

Delaware County Stormwater Management Ordinance

Version 1.2 (January 2024)

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SECTION 1

General Information

AUTHORITY AND TITLE

This Ordinance is adopted in accordance with statutory authority granted to Delaware County under “Home Rule” and further is required by Phase II of the National Pollutant Discharge Elimination System Stormwater program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management’s (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management’s Construction Stormwater General Permit (CSGP).

Objectives of this ordinance are:

- To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- To require all construction personnel to make every reasonable effort to minimize construction-related pollutants from entering the MS4.
- To require construction site operators to develop and implement a Construction Plan for sites governed by the Construction General Permit including a Storm Water Pollution Prevention Plan in order to receive a Stormwater Erosion & Sediment Control permit from the Stormwater Management Department.
- To require sites not governed by the Construction General Permit to receive a Stormwater Erosion & Sediment Control Permit from the Stormwater Management Department.
- To regulate the contribution of pollutants to the County separate storm sewer system (MS4) by stormwater discharges by any user.
- To prohibit Illicit Connections and Discharges to the County separate storm sewer system.
- To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Based on this authority and these requirements, this Ordinance regulates:

- Discharges of prohibited non-stormwater flows into the storm drain system.
- Stormwater drainage improvements related to development of lands located within the corporate boundaries of Delaware County.
- Drainage control systems installed during new construction and grading of lots and other parcels of land.
- Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity.
- Stormwater discharges from construction support activities directly related to construction sites subject to this ordinance.
- Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- Development within floodplains, floodways, fluvial erosion hazard corridors, and bluff zones

This Ordinance shall be known and may be cited as Delaware County Stormwater Management Ordinance. Once adopted, this Ordinance will supersede any conflicting ordinances previously adopted by Delaware County.

APPLICABILITY AND EXEMPTIONS

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

This Ordinance shall regulate all development and redevelopment occurring within Delaware County. 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 Stormwater Management Department.

In addition to the requirements of this Ordinance and its companion Stormwater Technical Standards Manual, compliance with all applicable ordinances of Delaware County as well as with applicable Federal, State of Indiana, and other Local statues and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Delaware County capital improvement projects shall be exempt from obtaining a permit but are expected to meet all applicable technical requirements of this Ordinance and the Delaware County Stormwater Technical Standards Manual. If the project site is located within a Delaware County Regulated Drain Watershed, the applicant will need to check with the Delaware County Surveyor's Office to see if additional requirements specific to that regulated drain would apply to the site. In case there are conflicts between the requirements contained in this Ordinance and applicable requirements contained in other regulatory documents referenced above, the most restrictive shall prevail.

This ordinance does not apply to:

- Persons who obtain an individual NPDES permit under 327 IAC 15-2-6.
- The Indiana Department of Transportation when it conducts its business within the County corporate limit under its NPDES permit pursuant to 327 IAC 15.
- Agricultural land disturbing activities
- Forest harvesting activities
- Landfills that have been issued a certification of closure under 329 IAC 10.
- Coal mining activities permitted under IC 14-34.
- Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries under 329 IAC 10 that contains the equivalent stormwater requirements, including the expansion of landfill boundaries construction of new cells either within or outside the original solid waste permit boundary.

Any construction project which has had its final drainage plan accepted by Delaware County within a 1-year period prior to the effective date of this Ordinance

shall be exempt from all requirements of this Ordinance that are in excess of the requirements of ordinances in effect at the time of acceptance. Such an exemption is not applicable to the requirements detailed in Section 2 of this Ordinance.

Delaware County has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated technical standards document. A pre-construction meeting will be required by the Compliance Inspector (or "Inspector") to discuss the applicability of various provisions of the Ordinance and its associated Technical Standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of Delaware County that may be based on the review of more detailed information and plans.

FINDINGS

Delaware County finds that:

- Water bodies, roadways, structures, and other property within Delaware County or its planning jurisdiction boundary are at times subjected to flooding;
- Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
- Land development alters 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;
- Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
- Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within Delaware County will, absent reasonable regulation and control, adversely affect Delaware County's water bodies and water resources;
- Pollutant contributions from illicit discharges within Delaware County will, absent reasonable regulation, monitoring, and enforcement, adversely affect Delaware County's water bodies and water resources;
- Stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
- Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;
- Adopting this Ordinance is necessary for the preservation of public health, safety, and welfare, for the conservation of natural resources, and for compliance with State and Federal regulations.

PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of Delaware County through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect,

conserve and promote the orderly development of land and water resources within Delaware County.

ABBREVIATIONS AND DEFINITIONS

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

RESPONSIBILITY FOR ADMINISTRATION

Delaware County, or its designee, shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by Delaware County to qualified persons or entities acting in the beneficial interest of or in the employ of Delaware County.

The standards set forth herein, and promulgated pursuant to this ordinance, are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure or warrant that there will be no contamination, pollution, nor unauthorized discharge of pollutants, or that there will not be violations of NPDES permits or that there will not be contamination, pollution, nor an authorized discharge of pollutants.

RESPONSIBILITY OF CONSTRUCTION SITE OWNER

- Ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by the County.
- Complete application for a Stormwater Erosion & Sediment Control Permit in accordance with procedures established by the County.
- Complete a sufficient Notice of Intent letter submitted to the Indiana Department of Environmental Management with a copy set to the County.
- Ensure compliance with this ordinance during construction activity and the implementation of the construction plan.
- Ensure that all persons engaging in construction activities, on a permitted project site, comply with the applicable requirements of this rule and the approved construction plan.
- Request a Notice of Termination (NOT) inspection by the Inspector. Once a sufficient NOT inspection is received, file the termination with the IDEM and send a copy to the Inspector. This only applies to construction projects resulting in land disturbance (see Section 3) of one acre or more.
- Pay the cost of any required Special Engineering review if the Stormwater Pollution Prevention Plan (SWPPP) requires a professional engineering review.

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.

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.

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. Larger storms may occur, or stormwater runoff amounts may be increased by man-made or natural causes. 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 Delaware County or any officer, representative, or employee thereof, for any damage that 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 the Stormwater Management Department has reviewed the material produced and submitted by the applicant or his/her agents for general compliance with this Ordinance and Delaware County 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. Delaware County and its officials and representatives shall not be responsible for maintenance nor liability for any accidents.

SECTION 2

Prohibited Discharges and Connections

APPLICABILITY AND EXEMPTIONS

This section shall apply to all discharges, including illegal dumping, entering the storm drain system under the control of Delaware County, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site (including those less than one acre) or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff.

Stormwater runoff from agricultural, timber harvesting, and mining activities is exempted from the requirements of this section 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 (unless the waiver is solely based on point source considerations, still allowing non-point source discharge of a pollutant), 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 approval has been granted for the subject discharge to the storm drain system, is also exempted from this section.

PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The construction, use, maintenance, or continued existence of illicit connections to the storm drain is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this ordinance if the person connects a line conveying any direct or indirect non-stormwater discharge to the MS4, or allows such a connection to continue, except as exempted (see below). Such conveyance may include, but is not limited to, sewage, hazardous materials, pollutants or wastewater.

Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMP's). The County will establish requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or Waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of

prohibited materials or other wastes into storm drain systems or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural or non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial or construction activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements to the NPDES permit. Proof of compliance with said permit may be required in a form acceptable to the County prior to the allowing of discharge to the MS4.

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 section:

- Water line flushing;
- Landscape irrigation;
- Diverted streamflows;
- Rising ground waters;
- Uncontaminated groundwater infiltration;
- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensation;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Water used to wash recreational and non-commercial vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- Flows from riparian habitats and wetlands;
- Dechlorinated/de-brominated swimming pool discharges not including discharges from saltwater swimming pools;
- Street wash water;
- Discharges from emergency firefighting activities;
- Routine external building washdown water that does not use detergents.
- Excess stormwater cleaning water not collected by a vacuum truck (uncontaminated).
- Dye testing is an allowable discharge but requires a verbal notification to the authorized enforcement agency prior to time of the test.
- Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or water discharge order issue 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 law and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

STORAGE OF HAZARDOUS OR TOXIC MATERIAL

Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures, shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality. Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited.

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, 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.

SPILL REPORTING

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials (anything other than stormwater or exempted discharges) which are resulting, or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release and shall immediately inform the Stormwater Management Department concerning the discharge. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone, no later than the next business day. Notification in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency, within three business days of the initial notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

A written report concerning the discharge shall be filed with the IDEM and the Stormwater Management Department by the dischargers, within three days.

The written report shall specify:

- The composition of the discharge and the cause thereof;
- The date, time, and estimated volume of the discharge;
- All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;

- The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. 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.

INSPECTIONS AND MONITORING

This section applies to all facilities that have stormwater discharged associated with industrial activity, including construction activity.

Access to Facilities

Delaware County and the Stormwater Management Department, or their designee, shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

Facility operators shall allow authorized enforcement agency ready access to all parts of the premises for purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

The County and the Stormwater Management Department, or their designee, shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

The County and the Stormwater Management Department, or their designee, has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampling shall be promptly removed by the operator at the written or oral request of the County/Stormwater Management Department/their designee and shall not be replaced. The costs of the clearing of such access shall be borne by the operator.

Delays in allowing the County/Stormwater Management Department/their designee reasonable access to a permitted facility is a violation of a stormwater

discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits a violation of this ordinance if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

If the County/Stormwater Management Department/their designee has been refused access to any part of a premises from which stormwater is discharged, and:

- the authorized enforcement agency is able to demonstrate probable cause to believe that there may be a violation of this ordinance,
- or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance,
- or any other issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek appropriate relief from any court of competent jurisdiction.

Stormwater Drainage System

Delaware County/Stormwater Management Department/their designee has the authority to periodically inspect the portion of the stormwater drainage system under Delaware County's control in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the stormwater drainage system. It could also include spot testing of waters contained in the stormwater drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

Potential Polluters

If, as a result of the stormwater drainage system inspection, a report or a complaint, a discharger is suspected of an illicit discharge, Delaware County/Stormwater Management Department/their designee may inspect and/or obtain stormwater samples and/or track the origin of stormwater runoff/practices/conveyances in compliance with the requirements of this Ordinance. Upon request, the discharger shall allow a properly identified employee of Delaware County/Stormwater Management Department/their designee, or its properly identified representative (likely an employee of the Stormwater Management Department or Bureau of Water Quality) to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. Delaware County or its properly identified representative may place on the 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 Section 7 of this Ordinance.

SECTION 3

Stormwater Pollution Prevention for Construction Sites

APPLICABILITY AND EXEMPTIONS

Delaware County will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of a project's construction plans and specifications. Any project located within the corporate boundaries of Delaware County that includes clearing, grading, excavation or other land disturbing activities resulting in the disturbance of one acre or more (if less than one acre, a local permit is required) of total land area is subject to the requirements of this section. This includes both new development and re-development. This section also applies to disturbances of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 acre or more of total land area. "Calculation and Design Standards and Specifications" (Section 3) provides guidelines for calculating land disturbance.

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

- Landfills that have been issued a certification of closure under 329 IAC 10.
- Coal mining activities permitted under IC 14-34.
- Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

For an individual lot where land disturbance is expected to be one acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from Delaware County, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with this Ordinance, regardless of whether the individual lot is part of a larger permitted project site.

An individual lot located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, the builders of these individual lots are required to submit an Individual Lot Plot Plan Permit application along with a SWPPP for that individual lot prior to receiving a building permit. Details of the permitting process for individual lots and parcels are contained in Section 5 and additional requirements for individual lots may be found in the Delaware County Stormwater Technical Standards Manual.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Stormwater Compliance Inspector in accordance with this Ordinance. The site owner will also be responsible for the cost of any required Special Engineering Review, if the SWPPP requires such a review. It will be the responsibility of the project site owner to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and to ensure that all persons engaging in construction and land disturbing activities on the site comply with the requirements of this section and this Ordinance. Upon completion of the project and stabilization of the site, the site owner will need to request a Notice of Termination Inspection (NOT inspection), performed by the Inspector. If the Inspector finds the site to be adequately complete, the site owner can submit a NOT to IDEM, with a copy sent to the Inspector. This only applies to construction projects resulting in land disturbance of one acre or more, as defined in this Ordinance.

For an individual lot where land disturbance is expected to be one acre or more, and the lot lies within a project site permitted under this rule, the individual lot owner shall:

- Ensure that a sufficient construction plan is completed and submitted in accordance with the procedures established by the Delaware County.
- Complete a Notice of Intent letter and submit it to the Stormwater Compliance Inspector.
- Apply for a building permit in accordance with the procedures established by the County.

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 stormwater drainage system or adjacent property (sediment control), and proper on-site materials handling.

For land disturbance of one acre or more, the owner or designated representative must submit to the Inspector, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. The SWPPP and the project management log must be retained for at least three years from the date the project permit is terminated. For land disturbances totaling less than one acre, every reasonable effort must be made to minimize construction-related pollutants from entering the MS4 or leaving the site. Implementations must use appropriate erosion and sediment control measures consistent with Delaware County Stormwater Technical Standards Manual.

The required IDEM general and implementation requirements that apply to all land-disturbing activities are contained in the Delaware County Stormwater Technical Standards Manual.

CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

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

- Off-site construction activities that provide services (for example, road extensions, sewer, water, offsite stockpiles, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
- To determine if multi-lot project sites are regulated by this section, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - For a single-family residential project site where the lots are 0.5 acre or more, 0.5 acre of land disturbance must be used as the expected lot disturbance.
 - For a single-family residential project site where the lots are less than 0.5 acre in size, the total lot must be calculated as being disturbed.
 - To calculate lot disturbance on all other types of project sites, such as industrial and commercial project sites, a minimum of one acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one acre in size, in which case the total lot must be calculated as being disturbed.

The 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 (can be found online), Delaware County Stormwater Technical Standards Manual, the Muncie Engineering Standards, Details, and Specifications (can be found online), and the product guidance/specifications of the manufacturer. The methods and procedures included in these references are in keeping with the above stated policy and meet the requirements of IDEM's CSGP.

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 Delaware County Stormwater Technical Standards Manual.

INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Following approval of the Stormwater Management Permit or Individual Lot Plot Plan Permit by Delaware County and commencement of construction activities, Delaware County and the Stormwater Compliance Inspector has the authority to conduct inspections of the site to ensure full compliance with the provisions of this section, the approved Stormwater Pollution Prevention Plan, the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit.

A self-monitoring program (SMP) must be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively. A trained individual, acceptable to Delaware County and/or the Inspector, shall monitor and manage project construction and stormwater activities. A PowerPoint titled "Self-Inspection Training Program" was created by the Stormwater Compliance Inspector and can be found [here](#). Details regarding the required monitoring

activities are contained in Delaware County Stormwater Technical Standards Manual.

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

A project management log must be maintained at the project site or in the possession of on-site individuals associated with the management and operations of the construction activities. Details regarding requirements related to the project management log are contained in Delaware County Stormwater Technical Standards Manual.

SECTION 4

Stormwater Quality Management for Post-construction

APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Section 3, the Stormwater Pollution Prevention Plan, which is to be submitted to the Stormwater Compliance Inspector as part of the Stormwater Management Permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the corporate boundaries of Delaware County that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of one acre or more of total land area is subject to the requirements of this section. This includes both new development and re-development, and disturbances of land less than 1 acre of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 acre or more of total land area. In addition, regardless of the amount of disturbance, Delaware County reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance with provisions contained in Delaware County Stormwater Technical Standards Manual.

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

- construction activities associated with a single-family residential dwelling disturbing less than one acre, when the dwelling is not part of a larger common plan of development or sale; or individual building lots within a larger permitted project.

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

- Landfills that have been issued a certification of closure under 329 IAC 10.
- Coal mining activities permitted under IC 14-34.
- Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a stormwater permit and ensure the project is completed in accordance with Section 5 of this Ordinance. The project site owner is responsible for proper construction and installation of all stormwater BMP's--especially the protection of permanent structures or practices requiring post-construction maintenance. All future property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this section and this Ordinance.

POLICY ON STORMWATER QUALITY MANAGEMENT

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues within the corporate boundaries of Delaware County, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of appropriate Best Management Practices (BMPs), to treat the Water Quality Volume (WQv) or the Water Quality Flow (Qwq) stormwater runoff will be filtered, and harmful amounts of sediment, nutrients, and contaminants will be removed. The project site owner must submit to the Stormwater Compliance Inspector, the Stormwater Pollution Prevention Plan (SWPPP) that shows placement of appropriate BMP(s) from a pre-approved list of BMP's specified in Delaware County Stormwater Technical Standards Manual. The SWPPP submittal shall include an Operation and Maintenance Manual for all post-construction BMP(s) included in the project and a Post-Construction Agreement, consistent with the sample agreement provided in the Delaware County Stormwater Technical Standards Manual, providing for the long-term maintenance of those BMPs, both of which shall be recorded with the deed for the property on which the project is located. The noted BMP(s) must be designed, constructed, and maintained according to guidelines provided or referenced in the Delaware County Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance and ease of maintenance of such practices will be according to guidelines provided in the Delaware County Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMP's are provided in the Delaware County Stormwater Technical Standards Manual.

Gasoline outlets and refueling areas must install appropriate practices (as noted under "Hot Spots" provision in the Technical Standards) to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities, existing facilities that replace their tanks, and existing facilities that undergo redevelopment regardless of the size of the facility.

Discharges from new development and redevelopment sites will not be allowed directly into ground water sources without pre-treatment.

Infiltration measures are prohibited in Wellhead Protection Areas.

CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

Calculation of land disturbance should follow the guidelines discussed in "Calculation and Design Standards and Specifications" (Section 3).

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 Delaware County Stormwater Technical Standards Manual. The methods and procedures included in the referenced

Standards is in keeping with the above stated policy and meet or exceed the requirements of IDEM's MS4 GP.

INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After termination of the Construction Stormwater General Permit, Delaware County/the Stormwater Compliance Inspector will conduct inspections of the finished project to ensure full compliance with the Post-Construction Agreement, and the Delaware County Stormwater Technical Standards Manual. Post-Construction inspections are required by IDEM's MS4 GP and are performed to ensure pollutants are not entering the MS4 conveyances.

Stormwater quality facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the Delaware County Stormwater Technical Standards Manual, in addition to the designed and approved performance specifications for the facilities and shall not be subsequently altered, revised, or replaced except as approved by Delaware County/the Stormwater Compliance Inspector.

Details regarding the required stormwater BMP Maintenance Agreement, O&M Maintenance Manual, a Maintenance Escrow account, and their transfer to other parties or subsequent owners prior to release of the maintenance bond discussed in Section 5 of this Ordinance is provided in the Delaware County Stormwater Technical Standards Manual.

Delaware County/the Stormwater Compliance Inspector has the authority to and will be performing long-term post-construction inspections of all public or privately owned stormwater quality facilities. The inspection will cover the physical and operational conditions of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report.

SECTION 5

Permit Requirements and Procedures

CONCEPTUAL DRAINAGE PLAN REVIEW

A developer must submit conceptual drainage plans and calculations for review by Delaware County/the Stormwater Compliance Inspector. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

- One complete set of conceptual plans showing general project layout, including existing and proposed drainage systems (electronic copies preferred).
- General description of the existing and proposed drainage systems in narrative form.
- Map showing on-site 100-year floodplain and floodway (please note if none exists).
- Map showing all wetlands, lakes, and ponds on or adjacent to the site.
- Watershed Boundaries with USGS Contours or best information possible.
- One copy of drainage calculations detailing existing and proposed discharges from the site
- Existing watercourse or regulated drains.
- Approved drainage permit from jurisdictional engineering office. If a permit is not required, provide proof from the Delaware County Engineer's office.

