivisions, and land-disturbing activities affecting less than 5,000 square feet of area
- Agricultural land disturbing activities
- Mining activities
- Timber Harvesting activities

In addition to the requirements of this Ordinance, compliance with all applicable ordinances of the Town of Dyer as well as with applicable Federal or State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available.

In consideration of the factors contained herein and in furtherance of the purposes of this Ordinance, the Stormwater Management Board (SWMB) has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated Stormwater Technical Standards Manual.

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3. BACKGROUND

On December 8, 1999, Phase II of the NPDES permit program was published in the Federal Register. The NPDES program, as authorized by the 1972 amendments to the Clean Water Act, controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Phase II of NPDES requires permit coverage for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) and for small construction activity that results in the disturbance of equal to or greater than one acre. This Federal regulation went into effect March 10, 2003. In response to Phase II of NPDES, IDEM enacted Rule 13 (327 IAC 15-13) and revised Rule 5 (327 IAC 15-5). Under these new State and Federal regulations, the Town of Dyer is required to establish a mechanism for regulating stormwater quantity and quality management.

4. FINDINGS

The Town of Dyer Town Council finds that:

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

5. PURPOSE

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

- A. To reduce the impact to public health and safety caused by excessive stormwater runoff.
- B. To regulate the contribution of pollutants to the storm drain system from construction site runoff.

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- C. To regulate the contribution of pollutants to the stormwater drainage system from runoff caused by development and re-development.
- D. To prohibit illicit discharges into the stormwater drainage system.
- E. To establish legal authority to carry out inspection, monitoring, enforcement and any other applicable procedures necessary to ensure compliance with this Ordinance.

6. ABBREVIATIONS AND DEFINITIONS

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

7. RESPONSIBILITY FOR ADMINISTRATION

For projects directly impacting a Town of Dyer Stormwater Drainage System, the SWMB, or its designee, shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the applicable entity mentioned herein may be delegated to qualified persons or entities acting in the beneficial interest of or in the employment of the Town of Dyer.

8. CONFLICTING ORDINANCES

The provisions of this Ordinance shall be deemed as additional requirements to minimum standards set forth by other local, State, and Federal regulations, and as supplemental requirements to IDEM's Rule 5 regarding stormwater discharge associated with construction activity, (327 IAC 15-5), and IDEM's Rule 13 regarding stormwater runoff associated with Municipal Separate Storm Sewer System (MS4) conveyances (327 IAC 15-13).

9. INTERPRETATION

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

10. SEVERABILITY

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

11. EFFECTIVE DATE

This Ordinance shall become effective on May 1, 2011 after its final passage, approval, and publication as required by law.

12. DISCLAIMER OF LIABILITY

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of the Town of Dyer or any officer, representative, or employee thereof, for any damage, which may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

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

Consideration, design, construction, and maintenance of safety measures for proposed or existing stormwater facilities shall be the responsibility of the developer, applicant, and/or the property owner. Town of Dyer and its officials and representatives shall not be responsible for maintenance nor liability for any accidents.



CHAPTER TWO

PROHIBITED DISCHARGES AND CONNECTIONS

1. APPLICABILITY AND EXEMPTIONS

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

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

Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written acceptance has been granted for the subject discharge to the stormwater drainage system, is also exempted from this chapter.

2. PROHIBITED DISCHARGES AND CONNECTIONS

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

The SWMB, as technical advisor to the Town of Dyer, is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the Town of Dyer's stormwater drainage system.

3. EXEMPTED DISCHARGES AND CONNECTIONS

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

- A. Water line flushing;
- B. Landscape irrigation;
- C. Rising ground waters;
- D. Uncontaminated groundwater infiltration;
- E. Uncontaminated pumped ground water;
- F. Discharges from potable water sources;
- G. Foundation drains;
- H. Air conditioning condensation;
- I. Springs;
- J. Water from crawl space pumps;
- K. Footing drains;
- L. Lawn watering;
- M. Individual residential car washing;
- N. Flows from riparian habitats and wetlands;
- O. Dechlorinated swimming pool discharges;

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- P. Street wash water;
- Q. Discharges from firefighting activities;
- R. Naturally introduced detritus;
- S. Discharges from wastewater treatment plants;

4. STORAGE OF HAZARDOUS OR TOXIC MATERIAL

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

5. PRIVATE PROPERTY MAINTENANCE DUTIES

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

6. SPILL REPORTING

Any person who discharges into a stormwater conveyance or any water body any substance other than stormwater or an exempted discharge shall immediately inform the Town of Dyer Fire Department concerning the discharge. A written report concerning the discharge shall be submitted to the Town of Dyer Fire Department, the Town of Dyer Public Works Department and IDEM, by the dischargers, within five (5) days after the discharge. The written report shall specify:

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

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

7. INSPECTIONS AND MONITORING

A. Storm Drainage System

The Town of Dyer Department of Public Works, the SWMB, and/or its designee shall have the authority to periodically inspect any portion of the storm drainage system under the Town of Dyer's control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection may include a screening of discharges from outfalls connected to the

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system in order to determine if prohibited flows are being conveyed into the storm drainage system.

B. Illicit Discharge Incidents

The Town of Dyer Public Works Department, the Town of Dyer Police Department or its designee may inspect and/or obtain stormwater samples from private properties to investigate suspected origins of illicit discharges in compliance with the requirements of this Ordinance. Upon request, the subject discharger shall allow the Town of Dyer Public Works Department, the Town of Dyer Police Department or its designee to enter upon the premises of the subject discharger at all hours necessary for the purposes of such inspection or sampling and may place on the subject discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in Chapter 8 of this Ordinance.

C. New Development and Re-Development

The Town of Dyer Public Works Department and the SWMB, or its designee, shall have the authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances and connections to the storm drainage system or facility are in compliance with this chapter.



CHAPTER THREE

STORMWATER QUANTITY MANAGEMENT

1. APPLICABILITY AND EXEMPTIONS

The storage and controlled release rate of stormwater runoff is required for all new development and redevelopment located within the corporate limits of the Town of Dyer. The SWMB or its designee, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization. Additional exemptions regarding the detention requirements are provided under Section 2.A.v (below).

2. POLICY ON STORMWATER QUANTITY MANAGEMENT

A. Detention Policy

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

i. General Release Rates

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

The corresponding volume of the detention basin associated with the allowable release rate shall be determined using the average end area method.

A storage adjustment factor of 1.38 shall be applied to new detention storage within the Briar Ridge Subdivision. A Memorandum of Understanding describing the storage adjustment factor and how it is to be applied is provided in Appendix B.

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

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

For determining the post-developed peak runoff rate, the depressional storage must be assumed to be filled unless the SWMB agrees, through dedicated easement, that the noted storage will be preserved in perpetuity.

