



Porter County Storm Water Ordinance Revisions 2024

Created July 3, 2024 for the
Department of Development &
Storm Water Management

Notice

To Whom It May Concern:

The Department of Development & Storm Water Management (Department) is updating portions of the Porter County Unified Development Ordinance (UDO), Storm Water Program Ordinances, and Supplemental Design and Construction Standards, as required under the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit program as administered by the Indiana Department of Environmental Management (IDEM).

To comply with the new IDEM Construction Stormwater General Permit (CSGP) and MS4 General Permit (MS4GP), these revisions will not fundamentally change the storm water program function, yet many include new operations for construction sites, material management, and modernize requirements.

Please see the following pages for the proposed changes that will be brought before the Porter County Plan Commission on Wednesday, July 24 at 5:30 p.m. for recommendation and will be heard by the Board of Commissioners on Tuesday, August 6, and Tuesday, August 27, 2024, at 10:00 a.m.

Proposed revisions to the Porter County UDO

Chapters 5.14, 7.15, 7.28, & 10.15:

UDO Chapter 5.14

Chapter 5.14 contains environmental standards, specifically those pertaining to waste disposal, fuel storage, and debris/refuse. The purpose of this ordinance is to provide standards for all potential environmental-related matters for guidance and enforcement when applicable.

The proposed revisions for this section include extended requirements for waste disposal, proper storage and handling of hazardous materials, dewatering operation requirements, concrete and cementitious washout areas, fertilizer application, flocculant and polymer use, restoration and clean up requirements, and requirements for new retail gasoline outlets and replacement tanks.

Many of these requirements were included in a UDO amendment in 2014, but have since become outdated. The revisions will apply the environmental updates to the appropriate chapter and section of the UDO.

UDO Chapter 7.15

Chapter 7.15 contains erosion and sediment control standards, specifically those pertaining to land disturbing activities over 10,000 square feet or near a waterway, wetland, storm water infrastructure, or on a 6% slope or greater. The purpose of this ordinance is to require an Erosion and Sediment Control Plan for both permanent measures to be in place at the conclusion of the project, as well as temporary measures during development and construction. Soil is most vulnerable to erosion by wind and water during the construction process. Eroded soil endangers water resources by reducing water quality, and causing silting of aquatic habitat. Soil erosion resulting from land-disturbing activities can cause a significant amount of sediment and other pollutants to be transported to storm sewers, ditches, watercourses, wetlands, lakes and reservoirs necessitating repairs or dredging activities.

The proposed revisions for this section include language to establish the one (1) acre of land-disturbing activity requirements through the IDEM CSGP, redefine the Erosion and Sediment Control Plan requirements for applications, and establish concrete washout requirements on the site plan for applicable projects.

UDO Chapter 7.28

Chapter 7.28 contains storm water standards, specifically those pertaining to management of storm water to protect and safeguard the general health, safety and welfare of the public residing within watersheds in the County, by minimizing increases in non-point source pollution, surface water runoff, and soil erosion and sediment-laden discharges. In addition, this ordinance contains standards to encourage the control of the volume and rate of storm water runoff, maintain available flood storage areas to protect surface and ground water quality, reduce flooding, design and construction of storm water management facilities that promote flood prevention, water quality protection, wildlife habitat preservation, and wetland protection. As a result, these requirements aim to reduce maintenance and remediation project costs resulting from accelerated soil erosion and sedimentation from uncontrolled storm water runoff.

The proposed revisions for this section include updated requirements for drainage plans on single- and two- family dwelling sites to represent properly the Department's processes and expectations for application submittals.

UDO Chapter 8

Chapter 8 is a cross-reference to the Porter County Supplemental Design and Construction Standards, a separate document that contains the regulations involving quality-engineering practices. The construction standards assure public infrastructure and facilities to be deeded over to the County will be constructed in a manner that meets the County's requirements. The construction standards apply to all lots and parcels in the County.

The proposed revisions for this section include an updated outline for the cross-reference to the Porter County Supplemental Design and Construction Standards to represent properly the contents of the document.

UDO Chapter 10.15

Chapter 10.15 contains the requirements for the Erosion Control Permit, also known as the Erosion and Sediment Control/Site Improvement Permit. This ordinance is related to Chapter 7.15 and regulates the permit applicability, application requirements, fees, processing, inspections, duration, and changes or amendments to the permit-related site plan.