PERMIT PROCEDURES

This section applies to all development, or re-development of land, that results in land disturbance of one acre or more. Individual lots with land disturbance less than one acre shall refer to Sections 4 and 5 for plan review requirements and procedures. Figure 1 is a flowchart summarizing the plan review/permit approval/project termination compliance process for land disturbance of one acre or more and can be found at the end of this section.

General Procedures

The project site owner (or a representative) shall submit an application for a Stormwater Management Permit to the Stormwater Compliance Inspector. The application will include a completed application checklist, construction plan sheets, a stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information. Specific information to be included in the application can be found below. The Stormwater Compliance Inspector may, at its discretion, require one or more copies be submitted to other entities deemed appropriate. Additionally, a digital copy of the construction plans is required in a format accepted by the Stormwater Compliance Inspector.

After 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 Stormwater Compliance Inspector and/or its plan review consultant(s). Once all comments have been received and review completed, the Stormwater Compliance Inspector 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 applicant can appeal to the Delaware County Commissioners for reconsideration. After review, they will either issue a permit, request modifications to the construction plans, or deny the project.

The project site owner must notify the Stormwater Compliance Inspector and IDEM 48 hours before beginning construction. Notification to the Stormwater Compliance Inspector shall be in the form of an email while the notification to IDEM shall be in the form of an online IDEM NOI submittal. Once a permit has been issued and the pending construction notifications submitted to the Stormwater Compliance Inspector and IDEM, construction may commence. Once construction starts, the project owner or owner representative 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. 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 Stormwater Compliance Inspector, requesting a termination inspection. The Stormwater Compliance Inspector shall inspect the construction site to verify that the completed project is fully stabilized and meets the requirements of Delaware County's Stormwater Ordinance, its Technical Standards and 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 Delaware County 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 Stormwater Compliance Inspector, and an updated NOI must be resubmitted to IDEM at least 90 days prior to expiration.

SWPPP Review Time Limits

Pursuant to IC 13-18-27, an MS4-designated entity (in this case, the Stormwater Management Department) must make a preliminary determination as to whether the construction plan associated with the SWPPP is substantially complete. For sites with land disturbance <5 acres, this needs to be within 10 days of the day the SWPPP is submitted to the review authority. For sites with land disturbance \geq 5 acres, this needs to occur within 14 days of the days on which the SWPPP is submitted to the review authority.

Depending on the outcome of the SWPPP review, the following scenarios may play out:

- No SWPPP review notification received: If the review authority does not notify the applicant 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 to IDEM including the information required by IDEM, or this Ordinance and Delaware County Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.
- SWPPP not substantially complete: If the review authority notifies the applicant that the construction plan is not substantially complete, the project site owner may not submit a notice of intent letter to IDEM until the review authority makes a conclusive favorable determination concerning

the construction plan under the IDEM rule/permit, or this Ordinance and the Delaware County Stormwater Technical Standards Manual.

- Unfavorable SWPPP: If the review authority notifies the applicant that the construction plan is substantially complete; and makes a conclusive unfavorable determination concerning the construction plan under IDEM rule/permit, or this Ordinance and the Delaware County Stormwater Technical Standards Manual, the project site owner may not submit a notice of intent letter to IDEM.
- Preliminary SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a preliminary review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Delaware County Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project. The plan review authority reserves the right to perform a comprehensive review at a later date, and revisions may be required at that time.
- Conditional SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a conditional review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Delaware County Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project provided that the requirements included in the conditional review are fulfilled.
- Favorable SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a comprehensive review has been completed and found sufficient, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Delaware County Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.

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

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. If a project or activity is exempt from any or all requirements of this ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots: disturbing less than 1 acre of land and/or developed within a larger permitted project site. Review and acceptance of such lots is covered under “Permit Procedures”.

The different elements of a permit submittal include an application checklist, construction plans, a stormwater drainage technical report, a stormwater pollution

prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana who also meets the definition of a Trained Individual found in Appendix A.

Application Checklist

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

Construction Plans

Construction plan sheets (electronic preferred, if physical needs to be 11" by 17") and an accompanying narrative report shall describe and depict the existing and proposed conditions. 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 must include items listed in the application checklist provided in the Delaware County Stormwater Technical Standards Manual.

Stormwater Drainage Technical Report

A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include items listed in the application checklist provided in the Delaware County Stormwater Technical Standards Manual.

Stormwater Pollution Prevention Plan for Construction Sites

For sites with total disturbance of one acre or more, a stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance. The SWPPP and construction plans must include the items listed in the application checklist provided in the Delaware County Stormwater Technical Standards Manual. For land disturbances less than one-acre, appropriate erosion and sediment control measures that are consistent with the Delaware County Technical Standards must be installed as necessary to prevent sediment and other pollutants from leaving the site.

Post-Construction Stormwater Pollution Prevention Plan

For sites with total land disturbance of one acre or more, a post-construction stormwater pollution prevention plan must be designed to, at least, meet the requirements of this Ordinance and must include the information provided in the Delaware County Stormwater Technical Standards Manual. The post-construction stormwater pollution prevention plan must include items listed in the application checklist provided in the Delaware County Stormwater Technical Standards Manual.

REVIEW OF INDIVIDUAL LOTS

For all individual lots disturbing 10,000 square feet or more but less than one acre, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. Similarly, for individual lots disturbing less than 10,000 square feet of total land area, developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. All stormwater management measures necessary to comply with this Ordinance must be implemented in accordance with a permitted plan for the larger project.

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

- A site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
- Erosion and sediment control plan that, at a minimum, includes the following measures:
 - Installation and maintenance of stable construction site access.
 - Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
 - Minimization of sediment discharge and tracking from the lot.
 - 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.
 - Implementation of concrete or cementitious wash water practices that securely contain and allow for the proper disposal of concrete or cementitious wash water.
 - Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
 - Self-monitoring program including plan and procedures.

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

CHANGES TO PLANS

Any changes or deviations in the detailed plans and specifications—in reference to stormwater quality practices or overall disturbance-- after approval of the applicable Stormwater Management Permit shall be filed with, and accepted by, Delaware County prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

REQUIRED ASSURANCES

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to Delaware County or retained privately. As a condition of approval and issuance of the permit, Delaware County

shall require the applicant to provide assurance in form of an irrevocable letter of credit or a bond when the stormwater management plan has been accepted 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 125 percent of the total costs of all stormwater management measures for the entire project. The above-mentioned costs shall be based on an estimate as prepared by a registered engineer or land surveyor. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's, as regulated under this Ordinance, until the construction is completed, the site is stabilized, and as-built plans are accepted by Delaware County. Assurances shall be for a minimum of \$5,000. All other performance bonds, maintenance bonds or other assurances required by Delaware County in accordance with any and all other ordinances shall also apply and so be required. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

TERMS AND CONDITIONS OF PERMITS

In granting a Stormwater Management Permit, Delaware County 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 Section 6.

