

MAY 09 2024

## GENERAL ORDINANCE 7, 2024

CITY CLERK

## AN ORDINANCE TO PROHIBIT THE CONNECTION OF NON-STORMWATER DISCHARGES TO THE STORMWATER SYSTEM.

WHEREAS, the City of Terre Haute, Indiana (City) has constructed and has in operation a stormwater collection system for the purpose of collecting stormwater within its jurisdiction; and

WHEREAS, new requirements for stormwater quality affect the City directly resulting from the Federal Stormwater Phase II NPDES permit program administered by the Indiana Department of Environmental Management (IDEM) with the adoption of the Construction Stormwater General Permit (CSGP) for Stormwater Run-Off Associated with Construction Activity and the Municipal Separate Storm Sewer System General Permit (MS4 GP) for Stormwater Run-Off under control of the MS4-designated entities, including the City of Terre Haute ; and

WHEREAS, MS4 GP requires the City to adopt an ordinance or other local regulatory mechanism prohibiting illicit discharges into the stormwater conveyance system and establish appropriate enforcement procedures and actions; and

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

WHEREAS, the City operates its stormwater system under the provisions of I.C. § 36-9-25;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana as follows:

SECTION 1. The *Terre Haute City Code*, Chapter 9, Article 7, is hereby amended by the removal of the current language and the insertion of the following provisions:

**ARTICLE 7. ILLICIT CONNECTIONS AND DISCHARGE REGULATION.****Sec. 9-130 Purpose/Intent.**

The purpose of this Article is to provide for the health, safety, and general welfare of the citizens of the City of Terre Haute, Indiana through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Article are:

- a. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- b. To prohibit illicit connections and discharges to the municipal separate storm sewer system; and
- c. To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this Article.

**Sec. 9-131 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Article:

- a. **Authorized Enforcement Agency.** The City of Terre Haute, Indiana Wastewater Treatment Superintendent (MS4 Operator) his employees or designees.
- b. **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.
- c. **Clean Water Act.** The Federal Water Pollution Control Act (33 *U.S.C.* § 1251 *et seq.*) and any subsequent amendments thereto.
- d. **Construction Activity.** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more, as defined in CSGP, and other land disturbing activities that increase the likelihood of erosion. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. This term does not include routine ditch maintenance, road maintenance that does not result in exposure of the subsoil, or minor landscaping projects.
- e. **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- f. **Illegal Discharge.** Any discharge to a MS4 conveyance that is not composed entirely of stormwater, except as exempted in Section 9-135 of this Article and naturally introduced floatables, such as leaves or tree limbs. Sources of illicit discharges include but is not limited to sanitary wastewater, septic tank effluent, commercial car wash wastewater, oil spills or disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, pollutant run-off, and household hazardous wastes.



g. **Illicit Connections.** An illicit connection is defined as either of the following:

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

2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Authorized Enforcement Agency.

h. **Industrial Activity.** Activities subject to NPDES Industrial Stormwater Permits as defined in 327 IAC 15-6 and the Industrial Stormwater General Permit, upon its adoption by IDEM.

i. **Municipal Separate Storm Sewer System (MS4).** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Terre Haute and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

j. **National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.** A permit issued by the EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable to an individual, group, or general area-wide basis.

k. **Non-Stormwater Discharge.** Any discharge to the storm drain system that is not composed entirely of stormwater.

l. **Outfall.** A point source discharge via a conveyance of stormwater run-off into a receiving stream or other body of water.

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

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

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

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

q. **Stormwater.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

r. **Stormwater Pollution Prevention Plan.** A document which describes Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the Maximum Extent Practicable.

s. **Wastewater.** Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

**Sec. 9-132 Applicability.**

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Authorized Enforcement Agency.

**Sec. 9-133 Responsibility for Administration.**

The Authorized Enforcement Agency shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the City of Terre Haute, through the Board of Public Works and Safety, to persons or entities in the beneficial interest of or in the employ of the City.

**Sec. 9-134 Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore, this Article does not replace, repeal, abrogate, supersede or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this Article imposes requirements which are more protective of human health or environment than those set forth elsewhere, the provisions of this Article shall prevail. Approvals and permits granted under this Article are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance with all applicable federal, state and local laws and regulations shall be required, including rules promulgated under authority of this Article.



