

ORDINANCE 5228

CITY OF GOSHEN STORMWATER MANAGEMENT ORDINANCE

WHEREAS the City of Goshen Stormwater Management Ordinance was passed December 16, 2024, and adopted December 17, 2024, by Ordinance 5209.

WHEREAS the Goshen Common Council has passed an ordinance to transfer the control of the City of Goshen's stormwater facilities from the three-member Board of Directors of the Department of Stormwater Management and grant the control to the Goshen Board of Public Works and Safety by Ordinance 5227.

WHEREAS the transfer of control to the Goshen Board of Public Works and Safety has necessitated revisions to the City of Goshen Stormwater Management Ordinance.

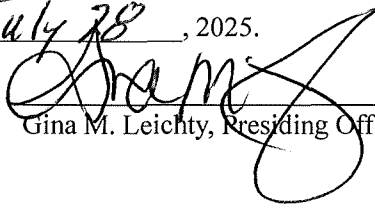
WHEREAS additional revisions to the City of Goshen Stormwater Management Ordinance are also necessary.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

- (1) The attached City of Goshen Stormwater Management Ordinance is adopted in its entirety.
- (2) Ordinance 5209 is hereby repealed as of the effective date of this Ordinance. All other ordinances and parts of ordinances inconsistent or in conflict with the terms of this Ordinance are repealed to the extent of the inconsistency or conflict. All Ordinances, or parts thereof, not inconsistent or in conflict with this Ordinance shall remain in full force and effect.
- (3) The repeal by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued and penalties shall be imposed and enforced under such repealed ordinance as if this Ordinance had not been adopted.
- (4) The provisions of this Ordinance are severable, and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.
- (5) This Ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

[Continued next page.]


PASSED by the Goshen Common Council on July 28, 2025.


Gina M. Leichty, Presiding Officer

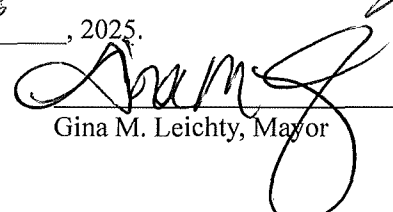
ATTEST:


Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on July 28, 2025, at the hour of
8 : 20 p.m.


Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on July 28, 2025.


Gina M. Leichty, Mayor

ORDINANCE 5228

CITY OF GOSHEN

STORMWATER MANAGEMENT ORDINANCE



Adopted July 28, 2025

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SECTION 1 General Information

(a) AUTHORITY AND TITLE

This Ordinance is adopted in accordance with statutory authority granted to City of Goshen 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). Based on this authority and these requirements, this Ordinance regulates:

- i. Discharges of prohibited non-stormwater flow into the stormwater drainage system.
- ii. Stormwater drainage improvements related to development of lands located within the corporate boundaries of the City of Goshen.
- iii. Drainage control systems installed during new construction and grading of lots and other parcels of land.
- iv. Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity or demolition activity that results in land disturbance.
- v. Stormwater discharges from construction support activities directly related to construction sites or demolition sites subject to this ordinance.
- vi. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- vii. The design, construction, and maintenance of stormwater drainage facilities and systems.
- viii. The design, construction, and maintenance of stormwater quality facilities and systems.
- ix. The design, construction, and maintenance of new dams.
- x. The development downstream of existing dams.
- xi. Development within floodplains, floodways, fluvial erosion hazard corridors, and bluff zones.

This Ordinance shall be known and may be cited as the City of Goshen Stormwater Management Ordinance.

(b) APPLICABILITY AND EXEMPTIONS

This Ordinance shall be applicable to all parcels of real estate within the jurisdiction of the City of Goshen unless exempt under this Ordinance. In addition, this Ordinance shall regulate all development and redevelopment occurring within the City of Goshen no matter what type of sewer (combined or separated) the property drains to. No zoning clearance, foundation permit, building permit, driveway permit, right-of-way permit, or other license or authorization for construction activities 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 reviewed and accepted in writing by the City of Goshen and a Stormwater Clearance has been issued. No person shall engage in a land disturbing activity affecting one (1) acre of land or more within the City of Goshen jurisdiction without having and maintaining in effect a Stormwater Clearance from the Department of Stormwater Management and the Elkhart County SWCD or the City's current plan review consultant. An application for a Stormwater

Clearance shall be filed with the Department of Stormwater Management on a form provided by the Department of Stormwater Management.

With the exception of the requirements of Section 2 of this Ordinance, single-family dwelling houses and duplexes in accepted subdivisions and land-disturbing activities affecting less than one (1) acre (43,560 square feet) of area shall be exempt from obtaining a permit under this Ordinance, however, all projects reviewed through the City of Goshen's Technical Review process will be assessed for compliance with stormwater drainage and quality. Also exempt from this Ordinance shall be agricultural land-disturbing activities, as defined in Appendix A.

In addition to the requirements of this Ordinance and its companion Stormwater Technical Standards Manual, compliance with all applicable ordinances of the City of Goshen as well as with applicable Federal, State of Indiana, and other Local 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. The City of Goshen capital improvement projects shall obtain all necessary state permits and are expected to meet all applicable technical requirements of this Ordinance and the City of Goshen Stormwater Technical Standards Manual. If the project site includes a part of an Elkhart County Regulated Drainage Easement, the applicant will need to check with the Elkhart County Surveyor's Office to learn if additional Surveyor's Office 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.

Any construction project which has had its final drainage plan accepted by the City of Goshen 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.

The City of Goshen has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated Technical Standards Manual. A pre-development meeting with the City of Goshen may be requested by the applicant to discuss the applicability of various provisions of the Ordinance and its associated Technical Standards Manual 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 the City of Goshen that may be based on the review of more detailed information and plans.

(c) FINDINGS

The City of Goshen finds that:

- i. Water bodies, roadways, structures, and other property within the City of Goshen or its planning jurisdiction boundary are at times subjected to flooding;
- ii. Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
- iii. 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;
- iv. Soil erosion resulting from land-disturbing activities has the potential to cause a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
- v. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the City of Goshen will, absent

reasonable regulation and control, adversely affect the City of Goshen's water bodies and water resources;

- vi. Pollutant contributions from illicit discharges within the City of Goshen will, absent reasonable regulation, monitoring, and enforcement, adversely affect the City of Goshen's water bodies and water resources;
- vii. Stormwater runoff, soil erosion, nonpoint source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
- viii. 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;
- ix. 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.

(d) PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Goshen through the regulation of stormwater and non-stormwater discharges to the MS4 stormwater drainage system and to protect, conserve, and promote the orderly development of land and water resources within the City of Goshen. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the MS4 stormwater drainage system to comply with the requirements of a NPDES permit. The objectives of this Ordinance are:

- i. To prevent or reduce the harm caused by excessive stormwater runoff and periodic flooding, including loss of life and property and threats and inconveniences to public health, safety, and welfare.
- ii. To protect, conserve, and promote orderly economic development of water and land resources by implementing beneficial design features and conservation techniques.
- iii. To prevent or reduce additional disruption of the economy and governmental services due to stormwater and flood drainage.
- iv. To conserve the natural hydrologic, hydraulic, water quality and other beneficial functions of watercourses, floodplains and wetlands.
- v. To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.
- vi. To regulate the contribution of pollutants to the stormwater drainage system from runoff from new development, redevelopment, and any other user.
- vii. To prohibit illicit connections and discharges into the stormwater drainage system, waters of the State, and waters of the United States.
- viii. To establish legal authority to carry out all plan review, inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.

(e) INCORPORATION BY REFERENCE

The latest version of the City of Goshen Technical Standards Manual, as edited, amended, or replaced from time to time, is hereby adopted as the technical manual of reference for the management of stormwater runoff for the City of Goshen.