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iii. Management of Off-site Runoff

Runoff from all upstream tributary areas (off-site land areas) can be bypassed around the detention/retention facility. Such runoff can be bypassed through the detention/retention facility through an overflow weir sized to handle the upstream and site tributary area. Unless the pond is being designed as a regional detention facility, the primary outlet structure shall be sized and the invert elevation of the emergency overflow weir determined according to the on-site runoff only. Once the size and location of primary outlet structure and the invert elevation of the emergency overflow weir are determined by considering on-site runoff, the 100-year pond elevation is determined by routing the entire inflow, on-site and off-site, through the pond.

iv. Downstream Restrictions

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

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

v. Direct Release Provisions

Due to uncertainties of future development patterns and the associated proposed stormwater quantity and quality management systems within a watershed, it is the policy of the SWMB to discourage direct release of runoff from a new development or redevelopment without providing detention. However, where a watershed plan has been adopted by the SWMB, the detention requirements may be waived. In the event discharge from a new development is not routed through a detention pond, it must be subtracted from the allowable release rate from the pond. The total release rate for the site must be calculated for both controlled and uncontrolled areas, and this total release rate must not exceed 0.2 cfs/acre of development.

vi. Fee-in-Lieu of On-Site Stormwater Detention Storage

The SWMB may approve the payment of a fee-in-lieu of on-site stormwater detention storage to satisfy all or part of the required stormwater detention storage volume for a development. In addition to approval from the SWMB, the applicant shall demonstrate that the downstream stormwater management system has adequate capacity and the proposed development does not result in increased flood damages for downstream properties.

Fee-in-lieu of on-site stormwater storage shall be the lesser of: 1) the fee computed for each acre-foot or part thereof of stormwater storage approved in accordance with the SWMB or 2) the estimated construction cost as approved by the SWMB for the proposed development's on-site stormwater storage, including land costs.

Fees paid in lieu of on-site stormwater detention storage shall be used to plan, design, construct or improve stormwater management systems. Priority will be given to those projects that are located within the watershed for which the fee was paid.

vii. Alternatives to Detention Storage

For a project site that does not lend itself well for detention storage, the engineer shall

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recommend alternative methods to control the release rate and avoid downstream impacts. Any alternative methods shall require the approval of the SWMB.

B. Grading and Building Pad Elevations

Maximum yard slopes must be 3:1 where soil has been disturbed during construction processes. Finished floor elevation must be no less than 6 inches above finished grade and a minimum of 16 inches above the adjacent curb elevation unless a written waiver is granted by the SWMB.

For all structures located in the Special Flood Hazards Area (SFHA) as shown on the FEMA maps, the lowest floor elevations (including basements) of all residential, commercial, or industrial buildings, shall be 2 feet above the 100-year flood elevation.

The Lowest Adjacent Grade for residential, commercial, or industrial buildings outside a FEMA designated floodplain shall have 2 feet of freeboard above the flooding source's 100-year flood elevation under proposed conditions, unless the flooding source is a rear-yard swale. When the flooding source is a rear-yard swale with more than 100 acres of tributary area, the Lowest Adjacent Grade for residential, commercial, or industrial buildings shall have 2 feet of freeboard above the 100-year flood elevation under proposed conditions. For rear-yard swales with less than 100 acres of tributary area, the freeboard requirement shall be equal to 1 foot.

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

The 100-year overflow paths throughout the development, whether shown on FEMA maps or not, must be shown as hatched area on the plans and 30 feet along the centerline of the flow path contained within permanent drainage easements. No fences or landscaping can be constructed within the easement areas that may impede the free flow of stormwater and maintenance of stormwater conveyances unless approved by the SWMB. These areas are to be maintained by the property owners or be designated as common areas that are to be maintained by a homeowner's association. The Lowest Adjacent Grade for all residential, commercial, or industrial buildings shall be set a minimum of 2 feet above the noted overflow path/ponding elevation, calculated based on all contributing drainage areas, on-site and off-site, in their proposed or reasonably anticipated land use and with storm pipe system assumed completely plugged. If the total contributing drainage area, on-site and off-site, is less than 100 acres, the Lowest Adjacent Grade shall be set at a minimum of 1 foot above the noted the overflow path/ponding elevation.

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

C. Acceptable Outlet and Adjoining Property Impact Policies

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

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property.

Where the outfall from the stormwater drainage system of any development diverting flows from the natural drainage course through real estate owned by adjacent property owners reaching a regulated drain or watercourse, no acceptance shall be granted for such drainage system until all owners of real estate and/or tenants crossed by the outfall consent in writing to the use of their real estate through a recorded easement approved by the SWMB.

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

D. No Net Loss Floodplain Storage Policy

Due to potential impacts of floodplain loss on peak flows in streams and on the environment, disturbance to floodplains should be avoided. When the avoidance of floodplain disturbance is not practical, the natural functions of floodplain should be preserved to the maximum extent possible.

Compensatory excavation 1.5 times the floodplain storage lost shall be required for all activities within a riverine floodplain. Compensatory excavation within a non-riverine floodplain shall be equal to the volume of storage displaced. The SWMB may reduce the compensation ratio, based on extenuating circumstances, for a specific project, for specific written reasons.

E. Culvert Considerations

The design of a culvert should account for many different engineering and technical aspects at the culvert site and adjacent areas. Accordingly, when designing a culvert in the Town of Dyer, the culvert must look at any potential impact within the area of the proposed culvert, including upstream and downstream effects.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

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

4. DRAINAGE EASEMENT REQUIREMENTS

A. Subdivisions

- i. All new channels will have a minimum of 25 feet from top of the bank on each side and the ditch width shall be designated on the record plat as a Drainage Easement.
- ii. All new channels, drain lines equal to or greater than 12 inches in diameter, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this Chapter, that are installed shall be contained within a minimum 30 feet of drainage easement (15 feet from centerline on each side). New drain lines refer to all sub-surface stormwater piping, tubing, manholes, inlets, catch basins, risers, etc.
- iii. All new drain lines, 12 inches or larger in diameter shall be placed within a 30-foot drainage easement (15 feet from centerline on each side) and shall be designated on the record plat

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as 30-foot Drainage Easement. Wider easements may be required by the SWMB when the depth of pipe is greater than 6 to 10 feet, depending on the pipe diameter.

- iv. All rear-yard swales and emergency overflow paths associated with detention facilities shall be contained within a minimum of 30 feet width (15 feet from centerline on each side) of drainage easement.
- v. Emergency overflow paths associated with detention facilities shall be contained within a minimum of 30 feet width (15 feet from centerline on each side) of drainage easement.
- vi. All maintenance easements shall have a minimum of 30 feet beyond the actual footprint (top of the bank) of stormwater detention facilities shall be designated as drainage easement. A minimum 30-foot width easement shall also be required as access easement from a public right-of-way to the facility, unless the stormwater detention facility is immediately next to a public right-of-way.
- vii. The SWMB, or authorized representative has the right of entry over and upon land lying within a 30-foot drainage easement. The SWMB, has authority to reduce the drainage easements.
- viii. Any crossing and/or encroachment of a Drainage Easement requires application and acceptance from the SWMB.