The project site owner shall inform all general contractor, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the Stormwater Management Permit and the schedule for proposed implementation. Informing the personnel associated with the project of the SWPPP requirements must be documented and kept on the project site.

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, Delaware County may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the *Indiana Stormwater Quality Manual*.

Determination of Sensitive Areas

Sensitive Areas include highly erodible soils, wetlands, karst areas, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards and registered with US EPA as required by the IDEM. If wetlands are suspected on a site, a wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE). The need for the applicant to check for the presence of threatened or endangered species

habitat will be determined on a case-by-case basis. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the Stormwater Management Permit.

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 Delaware County.

- A floodway or floodplain as designated by the most updated FEMA Code dealing with floodplain regulation and/or by the Best Available Data through IDNR.
- Land within 25 feet of each bank of any ditch within Delaware County's system.
- Land within 15 feet of the centerline of any stormwater infrastructure or enclosed conduit within the Delaware County's system.
- Land within 75 feet of each bank of a county open regulated drain.
- Land within 50 feet of a natural drainageway.
- Land within 75 feet of the centerline of any tiled regulated drain.
- Land within the Fluvial Erosion Hazard (FEH) corridor.
- Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.

Delaware County or the Delaware County Engineer is authorized, but is not required, to classify certain geographical areas as Impact Drainage Area by Delaware County. In determining Impact Drainage Areas, Delaware County may consider such factors as 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 Delaware County. Special terms and conditions for development within any Impact Drainage Area shall be included in the Stormwater Management Permit.

Determination of Designated Drainage Areas Served by Regional Facilities

Delaware County 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 Delaware County Stormwater Technical Standards Manual.

CERTIFICATION OF AS-BUILT PLANS

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to Delaware County or retained privately. After completion of construction of the project and before the release of required performance assurances referenced above, a professionally prepared and certified 'as-built' set of plans (record drawings) shall be submitted to Delaware County for review. These as-built plans/record drawings must be prepared and certified by the Engineer of Record, i.e., the company/engineer who originally prepared the construction plans. Additionally, a digital copy of the 'as-built' plans (record drawings) as well as finalized digital versions of all analyses, models,

manuals, and reports that are consistent with the as-built conditions is required in a format acceptable to Delaware County. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

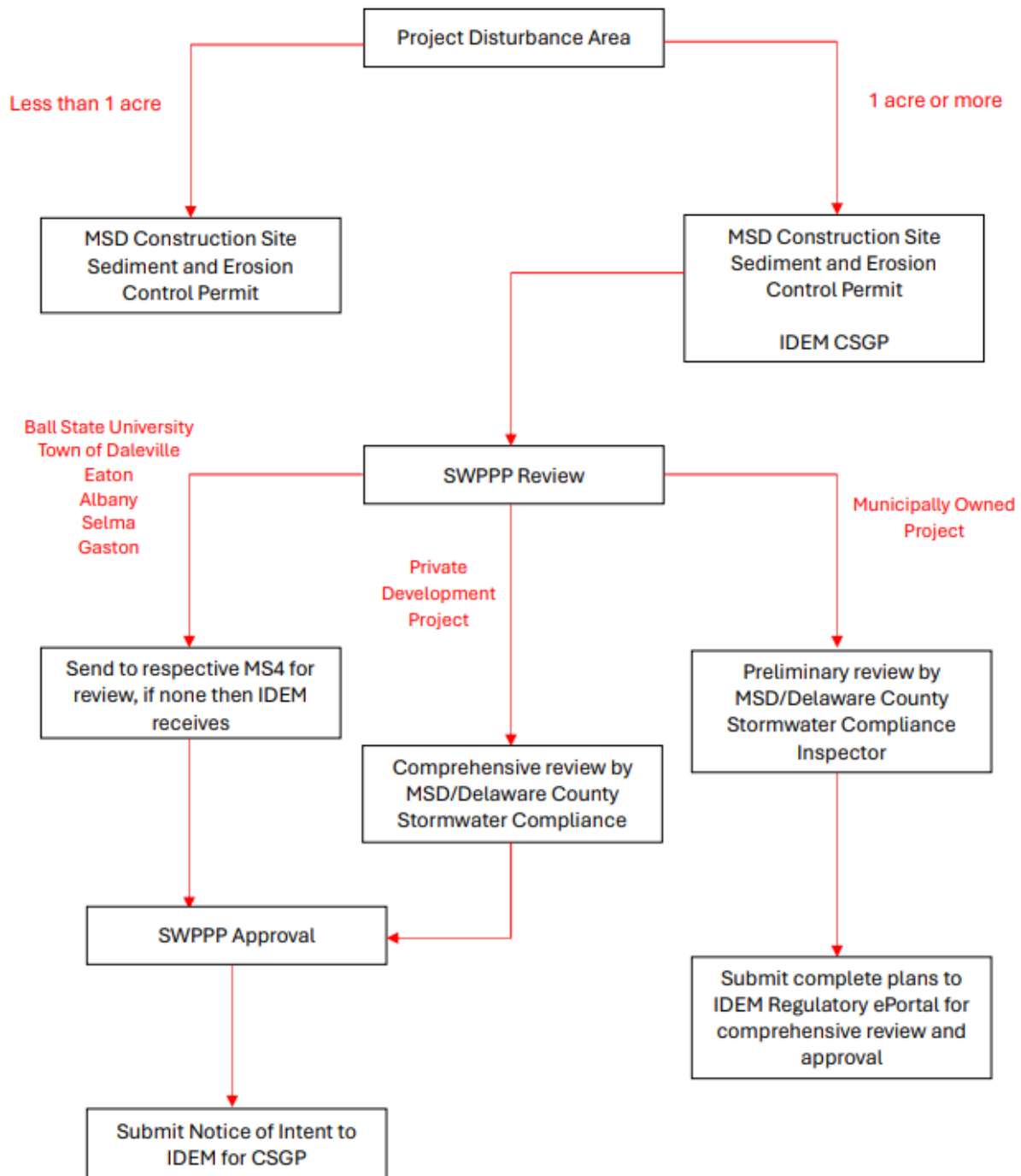
- Pipe size and pipe material
- Invert elevations
- Top rim elevations
- Elevation of the emergency overflow (spillway) for ponds
- Grades along the emergency flood routing path(s)
- Pipe structure lengths
- BMP types, dimensions, and boundaries/easements
- “As-planted” plans for BMP’s, as applicable
- Data and calculations showing detention basin storage volume
- Data and calculations showing BMP treatment capacity
- 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 Delaware County. (See certificate in the Stormwater Technical Standards Manual.