The latest version of the state erosion and sediment control manual (currently known as the Indiana Stormwater Quality Manual), as edited, amended, or replaced from time to time, is hereby adopted as the technical manual of reference for the minimum control requirements for erosion and sediment control for the City of Goshen.

Copies of these documents are on file with the City of Goshen Clerk-Treasurer's Office and are available for public inspection.

(f) ABBREVIATIONS AND DEFINITIONS

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

(g) RESPONSIBILITY FOR ADMINISTRATION

Except as otherwise provided, the superintendent of the Department of Stormwater Management shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the superintendent of the Department of Stormwater Management may be delegated in writing by the superintendent to qualified persons or entities acting in the beneficial interest of or in the employ of the City of Goshen.

(h) 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. Additionally, in their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(i) PROVISIONAL SEPARABILITY

The provisions of this Ordinance are hereby deemed to be severable. If any part or provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application, so long as the remainder of these regulations promotes the purposes of this ordinance.

(j) SEVERABILITY

The provisions of this Ordinance are hereby deemed to be severable. In the event any provisions of this Ordinance are determined by a court of competent jurisdiction to be unenforceable, such determination shall not affect the remaining provisions of this Ordinance which shall remain in full force and effect.

(k) 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 human-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 the City of Goshen 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 City of Goshen has reviewed the material produced and submitted by the applicant or their agents for general compliance with this Ordinance and the City of Goshen 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 and infrastructure shall be the responsibility of the developer, applicant, and/or the property owner. The City of Goshen and its officials and representatives shall not be responsible for maintenance nor liability for any accidents.

(I) COMPATABILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

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

[End of Section]

SECTION 2 Prohibited Discharges and Connections

(a) APPLICABILITY AND EXEMPTIONS

This Section shall apply to all discharges, including illegal dumping, entering the stormwater drainage system under the control of the City of Goshen, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the stormwater drainage 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 a NPDES permit, waiver (unless the waiver is solely based on point source considerations, still allowing nonpoint source discharge of a pollutant), or waste discharge order issued to the discharger and administered under the authority of the U.S. 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 stormwater drainage system, is also exempted from this Section.

(b) PROHIBITED DISCHARGES AND CONNECTIONS

No person shall dump, release, or discharge anything other than clean stormwater or an exempted discharge to a drain or conveyance connected to or directly to a MS4 conveyance, watercourse, or waterway. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater through the use of BMPs.

No person shall connect to or allow the continued connection of any drain or conveyance to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, which allows any substance other than stormwater or an exempted discharge to be released. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMPs).

No person may reinstate a MS4 access if that access has been suspended pursuant to this Ordinance until such time as the suspension is lifted by the Department of Stormwater Management, the Goshen Board of Public Works and Safety, or a court of competent jurisdiction.

No person subject to a NPDES stormwater discharge permit shall allow or permit any discharge to enter the MS4 conveyance, watercourse or waterbody without complete compliance with the terms and conditions of the NPDES permit.

No person subject to a NPDES stormwater discharge permit shall unreasonably delay the Department of Stormwater Management's access to a permitted facility.

No person owning a parcel of real estate, in possession of a parcel of real estate, in charge of any facility or operation, or responsible for the emergency response or the operation at any facility, shall fail to notify the Department of Stormwater Management as soon as practicable of any improper or unpermitted release of materials, discharges, or pollutants into stormwater, the stormwater drainage system, or any watercourse if such person has information that such discharge or release may have occurred.

No person owning a parcel of real estate, in possession of a parcel of real estate, in charge of any facility or operation or responsible for the emergency response at any facility or the operation, shall fail to take all reasonable steps to ensure the discovery, containment, and cleanup of any improper or unpermitted release or discharge.

Concrete washout material, cementitious wash water, or slurry created during cutting or demolition operations must be properly contained within an appropriate practice and any waste material properly disposed of regardless of the size of the project.

The City of Goshen is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the City of Goshen's stormwater drainage system, and to require any pollutant discharge to be properly and fully cleaned up in a timely manner.

(c) 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:

- i. Water line flushing;
- ii. Landscape irrigation, lawn watering, and irrigation water;
- iii. Diverted streamflows;
- iv. Rising groundwaters;
- v. Uncontaminated groundwater infiltration;
- vi. Uncontaminated pumped groundwater;
- vii. Discharges from potable water sources;
- viii. Foundation or footing drains (not including active groundwater dewatering systems) but must be outside of the public right-of-way;
- ix. Air conditioning condensation;
- x. Springs;
- xi. Water from crawl space pumps;
- xii. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- xiii. Flows from riparian habitats and wetlands;
- xiv. Dechlorinated swimming pool discharges not including discharges from saltwater swimming pools;
- xv. Street wash water;
- xvi. Discharges from emergency firefighting activities;
- xvii. Discharge specified by an authorized enforcement agency as being necessary to protect public health or safety;

- xviii. Dye testing (verbal notification to the Department of Stormwater Management is required before the test);
- xix. Naturally introduced detritus (e.g., leaves and twigs);
- xx. Routine external building washdown water that does not use detergents.

(d) STORAGE OF HAZARDOUS OR TOXIC MATERIAL

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

(e) 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, excess vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(f) SPILL REPORTING

As soon as any person responsible for a facility or operation or responsible for the emergency response for a facility or operation has information of a known or suspected release of materials which may result in an illegal discharge into the stormwater, or storm drain system, such person shall take all necessary steps to contain and clean up the release.

Any person owning a parcel of real estate, in possession of a parcel of real estate, in charge of any facility or operation, or responsible for the emergency response or operation at any facility (the discharger) who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge or has information that such a discharge or release may have occurred shall immediately inform the City of Goshen concerning the discharge by contacting the Department of Stormwater Management if such a release occurs within normal business hours and if not occurring within normal business hours by informing emergency dispatch services. Additionally, the discharger shall contact IDEM Emergency Response 24-Hour Emergency Spill Line if the discharge is a reportable spill as defined by the Indiana Spill Rule (327 Indiana Administrative Code 2-6.1). A written report concerning the discharge shall be filed with the City of Goshen, the Elkhart County Health Department, and IDEM, by the dischargers, within five (5) days. The written report shall specify:

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

(g) INSPECTIONS AND MONITORING

(1) Stormwater Drainage System

The City of Goshen has the authority to periodically inspect the portion of the stormwater drainage system under the City of Goshen'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.

(2) Potential Polluters

If, as a result of the stormwater drainage system inspection, a discharger is suspected of an illicit discharge, the City of Goshen may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon notice, the discharger shall allow the City of Goshen's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. 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 Department of Stormwater Management.

Facility operators shall allow the City of Goshen ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of the records that must be kept under the conditions of a NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the superintendent of the Department of Stormwater Management or their designee and shall not be replaced if so requested. The costs of clearing such access shall be borne by the operator.

The City of Goshen or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Additionally, the City of Goshen or its properly identified representative has the right to require the discharger to install monitoring equipment at any commercial or industrial facility or any facility containing more than three (3) residential units. 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. Identified illicit connections or discharges shall be subject to enforcement action as described in Section 7 of this Ordinance.

(3) New Development and Redevelopment

Following the final completion of construction and the receipt of record drawings by the City of Goshen, the City of Goshen has the authority to inspect new development and re- development sites to verify that all on-site stormwater conveyances and connections to the stormwater drainage system are in compliance with this Section.

[End of Section]

SECTION 3 Stormwater Quantity Management

(a) APPLICABILITY AND EXEMPTIONS

The storage of, and where applicable, approved controlled release of stormwater runoff shall be required for all new business, institutional developments, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within the City of Goshen. The City of Goshen, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization. Additional potential exemptions regarding the retention/detention requirements are provided under Subsection (b).