B. Non-Subdivisions

Where the Town of Dyer is responsible for maintenance of the drainage system, drainage easements of 15 feet from the top of bank on each side of the channel or each side of the drain line centerline must be dedicated to the Town of Dyer. In addition, a minimum of 10-foot width of vegetative filter strip, as defined in the Town of Dyer Stormwater Technical Standards Manual, must be provided and maintained along top-of-bank, on each side, by the owner within these easements.

C. Municipalities and Schools

All new channels, swales, drain lines, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this chapter, that are installed on municipal property shall be constructed, maintained and repaired by the entity. The design must meet the standards of the Town of Dyer Stormwater Management Ordinance, the Town of Dyer Stormwater Technical Standards Manual and the SWMB for sizing and installation. Any off-site portion of the drainage system must be within easements and have clearly defined maintenance agreements approved by the SWMB.

5. PLACEMENT OF UTILITIES

No utility company may disturb existing stormwater drainage facilities without the consent of the SWMB. All existing drainage facilities shall have priority rights and damage to said facilities shall result in penalties as prescribed in Chapter 8 of this Ordinance.

6. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

The SWMB or its designee has the authority to conduct inspections to insure full compliance with the provisions of this Ordinance, the Town of Dyer Stormwater Technical Standards Manual, and the terms and conditions of an approved Stormwater Pollution Prevention Plan (SWPPP).

The SWMB or its designee also has the authority to perform, post-construction inspections of all public or privately owned stormwater facilities. The inspections shall cover physical conditions, available

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storage capacity, and the operational condition of key facility elements. Stormwater facilities shall be maintained in good condition, in accordance with the terms and conditions of an approved SWPPP, and shall not be subsequently altered, revised or replaced except in accordance with the approved plan, or in accordance with approved amendments or revisions to the plan. If deficiencies are found during the inspection, the owner of the facility will be notified by the Town of Dyer and shall be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the SWMB or its designee or other applicable entity may undertake the work and collect from the owner using lien rights if necessary.

Assignment of responsibility for maintaining facilities serving more than one lot shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a Town of Dyer, and determined before the SWPPP is approved.



CHAPTER FOUR

STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

1. APPLICABILITY AND EXEMPTIONS

Any project, located within the Town of Dyer corporate limits that includes clearing, grading, excavation, and/or other land disturbing activities may require an approved Stormwater Pollution Prevention Plan (SWPPP) prior to commencement. The following land disturbing activities are subject to the requirements of this Ordinance or may be exempt:

- a. **Land disturbance of 1 acre or more shall require an approved SWPPP for Issuance of a Town of Dyer Stormwater Permit**
- b. Land disturbance of less than 1 acre that is part of a larger common plan of development that will disturb 1 or more acres must implement the typical lot detail for erosion and sediment control as specified in the SWPPP
- c. Land Disturbance of less than 1 acre shall implement standard erosion and sediment control for individual building lots as specified in the IDEM Storm Water Quality Manual
- d. Agricultural activities are exempt from the requirements of this chapter
- e. Timber harvesting activities are exempt from the requirements of this chapter
- f. Landfills that have been issued a certification of closure under 329 IAC 10.- Exempt from the requirements of this chapter
- g. Coal mining activities permitted under IC 14-34. - Exempt from the requirements of this chapter
- h. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by 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. - Exempt from the requirements of this chapter

Owners of individual lot(s) located within a larger permitted project site must comply with the terms and conditions of the SWPPP approved for the larger project site. Plans containing multiple lots must include detailed erosion and sediment control measures for a typical individual lot. In addition, these individual lots are required to submit Individual Lot Plot Plan Permit applications prior to receiving a building permit. Details of the permitting process are contained in Chapter 7.

It will be the responsibility of the property owner to submit a Notice of Intent (NOI), SWPPP and Notice of Termination (NOT) to the Town of Dyer Planning, Zoning & Building Department in accordance with this Ordinance. It will be the responsibility of the property owner and/or permit holder to ensure compliance with this Ordinance, implementation of the SWPPP and provide the Town of Dyer Planning, Zoning & Building Department with a request for a NOT inspection upon permanent stabilization of the project site..

2. POLICY ON STORMWATER POLLUTION PREVENTION

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a water body (sediment control), and proper on-site materials handling. The property owner must submit a SWPPP to the Town of Dyer. The following principles apply to all land-disturbing activities and should be considered in the preparation of a SWPPP in conjunction with the Town of Dyer Stormwater Technical Standards Manual.

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- A. Minimize the potential for soil erosion by designing a development to fit the topography and soils of the site. Deep cuts and fills in areas with steep slopes should be avoided wherever possible, and natural contours should be followed as closely as possible.
- B. Existing natural vegetation should be retained and protected wherever possible. Areas immediately adjacent, within 25 feet of top of bank, to watercourses and lakes also should be left undisturbed wherever possible. Areas of bare soil, that are scheduled or likely to be left inactive for 14 days or more must be temporarily or permanently stabilized with measures appropriate for the season to reduce erosion potential. Alternative measures to site stabilization may be acceptable if the property owner or his/her representative can demonstrate they have implemented and maintained erosion and sediment control measures adequate to prevent sediment discharge from the inactive area.
- C. All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
- D. The length and steepness of designed slopes should be minimized to reduce erosion potential. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. Methods for determining acceptable velocities are included in the Town of Dyer Stormwater Technical Standards Manual.
- E. Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. A stable and erosion resistant construction site access point (i.e., crushed stone, slag, aggregate, etc.) shall be provided at all points of construction traffic ingress and egress to the project site.
- F. Appropriate measures shall be implemented to prevent wastes or unused building materials, including, garbage, debris, packaging material, fuels and petroleum products, hazardous materials or wastes, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by runoff or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable State statutes and regulations. Proper storage and handling of materials such as fuels or hazardous wastes, and spill prevention and cleanup measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
- G. Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
- H. Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

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

- A. Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the property owner.

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- B. Strip developments will be considered as one (1) project site and must comply with this chapter unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.
- C. To determine if project sites are regulated by this Ordinance, the area of land disturbance shall be calculated by adding the total area of land disturbance as determined by the following:
 - i. For each single-family residential lot, ½ the total lot size should be calculated as being disturbed.
 - ii. For each industrial, commercial or multifamily lot, the total lot size must be calculated as being disturbed.
 - iii. For improvements, such as, roads, utilities, or common areas, the entire disturbed area must be calculated using the right-of-way/easement width.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual, the Town of Dyer Stormwater Technical Standards Manual, and the product guidance/specifications of the manufacturer. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's CSGP Permit. A Copy of the Indiana Stormwater Quality Manual may be obtained through IDEM.

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

4. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

The property owner is responsible for implementing, in accordance with this Ordinance, all measures necessary to adequately prevent polluted stormwater runoff.

SWMB or designee has the authority to conduct inspections of the site to ensure full compliance with the provisions of this chapter and the terms and conditions of the approved SWPPP.

The property owner must establish a self-monitoring inspection program conducted by a trained individual to prove effective implementation of the SWPPP. Evaluations shall be completed on a weekly basis or within 24 hours after each measurable (0.5" or greater) storm event. The self-monitoring evaluation shall include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of corrective actions. The property owner shall provide self-monitoring inspection documentation to the Town of Dyer within 48 hours of request.