POST-PROJECT MAINTENANCE BOND AND VERIFICATIONS

In addition to as-built plans and the certification of completion and compliance, following the release of performance assurances, the property owner, developer, or contractor shall be required to file a two-year maintenance bond or other acceptable guarantee with Delaware County in an amount not to exceed 25% of the cost of the stormwater management system located outside the public road rights-of-way, and in a form satisfactory to Delaware County in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the accepted plans, and this Ordinance and that any off-site drainage problems that may arise, whether upstream or downstream of such project, will be corrected if such drainage problems are determined to have been caused by the development of such project. The bond or other acceptable guarantee shall be in effect for a period of two years after the date of the release of the required performance assurances referenced above. The beneficiary of all maintenance bonds shall be the Delaware County Stormwater Board.

Additional requirements for transfer of any applicable stormwater BMP Maintenance Agreement, O&M Maintenance Manual, and Maintenance Escrow accounts to subsequent owners prior to release of the maintenance bond is discussed in Section 5 of this ordinance.

Figure 1: Permit Approval Process



SECTION 6

Compliance and Enforcement

COMPLIANCE WITH THIS ORDINANCE

To secure compliance with the requirements of this Ordinance, violations thereof shall be subject to the enforcement provisions set forth under “Enforcement of this Ordinance” (see below)”. Additionally, compliance with the requirements set forth in the local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of Delaware County as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available.

Definitions

- **Violation.** Any action or inaction which violates the provisions of this Ordinance, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in this Section. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief, in addition to and separate from the imposition of any of the enforcement actions described below.
- **Compliance.** The act of correcting a violation or violations within the time frame specified by Delaware County.
- **Offense.** Both a violation and a failure of compliance on a particular project constitute an “offense.” If there are multiple violations or multiple failures of compliance on the same project, each shall be considered a separate offense as further stated below.

Warning Notice

When Delaware County finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, Delaware County may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of Delaware County to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

ENFORCEMENT OF THIS ORDINANCE

Notice of Violation/Citation

If Delaware County/the Stormwater Management Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management design plan, a recorded stormwater management maintenance agreement, or the provisions of this ordinance, they shall issue a written Notice of Violation to such applicant or other responsible person and the owner of the property. Emergency notifications may be made by an authorized employee. Where a person is engaged in an activity covered by this ordinance without having first secured a permit, therefore, the notice of violation shall

be served on the owner or the responsible person in charge of the activity being conducted on the site. Such notice may require without limitation:

- The performance of monitoring, analyses, and reporting;
- The elimination of illicit connections or discharges
- That violating discharges, practices, or operations shall cease and desist;
- The abatement or remediation of stormwater pollution or contamination hazards and the restoration of stormwater pollution or contamination hazards and the restoration of any affected property; and
- Payment of a fine to cover administrative and remediation costs; and
- The implementation of source control or treatment BMPs.

The notice of violation can be in the form of a citation ticket and/or a written inspection report that would contain detailed inspection findings, conclusions of law, disposition of warning or fines assessed, stipulated remedial actions as discussed with the responsible party representative, reasonable deadlines for those remedial actions, and the date of re-inspection.

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

Injunctive Relief

It shall be a violation for any person to violate any provision or fail to comply with the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation as noted in this Ordinance. Costs including attorney fees for injunctive relief may be assessed against the violator. Costs may constitute a lien upon the property.

Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, Delaware County may impose upon a violator, alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, public education, etc.

Stop Work Order

In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Ordinance or accepted final stormwater management plans, Delaware County may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by Delaware County to proceed with the work. A Stop Work Order will be posted on the site by Delaware County, and it is unlawful for any person to remove the notice or continue any work on the site without permission from Delaware County. Delaware County may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the

responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

Delaware County may bring an action under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce a stop work order against any person who neglects or fails to comply with a stop work order.

For construction projects that are operating under a SWPPP approved by Delaware County, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the construction plan are not adequate, the project site owner must be notified in writing of the inadequacies in the erosion and sediment control measures and the project site owner has twenty-four hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect. For construction projects that are operating under a SWPPP approved by Delaware County, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the construction plan are not adequate, the project site owner must be notified in writing of the inadequacies in the erosion and sediment control measures and the project site owner has twenty-four hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.

The twenty-four-hour period to resolve identified inadequacies on a construction project does not apply if the Stop Work Order is issued to a construction project where the project site owner is creating a public health hazard or safety hazard.

Civil Penalties for Violations

Any person who commits an offense under this Ordinance commits a civil infraction shall be liable for civil penalties to the fullest extent of the law and shall be subject to a fine of up to \$2,500 for each offense, plus costs, damages, and expenses. Each day such violation occurs or continues without a compliance action that is satisfactory to Delaware County may 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 aids or abets a person in a violation of this Ordinance shall be subject to the penalties provided in this section.

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

Delaware County has established an Enforcement Response Schedule as noted in the table below that standardizes the approach that Delaware County may, in its discretion, employ in dealing with stormwater regulations offenses subject to this Ordinance and the associated Technical Standards document. When so employed, this Schedule shall apply separately to each offense.

Enforcement of this ordinance shall be subject to the severity of the violation of this ordinance or existing regulations (major or minor violations) and the construction site operator's efforts to comply. Delaware County shall reserve the right to interpret enforcement on a case-by-case basis. A tiered enforcement will

be practiced at the Delaware County discretion and may be deviated from depending on the nature of the violation.

The tiered enforcement may include:

1. Verbal warning to the construction site operator to make corrections. Initial verbal warning, 24 hours to correct.
2. Written warning to the construction site operator to make corrections within a specified period of time. The period of time shall take into account issues such as the severity of the problem, pending weather, seasonal conditions, and the level of effort necessary to correct the problem.
3. Warning of non-compliance to the construction site operator, owner, and plan preparer. This will include directions that include notifying them that site conditions require immediate action. Fines may be assessed after the next inspection, based on fine schedule below.
4. Stop Work Order on all work at the site, except for that work required to bring the site into compliance.
5. Fine/penalties imposed as defined below.

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

In the event that it is necessary to impose a fine for the violations of this ordinance, the fines imposed shall be as follows:

Offense	Penalty
Second written notice of violation	<ul style="list-style-type: none"> • \$100 per violation, per lot per day for Minor Violation • \$200 per violation, per lot per day for a Major Violation
Violation of a Stop Work Order <ul style="list-style-type: none"> • To be applied if previous violations are not corrected, or if site poses an immediate threat to water quality 	<ul style="list-style-type: none"> • \$200 fine
Other violations of the ordinance	<ul style="list-style-type: none"> • \$2500 per day until corrected
4 th offense	<ul style="list-style-type: none"> • \$2500

Construction Site Pollution Prevention Guidance for Level of Violation

SWPPP Violations (Minor)

- Failure to repair an inadequate construction entrance for ingress or egress.