(b) POLICY ON STORMWATER QUANTITY MANAGEMENT

It is recognized that most streams and drainage channels flowing through the City of Goshen do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, the storage and, when allowed, controlled release of excess stormwater runoff shall be required for all developments and redevelopments (as defined in Appendix A) located within the City of Goshen. Release rate requirements, downstream restriction considerations, acceptable outlet, and adjoining property impact considerations are detailed in the City of Goshen Stormwater Technical Standards.

Due to unknowns regarding the future development patterns and the associated proposed stormwater quantity management systems within a watershed, it is the policy of the City of Goshen to (1) that an engineered drainage plan shall be submitted to the City of Goshen via the Technical Review process for any new development, redevelopment, new construction, addition to existing construction, or other land-disturbing activity located within the City's jurisdiction which results in the addition of impervious surfaces or the redirection of the surface water runoff in pervious areas, and (2) encourage the retention of runoff from new development or redevelopment except where the detention of runoff is necessary. Other special circumstances when such a waiver may be considered by the City of Goshen include situations where the design of a regional stormwater basin/pond has already taken into account the provision of direct release in certain areas in the watershed. In which case, the project will at a minimum provide appropriate stormwater quality treatment before release to a regional stormwater drainage system, a public stormwater drainage system, or a waterway as explained in Section 5.

(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

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

(d) DRAINAGE EASEMENT REQUIREMENTS

All public stormwater systems, including detention or retention basins, conveyance systems, structures and appurtenances, located outside of the right-of-way shall be placed within a drainage easement. There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise accepted by the City of Goshen. Additional easement requirements along stormwater conveyance systems are contained in the City of Goshen Stormwater Technical Standards Manual. All drainage improvements performed relative to the conveyance of stormwater runoff and the perpetual maintenance thereof, within the latter easements, shall be the responsibility of the owner or homeowner association.

Any outlet to, crossing, and/or encroachment of a County Regulated Drainage Easement requires application and acceptance from the Elkhart County Drainage Board in accordance with the Indiana Drainage Code.

(e) PLACEMENT OF UTILITIES

No utility company may disturb existing public storm drainage facilities without the consent of the City of Goshen staff, whose decision may be appealed to the Goshen Board of Public Works and Safety. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Section 7 of this Ordinance.

(f) STRUCTURES NEAR COUNTY REGULATED DRAINS

For regulated drains not located in platted subdivisions, unless otherwise accepted by the Elkhart County Drainage Board, no permanent structure (including fences) shall be erected within seventy-five feet measured at right angles from a) the existing top edge of each bank of a regulated open drain, as determined by the Elkhart County Drainage Board; or b) the center line of a piped Regulated Drain. The Indiana Drainage Code may be consulted for further details.

(g) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the acceptance of a project's site plan, SWPPP, and post-construction stormwater management plan (PCSMP) (Stormwater Clearance) by the City of Goshen and the City's current plan review consultant, the issuance of a construction stormwater general permit by the IDEM, and the commencement of construction activities, the City of Goshen and the City's current site inspection consultant have the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Section, the Stormwater Technical Standards Manual, Design and Construction Standards, and the terms and conditions of the approved permit.

The City of Goshen also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the designed and approved performance specifications for the facilities, in addition to any prescribed Operation & Maintenance procedures, and shall not be subsequently altered, revised or replaced except as approved by the City of Goshen. If deficiencies are found during the inspection, the owner of the facility will be notified by the City of Goshen and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the City of Goshen will undertake the work and collect from the owner using lien rights if necessary.

Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved.

[End of Section]

SECTION 4 Stormwater Pollution Prevention for Construction Sites

(a) APPLICABILITY AND EXEMPTIONS

The City of Goshen will require a Stormwater Pollution Prevention Plan (SWPPP or SWP3), 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 the City of Goshen that includes clearing, grading, excavation, or other land disturbing activities resulting in the disturbance of one (1) acre (43,560 square feet) or more of total land area is subject to the requirements of this Section. This includes both new development and redevelopment. 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 one (1) acre or more of total land area. Subsection (c) provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of IDEM's CSGP shall also comply with the requirements contained in that permit.

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:

- i. Landfills that have been issued a certification of closure under 329 IAC 10.
- ii. Coal mining activities permitted under IC 14-34.
- iii. 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 (1) acre or more, the individual lot owner must complete their own notice of intent (NOI) letter, apply for a stormwater permit from the City of Goshen, and ensure that a sufficient stormwater pollution prevention plan is completed and submitted in accordance with Section 6 of this Ordinance, regardless of whether the individual lot is part of a larger permitted project site. Details of the permitting process are contained in Section 6.

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.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient stormwater pollution prevention plan is completed and submitted to the City of Goshen and the Elkhart County SWCD or the City's current plan review consultant in accordance with Section 6 of this Ordinance. 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 notify the Elkhart County SWCD or the City's current plan review consultant and the City of Goshen upon completion of the project and permanent stabilization of the site, requesting a termination inspection to be performed by the Elkhart County SWCD or the City's current plan review consultant and the City of Goshen. However, all persons engaging in construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this Section and this Ordinance.

(b) 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 waterbody (sediment control), and proper on-site materials handling.

For land disturbance of one (1) acre or more, the developer must submit to the Elkhart County SWCD or the City's current plan review consultant and the City of Goshen, 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 (3) years from the date the project permit is terminated. For land disturbances totaling less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the City of Goshen Stormwater Technical Standards Manual must be designed and shown on the plans.

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

(c) 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:

- i. 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.
 - a. Projects under the control of a site owner but separated by a quarter of a mile will be considered separate projects unless the area falls under the requirements of Appendix 5(8) in the CSGP.
- ii. 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:
 - a. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
 - b. For a single-family residential project site where the lots are less than one-half (0.5) acre in size, the total lot must be calculated as being disturbed.
 - c. To calculate lot disturbance on all other types of project sites, such as industrial and commercial, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.
- iii. Considerations for additions and expansions on non-residential project sites:
 - a. Additional development happening within one year of a project obtaining a permit termination from IDEM will be considered part of a larger common plan of development and will be required to obtain a permit no matter the area of disturbance.

- b. The area of disturbance for building additions, hard surface expansions, utility modifications, etc. will be calculated as the area being disturbed along with an appropriate buffer for the work to be done.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual, the City of Goshen Stormwater Technical Standards Manual, 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 the IDEM's CSGP. A Copy of the current version of the Indiana Stormwater Quality Manual, as amended or replaced from time to time, may be obtained online through IDEM's website.

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 City of Goshen Stormwater Technical Standards Manual.

(d) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Following acceptance of the project's site plan, SWPPP, and PCSMP by the City of Goshen and the City's current plan review consultant and commencement of construction activities, the City of Goshen and the City's current site inspection consultant 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 Stormwater Technical Standards Manual, 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 the City of Goshen, shall monitor and manage project construction and stormwater activities. Details regarding the required monitoring activities are contained in the City of Goshen Stormwater Technical Standards Manual.

The SWPPP and PCSMP 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 the City of Goshen Stormwater Technical Standards Manual.

[End of Section]

SECTION 5 Stormwater Quality Management for Post-Construction

(a) APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Section 4, the post-construction stormwater management plan (PCSMP), which describes a project's post-construction stormwater quality measures, is to be submitted to the City of Goshen as part of the City's Technical Review process. 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 the City of Goshen that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of one (1) acre or more of total land area is subject to the requirements of this Section. This includes both new development, redevelopment, and disturbances of land less than one (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 one (1) acre or more of total land area. In addition, regardless of the amount of disturbance, the City of Goshen reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance with provisions contained in the City of Goshen Stormwater Technical Standards Manual. Additionally, if a property contains an existing PCSMP and the property owner is planning to add a building addition, expand parking, add hard surface areas, or change drainage patterns then an amended PCSMP must be submitted to the City of Goshen for review, acceptance, and recording.