All SWPPP inspections are initiated following the submittal of an NOI and continue until a NOT has been issued.



CHAPTER FIVE

STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

1. APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Chapter 4, the SWPPP, submitted to the Town of Dyer, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Post-construction water quality measures must meet the standards specified in the Town of Dyer Stormwater Technical Standards Manual and the Town of Dyer Stormwater Quality Management Plan (SWQMP) - Part C: Program Implementation, dated October 2010 and its updates. Any project located within the Town of Dyer corporate limits that includes clearing, grading, excavation, and/or other land disturbing activities, resulting in the disturbance of or impact on 1 acre or more of total land area, is subject to the requirements of this chapter. This includes both new development and re-development, and disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land, within unincorporated Town of Dyer.

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

- A. Agricultural activities.
- B. Timber harvesting activities.
- C. Construction activities associated with a single family residential dwelling disturbing less than 5 acres, when the dwelling is not part of a larger common plan of development or sale.
- D. A single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development or sale.
- E. Individual building lots within a larger permitted project.

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

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

It will be the responsibility of the project site owner to submit a SWPPP to the Town of Dyer. It will be the responsibility of the project site owner and/or permit holder to ensure proper construction and installation of all permanent structural stormwater BMPs are in compliance with this Ordinance. All property owners of stormwater quality management facilities must comply with the requirements of this chapter and this Ordinance.

2. POLICY ON STORMWATER QUALITY MANAGEMENT

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development

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and re-development continues in Town of Dyer, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of Best Management Practices (BMP), the Town of Dyer has adopted a policy that the control of stormwater quality will be based on the management of Total Suspended Solids (TSS).

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

The project site owner must submit to the Town of Dyer, a SWPPP that demonstrates placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the Town of Dyer Stormwater Technical Standards Manual and SWQMP. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the Town of Dyer Stormwater Technical Standards Manual and SWQMP. Details regarding the procedures and criteria for consideration of acceptance of BMPs other than those specified in the pre-approved list are provided in the Town of Dyer Stormwater Technical Standards Manual and SWQMP.

Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.

Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

Calculations to determine the total area of land disturbance should follow the guidelines discussed in Chapter 4, Section 3.

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual, the Town of Dyer Stormwater Technical Standards Manual, or the SWQMP as determined by the SWMB. Where there is a conflict between these manuals, the SWMB shall determine which manual shall control. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM.

4. EASEMENT REQUIREMENTS

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities, adequate easement width, as detailed in the Town of Dyer Stormwater Technical Standards Manual, beyond the actual

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footprint of the stormwater quality management facility as well as a 20-foot wide access easement from a public right-of-way to each BMP shall be provided.

5. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Post-construction maintenance of stormwater quality facilities shall be the long-term responsibility of the facility's owner. Stormwater quality management facilities shall be maintained in working condition, in accordance with the Operation and Maintenance procedures and schedules listed in the Indiana Stormwater Quality Manual, the Town of Dyer Stormwater Technical Standards Manual and SWPPP.

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



CHAPTER SIX

DEVELOPMENT IN WETLANDS REGULATIONS

1. APPLICABILITY AND EXEMPTIONS

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

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

- A. Artificially-constructed ponds, drainage ditches, stormwater retention/detention basins, gravel pits, stone quarries, and treatment lagoons that exist at the site and that may appear to display wetland-like properties
- B. Wetlands or portions thereof for which federal or state permits for fill were issued prior to the enactment of this Chapter
- C. Any area or use excluded from local planning and zoning jurisdiction by federal or state law.

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

2. POLICY ON WETLANDS DISTURBANCE PREVENTION

It is the public policy of the Town of Dyer to preserve, protect, and conserve freshwater wetlands, and the benefits derived wherefrom, to prevent the damage to and destruction of freshwater wetlands, and to regulate use and development of such wetlands to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial to economic, social, and agricultural development of the Town of Dyer.

3. WETLANDS IDENTIFICATION (Including Seasonal)

In implementing the terms of this Chapter, any of the following materials shall be the prima facia evidence which may be relied upon for the identification, delineation, and existence of a wetland:

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

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NOTE:

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

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

It is recommended that all sites be field reviewed by a qualified person with experience in wetland identification in order to determine the presence or absence of wetlands. This is subject to Army Corps of Engineers approval.



CHAPTER SEVEN

PERMIT REQUIREMENTS AND PROCEDURES

1. PERMIT PROCEDURES

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

A. General Procedures

Figure 1 is a flowchart summarizing the plan review/approval process and can be found at the end of this chapter. The property owner shall submit to the Storm Water Permit Application to the Town of Dyer. The application will include proof of public notice, construction plan sheets, stormwater drainage technical report, a SWPPP, and any other necessary support information. Specific information to be included can be found in Section 3 below. Five (5) copies of each must be submitted to the Town of Dyer. Additionally, a digital copy of the construction plans is required in a format accepted by the SWMB.

After the Town of Dyer's receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, it will be reviewed in detail by the Town of Dyer and/or its plan review consultant(s). Once all comments have been received and review completed, the Town of Dyer will either approve the project, request modifications or deny the project. If the applicant does not agree with or accept the review findings and wishes to seek an appeal, the Town of Dyer will place the project on the agenda of the next regularly scheduled meeting of the Town of Dyer SWMB, provided the agenda for the meeting has not yet been advertised or published. If time for notification does not allow, the project shall be placed on the following regularly scheduled meeting of the Town of Dyer SWMB. If the project must go through a scheduled meeting, the Town of Dyer will furnish the applicant a complete list of comments and objections to the plans and accompanying data prior to the scheduled meeting. After the scheduled meeting, the Town of Dyer will either issue a permit, request modifications to the construction plans, or deny the project.

The project site owner must notify the Town of Dyer and IDEM before beginning construction. Notification to the Town of Dyer shall be in the form of an email while the notification to IDEM shall be in the form of a completed IDEM NOI form. Once a permit has been issued and the pending construction notifications submitted to the Town of Dyer and IDEM before the beginning of construction, construction may commence. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, a Certification of Completion and Compliance and as-built plans must be submitted to the Town of Dyer. Once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed, a notification shall be sent to the Town of Dyer, requesting a termination inspection. The Town of Dyer, or its representative, shall inspect the construction site to verify that the completed project is fully stabilized and meets the requirements of Town of Dyer's storm water Ordinance and its technical standards and that the terms and conditions of the permit. Once the applicant receives a signed copy of the Termination Inspection Checklist confirming compliance, they must forward a copy to IDEM along with the required IDEM NOT form. Permits issued by the Town of Dyer under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, an updated permit application must be submitted to the Town of Dyer and an updated NOI must be resubmitted to IDEM at least 90 days prior to expiration.