**Sec. 9-135 Discharge Prohibitions.**

a. Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this Article: water line and hydrant flushing or other potable water sources, landscaping irrigation or lawn watering, diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps (uncontaminated), uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids, springs, residential car washing, non-commercial car washing by community organizations, natural riparian habitat or wetland flows, dechlorinated/debrominated residential swimming pool discharges (typically less than one part per million chlorine), pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used, external building washdown without using detergents and any other water source not containing pollutants.

2. Discharges or flow from fire suppression activities and other discharges specified in writing by the Authorized Enforcement Agency as being necessary to protect public health and safety.

3. Dye testing is an allowable discharge, but requires a verbal notification to the Authorized Enforcement Agency prior to the time of the test.

4. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency or the Indiana Department of Environmental Management, 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 any discharge to the storm drain system.

b. Prohibition of Illicit Connections.

1. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection is permissible under law or practices applicable or prevailing at the time of the connection.

3. A person is considered to be in violation of this Article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

4. Improper connections in violation of this Article must be disconnected and redirected, as necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Authorized Enforcement Agency.

5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Authorized Enforcement Agency requiring that such locating be completed. Such notice shall specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Authorized Enforcement Agency.

**Sec. 9-136 Suspension of MS4 Access.**

a. Suspension Due to Illicit Discharges in Emergency Situations. The Authorized Enforcement Agency may, without prior notice, suspend MS4 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 MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the state, or to minimize danger to persons.

b. Suspension Due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this Article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Authorized Enforcement Agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the Authorized Enforcement Agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Authorized Enforcement Agency.

c. Emergency Cease and Desist Orders. When the Authorized Enforcement Agency finds that any person has violated, or continues to violate, any provision of this Article, 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 which reasonably appears to present an imminent or



substantial endangerment to the health or welfare of persons or to the environment, the Authorized Enforcement Agency may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

1. Immediately comply with all ordinance requirements; and
2. 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 Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the state, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Authorized Enforcement Agency may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Authorized Enforcement Agency that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this Article. A person that is responsible, in whole or in part, for any discharge presenting imminent danger shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Authorized Enforcement Agency 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.

**Sec. 9-137 Industrial or Construction Activity Discharges: Submission of NOI.**

a. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Authorized Enforcement Agency prior to the allowing of discharges to the MS4.

b. The operator of a facility, including construction sites, required to have an NPDES permit to discharge stormwater associated with construction or industrial activity shall submit prior notice to the Authorized Enforcement Agency that they intend to submit Notice of Intent to discharge under the applicable stormwater general permit to the IDEM. The operator of the facility must submit a copy of the Notice of Sufficiency or Notice of Deficiency to the Authorized Enforcement Agency within 48 hours of receipt of the notice.

c. The prior notice of the Notice of Intent submittal and the copy of the Notice of Sufficiency or Deficiency may be delivered to the Authorized Enforcement Agency either in person or by mailing it to:

City of Terre Haute Wastewater Utility  
Re: Notice of Intent to Discharge Stormwater

3200 State Road 63  
Terre Haute, IN 47802

d. A person commits an offense if the person operates a facility that is regulated under a stormwater general permit and is discharging stormwater associated with industrial or construction activity without having submitted a copy of the Notice of Intent to do so to the Authorized Enforcement Agency.

**Sec. 9-138 Monitoring of Discharges.**

a. Applicability. This Section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

b. Access to Facilities.

1. The Authorized Enforcement Agency shall be permitted to enter and inspect facilities subject to regulation under this Article as often as may be necessary to determine compliance with this Article. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Authorized Enforcement Agency.

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

3. The Authorized Enforcement Agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Authorized Enforcement Agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

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

5. 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 Authorized Enforcement Agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing the Authorized Enforcement Agency access to a permitted facility is a violation of a stormwater discharge permit and of this Article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Authorized Enforcement Agency



reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article.

7. If the Authorized Enforcement Agency has been refused access to any part of the premises from which the stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community or the environment, then the Authorized Enforcement Agency may seek issuance of a search warrant from any court of competent jurisdiction.