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

- i. Forest harvesting activities.
- ii. Agricultural land distributing activities.
- iii. Any real estate less than one (1) acre, which is not part of a larger common plan of development or sale; or individual building lots within a larger permitted project.
- iv. Additions or modifications to existing single-family structures.
- v. Repairs to any stormwater treatment practice deemed necessary by Goshen's Department of Stormwater Management.
- vi. Demolition that conforms the real estate to the adjacent terrain at completion.
- vii. Fill. Provided the fill is less than one foot (1') in depth placed on natural terrain with a slope flatter than four percent (4%), does not exceed one thousand (1,000) cubic yards per acre and does not obstruct the existing drainage pattern.

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:

- i. Landfills that have been issued a certification of closure under 329 IAC 10.
- ii. Coal mining activities permitted under IC 14-34.
- iii. 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 Clearance application and ensure that a sufficient stormwater pollution prevention plan is completed and submitted to the City of Goshen in accordance with Section 6 of this Ordinance. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMPs (especially, the protection of post-construction stormwater BMPs during the construction phase) in compliance with this Ordinance and with the approved Stormwater Clearance, to notify the City of Goshen and the City's current plan review consultant upon completion of the project and stabilization of the site to request a final termination inspection, and to submit a permit termination application to the IDEM. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this Section and this Ordinance.

(b) CONDUCT PROHIBITED

Any entity owning or operating non-exempt real estate shall not do any of the following:

- i. Discharges from new development and redevelopment sites will not be allowed directly into sensitive areas (as defined in Section 6(f)(1)) without pre-treatment measures in place.
- ii. Discharge stormwater in a manner that is inconsistent with applicable state or federal law.

(c) STORMWATER QUALITY MANAGEMENT REQUIREMENTS

The project site owner must prepare and submit to the Elkhart County SWCD or the City of Goshen's current plan review consultant a Stormwater Pollution Prevention Plan (SWPPP) that shows the placement of appropriate stormwater management Best Management Practices (BMPs). In addition, the project site owner must submit a Post-Construction Stormwater Management Plan (PCSMP), as part of the City of Goshen's Technical Review process, describing all post-construction BMPs included in the project. These BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the City of Goshen 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 City of Goshen Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the City of Goshen Stormwater Technical Standards Manual.

In addition, the PCSMP must include a notarized Post-Construction Stormwater Maintenance Agreement providing for the long-term maintenance of the proposed BMPs. The Maintenance Agreement must include the following:

- i. Maintenance of all stormwater management facilities in a development, redevelopment, or sale where parcels of real estate, units, or buildings are owned by different entities shall be insured through the creation of a formal maintenance covenant that must be approved by the Goshen Board of Public Works and Safety and recorded with the Elkhart County Recorder's Office prior to the issuance of the Certificate of Occupancy by the Building Department. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure the proper function of the stormwater management measures. The covenant shall also include plans for periodic inspections to ensure proper performance of the measures between scheduled cleanouts.
- ii. All stormwater management measures must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this Ordinance and the accomplishment of its purposes. These needs include the removal of silt, litter, and other debris from all storm sewer structures, drainage pipes, and stormwater storage facilities (above and below ground), grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed within sixty (60) days of the report.

- iii. In addition, once every five (5) years the property owner will hire a qualified professional (third-party agent) to complete an inspection of all stormwater management measures. A copy of the inspection report shall be filed with the City's Department of Stormwater Management. Any maintenance needs found must be addressed within sixty (60) days of the report.
- iv. All developers must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of the real estate served by on-site stormwater management measures.
- v. Any development, redevelopment, or sale consisting of two (2) or more lots (and totaling in the aggregate one (1) or more acres) shall execute an enforceable maintenance agreement that designates the parties responsible for the operation, maintenance, and repair of all stormwater management measures, and any other system, structure, or measure required by this ordinance. The agreement shall include provisions for funding all required maintenance.
- vi. The design and planning of all stormwater management measures shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management measure that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- vii. Parties responsible for the operation and maintenance of a property's stormwater management measures shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five (5) years. These records should be made available to the City of Goshen during an inspection of the facility and at other reasonable times upon request.
- viii. The developer of the real estate must establish a landscaping plan which provides for the maintenance of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

Once reviewed by the Goshen Stormwater Department and accepted by the Goshen Board of Public Works and Safety, the overall PCSMP document will be recorded with the Elkhart County Recorder's Office on the deed for the property on which the project is located.

Gasoline outlets and refueling areas must install appropriate practices (as noted under "Hot Spots" provision in the Technical Standards Manual) 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.

All stormwater measures defined as a Class V injection well by the U.S. EPA must be registered with the U.S. EPA. Refer to the U.S. EPA Underground Injection Well Program for the definitions and complete registration process.

Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measures, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure.

Further requirements include:

- i. Maintain all stormwater measures and practices identified in the construction plan that were intended to remain in place after construction activities have been completed.

- ii. Install and maintain each post-construction stormwater quality measure approved as part of the construction plan.
- iii. Maintain all drainage systems and stormwater storage facilities in good working order.
- iv. Maintain natural drainage for any portion of the real estate not served by a constructed drainage system.
- v. Maintain all erosion sediment control systems installed on the real estate or identified as part of the construction plan unless such systems were temporary measures only intended to be in place during construction.
- vi. Maintain all drainage channels and swales installed or identified as part of the construction plan so they do not cause erosion in the receiving channel or at the outlet.
- vii. Keep all natural features such as wetlands and sinkholes protected from stormwater run-off pollutants.
- viii. Annually inspect all stormwater management facilities to ensure compliance with this ordinance and provide for the removal of silt, litter, grass clippings, vegetation, and other debris from all catch basins, inlets, and stormwater retention/detention areas.
- ix. Annually inspect all landscaping to ensure compliance with provisions of the management plan.

(d) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

Calculation of land disturbance should follow the guidelines discussed in Section 4(c). The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs, shall meet the design criteria, standards, and specifications outlined in the City of Goshen Stormwater Technical Standards Manual. The methods and procedures included in the referenced Standards are in keeping with the above stated policy and meet or exceed the requirements of IDEM's MS4 GP.

(e) EASEMENT REQUIREMENTS

All public stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures, and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities an adequate easement width beyond the actual footprint of the stormwater quality management facility as well as a sufficiently sized access easement from a public right-of-way to each stormwater facility shall be provided.

(f) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the acceptance of a project's site plan, SWPPP, and PCSMP by the City of Goshen and the City's current plan review consultant and the commencement of construction activities, the City of Goshen and the City's current site inspection consultant have the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Section, the approved SWPPP and PCSMP, the City of Goshen Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

Stormwater quality facilities shall be maintained in good condition, in accordance with the Post-Construction Stormwater Management procedures listed in the City of Goshen Stormwater Technical Standards Manual, in addition to the designed and approved performance specifications for the facilities listed in the accepted PCSMP and shall not be subsequently altered, revised, or replaced except as approved by the City of Goshen.

The City of Goshen also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report.

[End of Section]

SECTION 6 Permit Requirements and Procedures

(a) PRELIMINARY DRAINAGE PLAN REVIEW

In order to gain an understanding of the drainage requirements for a specific project, a developer may submit preliminary drainage plans for review by the City of Goshen as part of a pre-development meeting with City staff. The direction provided by the City of Goshen during such a review is based on preliminary data and shall not be construed as an acceptance or binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

- i. A preliminary plan showing general project layout, including existing and proposed drainage systems.
- ii. General description of the existing and proposed drainage systems in narrative form.

(b) PERMIT PROCEDURES

This Section applies to all development, or redevelopment of land, that results in land disturbance of one (1) acre or more. Individual lots with land disturbance less than one (1) acre shall refer to Sections 4 and 5 and Subsection (d) below for plan review requirements and procedures.