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B. SWPPP Review Time Limits

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

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

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

2. INFORMATION REQUIREMENTS

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

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

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A. Application Checklist

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

B. Construction Plans

Construction plan sheets (not less than 11" by 17", but not to exceed 24" by 36" in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. This must be submitted in digital format acceptable to the SWMB as well as five hard copies. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans need to include the following detailed items:

- i. Title sheet which includes location map, vicinity map, operating authority, design company name, developer name, and index of plan sheets.
- ii. A copy of a legal boundary survey for the site, performed in accordance with Rule 12 of Title 865 of the Indiana Administrative Code or any applicable and subsequently adopted rule or regulation for the subdivision limits, including all drainage easements and wetlands.
- iii. A reduced plat or project site map showing the parcel identification numbers, lot numbers, lot boundaries, easements, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets eleven (11) inches by seventeen (17) inches for all phases or sections of the project site.
- iv. An existing project site layout must include the following information:
 - a. A topographic map of the land to be developed and such adjoining land whose topography may affect the layout or drainage of the development. The contour intervals shall be one (1) foot. All elevations shall be given in either National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum of 1988 (NAVD). The horizontal datum of topographic map shall be based on Indiana State Plane Coordinates, NAD83. The map will contain a notation indicating this datum information. The map will also contain the following information:
 - 1] If the project site is less than or equal to two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least one hundred (100) feet.
 - 2] If the project site is greater than two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least two hundred (200) feet.
 - b. Location, name, and normal water level of all relevant wetlands, lakes, ponds, and water courses on or adjacent to the project site.
 - c. Location of all existing structures on the project site.
 - d. One hundred (100) year floodplains, floodway fringes, floodways, and date reference information used to establish such. Please note if none exists.
 - e. Identification and delineation of vegetative cover such as grass, weeds, brush, and trees on the project site.
 - f. Location of storm, sanitary, combined sewer, and septic tank systems and outfalls.
 - g. Apparent land use of all adjacent properties.

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- h. Identification and delineation of sensitive areas.
- i. The location of regulated drains, farm drains, inlets and outfalls, if any of record, along with recordation number, etc.
- j. Location of all existing cornerstones within the proposed development and a plan to protect and preserve them.
- k. Date topographic survey (field work) was performed.

v. A grading and drainage plan, including the following information:

- a. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas, along with finished floor elevations of all living areas.
- b. One hundred (100) year floodplains, floodway fringes, floodways, and date reference information used to establish such. Please note if none exists.
- c. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
- d. Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site, and under the control of the project site owner.
- e. Existing and proposed topographic information at a contour interval appropriate to indicate drainage patterns.
- f. Location, size, and dimensions of all existing streams to be maintained, and new drainage systems such as culverts, bridges, storm sewers, conveyance channels, and 100-year overflow paths/ponding areas shown as hatched areas, along with all associated easements.
- g. Location, size, and dimensions of features such as permanent stormwater facilities, including natural or constructed wetlands, used for the purpose of stormwater management. Include existing stormwater facilities that will be maintained, enlarged, or otherwise altered and new ponds or basins to be built.
- h. Typical cross sections at appropriate intervals of all existing and proposed drainage facilities (including existing stormwater facilities) showing the existing and proposed topography extended above the 100-year high water. This information together with the high water elevations expected from the 100-year storm under the controlled conditions called for by this Ordinance, and the relationship of structures, streets, and other facilities shall also be provided.

vi. Utility plan sheet(s) showing the location of all existing and proposed utility lines for the project.

vii. Storm sewer plan/profile sheet(s) showing the elevation, size, length, location of all proposed storm sewers. Existing and proposed ground grades, storm sewer structures elevations, and utility crossings also must be included.

viii. A 24-inch by 36-inch plat (both in hard copy and digital format acceptable to the SWMB), including the following information:

- a. Legal description.
- b. Cross reference to Rule 12.
- c. Regulated drain statement and table [Including any maintenance agreements].

ix. Any other information required by the SWMB to evaluate the submitted material.

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C. Stormwater Drainage Technical Report

A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system to evaluate the proposed improvements. The technical report needs to include the following detailed items:

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

D. Stormwater Pollution Prevention Plan for Construction Sites

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

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- i.* Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures.
- ii.* Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or as determined by a soil scientist. Hydrologic classification for soils should be shown when hydrologic methods requiring soils information are used. A soil legend must be included with the soil map.
- iii.* 14-Digit Watershed Hydrologic Unit Code.
- iv.* An estimate of the peak discharge, based on the two (2) year storm 24-hour event, of the project site for post-construction conditions.
- v.* Locations where stormwater may be directly discharged into groundwater, such as abandoned wells or sinkholes. Please note if none exists.
- vi.* Locations of specific points where stormwater discharge will leave the project site.
- vii.* Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.
- viii.* Temporary stabilization plans and sequence of implementation.
- ix.* Permanent stabilization plans and sequence of implementation.
- x.* Temporary and permanent stabilization plans shall include the following:
 - a.* Specifications and application rates for soil amendments and seed mixtures.
 - b.* The type and application rate for anchored mulch.
- xi.* General construction sequence of how the project site will be built, including phases of construction and the associated time of year they are expected to be done.
- xii.* Construction sequence describing the relationship between implementation of stormwater quality measures and stages of construction activities.
- xiii.* Location of all soil stockpiles and borrow areas.
- xiv.* A typical erosion and sediment control plan for individual lot development.
- xv.* Self-monitoring program including plan and procedures.
- xvi.* A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.
- xvii.* Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1.
- xviii.* Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

E. Post-Construction Stormwater Pollution Prevention Plan

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

- i.* A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.
- ii.* Location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality measures.
- iii.* A description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds.
- iv.* A sequence describing when each post-construction stormwater quality measure will be installed.

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- v. Stormwater quality measures that will remove or minimize pollutants from stormwater run-off.
- vi. Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
- vii. An operation and maintenance manual for all post-construction stormwater quality measures to facilitate their proper long-term function. This operation and maintenance manual shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction stormwater quality measures. The manual shall include the following:
 - a. Contact information for the BMP owner (i.e. name, address, business phone number, cell phone number, pager number, e-mail address, etc.).
 - b. A statement that the BMP owner is responsible for all costs associated with maintaining the BMP.
 - c. A right-of-entry statement authorization allowing Town of Dyer personnel to inspect and maintain the BMP.
 - d. Specific actions to be taken regarding routine maintenance, remedial maintenance of structural components, and sediment removal. Sediment removal procedures should be explained in both narrative and graphical forms. A tabular schedule should be provided listing all maintenance activities and dates for performing these required maintenance activities.
 - e. Site drawings showing the location of the BMP and access easement, cross sections of BMP features (i.e. pond, forebay(s), structural components, etc.), and the point of discharge for stormwater treated by the BMP. Additionally, the drawings should provide dimensional information and indicate where applicable warning signs will be placed around a stormwater quality pond. These drawings need to be submitted both in hard copy and in digital format acceptable to the SWMB.

3. REVIEW OF INDIVIDUAL LOTS WITHIN A PERMITTED PROJECT

For development of individual lots within a larger permitted project disturbing or impacting less than 1 acre, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. All stormwater management measures necessary to comply with this Ordinance shall be implemented in accordance with the permitted plan for the larger project.

