(Passed 8-0)
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ORDINANCE 07-28

TO AMEND TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "WASTEWATER" -
Re: Addition of Chapter 10.21 entitled "Construction Site and Post Construction Stormwater Control"

WHEREAS, the City of Bloomington, Indiana (the "City") has constructed and has in operation a stormwater collection system for the purpose of collecting stormwater within its jurisdiction and said system is subject to certain federal and State regulations; and,

WHEREAS, the United States Environmental Protection Agency (EPA) has promulgated a regulation affecting the City's stormwater collections system, which is entitled "National Pollutant Discharge Elimination System (NPDES) – Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges" (Federal Register, Volume 64, Number 235, pages 68722 – 68852) on December 8, 1999 as required by section 402(p) of the Clean Water Act (CWA); and,

WHEREAS, the Water Pollution Control Program is administered by the Indiana Department of Environmental Management with the adoption of 327 IAC 15-5 for Storm Water Run-off Associated with Construction Activity, and 327 IAC 15-13 for Storm Water Run-Off Associated with Municipal Separate Storm Sewer System (MS4) Conveyances; and,

WHEREAS, 327 IAC 15-13-15 (b) requires the City to pass an ordinance or other local regulatory mechanism establishing a construction program that controls polluted run-off from construction activities with a land disturbance greater than or equal to one acre, or disturbances of less than one acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land; and,

WHEREAS, the required ordinance or other local regulatory mechanism must contain, at a minimum, the requirements of 327 IAC 15-5 except for state permitting process references and submittal deadlines of construction plans; and,

WHEREAS, the required ordinance or other regulatory mechanism must contain, at a minimum, the post-construction requirements of 327 IAC 15-5-6.5(a)(8); and,

WHEREAS, the creation of a new stormwater management program could help address stormwater management problems; and

WHEREAS, the City operates its stormwater system under the provisions of IC 36-9-23;

NOW THEREFORE BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The municipal code shall be amended to add the following Chapter 10.21 to Title 10:

Chapter 10.21

CONSTRUCTION SITE AND POST CONSTRUCTION STORMWATER CONTROL

Sections:

10.21.010 Purpose and intent.
10.21.020 Definitions
10.21.030 Applicability
10.21.040 Responsibility for administration

10.21.050 Ultimate responsibility
10.21.060 Responsibility of construction site owner
10.21.070 General requirements for stormwater quality control
10.21.080 General requirements for individual building lots within a permitted project
10.21.090 Monitoring of discharges
10.21.100 Requirement to prevent, control, and reduce storm water pollutants by the use of best management practices
10.21.110 Post-construction controls for new development or redevelopment
10.21.120 Enforcement
10.21.130 Injunctive relief
10.21.140 Compensatory action
10.21.150 Civil penalty
10.21.160 Violations deemed a public nuisance
10.21.170 Remedies not exclusive
10.21.180 Additional requirements

Section 10.21.010 Purpose and intent

(a) Construction Site Control. The purpose of this ordinance is to establish requirements for stormwater discharges from construction activities of one acre or more so that the public health, existing water uses, and aquatic biota are protected. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

(1) To regulate construction activities disturbing more than one acre of land as governed by 327 IAC 15-5.
(2) To require construction site operators to develop and implement a Construction Plan including a Storm Water Pollution Prevention Plan in order to receive a land disturbance permit from the City.

(b) Post-Construction Control. The purpose of this ordinance is also to implement planning procedures that promote and improve water quality. The planning procedures will include, at a minimum, the post-construction requirements of 327 IAC 15-5-6.5(a)(8). The City may require the use of any storage, infiltration, filtering, and/or vegetative practices to reduce the impact of pollutants on stormwater runoff. Where appropriate, and to the extent of the MS4 operator's authority, the planning procedures may also include the following:

(1) Buffer strip and riparian zone preservation.
(2) Filter strip creation.
(3) Minimization of land disturbance and surface imperviousness.
(4) Minimization of directly connected impervious areas.
(5) Maximization of open space.
(6) Directing the community's growth away from sensitive areas and towards areas that can support growth without compromising water quality.

Section 10.21.020 Definitions

For the purposes of this ordinance, the following shall mean:

(a) Authorized Enforcement Agency: employees or designees of the Mayor of the City of Bloomington, Indiana.

(b) Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(c) Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

(d) Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more, as defined in 327 IAC 15-5. Such activities include but are not limited to clearing and grubbing, land disturbance, excavating, and demolition.

(e) Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(f) Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in the Bloomington Municipal Code Chapter 10.20 Illicit Stormwater Connection and Discharge.

(g) Illicit Connections: An illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(h) Indiana Stormwater Quality Manual: A reference manual developed by the State of Indiana that provides guidance on planning principals, as well as criteria for specific structural and non-structural stormwater management practices.

(i) Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 327 IAC 15-6.

(j) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(k) Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

(l) Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(m) Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(n) Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(o) Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(p) Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(q) Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

(r) Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Section 10.21.030 Applicability

(a) This ordinance covers any new development or re-development construction site resulting in the disturbance of one acre or more of total land area. Persons must meet the general permit rule applicability requirements under 327 IAC 15-2-3. This ordinance also applies to disturbances of less than one acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land within the corporate limits of the City.