(1) General Procedures

The project site owner shall submit an application for a Stormwater Clearance to the City of Goshen per the City's Technical Review requirements, which includes following the Elkhart County SWCD's or the City's current plan review consultant's SWPPP submittal requirements. The application will include a completed application checklist; construction plan sheets; a description of the soils underlying the project and any limitations they may contain (e.g., a geotechnical report), stormwater drainage calculations and, where applicable, 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 in Subsection (c) below. The City of Goshen requires one copy of the application be submitted to the Elkhart County SWCD or the City's current plan review consultant(s).

After the City of Goshen's receipt of the application, the applicant will be notified as to whether their application is sufficient 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 City of Goshen according to the current year's Technical Review Calendar and guidelines and/or its plan review consultant(s)'s timeline and guidelines. Once all comments have been received and the review completed, the City of Goshen will either accept the project as sufficient or mark the project as insufficient and request modifications/revisions. If the applicant or an interested person who objects to or is dissatisfied with the review actions and decision of the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant in accepting or denying any application for a Stormwater Clearance may file an appeal with the Goshen Board of Public Works and Safety; provided such filing is made within fifteen (15) calendar days of the action of the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant in question. The action of the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant shall be final and conclusive after the appeal deadline has expired. Any appeal shall be filed on the forms required by the Board with a copy of the Stormwater Clearance. The Board shall conduct a public hearing on the appeal within forty-five (45) calendar days after receipt of the filing. After an appeal has been filed, no land disturbing activities may begin or continue unless in compliance with the Stormwater Clearance if one was issued. Prior to the scheduled hearing the City will provide the applicant with a complete list of comments and objects to the plans and accompanying data. Following the conclusion of the public hearing which may

adjourn from time to time, the Board shall render a decision on the appeal which decision may affirm, modify, or overturn the action of the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant or refer the matter back to the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant for further consideration.

The project site owner must notify the City of Goshen, the City's current plan review consultant, and IDEM before beginning construction. Notification to the City of Goshen and the City's current plan review consultant shall be in the form of an email or phone call 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 City of Goshen, the City's current plan review consultant, and IDEM, construction may commence. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, record drawings containing the items listed in Subsection (g) must be submitted to the City of Goshen.

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 City of Goshen and the City's current plan review consultant, requesting a termination inspection. The City of Goshen, or its representative, shall inspect the construction site to verify that the completed project is fully stabilized and meets the requirements of the City of Goshen's Stormwater Management Ordinance, its technical standards, and the terms and conditions of the permit. Once the applicant receives a signed copy of the final Termination Inspection Report confirming compliance, they must forward a copy to IDEM along with the required IDEM NOT form.

Permits issued by the City of Goshen or its plan review consultant under this scenario will expire on December 31 of the year which is one (1) year after the date the Stormwater Clearance application was submitted. If construction is not completed and permit termination requirements have not been achieved within this timeframe then renewal with the Elkhart County SWCD or the City's current plan review consultant is required annually until the following has occurred:

- a. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been permanently stabilized;
- b. All temporary erosion and sediment control measures have been removed; and
- c. A request for a final site inspection for permit termination consideration has been submitted to the Elkhart County SWCD or the City's current plan review consultant, and a final site inspection has determined the site meets termination requirements;
- d. A notice of termination application has been submitted and accepted by the IDEM.

The above requirements must be accomplished by the expiration of the Stormwater Clearance to avoid paying a permit renewal fee.

Permits issued by IDEM will expire five (5) years from the date of issuance and if termination requirements have not been met an updated NOI must be submitted to IDEM at least 90 days prior to expiration.

(2) SWPPP Review Time Limits

Pursuant to IC 13-18-27-16, a MS4-designated entity or other review authority, such as a SWCD, must make a preliminary determination as to whether the construction plan associated with the SWPPP is substantially complete before the end of the tenth (10th) working day (for sites with less than 5 acres of land disturbance) after the day on which the SWPPP is submitted to the review authority or the fourteenth

(14th) working day (for sites with 5 acres or larger of land disturbance) after the day on which the SWPPP is submitted to the review authority. Depending on the outcome of the SWPPP review, the following scenarios may play out:

- a. 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 this Ordinance and the City of Goshen 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.
- b. 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 this Ordinance and the City of Goshen Stormwater Technical Standards Manual.
- c. 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 this Ordinance and the City of Goshen Stormwater Technical Standards Manual, the project site owner may not submit a notice of intent letter to IDEM.
- d. 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 City of Goshen 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.
- e. 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 City of Goshen 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.
- f. Favorable 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 City of Goshen 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 does not affect any official or non-official permit review timelines set by the entity for other aspects of the stormwater permit application.

(c) INFORMATION REQUIREMENTS

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" Sections of Sections 2 through 5. 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.

The different elements of a permit submittal include an application checklist, construction plans, an existing soils report, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater management 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.

(1) Application Checklist

As part of the City of Goshen Stormwater Clearance application package, the City of Goshen Technical Review application checklist requirements must be followed.

(2) Construction Plans

Construction plan sheets (larger than 11" by 17", but not to exceed 24" by 36" in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. 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 City of Goshen's Technical Review application checklist.

(3) Existing Soils Report

A written soils report must include a description of the existing soil conditions, depth to groundwater, soil limitations, how those limitations will be cured or otherwise overcome, etc. Examples of a soils report include a geotechnical report, a report from the USDA NRCS Web Soil Survey (<https://websoilsurvey.sc.egov.usda.gov/>), or an equivalent source.

(4) Stormwater Drainage Technical Report

A written stormwater drainage technical report must include an explanation of how the stormwater drainage system was designed. Note that 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 City of Goshen Technical Review application checklist.

(5) Stormwater Pollution Prevention Plan for Construction Sites

For sites with a total disturbance of one (1) acre or more, a stormwater pollution prevention plan (SWPPP) 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 IDEM CSGP SWPPP development guidance document or its successor. For land disturbances totaling 200 square feet or more of

land area but less than one (1) acre and not part of a larger common plan of development or sale, appropriate erosion and sediment control measures consistent with the City of Goshen Technical Standards must be shown on the plans.

(6) Post-Construction Stormwater Management Plan

For sites with total land disturbance of one (1) acre or more of total land area, a post-construction stormwater management plan must be designed to, at least, meet the requirements of this Ordinance and must include the information provided in the City of Goshen Stormwater Technical Standards Manual. The post-construction stormwater management plan must include items listed in the City of Goshen Technical Review application checklist.

(d) CHANGES TO PLANS

Any changes or deviations in the detailed site plans and specifications after acceptance of the Stormwater Clearance shall be filed with, and accepted by, the City of Goshen and the City's current plan review consultant prior to the land development involving the change. The modified plan sheets, if accepted, shall be attached to the original plans and specifications. A copy of the updated site plans and specifications will be provided to all reviewing entities.

(e) FILING AND RENEWAL FEES FOR STORMWATER CLEARANCE

(1) Application Fee Amount

As a condition of the submittal and the review of development plans by the City of Goshen and the City's current plan review consultant, the applicant shall agree to pay the applicable Stormwater Clearance fees as described below, as amended from time to time, with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data.

- a. The basic filing fee for a Stormwater Clearance under this ordinance will be determined by the following guidelines and will be due and payable at the time of application for the Stormwater Clearance:
 - i. For projects not required to submit a post-construction stormwater management plan a filling fee of One Hundred Fifty Dollars (\$150.00).
 - ii. For projects required to submit a post-construction stormwater management plan or an amendment to an existing post-construction stormwater management plan a filling fee of Three Hundred Twenty-five Dollars (\$325.00).
- b. For project sites that are required to obtain a construction stormwater general permit pursuant to this Ordinance, a supplemental filing fee in the amount of One Hundred Dollars (\$100.00) per disturbed acre and per fractional acre exceeding a whole acre for review of the stormwater pollution prevention plans shall be due and payable at the time of application to the City's current plan review consultant. Fee submittal will be per the consultant's guidelines.