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

- A. A Lot Plan shall have the following minimum requirements:
 - i. Plan signed and sealed by an Indiana Registered Land Surveyor or Professional Engineer
 - ii. Drainage Patterns and Swales
 - iii. FEMA Flood Zone Designation. If applicable, identify Flood Elevation Line.
 - iv. Proposed or Existing Structures tied to lot lines to nearest tenth of a foot.
 - v. Bearings and distances of lots including: set-back lines, square footage, easements, streets, alleys, sidewalks, building set-back lines, width of lots at building set-back line and lot grades.
 - vi. Proposed elevations required to nearest tenth [must be in accordance with approved subdivision plan (including Benchmark) for the following:
 - a. entry way
 - b. main floor
 - c. top of foundation
 - d. ground grade at each corner of building
 - e. ground grade at lot corners

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- f. grade at side yard
 - g. slope of Driveway expressed as a percentage
 - h. elevations of adjacent properties including top finished floor, lot and building corners.
 - vii. Certified as-built plans with all the Lot Plan information and as-built information will be required for Occupancy. Any difference of over 0.5 feet, either vertically or horizontally between proposed and actual, shall be highlighted by the Registered Land Surveyor or Professional Engineer signing the as-built plans. If winter conditions do not allow final grading, a certificate of future compliance must be noted on as-built plans.
- B. Erosion and sediment control plan that, at a minimum, includes the following measures:
- i. Installation and maintenance of a stable construction site access.
 - ii. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
 - iii. Minimization of sediment discharge and tracking from the lot.
 - iv. Clean up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
 - V. Implementation of concrete washout practices that securely contain and allow for the proper disposal of washout waste.
 - vi. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
 - vii. Self-monitoring program including plan and procedures.

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

4. CHANGES TO PLANS

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

5. FEE STRUCTURE

As a condition of the submittal and the review of development plans by the Town of Dyer, the applicant shall agree to pay the Town of Dyer the applicable fees with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as any applicable pre-paid inspection fees.

All Subdividers, Developers, or Property Owners shall be responsible for the costs of all improvements required for each Subdivision, Development or Improvement in the Town of Dyer, Lake County, Indiana, including, but not limited to, engineering fees & expenses, legal fees, publication costs, and the like. These costs shall be paid to the Town of Dyer at the time of consideration of a Primary or Final Plat, or when any administrative, SWMB or Plan Commission review and/or approval is required or necessary by a Subdivider, Developer, or Owner of any Lots directly benefiting therefrom.

6. REQUIRED ASSURANCES

As a condition of approval and issuance of the permit, the SWMB shall require the applicant to provide assurance in the form of an irrevocable letter of credit, a bond, or such other instrument or method of security acceptable in writing by the Town of Dyer Town Attorney when the stormwater management plan has been accepted, all applicable fees paid, and before construction begins. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. The assurance shall be for an amount equal to at least 110 percent of the total costs of all stormwater management measures for the entire project. The above mentioned costs shall be based on an estimate as prepared by the Developer and approved by the SWMB. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMPs, as regulated under this Ordinance, until the construction is completed, site is stabilized, and as-built plans are accepted by the SWMB, and accepted by the Town at the time of acceptance of the streets and improvements.

7. TERMS AND CONDITIONS OF PERMITS

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

The property owner shall inform all individuals or entities that have primary oversight of the project/development of the terms and conditions of the stormwater management permit and the schedule for proposed implementation.

In the event that a project site is determined to impact or discharge to a Sensitive Area or is located in an Impact Drainage Area, the SWMB may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the *Indiana Stormwater Quality Manual*.

Permits expire on December 31 of the second year following the date of their issuance. Construction of the permitted activity must begin by the expiration date for the permit to be valid.

A. Determination of Sensitive Areas

Sensitive Areas include highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. A listing of highly erodible soils, outstanding water, impaired water, recreation water, and surface drinking water sources can be found in the Town of Dyer Stormwater Quality Management Plan (SWQMP) - Part C: Program Implementation dated October 2010 and its updates. If wetlands are suspected on a site, wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE) and the wetland addressed in accordance to the requirements of Chapter 6 of this Ordinance. If the presence of threatened or endangered species habitat is suspected on a site, the site must be evaluated and inspected by an individual or entity as approved by the SWMB experienced in such and the results reported to the SWMB. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the stormwater management permit.

B. Determination of Impact Drainage Areas

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

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- i. A floodway or floodplain as designated by the most updated Town of Dyer Town Ordinance dealing with floodplain regulation.
- ii. Land within 25 feet of each bank of any ditch within the Town of Dyer's system.
- iii. Land within 15 feet of the centerline of any stormwater infrastructure or enclosed conduit within the Town of Dyer's system.
- iv. Land within 75 feet of each bank of a county open regulated drain.
- v. Land within 50 feet of a natural drainageway.
- vi. Land within 75 feet of the centerline of any tiled regulated drain.
- vii. Land within the Fluvial Erosion Hazard (FEH) corridor.
- viii. Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.

The SWMB is authorized, but is not required, to classify certain additional geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, The SWMB shall consider such factors as land use, topography, soil type, capacity of existing drains, and distance from adequate drainage facility.

Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the SWMB. Special terms and conditions for development within any Impact Drainage Area shall be included in the stormwater permit.

C. Determination of Designated Drainage Areas Served by Regional Facilities

The Town of Dyer is authorized, but is not required, to classify certain geographical areas as Designated Drainage Areas that are or will be served by regional facilities, such as a regional pond. In such cases, an Infrastructure Development Fee (IDF) rate may be established for the Designated Drainage Area. The basis for determining such a fee for a proposed development or re-development within a Designated Drainage Area will be as detailed in the Town of Dyer Stormwater Technical Standards Manual.

8. CERTIFICATION OF AS-BUILT PLANS

After completion of construction of the project and before final project acceptance of the Stormwater Management Plan (the issuance of a "certified" NOT), a professionally prepared and certified 'as-built' set of plans by a Professional Engineer or Licensed Land Surveyor registered in the State of Indiana shall be submitted to the SWMB. Additionally, a digital copy of the 'as-built' plans is required in a format accepted by the SWMB. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