The proposed revisions for this section include updated requirements for the posting of the permit on construction sites and site plan requirements to represent properly the Department's processes and expectations.

ORDINANCE NO. 24-_____
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5 Environmental Standards; Section 5.14; of the Porter County Unified Development Ordinance; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 7 Erosion Control Standards; Section 7.15; of the Porter County Unified Development Ordinance; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 7 Stormwater Standards; Section 7.28; of the Porter County Unified Development Ordinance; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 8 Construction Standards; Section 8.01 through 8.16; of the Porter County Unified Development Ordinance; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 10 Erosion Control Permit; Section 10.15; of the Porter County Unified Development Ordinance; and

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5 Environmental Standards; Section 5.14 of the Porter County Unified Development Ordinance, shall be amended as follows:

Amend Section 5.14 (D) (Waste Disposal) by the addition of (D) (1) and (2), (G) (H), (I), (J), (K), (L), and (M) to read as follows:

D. Waste Disposal: No waste materials such as garbage...

1. Appropriate measures shall be implemented to prevent and eliminate wastes or unused building materials on construction sites including packaging material, fuels and petroleum products, hazardous materials or wastes, cleaning wastes, wastewater, concrete truck washout, mortar/masonry products, soil stabilizers, lime stabilization materials, and other substances from being carried from a project site by runoff or wind. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable State statutes and regulations.
2. Construction and domestic waste must be managed to prevent the discharge of pollutants and windblown debris. When disposed of in waste containers (trash receptacles), the

receptacle must be covered or managed appropriately when not in use and at the end of the day. Waste that is not disposed of in trash receptacles must be removed at the end of the day from the site and disposed of properly.

G. Proper Storage and Handling of Materials: Proper storage and handling of materials such as fuels or hazardous wastes, and spill prevention and clean-up measures must be implemented to minimize the potential for pollutants to contaminate surface or groundwater or degrade soil quality. To meet this requirement, manage the following activities:

1. Fueling and maintenance of equipment;
2. Washing of equipment and vehicles;
3. Storage, handling, and disposal of construction materials, products, and wastes;
4. Application of pesticides, herbicides, insecticides, and fertilizers;
5. Dispensing and utilization of diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals;
6. Handling and disposal of hazardous wastes, including, but not limited to paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids;
7. Washing of applicators and containers used for paint, grout, or other materials.

H. Dewatering Operation Requirements:

1. Discharge water from dewatering of groundwater from excavations, trenches, foundations, etc. must not be discharged when the discharge:
 - a. Contains sediment and is not first directed to an appropriate stormwater quality measure or a series of control measures that minimize the discharge of sediment, including, but not limited, to sediment filter bags, check dams, and other best management practices to reduce the discharge of sediment-laden water.
 - b. Has a visible sheen and/or contains pollutants at a level that requires additional treatment and/or an alternate permit.
2. See the *Porter County Standard Detail II-16* for dewatering detail.

I. Concrete and Cementitious Washout Areas:

1. Concrete washout areas, where concrete washout is permissible, must be identified for the site and the locations clearly posted. Wash water must be directed into leak-proof containers or leak-proof containment areas, which are designed to eliminate spillage and sized to prevent the discharge and/or overflow of the concrete wash water.
2. See the *Porter County Standard Detail II-17* for approved concrete washout practices and maintenance requirements.

J. Fertilizer Application: Fertilizer applications associated with a stabilization plan for a project must meet the following requirements:

1. Apply fertilizer at a rate and amount as determined by a soil analysis or in accordance with the *Indiana Stormwater Quality Manual* or similar guidance documents.

2. Apply fertilizer at an appropriate time of year for the project location, taking into consideration proximity to a waterbody, and preferably timed to coincide with the period of maximum vegetative uptake and growth.
3. Avoid applying fertilizer before rainfall events that could result in the discharge of nutrients.

K. Flocculants and Polymers:

1. The use of anionic polymers (cationic polymers are not authorized for use) on a project site is authorized for sediment control provided their use is in conformance with current State of Indiana standards and specifications. The use of the polymers requires notification to IDEM and Porter County.
2. Sediment basins, where feasible, must withdraw water from the surface of the water column. Where withdrawing from the surface of the water column is unfeasible, alternate sediment reduction measures such as the use of flocculants and polymers, implementation of porous baffles, and/or phasing of a project land disturbance that incorporates a rapid stabilization program are acceptable.