**Sec. 9-139 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.**

The Authorized Enforcement Agency shall establish requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state of Indiana. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

**Sec. 9-140 Watercourse Protection.**

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

**Sec. 9-141 Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment,

and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Authorized Enforcement Agency in person or by phone or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Authorized Enforcement Agency within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

**Sec. 9-142     Violations and Enforcement.**

a.     Violations. It shall be a violation for any person to violate any provision or fail to comply with any of the requirements of this Article. Any person who has violated or continues to violate the provisions of this Article may be subject to the enforcement actions outlined in this Article or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the Authorized Enforcement Agency is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Authorized Enforcement Agency is authorized to seek costs of the abatement as outlined in Sec. 9-145.

b.     Warning Notice. When the Authorized Enforcement Agency finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Authorized Enforcement Agency may serve upon that person a written Warning Notice. Such Warning Notice shall specify 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 Authorized Enforcement Agency to take any action, including emergency action or any other enforcement action, without issuing a Warning Notice.

c.     Notice of Violation. Whenever the Authorized Enforcement Agency finds that a person has violated a prohibition or failed to meet a requirement of this Article, the Authorized Enforcement Agency may order compliance by written Notice of Violation to the responsible person. Emergency notifications may be made by an authorized employee. The Notice of Violation shall contain:

1.     The name and address of the alleged violator;
2.     The address, when available, or description of the building, structure or land upon which the violation is occurring, or has occurred;
3.     A statement specifying the nature of the violation;



4. A description of the remedial measures necessary to restore compliance with this Article and a time schedule for the completion of such remedial action;

5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

6. A statement that the determination of violation may be appealed to the Authorized Enforcement Agency by filing a written notice of appeal within five (5) days of service of notice of violation; and

7. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;

2. The elimination of illicit connections or discharges;

3. That violating discharges, practices or operations shall cease and desist;

4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

5. Payment of a fine to cover administrative and remediation costs; and

6. The implementation of source control or treatment BMPs.

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

#### **Sec. 9-143 Appeal of Notice of Violation.**

Any person receiving a Notice of Violation may appeal the determination before the Board of Public Works and Safety. The notice of appeal must be received within five (5) days from the date of the Notice of Violation. Hearing on the appeal before the Board of Public Works and Safety shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Board of Public Works and Safety shall be final.

#### **Sec. 9-144 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 Board of Public Works and Safety, the representatives of the Authorized Enforcement Agency 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. It shall be unlawful for any person, owner, agency or person in possession of any premises to refuse to allow the governmental agency or designated contractor to enter upon the premises for the purposes set forth above.

**Sec. 9-145 Cost of Abatement of the Violation.**

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the decision of the Board of Public Works and Safety or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

**Sec. 9-146 Injunctive Relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. If a person has violated or continues to violate the provisions of this Article, the Authorized Enforcement Agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**Sec. 9-147 Compensatory Action.**

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

**Sec. 9-148 Violations Deemed a Public Nuisance.**

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

**Sec. 9-149 Civil Penalty.**

Any person that has violated or continues to violate the provisions of this Article shall be liable to civil penalties to the fullest extent of the law, and shall be subject to a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) per violation per day.



The Authorized Enforcement Agency may recover all attorney's fees, court costs, consultant costs, and other expenses associated with enforcement of this Article, including sampling and monitoring expenses.

**Sec. 9-150 Criminal Prosecution.**

Any person that has violated or continues to violate this Article shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to applicable criminal penalties per violation per day and/or imprisonment as provided by law. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

**Sec. 9-151 Remedies Not Exclusive.**

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state, or local law. It is within the discretion of the Authorized Enforcement Agency to seek cumulative remedies.