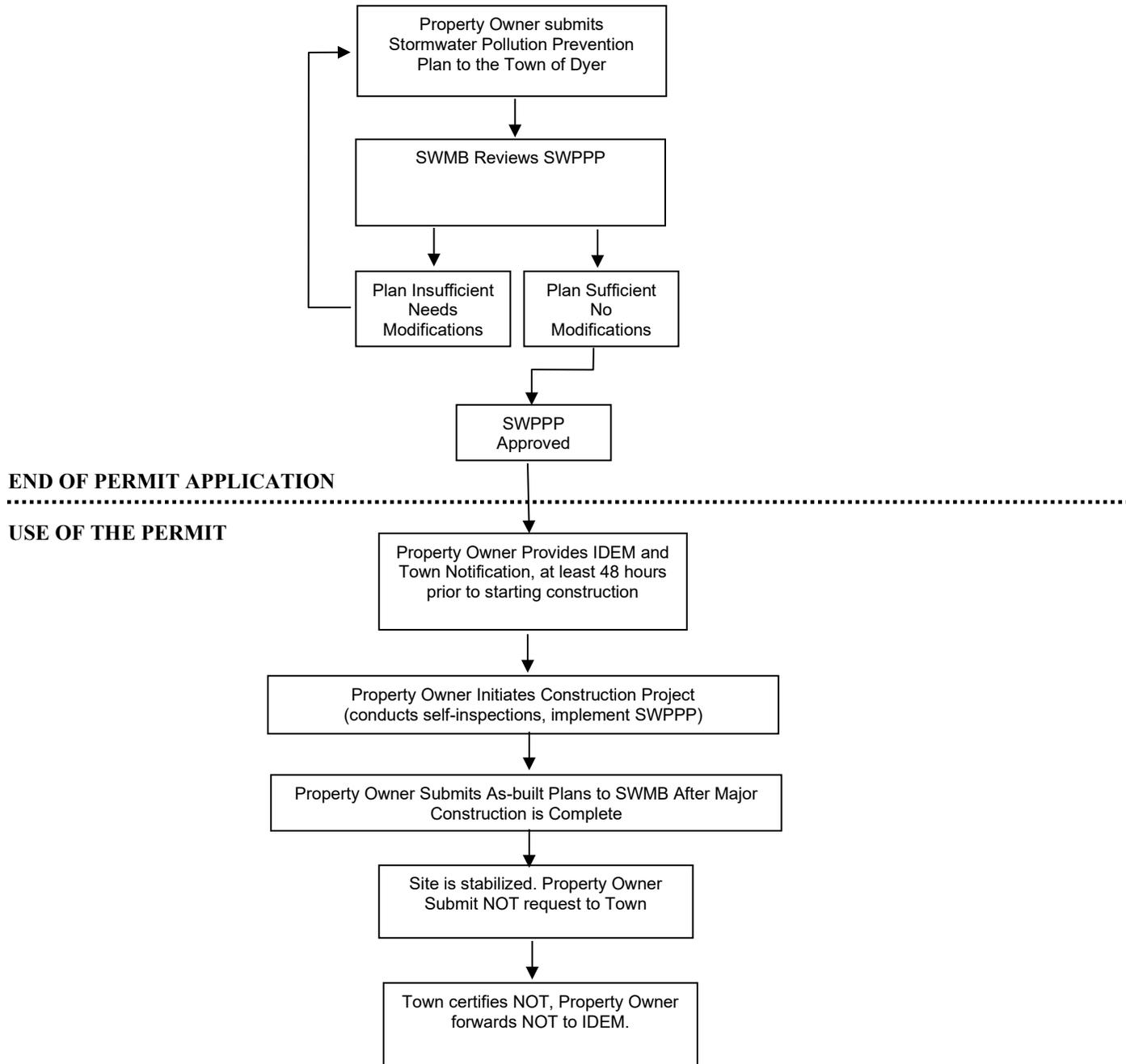
- A. Pipe size and pipe material
- B. Invert elevations
- C. Top rim elevations
- D. Elevation of emergency overflow (spillway) for ponds
- E. Grades along emergency flood routing path(s)
- F. Pipe structure lengths
- G. BMP types, dimensions, and boundaries/easements

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- H. "As-planted" plans for BMPs, as applicable
- I. Calculations showing detention basin storage volumes utilizing the average end area method
- J. Data and calculations showing BMP treatment capacity
- K. Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the stormwater management permit as approved by the SWMB. (See certificate in Stormwater Technical Standards Manual.)

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Figure 1: Permit Approval Process





CHAPTER EIGHT

ENFORCEMENT

1. COMPLIANCE WITH THIS ORDINANCE

All persons and/or entities developing or redeveloping real estate within the Town of Dyer shall comply with:

- A. The requirements of this Ordinance;
- B. All other requirements of the Ordinances of the Town of Dyer;
- C. All other State or Federal laws, regulations, or requirements applicable to said development or redevelopment.

Unless otherwise stated herein, all specifications referred to in this Ordinance shall be to the most recent edition of the specifications that is available. Any violation of this Ordinance is subject to the penalties set forth herein.

2. PENALTIES FOR VIOLATIONS

Any person found in violation of any provision of this Ordinance shall be subject to a maximum fine of \$2,500.00. 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 rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

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

The Town of Dyer, by the Town Attorney, shall have the authority to prosecute violators of the provisions of this Ordinance.

3. STOP WORK ORDER

In addition to the penalties listed herein, any land disturbance or impact activities that are conducted in violation of the terms of this Ordinance or an accepted final stormwater management plan are subject to a stop work order. The Town of Dyer may order the work stopped by notice in writing served on any person(s) or entities engaged in or causing such work to be done, and any such person(s) or entities shall forthwith stop such work until authorized by the Town of Dyer to proceed with the work. The Town of Dyer may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The owner(s) of the real estate and all persons or entities participating in the violation shall be jointly and severally liable for and pay to the Town of Dyer any and all costs incurred by the Town for any such protective measures including engineering and attorney fees.

Any person or entity who fails to comply with a stop work order shall be guilty of an ordinance violation and shall be subject to a fine of \$2,500.00. 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. In addition, the Town of Dyer shall have the right to seek injunctive relief to prohibit violation of any stop work order and force compliance with the terms of this Ordinance. All persons or entities responsible for the violation of a stop work order shall be responsible for and pay for all engineering fees, attorney fees,

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and other related costs incurred by the Town of Dyer in seeking said injunctive relief and compliance with the terms of this Ordinance. Any violation of this Ordinance shall allow the Town of Dyer to suspend and/or revoke any permit issued pursuant to this Ordinance. In the event a permit is suspended, a permit reinstatement fee equal to the original permit fee shall be paid prior to reinstatement. In the event a permit is revoked, the applicant shall be required to apply for a new permit complying with all terms and conditions of this Ordinance for a new permit.

4. FAILURE TO COMPLY OR COMPLETE

In addition to all other remedies and penalties provided for herein, should any person(s) or entity fail to comply with the terms and provisions of this Ordinance and/or fail to timely complete a project for which a permit has been issued, after being given notice and reasonable time for compliance, the Town of Dyer shall have the right, but not the obligation, to complete the work necessary to cure the violation(s) and/or complete the project. Any and all costs and fees incurred by the Town of Dyer for such actions shall be paid for by the owner of the real estate and any and all persons or entities responsible for the violation(s) and/or failure to timely complete the project.

5. SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM

A. Suspension due to Emergency Situations

The Town of Dyer may, without prior notice, suspend stormwater drainage system discharge access to a person or entity when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters in connection therewith. If any person or entity fails to comply with a suspension order issued in an emergency, the Town of Dyer may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters in connection therewith, or to minimize danger to persons or property.