(2) Resubmittal Review Fee

An additional fee in the amount of One Hundred Dollars (\$100.00), as amended from time to time, will be charged for additional reviews that are required when multiple changes are submitted after the first

resubmittal. The extra fee will only apply to resubmittals before issuing a zoning clearance and building permit. The additional fee will not be charged if the resubmittal is necessitated solely due to staff oversight.

(3) Stormwater Clearance Renewal Fee

A Stormwater Clearance will expire on December 31st of the year which is one (1) year after the date the Stormwater Clearance application was submitted to the City's plan review consultant. A renewal fee in the amount of One Hundred Dollars (\$100.00), as amended from time to time, will be due and payable no later than January 31st of the year after the expiration of the Stormwater Clearance and each year thereafter until the following has occurred:

- a. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized;
- b. All temporary erosion and sediment control measures have been removed; and
- c. IDEM CSGP termination requirements have been met as verified by the City of Goshen and the Elkhart County SWCD or the City's current plan review consultant and a notice of termination application has been submitted to and accepted by the IDEM.

(4) Indiana Department of Environmental Management Fee

In addition to these charges, the Indiana Department of Environmental Management has their own separate and distinct fees.

(f) TERMS AND CONDITIONS OF PERMITS

In granting a Stormwater Clearance, the City of Goshen 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 7.

The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the Stormwater Clearance and the schedule for proposed implementation.

In the event that a project site is determined to impact or discharge to a Sensitive Area (as described below) or is located in an Impact Drainage Area (as described below), the City of Goshen will require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the Indiana Stormwater Quality Manual, as amended or replaced from time to time.

(1) Determination of Sensitive Areas

Sensitive Areas include highly erodible soils, wetlands, karst areas, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, surface drinking water sources, and groundwater drinking water sources (as defined by the Elkhart County Health Department and City of Goshen Wellhead Protection Areas). Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards and be registered with the U.S. 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 (USACE). 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 Clearance.

(2) Determination of Impact Drainage Areas

The following areas shall be designated as Impact Drainage Areas.

- a. A floodway or floodplain as designated by the most updated FEMA Code dealing with floodplain regulation and/or by the Best Available Data through the Indiana Department of Natural Resources (IN DNR).
- b. Flood Resilience Areas 1 through 4 as described in the July 2022 City of Goshen Flood Resilience Plan (and future updates).
- c. Land within 25 feet of each bank of any ditch within the City of Goshen's system.
- d. Land within drainage easements within the City of Goshen.
- e. Land within 75 feet of each bank of a county open regulated drain.
- f. Land within 50 feet of a natural drainageway.
- g. Land within 75 feet of the centerline of any tiled regulated drain.
- h. Land within the Fluvial Erosion Hazard (FEH) corridor.
- i. Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.

The City of Goshen or City of Goshen Engineer is authorized, but is not required, to classify certain geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the City of Goshen may consider such factors as topography, soil type, capacity of existing drains, distance from adequate drainage facility, groundwater tables, etc.

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

(g) CERTIFICATION OF RECORD DRAWINGS

This Section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the City of Goshen or retained privately. After completion of the construction of the project and before the issuance of the Termination Inspection Report, a professionally prepared and certified set of record drawings will be submitted to the City of Goshen for review. These record drawings must be prepared and certified by the Engineer of Record, i.e., the company/engineer who originally prepared the construction plans. The record drawings and any finalized digital versions of all analyses, models, manuals, and reports that are consistent with the final project conditions is required to be submitted electronically in a format acceptable to the City of Goshen. These plans shall include all pertinent data relevant to the completed stormwater drainage system and stormwater management facilities, and will include:

- (1) Pipe size and pipe material

- (2) Invert elevations
- (3) Top rim elevations
- (4) Elevation of the emergency overflow (spillway) for stormwater basins/ponds, as applicable
- (5) Grades along the emergency flood routing path(s), as applicable
- (6) Pipe structure lengths
- (7) BMP types, dimensions, and boundaries/easements
- (8) "As-planted" plans for BMPs, as applicable
- (9) Data and calculations showing retention/detention basin storage volume
- (10) Data and calculations showing BMP treatment capacity

[End of Section]

SECTION 7 Compliance and Enforcement

(a) 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 Subsection (b). Compliance with all applicable ordinances of the City of Goshen 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.

(1) Definitions (more in Appendix A)

- i. Violation. Any action or inaction that violates the provisions of this Ordinance, the requirements of an accepted stormwater pollution prevention plan, the requirements of an accepted construction stormwater general permit, and/or the requirements of a recorded post-construction stormwater maintenance agreement within the corporate boundaries of the city of Goshen 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.
- ii. Compliance. The act of correcting a violation or violations within the time frame specified by the City of Goshen.
- iii. 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 in Subsection (b)(5).

(2) Warning Notice

When the City of Goshen finds that any person has violated, or continues to violate, any provision of this Ordinance, or any order issued hereunder, the City of Goshen 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 the City of Goshen to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(b) ENFORCEMENT OF THIS ORDINANCE

(1) Notice of Violation/Citation

- a. If the City of Goshen Department of Stormwater Management determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater pollution prevention plan, a recorded post-construction stormwater maintenance agreement, or the provisions of this Ordinance, the superintendent

of the Department of Stormwater Management or the superintendent's designee may take one (1) or more of the following actions:

- i. Notify the person who committed the act or failed to meet the requirements of this ordinance by telephone and request compliance or cessation of the prohibited act.
 - ii. Notify the person who committed the act or failed to meet the requirements of this ordinance in writing and order compliance or cessation of the prohibited act.
 - iii. Enter into an agreed order with the approval of the Goshen Board of Public Works and Safety which order may include payment of a fine by the violator.
 - iv. Issue a stop work order until all corrective measures have been completed.
 - v. File a notice of violation before the Goshen Board of Public Works and Safety describing the violation of this ordinance found by the superintendent of the Department of Stormwater Management or their designee.
 - vi. File a complaint in a court of competent jurisdiction within Elkhart County seeking a judicial determination that this ordinance has been violated and requesting the imposition of fines.
- b. If the superintendent of the Department of Stormwater Management takes any authorized action and taking such action does not result in compliance with this ordinance, the superintendent may take any other authorized action to obtain compliance.
 - c. The superintendent of the Department of Stormwater Management may file a complaint with a court of competent jurisdiction to enforce the terms of an agreed order or an order of the Goshen Board of Public Works and Safety.
 - d. Filing a notice of violation is not a prerequisite to filing a complaint alleging a violation before a court of competent jurisdiction within Elkhart County.
 - e. Any written notice of violation shall be issued upon the responsible party by regular US mail or delivered personally to the responsible party unless the applicable ordinance or statute requires different written notice.
 - f. The Goshen Board of Public Works and Safety or any court may order the owner of the real estate or the responsible party for the operations on the real estate to take any and all actions necessary to comply with this ordinance.