- Failure to have a concrete washout sign at a designated concrete washout area.
- Failure to fill out an inspection sheet for the week or for any half (.5") inch rain event (24 hours before or after or during).
- Failure to anchor any portable restroom that is on the construction site.
- Any perimeter protection (silt fence, filter sock, etc.) that needs repaired or that has excess sediment collection.
- Any inlet protection device that needs repaired or that has excess sediment collection.
- Any interior inlet sediment collection device that is two-thirds (2/3) full of sediment.
- Any interior inlet sediment collection device that has a filter device that has dematerialized.
- Failure to address any off-site sediment by tracking, a rain event, wind, etc.
- Failure to maintain any BMPs used on site within 48-hours.
- Any vehicle or machinery maintenance performed without proper containment for spills.
- Failure to have a Notice of Intent (NOI) at the entrance of a construction site.
- Failure to have information on the entrance sign indicating where the SWPPP is located on the construction site.
- Failure to have contact information for the construction site posted at the entrance.
- Failure to maintain a Project Management Log.
- Presence of a designated concrete washout area that is deficient, fails to prevent leaks, or is over full (with no signs of discharge).
- Presence of any staging or fueling area that is not located in the SWPPP or made aware to the Stormwater Inspector.
- Presence of any stockpile, on or off site, not included in the SWPPP or made aware to the Stormwater Inspector.
- Failure to maintain a labelled spill kit near fueling or hazardous material storage areas.
- Failure to contact the Stormwater Department prior to dewatering.
- Excessive trash/debris from construction materials or workers not secured in a dumpster or trash can. Failure to cover a trash dumpster if told due to excessive trash/debris blown off site.

SWPPP Violations (Major)

- a. Failure to submit a Stormwater Pollution Prevention Plan (results in an immediate Stop Work Order).

- b. Failure to acquire a permit when required (results in an immediate Stop Work Order).
- c. Failure to notify the Stormwater Management Department forty-eight (48) hours prior to beginning construction activities.
- d. Removal of existing vegetation not noted on the SWPPP, unless authorized by the Stormwater Inspector. (e.g., open green space ≥ 100 square feet, large or small trees, buffer strips, and plants within a wetland.) Removal of riparian buffers is prohibited without prior authorization in the SWPPP.
- e. Improper storage or handling of pollutants. (e.g., Drums or containers of waste, petroleum, paint, etc.) Requires proper, legible labels, covered storage when not in use, and secondary containment.
- f. Failure to contain, clean up or report a spill of an illicit substance on or off the construction site.
- g. Occurrence of a concrete washout discharge due to a deficient, leaking, or full concrete washout as noted in a previous inspection.
- h. Failure to have a designated concrete washout area on site when concrete work is being conducted. If an illicit washout occurs without a designated concrete washout area, then fines will be issued.
- i. Any land disturbing activities outside the limits of construction.
- j. Failure to install any BMPs/storm water control measures listed on the SWPPP prior to discharging stormwater. (E.g. inlet protection, perimeter protection, check dams, etc.)
- k. Failure to establish a vegetative cover of seventy (70%) percent after thirty (30) consecutive days.
- l. Failure to follow the temporary or permanent stabilization plans or sequence of implementation unless amendments are made aware to the Stormwater Inspector prior.
- m. Presence of any permanent storm water control measures that are not constructed to the standards depicted within the SWPPP.
- n. Failure to comply with any maintenance guidelines within the SWPPP for any post-construction storm water quality measure.
- o. Failure to perform continuous inspections as required in the ordinance: weekly and within 24-hours of a rain event of 0.5" (half-inch) or more.
- p. Failure to provide appropriate dewatering measures resulting in discharge or erosion into a waterway, storm drain, sensitive area, or outside the construction site.

Reasonable attorney fees shall also be imposed upon any person, firm or entity that is found in violation of this Ordinance if Delaware County is required to secure the services of an attorney, including the Delaware County attorney, for enforcement of any part of this Ordinance.

Suspension, Revocation, or Modification of Permits

Delaware County may suspend, revoke, or modify any existing permit that the violator may also have been previously granted. A suspended, revoked, or

modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as Delaware County may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM

Emergency Cease and Desist Orders

When Delaware County finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, Delaware County may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to immediately comply with all ordinance requirements and take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, Delaware County may commence court action against such person under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce a stop work order.

Delaware County may allow the person to recommence its discharge when it has demonstrated to the satisfaction of Delaware County that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to Delaware County within three days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

Suspension Due to Illicit Discharges in Emergency Situations

Delaware County may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters of the state if the violator fails to comply with a suspension order issued in an emergency, Delaware County may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the state, or to minimize danger to persons.

Suspension Due to the Detection of Illicit Discharge

Any person discharging to the stormwater drainage system in violation of this ordinance may have their stormwater drainage system access terminated if such

termination would abate or reduce an illicit discharge. Delaware County will notify a violator of the proposed termination of its stormwater drainage system access. The violator may petition Delaware County for a reconsideration and hearing. A person commits an offense if the person reinstates stormwater drainage system access to premises terminated pursuant to this Section, without the prior approval of Delaware County.

COST OF ABATEMENT OF THE VIOLATION

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, Delaware County may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse Delaware County for all costs of such work.

Nothing herein contained shall prevent Delaware County from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of Delaware County's NPDES permit, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.

If the amount due for abatement of the violation is not paid within 60 days after the abatement of the violation, Delaware County may commence a court action to recover the costs assessed under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4).

APPEALS

Appeal of Notice of Violation or Variance from Standards

Any person to whom any provision of this Ordinance has been applied may appeal in writing to the Delaware County Stormwater Board or their designee. Notice of the appeal must be received within (10) ten days of the date of the Notice of Violation. Hearing on the appeal shall take place within (30) thirty days from the date of receipt of the notice of appeal. All work shall cease until the Delaware County Stormwater Board, or their designee, has determined that work can recommence.

Such appeal shall identify the matter being appealed, or the standard for which a variance is being requested and the reason for the variance or the basis for the appeal. The Delaware County Stormwater Board shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Stormwater Board of Delaware County may consider the recommendations of Stormwater Management Department staff and the comments of other persons having knowledge of the matter. In considering any such appeal, the Stormwater Board may grant a variance from the terms of this Ordinance to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- The application of the Ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the

developer to incur additional reasonable expenses in order to comply with the Ordinance; and

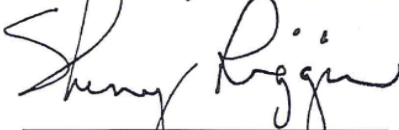
- The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.
- Any person who has appealed a violation or been denied an appeal of a variance of the standard from the Stormwater Board may appeal an adverse decision of the Board to the Circuit Court of Delaware County within 60 days of the Board's order, all pursuant to IC 36-1-6-9 (e) & (f).

Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within (15) fifteen days of the decision of the Stormwater Board upholding the decision of the Delaware County, then representatives of Delaware County shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property, including the commencing of a court action under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce the order of the Stormwater Board. Costs, including attorney fees for injunctive relief may be assessed against the violator.

Approved and Adopted this 5th day of February, 2024

Delaware County Storm Water Board



Sherry Riggini, President



James King, Member



Shannon Henry, Vice President



Thomas Borchers, Member

Abbreviations and Definitions

ABBREVIATIONS

BMP	Best Management Practice
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	Environmental Protection Agency
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
MS4	Municipal Separate Storm Sewer System
MSD	Muncie Sanitary District
NRCS	USDA-Natural Resources Conservation Service
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

DEFINITIONS

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.

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

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

Buffer Strip. An existing, variable width strip of vegetated land intended to protect water quality and habitat.

Capacity (of a Stormwater Drainage Facility). The maximum flow that can be conveyed or stored by a stormwater 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. A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

Compliance. The act of not violating a set of requirements. Can also be the act of complying with a set of rules, laws, or regulations. Can also be defined as correcting a violation or violations within the time frame specified by Delaware County to “come in compliance with” a set of rules, laws, or regulations.

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.

Construction Support Activities. Include but are not limited to the following: concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas. Such activities must not support multiple, unrelated projects, be a commercial/industrial operation, or continue to operate beyond the completion of the construction activity for the project it supports.

Contiguous. Adjoining or in actual contact with.

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

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

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

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

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

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

Dechlorinated swimming pool discharge. Chlorinated water that has either sat idle for seven days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than 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 temporarily holding and performing a controlled release.

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

Detention Storage. The temporary detaining or storage of stormwater in 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:

- Construction, reconstruction, or placement of a building or any addition to a building;
- Construction of flood control structures such as levees, dikes, dams or channel improvements;
- Construction or reconstruction of bridges or culverts;

- 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 180 days;
- Installing utilities, erection of walls, construction of roads, or similar projects;
- Mining, dredging, filling, grading, excavation, or drilling operations;
- Storage of materials; or
- Any other activity that might change the direction, height, or velocity of flood or surface waters.

Discharge. In the context of water quantity provisions, 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. In the context of water quality provisions, the discharge means any addition of liquids or solids to a water body or a stormwater conveyance facility.

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

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

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

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

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

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

Duration. The time period of a rainfall event.

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

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

surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.

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

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

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

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

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

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

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

Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

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

Fluvial Erosion Hazard (FEH) Corridor. Fluvial Erosion Hazard corridors represent the areas along the streams (including the channel and immediate overbank areas) that are believed to be subject to stream movement or streambank erosion. These corridors have been delineated for most actively migrating and relatively stationary streams in Indiana through an Indiana Silver Jackets initiative.

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

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

Gasoline outlet. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create 5,000 or more square feet of impervious surface or generate an average daily traffic count of 100 vehicles per 1,000 square feet of land area.

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

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

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

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

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

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

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

Hot Spot Development. Projects involving land uses considered to be high pollutant producers such as vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

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

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

Illicit Discharge. Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs. Illicit discharges include polluted flows from direct and indirect connections to the MS4 conveyance, illegal dumping, and contaminated runoff.

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

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

Individual building lot. A single parcel of land within a multi-parcel development.

Individual lot operator. A contractor or subcontractor working on an individual lot.

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

Infiltration. Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of runoff through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

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

Land-disturbing Activity. Any man-made 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 includes phased or other construction activity by a single entity for its own use.

Lowest Adjacent Grade. The elevation of the lowest grade adjacent 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:

- The top of the basement floor;
- The top of the garage floor, if the garage is the lowest level of the building;
- 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
- 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:
 - i) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.
 - ii) 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, 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 Sewers. 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).

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

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

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.

Offense. Both a violation and a failure of compliance on a particular project. If there are multiple violations or multiple failures of compliance on the same project, each shall be considered a separate Offense.

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

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

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

Outlet. The point of water disposal from a stream, river, lake, tidewater, basin 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 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 through a substance.

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 runoff via the use of manmade, pervious pavement which allows runoff 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.

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

Project site owner. The person required to submit a stormwater permit application and required to comply with the terms of this ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

Project Owner Representative. The person granted authority by the property owner to aid in applying for the permit, making decisions on the project, and keeping the project in compliance. Examples include but are not limited to: the construction plan preparer/engineer, on-site contractor, or employee of the owner's company.

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

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

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

Redevelopment. Development occurring on a previously developed site.

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

Regional Pond. A detention/retention basin sized to detain/retain the runoff from the entire watershed, on-site and off-site, tributary to the pond's outlet.

Regulatory 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 runoff for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

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

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

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

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

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

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

Sedimentation. The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

Sensitive Water. A waterbody is 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).

Silvicultural. The practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.

- Nonpoint activities include source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. Some of these activities (such as stream crossing for roads) may involve the placement of dredged or fill material which may require a CWA Section 404 permit and a 401 Water Quality Certification.
- Point source activities include any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.

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 parentheses—e.g., (1V:2H). Slopes can also be expressed in “percent”. Slopes given in percent are always expressed as $(100*V/H)$ —e.g., a 2:1 (1V:2H) slope is a 50% slope.

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

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

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

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

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.

Stormwater Management System. A collection of structural and non-structural practices and infrastructure designed to manage stormwater on a site. This system may include but is not limited to erosion control measures, storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's.

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

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

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

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

Stormwater Drainage System. All means, natural or man-made, 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, Major. Any land that is divided or proposed to be divided into four or more 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.

Subdivision, Minor. Any land that is divided or proposed to be divided into less than four 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 70% across the disturbed area.

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

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

Topography. The representation of a portion of the earth's surface showing natural and man-made features of a 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 (such as CESSWI and/or CPESC certification), or other documented and applicable experience or coursework as deemed sufficient by Delaware County that enable the individual to make judgments regarding stormwater control or treatment and monitoring.

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

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

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

Violation. Any action or inaction which violates the provisions of this Ordinance or the Technical Standards, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in Section 6 of this Ordinance. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief in

addition to, and separate from, the imposition of any of the enforcement actions described in Section 6 of this Ordinance.

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

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

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

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

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