B. Suspension due to the Detection of Illicit Discharge

Any person or entity discharging into the stormwater drainage system in violation of this Ordinance may have such stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. Except in an emergency, the Town of Dyer will notify a violator of the proposed termination. The violator may appeal any termination order to the SWMB for reconsideration. Any such appeal shall be filed within ten (10) days from the date of the issuance of a termination order and shall be in writing and set forth the grounds for the appeal. The appeal shall be heard at the next regular SWMB meeting. Any termination order shall remain in full force and effect pending a decision on appeal.

6. CORRECTIVE ACTION

Nothing herein contained shall prevent the Town of Dyer from taking such other lawful action as may be necessary to prevent or remedy any violation of this Ordinance. The owner(s) of the real estate and all persons or entities participating in the violation(s) or creating the situation for which preventative or remedial action is necessary shall be liable for and pay to the Town of Dyer all costs and fees incurred for such action(s). Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, penalties levied by the EPA or IDEM for violation of the Town of Dyer's NPDES permit, engineering fees, attorney fees, labor and material costs, and any and all other costs and expenses incurred by the Town of Dyer.

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7. APPEALS

Any person or entity against whom any provision of this Ordinance has been applied by the Town of Dyer, may appeal said action or decision to the SWMB. The appeal shall be filed within ten (10) days of the date of the action or decision. Failure to timely file an appeal shall make the action or decision final. The appeal shall be in writing and shall set forth in detail the basis for the appeal. The SWMB shall hear the appeal at its next regular meeting. The appeal hearing may be continued as necessary to subsequent meetings if additional time is needed to hear all necessary evidence. The action or decision shall remain in full force and effect pending a decision on appeal.

On appeal, the SWMB may consider the following in deciding the appeal.

- A. Any and all evidence presented by the Appellant;
- B. Recommendations and evidence presented by any engineer for the Town of Dyer or the SWMB;
- C. Recommendations and evidence presented by the Town of Dyer or any of its Boards, Commissions, or Departments;
- D. Any other relevant evidence or testimony from persons or entities having knowledge of the matter being considered on appeal.

The SWMB, after concluding the hearing of the appeal, may affirm, reverse, or modify the action or decision being appealed. The decision shall be rendered in writing and shall be issued no more than forty-five (45) days after the appeal hearing is concluded.

Upon appeal, the SWMB may grant a variance/modification from the requirements of this Ordinance to provide relief, in whole or in part, from the action or decision being appealed. Such a variance/modification may only be granted upon a finding by the SWMB that all of the following requirements have been established:

- A. That the application of the Ordinance provisions to the action or decision being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties for a development or development site shall not include the reasonable costs and expenses necessary to comply with this Ordinance;

AND

- B. That the granting of the requested variance/modification will not materially and substantially violate the requirements and purposes of this Ordinance;

AND

- C. That the granting of the requested variance/modification will not materially and substantially impact the proper management of stormwater runoff in the Town of Dyer and surrounding areas.



APPENDIX A

ABBREVIATIONS AND DEFINITIONS

ABBREVIATIONS

BMP	Best Management Practice
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EI	Erodibility Index
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GIS	Geographical Information System
HEL	Highly Erodible Land
HUC	Hydrologic Unit Code
IDEM	Indiana Department of Environmental Management
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NRCS	USDA-Natural Resources Conservation Service
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWCD	Soil and Water Conservation District
SWMB	Town of Dyer Stormwater Management Board
SWPPP	Stormwater Pollution Prevention Plan
SWQMP	Stormwater Quality Management Plan
TOWN	Town of Dyer
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

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DEFINITIONS

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

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

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

Buffer. An area of predominately deeply rooted native vegetated land adjacent to channels, wetlands, lakes, or ponds for the purposes of stabilizing banks, reducing contaminants, including sediments, in stormwater that flows to such areas.

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

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

Channel. Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway which has a definite bed and bank or shoreline, in or into which surface, groundwater, effluent, or industrial discharges flow either perennially or intermittently.

Compensatory Storage. An excavated, hydrologically and hydraulically equivalent volume of storage created to offset the loss of existing flood storage.

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

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

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

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

Contiguous. Adjoining or in actual contact with.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Duration. The time period of a rainfall event.

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

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

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

- Accelerated erosion--Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- Channel erosion --An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.

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- Gully erosion --An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 ft. to as much as 75-100 ft.
- Rill erosion--An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils.
- Splash erosion--The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- Sheet erosion--The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

Erosion and Sediment Control Measure. A practice, or a combination of practices, to control erosion and resulting sedimentation, and/or off-site damages.

Erosion and Sediment Control System. 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.

Federal Emergency Management Agency (FEMA). The Federal Agency and its regulations, at 44 CFR 59-79, effective as of September 29, 1989 or as amended.

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

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

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

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

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

(FIRM) Flood Insurance Rate Map. A map issued by FEMA that is an official Community map, on which map FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Community. This map may or may not depict floodways.

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

Floodway or Designated Floodway. The floodway includes the channel, on stream lakes, and that portion of the floodplain adjacent to a stream or channel which is needed to store and convey the critical duration

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100-year frequency flood discharge with no more than a 0.1 foot increase in flood stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities.

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

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

Gasoline Outlet. An operating gasoline or diesel fueling facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Infiltration. Passage or movement of water into the soil.

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

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

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

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

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

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

Lowest Floor. Refers to the lowest of the following:

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

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

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

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

Municipal Separate Storm Sewer System (MS4). An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (2) discharges to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

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

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

Notice of Intent (NOI). Standard IDEM letter that constitutes notice that the project site owner is applying for coverage under the NPDES General Permit Rule 327 IAC 15-5 (Rule 5) for Storm Water Discharges Associated with Construction Activity.

Notice of Termination (NOT). A standard IDEM letter that constitutes notice that the project site owner is applying for termination coverage under the NPDES General Permit Rule 327 IAC 15-5 (Rule 5) for Storm Water Discharges Associated with Construction Activity.

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

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

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

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

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

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

Percolation. The movement of water through soil.

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

Pervious. Allowing movement of water.

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

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

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

Professional Engineer. An engineer registered in the State of Indiana, under The Indiana Professional Engineering Practice Act. (IC 25-31.), as amended.

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

Project Site Owner. The person required to submit a stormwater permit application, and required to comply with the terms of this Ordinance, including a developer or a person who has financial and operational

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control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

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

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

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

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

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

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

Regulatory Floodway. See Floodway.

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

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

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

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

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

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

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

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

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

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

Sedimentation. The process that deposits hydraulically moved soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

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

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

Slope. Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise)--e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and Width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented as the vertical or width component shown on the numerator--e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes--e.g., 2:1 with the metric presentation shown in parenthesis--e.g., (1V:2H). Slopes can also be expressed in "percents". Slopes given in percents are always expressed as $(100 \times V/H)$ --e.g., a 2:1 (1V:2H) slope is a 50% slope.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Topography. The representation of a portion of the earth's surface showing 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.

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

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

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

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

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

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

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

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

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

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

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

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



APPENDIX B

BRIAR RIDGE MEMORANDUM OF UNDERSTANDING