(2) Right to Enter Premises

- a. The City of Goshen shall be granted at all reasonable terms the right to enter any premises for any of the following reasons:
 - i. Investigate: Any construction site to determine the need for a Stormwater Clearance or compliance with the terms of the clearance, IDEM's CSGP, State Stormwater Quality Manual, or a construction project's SWPPP;
 - ii. Compliance with a property's recorded PCSMP and to inspect any stormwater measure (structural or non-structural);

- iii. A suspected spill or discharge into a waterway or waterbody, a wetland, a private stormwater drainage system, or the City of Goshen's stormwater drainage system.
 - iv. To carry out routine inspections;
 - v. To carry out routine sampling;
 - vi. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City of Goshen the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter to correct a violation of this ordinance.
 - vii. To verify compliance with any agreed order, order of the Goshen Board of Public Works and Safety or order of any court of competent jurisdiction.
- b. If the City of Goshen has been refused access to any part of the premises from which stormwater is discharged and the City is able to reasonably demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect or sample as part of the City's routine inspections and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Department of Stormwater Management may seek issuance of a search warrant from any court of competent jurisdiction within Elkhart County.
 - c. The City of Goshen may enter upon private property and take any and all measures necessary to abate a violation, if a court of competent jurisdiction has found that a violation of this Ordinance has occurred and has approved the action to be taken by the City. The costs of such an abatement shall be assessed to the owner of the private property.
 - d. Any written notice of violation shall be issued upon the responsible party by regular US mail or delivered personally to the responsible party unless the applicable ordinance or statute requires different written notice.

(3) Goshen Board of Public Works and Safety Hearing

- a. Before any Goshen Board of Public Works and Safety hearing is held, a party alleged to have violated this Ordinance shall receive written notice of the violation including the nature of the violation and a summary of the facts that constitute that violation. In the event of an emergency hearing before the Goshen Board of Public Works and Safety, this information may be orally presented to the affected party and the affected party may elect to proceed or the affected party may insist on written notice and delay the hearing. The emergency action taken by the City shall continue until a hearing can be held.
- b. A party alleged to have violated this ordinance has the right to have an attorney present to cross examine witnesses and has the right to present evidence and have witnesses testify.
- c. A party found to have violated this Ordinance has a right to appeal the determination of the Goshen Board of Public Works and Safety to a court of competent jurisdiction within twenty (20) days of the action of the Board by filing a verified complaint. The court may

affirm, modify, or reverse the action taken by the Board. Any such appeal shall be heard de novo.

- d. Filing a notice of violation is not a prerequisite to filing a complaint alleging a violation before a court of competent jurisdiction within Elkhart County.

(4) Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City of Goshen may impose upon a violator, alternative compensatory actions, such as storm drain stenciling, attendance at compliance/training workshops, waterway cleanup, public/employee education, etc.

(5) Civil Penalties for Violations

Any person who commits an offense under this Ordinance commits a civil infraction subject to a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) for each offense, plus costs, damages, and expenses. Each day such violation occurs or continues without a compliance action that is satisfactory to the City of Goshen constitutes a new and 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 Board of Directors of the City of Goshen Department of Stormwater Management, by Resolution 2017-15 adopted May 1, 2017, established an Enforcement Matrix that standardizes the approach the City of Goshen may, in its discretion, employ in dealing with stormwater regulation offenses subject to this Ordinance and the associated Technical Standards document.

Likewise, in order to standardize the approach that the City of Goshen may, in its discretion, employ in the imposition of Administrative Penalties, the Common Council of the City of Goshen established an Ordinance Violation Bureau, most recently in Ordinance 5212, on or about January 27, 2025.

(6) Stop Work Order

In addition to the penalties listed above, if land disturbance activities or post-construction activities are conducted contrary to the provisions of IDEM's CSGP, the State Stormwater Quality Manual, this Ordinance, an accepted site plan, or an accepted post-construction stormwater management plan, the City of Goshen 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 the City of Goshen to proceed with the work. A Stop Work Order will be posted on the site by the City of Goshen and it is unlawful for any person to remove the notice or continue any work on the site without permission from the City of Goshen. The City of Goshen 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.

The City of Goshen may bring an action under IC 34-28-5-1(b), to be read together with IC 34-6-2-86(1)(8) and IC 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 the City of Goshen, 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 seventy-two (72) hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.

The seventy-two (72) 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.

(7) Withhold Certificate of Occupancy

The City of Goshen may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise satisfied the requirements of this Ordinance as determined by the City of Goshen.

(8) Suspension, Revocation, or Modification of Permits

The City of Goshen 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 the City of Goshen may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(9) Suspension of Access to the Stormwater Drainage System

The City of Goshen may suspend MS4 discharge access to stop an actual or threatened discharge that presents an imminent and substantial danger to the environment, to the health or welfare of any person, to the MS4, or to the waters of the United States. This suspension may be without notice if an emergency exists, but a hearing will be held at the next Goshen Board of Public Works and Safety meeting after the owner of the real estate can be notified to determine the existence of an emergency and that there is a substantial and imminent danger.

(10) Emergency Cease and Desist Orders

When the City of Goshen 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 State 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, the City of Goshen may issue an emergency 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, the City of Goshen 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)(6) and IC 13-21-3-12(4), to enforce a stop work order, a temporary restraining order, or permanent injunction which restrains or requires specific compliance with this Ordinance.

The City of Goshen may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the City of Goshen 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 the City of Goshen within five (5) 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.

(11) Suspension Due to Illicit Discharges in Emergency Situations

The City of Goshen 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 or waters of the United States if the violator fails to comply with a suspension order issued in an emergency, the City of Goshen may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the State or waters of the United States, or to minimize danger to persons.

(12) 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. The City of Goshen will notify a violator of the proposed termination of its stormwater drainage system access. The violator may petition the City of Goshen 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 the City of Goshen.

(c) COST OF ABATEMENT OF THE VIOLATION

In addition to any other remedies, should the violator, the owner of the real estate, or the responsible party for the operations on the real estate fail to comply with the provisions of this Ordinance, the City of Goshen may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the City of Goshen for all costs of such work.

Nothing herein contained shall prevent the City of Goshen 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 U.S. EPA or IDEM for violation of the City of Goshen's NPDES permit, land restoration costs, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses and the cost of actual damages incurred by the City.

If the amount due for abatement of the violation is not paid within a timely manner as determined by the decision of the City of Goshen or by the expiration of the time in which to file an appeal, the City of Goshen may establish a lien upon the property or 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)(8) and IC 13-21-3-12(4).

(d) APPEALS

(1) Appeal of Notice of Violation

Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 20 days after the action or decision being appealed from, to the Goshen Board of Public Works and Safety

the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The 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 Board may consider the recommendations of the City Staff and the comments of other persons having knowledge of the matter. In considering any such appeal, the 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:

- a. 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
- b. 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.
- c. Any person who has appealed a violation to the Goshen Board of Public Works and Safety may appeal an adverse decision of the Board to a court of competent jurisdiction within twenty (20) days the Elkhart County court within 60 days of the Board's order, all pursuant to IC 36-1-6-9(e) & (f).

(2) 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 five (5) days of the decision of the Goshen Board of Public Works and Safety upholding the decision of the City of Goshen, then representatives of the City of Goshen 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)(6) and IC 13-21-3-12(4), to enforce the order of the Board.

[End of Section]

APPENDIX A - Abbreviations and Definitions

(a) ABBREVIATIONS

BMP	Best Management Practice
CSGP	Construction Stormwater General Permit (IDEM)
CWA	Clean Water Act
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
IN DNR	Indiana Department of Natural Resources
MS4	Municipal Separate Storm Sewer System
NRCS	USDA-Natural Resources Conservation Service
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
PCSMP	Post-Construction Stormwater Management Plan
POTW	Publicly Owned Treatment Works
SMP	Self-Monitoring Program
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevent Plan
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
US EPA	United States Environmental Protection Agency

(b) 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.

As-Built Drawings. Drawings are typically prepared by the contractor during the construction phase of the project. These drawings are based on information the contractor provides, typically through the contractor's mark-ups to the project engineer's original drawings. Primarily, these drawings are marked in red ink (or another method of identification) showing the on-site changes and/or deviations from the original contract documents.

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 (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping 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.

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

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

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

Cementitious Wash Water. Water that may contain a slurry of cement fines resulting from the cleaning of tools, and equipment used in the delivery, mixing, handling, and working of materials that contain cement and has the properties of cement such as high pH and containing toxic metals and is often associated with materials such as mortar, plaster, stucco, and grout.