(b) All terms, conditions, definitions, and other measures defined in 327 IAC 15-5 shall apply except for state permitting process references and submittal deadlines of construction plans.

(c) This ordinance does not apply to persons who obtain an individual NPDES permit under 327 IAC 15-2-6.

(d) This ordinance does not apply to Indiana University which operates as its own MS4 and has its own NPDES permit under 327 IAC 15-2-6.

(e) This ordinance does not apply to the Indiana Department of Transportation when it conducts its business within the City corporate limit under its NPDES permit under 327 IAC 15.

(f) This ordinance does not apply to the following types of activities:
   (1) Agricultural land disturbance activities.
   (2) Forest harvesting activities.

(g) This ordinance does not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:
   (1) Landfills that have been issued a certification of closure under 329 IAC 10.
   (2) Coal mining activities permitted under IC 14-34.
   (3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management 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.

Section 10.21.040 Responsibility for administration

The City 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 the Mayor of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 10.21.050 Ultimate responsibility

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will not be violations of NPDES permits.

Section 10.21.060 Responsibility of construction site owner

(a) The project site owner has the following responsibilities:
- (1) Ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by the City. Application for an approved construction plan, including post-construction controls required in section 10.21.110 below, also referred to as a stormwater pollution prevention plan (SWP3) shall be made to the City Engineering Department. The City Engineering Department and the City Utilities Department will establish procedures and specific standards for obtaining an approved SWP3 consistent with the provisions of this Chapter. The application fee for the SWP3 shall be $85.00, and until said fee is paid no action shall be taken on the application.
- (2) Complete a sufficient notice of intent letter submitted to the City with a copy sent to the Indiana Department of Environmental Management.
- (3) Make application for a land disturbance permit in accordance with procedures established by the City.
- (4) Ensure compliance with this ordinance during:
  - (A) the construction activity; and
  - (B) implementation of the construction plan.
- (5) 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.
- (6) Notify the City with a sufficient notice of termination letter with a copy sent to the Indiana Department of Environmental Management.

(b) For off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site, these off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.

(c) 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:
- (1) Ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by the City.
- (2) Complete his or her own notice of intent letter and submit it to the City.
- (3) Apply for a building permit in accordance with the procedures established by the City.

(d) For an individual lot where the land disturbance is less than one acre and the lot lies within a project site permitted under this rule, the individual lot operator shall:
- (1) Comply with the provisions and requirements of the plan developed by the project site owner in accordance with the procedures established by the City.
- (2) Comply with the provisions set forth in section 10.21.100 below.
- (3) Not need to submit a notice of intent letter.
- (4) Apply for a building permit in accordance with the procedures established by the City.

Section 10.21.070 General requirements for stormwater quality control

All storm water quality measures and erosion and sediment controls necessary to comply with this ordinance must be implemented in accordance with the construction plan and sufficient to satisfy the following conditions. A project site owner shall, at least, meet the following requirements:

(a) Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation.

(b) Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations.

(c) A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.

(d) Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

(e) Storm water run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.

(f) The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:
(1) Copy of the completed NOI letter and the NPDES permit number, where applicable.
(2) Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person.
(3) Location of the construction plan if the project site does not have an on-site location to store the plan.

(g) This permit and posting of the notice under subsection (f) above does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.

(h) The storm water pollution prevention plan shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this rule, all measures necessary to adequately prevent polluted storm water run-off.

(i) The project site owner shall inform all general contractors, construction management firms, land disturbance or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this rule and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation.

(j) Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.

(k) Appropriate measures shall be planned and installed as part of an erosion and sediment control system.

(l) All storm water quality measures must be designed and installed under the guidance of a trained individual.

(m) Collected run-off leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.

(n) Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.

(o) Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water run-off.

(p) Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) shall be restabilized using appropriate methods to minimize the erosion potential.

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

(r) A self-monitoring program that includes the following must be implemented:
- (1) A trained individual shall perform a written evaluation of the project site:
  - (A) by the end of the next business day following each 0.5 inch of rain; and
  - (B) at a minimum of one time per week.
- (2) The evaluation must:
  - (A) address the maintenance of existing storm water quality measures to ensure they are functioning properly; and
  - (B) identify additional measures necessary to remain in compliance with all applicable laws and ordinances.
- (3) Written evaluation reports must include:
  - (A) the name of the individual performing the evaluation;
  - (B) the date of the evaluation;
  - (C) problems identified at the project site; and
  - (D) details of corrective actions recommended and completed.
- (4) All evaluation reports for the project site must be made available to the inspecting authority within forty-eight (48) hours of a request.

(s) 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.

(t) Final stabilization of a project site is achieved when:
- (1) all land disturbance activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and
- (2) construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements in subsection (t)(1) above.

Section 10.21.080 General requirements for individual building lots within a permitted project

All storm water quality measures, including erosion and sediment control, necessary to comply with this ordinance must be implemented in accordance with the plan and sufficient to satisfy the following conditions.

Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:

(a) The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots.

(b) Installation and maintenance of a stable construction site access.

(c) Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.

(d) Sediment discharge and tracking from each lot must be minimized throughout the land disturbance activities on the lot until permanent stabilization has been achieved.

(e) 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 laws and ordinances.

(f) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

(g) For individual residential lots, final stabilization meeting the criteria in subsection 10.21.070(t) above rule will be achieved when the individual lot operator:
   (1) completes final stabilization; or
   (2) has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

Section 10.21.090 Monitoring of discharges

The City shall have the authority to monitor discharges from construction sites covered under this ordinance and as provided in the Bloomington Municipal Code Chapter 10.20 Illicit Stormwater Connection and Discharge.

Section 10.21.100 Requirement to prevent, control, and reduce storm water pollutants by the use of best management practices

The City will establish requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a construction site shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and 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 storm water associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWP3) to the extent necessary for compliance with requirements of the NPDES permit.

Section 10.21.110 Post-construction controls for new development or redevelopment

On areas that undergo new development or redevelopment, site construction resulting in disturbance of one acre or more total land area, post-construction control measures in the form of structural and/or non-structural best management practices are required. Specifically, post-construction storm water pollutant loading should not exceed pre-construction pollutant loading. Pre-construction refers to the site immediately before the planned land disturbance and development activities occur. Pre-construction is not intended to be interpreted as that period before any human-induced land disturbance activity has occurred. Post-construction pollutant loadings will be controlled through the six minimum control measures under the City's storm water NPDES permit. Post-construction storm water best management practices (BMPs) shall follow Indiana's Storm Water Quality Manual as a guidance document. The City shall have full technical and administrative approval authority on the application and design of all post-construction BMPs, conditions, definitions, and submittal requirements of construction plans and specifications and other related documents. The minimum

measures are implemented to meet the terms defined in 327 IAC 15-5-6.5(a)(8) which are enumerated below.

The Post-construction Storm Water Pollution Prevention Plan (SWP3). The SWP3 must include the following information:

(a) A description of potential pollutant sources from the proposed land use that may reasonably be expected to add a significant amount of pollutants to storm water discharges.

(b) Location, dimensions, detailed specifications, and construction details of all post-construction storm water quality measures.

(c) A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds.

(d) A sequence describing when each post-construction storm water quality measure will be installed.

(e) Storm water quality measures that will remove or minimize pollutants from storm water run-off.

(f) Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.

(g) A narrative description of the maintenance guidelines for all post-construction storm water quality measures to facilitate their proper long term function. This narrative BMP description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction storm water quality measures.

Section 10.21.120 Enforcement

Enforcement of this ordinance shall be subject to the severity of the infraction and the construction site operator's efforts to comply. The City shall reserve the right to interpret enforcement on a case by case basis. Tiered enforcement will be practiced at the Mayor's discretion. The tiered enforcement may include:

(a) Verbal warning to the construction site operator to make corrections.

(b) 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.

(c) Warning of Non-Compliance with directions to the construction site operator that site conditions require immediate action.

(d) Stop Work Order.

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 shall be charged to the violator.

Section 10.21.130 Injunctive relief

It shall be unlawful for any person to violate any provision or fail to comply with any of 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.

Section 10.21.140 Compensatory action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 10.21.150 Civil penalty

Any person that has violated or continues to violate this ordinance shall be liable to civil penalties to the fullest extent of the law, and shall be subject to a fine of up to two thousand five hundred dollars per violation per day.

The authorized enforcement agency may recover all attorney's fees court costs, consultant costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 10.21.160 Violations deemed a public nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 10.21.170 Remedies not exclusive

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.

Section 10.21.180 Additional requirements

Compliance with the requirements set out in this provision shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5 and 327 IAC 15-13, regarding storm water runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of *Title 10: Wastewater* of the Bloomington Municipal Code regarding storm water runoff and of *Title 20: Zoning*; and all applicable rules, regulations, standards and specifications of the City Utilities Department regarding storm water management practices.

SECTION 2. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of December, 2007.

DAVE ROLLO, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19th day of DECEMBER, 2007.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon the 20TH day of DECEMBER, 2007

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The Federal Stormwater Phase II NPDES permit program administered by the Indiana Department of Environmental Management includes requirements for management of stormwater run-off associated with municipal separate storm sewer system ("MS4") conveyances. This ordinance brings the City of Bloomington into compliance with the requirements of 327 IAC 15-5 and 327 IAC 15-13. It requires Stormwater Pollution Prevention Plans ("SWP3)" which includes erosion and sediment control measures and materials handling procedures to be submitted as part of the construction plans and specifications in order to be issued a land disturbance permit for construction sites disturbing one acre or more of land. The ordinance also requires the development of Post-Construction stormwater control measures for new development and redevelopment to be submitted and approved as part of the construction plans and specifications.

Signed copies to:
legal(10) CA/CAC(3) L/N
controller clerk
utilities file
Jane Fleig engineer/util. BMC(2)