L. Restoration and Clean-Up:

1. Restoration and/or clean-up must be performed for those areas impacted by sediment or other pollutant discharges. These activities will be performed as directed by the Porter County and may require:
 - a. Development and submission of a restoration plan to ensure the methodology chosen will not result in further degradation of the resource.
 - b. Additional permissions by property owner(s) when the restoration activity requires access to a property owned by another entity or individual.
 - c. Additional permits prior to initiation of the work.
2. See *§EC: Erosion Control Standards* for additional information on applicable site plan and final stabilization requirements, including *§H. Liability and Responsibility of the Permit Holder*.
3. See *Ord.13-05 Illicit Discharge and Stormwater Connection* for additional information on illicit discharges and enforcement.

M. New Retail Gasoline Outlets and Replacement Tanks:

1. Gasoline outlets and refueling areas must include design considerations to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.
2. Retail gasoline outlet: An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surfaces or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

3. Municipal, state, federal, or institutional refueling area: An operating gasoline or diesel fueling area whose primary function is to provide fuel to either municipal, state, federal, or institutional equipment or vehicles.

Chapter 7 Erosion Control Standards; Section 7.15 of the Porter County Unified Development Ordinance, shall be amended as follows:

Amend Section 7.15 (C) (Erosion Control Permit Required), (D) (Approval of Erosion & Sediment Control Plan Required), (E) “Requirements of Erosion and Sediment Control Plan”, and (F) “General Erosion Control Practices to Be Included in Erosion and Sediment Control Plan” by the addition of (C) (1), (C) (1) (a), (C) (1) (b), (D) (3), (E), (E) (3) (a), (F) (5), and (F) (5) (a) through (c) and the repeal of (E) (3) (b) to read as follows:

C. Erosion Control Permit Required: Before commencing any land-disturbing activity to which §EC: *Erosion Control Standards* applies, the developer of the site shall be required to file an application and obtain an Erosion Control Permit (see §10.15: *Erosion Control Permit*).

1. The IDEM Construction Stormwater General Permit (CSGP) is required for all land-disturbing activities that have a proposed land disturbance area of one (1) acre or more in addition to the local Erosion Control Permit. An Erosion Control Permit will not be issued until the submittal requirements of the CSGP are fully met.
 - a. All individual lots, including Single- or Two-family dwellings, that have a proposed land disturbance area of one (1) acre or more, are required to follow the submittal requirements of CSGP before issuance of the Building Permit.
 - b. To implement a responsible land development review process, all permit applications that have a proposed land disturbance area of 0.95 acres or greater are required to follow the submittal requirements of the CSGP. Land disturbance during construction activities is expected to fluctuate and has the possibility of surpassing the one (1) acre threshold.

D. Approval of Erosion & Sediment Control Plan Required:

3. Single- or Two-Family Dwellings: Construction of single- or two-family dwellings shall submit an Erosion and Sediment Control Plan, as described herein, as part of the application for a Building Permit.

E. Requirements of Erosion and Sediment Control Plan: The Erosion and Sediment Control Plan shall be prepared by an Indiana Licensed Professional Land Surveyor, Engineer, Architect or Landscape Architect. The Erosion and Sediment Control Plan shall include the following as a minimum; however, the Plan Commission or Development Advisory Committee may request further information during the review and permitting procedures:

3. *Single- and Two-family Dwelling Sites*: The Erosion and Sediment Control Plan for single- and two-family dwelling sites, or other regulated construction activities on small projects, shall be subject to the following requirements:
 - a. Erosion and Sediment Control Plan: An Erosion and Sediment Control Plan shall be made a part of the site plan provided with the application for an Improvement

Location Permit. The Erosion and Sediment Control Plan shall include the specifications listed in this ordinance.

F. General Erosion Control Practices to Be Included in Erosion and Sediment Control Plan:

5. *Concrete Washout:*

- a. Concrete washouts must be included on the site plan to indicate the type and location of the containment. See §EN: *Environmental Standards* for additional information.
- b. Concrete washout areas, where concrete washout is permissible, must be identified for the site and the locations clearly posted. Wash water must be directed into leak-proof containers or leak-proof containment areas which are designed to eliminate spillage and sized to prevent the discharge and/or overflow of the concrete wash water.
- c. See the *Porter County Standard Detail II-17* for approved concrete washout practices and maintenance requirements.