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 correcting a violation or violations within the time frame specified by the City of Goshen.

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

Concrete Washout. The rinsing of chutes, pumps, curb and paving machines, hoppers, wheelbarrows, hand tools and any other equipment that are used to handle concrete, mortar, stucco, grout or other mixtures of cement. Concrete washout water is a wastewater slurry containing cementitious materials, metals and is caustic or corrosive, having a high pH.

Constructed Wetland. A human-made 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 includes the demolition of existing structures or utilities but does not include routine ditch or road maintenance or minor landscaping projects. See "Development."

Construction Site Access. A stabilized stone surface at all points of ingress or egress to a project site, to capture and detain sediment carried by tires of vehicles or other equipment entering or exiting the project site. Stone is the common material used to create a stabilized construction site access, however, there are other options available.

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 (7) days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

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

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

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

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

Detention Time. The theoretical time required to displace the contents of a stormwater basin, 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 human-made change to improved or unimproved real estate including but not limited to:

- i. Construction, reconstruction, conversion, structural alteration, enlargement, or placement of a building or any addition to a building;
- ii. Demolition of a building or structures in preparation for redevelopment or to return real estate to vegetation;
- iii. Any land disturbing activity that is, or that may be, associated with the preparation of a site for a new or intensified use;

- iv. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
- v. Construction or reconstruction of bridges or culverts;
- vi. 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 one hundred eighty (180) days;
- vii. Installing utilities, erection of walls, construction of roads, or similar projects;
- viii. Mining, dredging, filling, grading, excavation, or drilling operations;
- ix. Storage of materials; or
- x. Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

Discharge. 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 flow 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 groundwater.

Ditch. A human-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. 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. See "Watershed."

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. Also known as a Class V stormwater drainage well or Class V injection well as defined in the UIC regulations (40 CFR144.3).

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 $(R \cdot K \cdot LS)/T$ (from the Universal Soil Loss Equation) and $(C \cdot I)/T$ (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 distinct types of water erosion:

- i. Accelerated erosion - Erosion much more rapid than normal or geologic erosion, primarily because of the activities of humans.
- ii. Channel erosion - An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- iii. 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 feet to as much as 75-100 feet.
- iv. Rill erosion - An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils.
- v. Sheet erosion - The gradual removal of a uniform soil layer from the land surface by runoff water.
- vi. 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.

Erosion & 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. See "Buffer Strip."

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

Flood (or Floodwaters). 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 1% annual chance flood (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.

Flood Prone Area. Any land area acknowledged by a community as being susceptible to inundation by water from any source. See "Floodplain," and "Floodway," and "Floodway Fringe."

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

Floodway Fringe. That portion of the floodplain 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 overbanks areas) thought 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 (<https://www.iwr.usace.army.mii/Silver-Jackets/State-Tearns/IndianaO>).

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

Garbage. All decayable animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials. See "Trash or Litter."

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 surface or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

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

Grade. (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance (rise over run). (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 (grade) or elevation.

Grass. A member of the botanical family Gramineae, 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 human-made underground storage or conveyance structures.

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

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.

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 (HUC). A numeric (2 to 12 digit long) United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code. Example: 04050001 - St. Joseph River Watershed.

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 Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit (or illegal) discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process waste water, 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, 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.

Illicit (or Illegal) Discharge. Any discharge to a conveyance (human-made or natural) that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs, and those exempted discharges described in Section 2(c) of this Ordinance. 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 stormwater drainage system for the entrance of surface stormwater runoff, more completely described as a storm drain inlet.

Interested Person. The applicant for a stormwater clearance, the MS4 operator, the MS4 entities in Elkhart County, Indiana including the City of Elkhart, the City of Goshen, the Town of Bristol, and the County of Elkhart, or any person adversely affected by a stormwater clearance.

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

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

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

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

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

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

Municipal Separate Storm Sewer Systems (MS4). A 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 State or waters of the United States.; (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 (NPDES). A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM (pursuant to 33 USC § 1342(b)). This permit 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; in this case, it 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 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 in Section 7(b)(5) of this Ordinance.

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 human-made 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, or artificial drain to another body of water.

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

Percolation. The movement of water through soil.

Permanent Stabilization. The establishment, at a uniform density of seventy percent (70%) across 100% of the disturbed area with no large bare spots (3" by 3") or signs of erosion, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement (e.g., wind).

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 agents.

Pervious. Allowing movement of water through a material.

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 may be discharged (Federal Water Pollution Control Act of 1972, being Public Law 92-500, Section 502[14]).

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, ordinance 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.

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

Premise. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

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.

Rain Barrel or Cistern. A container of varying sizes used to catch rainwater or melting snow runoff from a roof that can be used to water non-edible plants and slow down the release of stormwater to nearby storm drains or waterways.

Rain Garden. A shallow depression filled with deep-rooted native plants that collects stormwater runoff and allows it to soak into the soil or slowly be released to a nearby storm drain and local waterway. A similar measure found in non-residential settings is called a bio-retention area.

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.

Record Drawings. A complete set of clean drawings typically prepared by the design professional at the project's completion. These drawings are meant to reflect the project in its completed state, including all design and construction changes. Consequently, these drawings are typically meant to capture the original drawings, issued sketches, approved change orders, addenda, on-site instruction, etc., and incorporate the "As-Built" drawings depicting the on-site changes and conditions provided by the contractor.

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 Stormwater Basin/Pond. A stormwater detention/retention basin or pond intended to serve multiple parcels and or developments, thus eliminating the need for individual on-site facilities. The basin or pond is sized to detain or retain the runoff for the entire upstream drainage area (watershed).

Regulatory Flood. The discharge or elevation associated with the 1% annual chance 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" or "100-Year Flood."

Regulatory Floodway. See "Floodway ."

Release Rate. The amount of stormwater released 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 (1%) 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. The portion of rainwater or snowmelt (precipitation) that flows over the land surface, in open channels, or in stormwater conveyance systems, that does not soak into the soil. See "Surface Runoff."

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

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, in bodies of water, or watercourses.

Sensitive Water. A waterbody needs priority protection or remediation based on its:

- i. Providing habitat for threatened or endangered species,
- ii. Usage as a public water supply intake,
- iii. Relevant community value,

- iv. Usage for full body contact recreation,
- v. Exceptional use classification as found in 327 IAC 2-1-11(b),
- vi. 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.

- i. 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.
- ii. 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 parcel of land on which land disturbing activity has been proposed or is being conducted; or the controlled area where runoff originates.

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

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

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

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-year frequency, 24-hour duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hour 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 within a tributary basin, flowing over the surface of the ground or collected in channels or pipes.

Stormwater Clearance. The collection of the accepted site plan, SWPPP, and PCSMP for a given project that allows a project owner to proceed with the filing for a CSGP with IDEM.

Stormwater Drainage System (also known as Storm Sewer System). All methods, natural or human-made, used for conveying 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, or pumping stations.

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 BMPs.

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

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

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 (4) 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 (4) 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 backfilled trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

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

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

Temporary Stabilization. The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area with no large bare areas.

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 human-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 the City of Goshen that enable the individual to make judgments regarding stormwater control or treatment and monitoring.

Trash or Litter. Organic or human-made materials discarded onto the land or water where they do not belong, which can clutter up storm drains, storm sewers, and natural areas like a forest or river. These materials are considered a pollutant that poses a risk to public health and the health of plants and wildlife. See "Garbage."

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 that violates the provisions of this Ordinance or the Technical Standards Manual, the requirements of an accepted construction stormwater general permit, and/or the requirements of a recorded post-construction stormwater maintenance agreement within the corporate boundaries of the city of Goshen may be subject to the enforcement actions outlined in Section 7 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 7 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 human-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

Watershed. The region of land 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 "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.