Chapter 7 Storm Water Standards; Section 7.28 of the Porter County Unified Development Ordinance, shall be amended as follows:

Amend Section 7.28 (I) (Drainage Plan; Procedure and Approval; Contents of Plan), by the repeal of (I) (2) and addition of (I) (2) to read as follows:

2. Single- and Two-family Dwelling Sites: The Drainage Plan must clearly show all the storm water control measures proposed for the site. Arrows must indicate the direction of surface flow. Location of swales, downspouts, sump pump discharges, and other storm water flow should be indicated, with their direction of flow. FEMA Flood Zone Designation, DNR floodplain, wetland boundary lines, and regulated drainage easements must be indicated on the drainage plan. Specific elevations may be requested by the Plan Commission.

Chapter 8 Construction Standards; Section 8.01 through 8.16; of the Porter County Unified Development Ordinance, shall be amended as follows:

Amend Section 8.01 through 8.16 by the repeal of 8.01 through 8.16 and by the addition of 8.01 through 8.18 to read as follows:

8.01 Purpose and Intent

The intent of this chapter is to cross-reference *Porter County Supplemental Design and Construction Standards*, which are the regulations involving quality engineering practices. The construction standards assure public infrastructure and facilities to be deeded over to the County will be constructed in a manner that meets the County's requirements. The construction standards apply to all lots and parcels in the County. Below are the categories of construction standards that shall apply:

8.02 Definitions

These definitions shall apply to Chapter 8; Supplemental Design and Construction Standards only.

8.03 General Requirements

All construction requirements are to be per the *General and Detailed Specifications*.

8.04 Sediment and Erosion Control

All sediment and erosion control matters are to be per the *General and Detailed Specifications*.

8.05 Clearing, Excavation and Site Grading

All clearing, excavation, and site grading improvements are to be per the *General and Detailed Specifications*.

8.06 Public Streets

All public street improvements are to be per the *General and Detailed Specifications*.

8.07 Driveways and Approaches

All driveway and approach improvements are to be per the *General and Detailed Specifications*.

8.08 Sidewalks, Curb Ramps and Trails

All sidewalk, curb ramp, and trail improvements are to be per the *General and Detailed Specifications*.

8.09 Utilities

All utility-related improvements are to be per the *General and Detailed Specifications*.

8.10 Maintenance of Traffic

All maintenance of traffic matters are to be per the *General and Detailed Specifications*.

8.11 Traffic Signals

All traffic signal improvements are to be per the *General and Detailed Specifications*.

8.12 Street Lighting

All street lighting improvements are to be per the *General and Detailed Specifications*.

8.13 Low Impact Development (LID)

All LID improvements are to be per the *General and Detailed Specifications*.

8.14 Landscaping

All landscaping improvements are to be per the *General and Detailed Specifications*.

8.15 Miscellaneous Items

All miscellaneous item improvements are to be per the *General and Detailed Specifications*.

8.16 Inspection Requirements

All inspections are to be per the *General and Detailed Specifications*.

8.17 Approved Materials List

All approved materials are to be per the *General and Detailed Specifications*.

8.18 Standards Drawings

All standard drawings are to be per the *General and Detailed Specifications*.

Chapter 10 Erosion Control Permit; Section 10.15 of the Porter County Unified Development Ordinance, shall be amended as follows:

Amend Section 10.15 (C) “Applicability” and (G) “Duration”, by the addition of (C) (2) and (G) (B) to read as follows:

C. Applicability:

2. *Issuance of Erosion Control Permit:*

b. Plans and Permits on Site: The Erosion Control Permit holder shall maintain a copy of the approved Erosion & Sediment Control Plan and Erosion Control Permit at the job site. The Erosion Control Permit and all other project-required permits must be posted onsite in a conspicuous location for the duration of land disturbing activities.

G. Duration:

1. *Expiration:*

b. Erosion & Sediment Control Plan: An Erosion & Sediment Control Plan shall expire for a single- or two-family dwelling site when the issued Building Permit expires.

This ordinance passed and adopted this ____ day of _____, 2024.

PORTER COUNTY BOARD OF COMMISSIONERS

Jim Biggs, President

Barb Regnitz, Vice President

Laura Blaney, Secretary

Attest: _____
Karen Martin, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Scott R. McClure, County Attorney