SECTION 2. The *Terre Haute City Code*, Chapter 9, Article 8, is hereby amended by the removal of the current language and the insertion of the following provisions:

**ARTICLE 8. CONSTRUCTION SITE AND POST-CONSTRUCTION**

**SITE STORMWATER CONTROL.**

**Sec. 9-160 Purpose/Intent.**

- a. Site Construction Control. The purpose of this Article is to establish requirements for stormwater discharges from construction activities of one (1) acre or more so that the public health, existing water uses, and aquatic biota are protected. This Article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Article are:
- (1) To regulate construction activities disturbing more than one (1) acre of land as governed by Construction Stormwater General Permit (CSGP) ; and
  - (2) To require construction site operators to develop and implement a Construction Plan including a Stormwater Pollution Prevention Plan in order to receive a Land disturbance permit from the City.
  - (3) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, and stream bank erosion and maintain the integrity of stream channels.
  - (4) Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
  - (5) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.

- (6) Reduce stormwater runoff rates and volumes, soil erosion, and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.
- b. Post-Construction Control. The purpose of this Article is to implement planning procedures that promote and improve water quality. The planning procedures shall include, at a minimum, the post-construction requirements of CSGP Section 3.2(a)(9)A-D. The City may require the use of any storage, infiltration, filtering, and/or vegetative practices to reduce the impact of pollutants in stormwater run-off. Where appropriate, and to the extent of the MS4 operator's authority, the planning procedures may also include the following:
  - (1) Buffer strip and riparian zone preservation;
  - (2) Filter strip creation;
  - (3) Minimization of land disturbance and surface imperviousness;
  - (4) Minimization of directly connected impervious areas;
  - (5) Maximization of open space; and
  - (6) Direct the community's growth away from sensitive areas and towards areas that can support the growth without compromising water quality.

#### **Sec. 9-161 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Article. Additional definitions for terms contained within this Article are provided in Sec. 9-131. Also incorporated by reference are all definitions found in the CSGP.

- a. Authorized Enforcement Agency. The City of Terre Haute, Indiana Wastewater Treatment Superintendent (MS4 Operator) his employees or designees.
- b. Best Management Practices (BMPs). Structural or nonstructural practices, or a combination of practices, designated to act as effective, practicable means of minimizing the impacts of development and human activities on water quality. Traditional structural BMPs, including extended detention dry ponds, wet pond, infiltration measures, sand filtration systems, etc., are now common elements of most new development projects. Structural BMPs rely heavily on gravitational settling and/or the infiltration of soluble nutrients through a porous medium for pollutant removal. Nonstructural BMPs, which may be used independently or in conjunction with structural BMPs range from programs that increase public awareness to prevent pollution, to the implementation of control-oriented techniques (such as bioretention and stormwater wetlands) that utilize vegetation to enhance pollutant removal and restore the infiltrative capacity of the landscape.
- c. Construction Plan. A written plan that: (1) presents information about a construction project and activities associated with the construction project; (2) includes a storm water pollution prevention plan that outlines how erosion and sedimentation will be controlled on the site of the construction project; and (3) must be submitted to a review authority as a condition of proceeding with the construction project under the general permit rule program established under CSGP.



- d. Construction Site Access. A stabilized stone surface at all points of ingress or egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.
- e. Contractor and 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 in the project site.
- f. 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.
- g. Erosion. Detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- h. Erosion and Sediment Control. A practice, or a combination of practices, to control erosion and resulting sedimentation associated with construction activity.
- i. Grading. The cutting and filling of the land surface to a desired slope or elevation.
- j. Hotspot. An area where the land use or activities are considered to generate runoff with concentrations of pollutants in excess of those typically found in stormwater.
- k. Impervious Surface. Surfaces, such as pavement and rooftops, that prevent the infiltration of stormwater into the soil.
- l. Indiana Storm Water Quality Manual. A reference manual developed by the State of Indiana that provides guidance on planning principals, as well as criteria for specific structural and non-structural stormwater management practices.
- m. Infiltration Measure. Practices that capture and temporarily store the design storm volume before allowing it to infiltrate into the soil. These practices include infiltration trenches, infiltration basins, dry wells, and underground infiltration practices.
- n. Land Disturbance or Land Disturbing Activity. Any man-made change of the land surface, including, but not limited to, removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading.
- o. Measurable Storm Event. A precipitation event that results in a total measured precipitation accumulation equal to or greater than, one-half inch (0.5") of rainfall.
- p. Project Site. The entire area on which construction activity is to be performed.
- q. Project Site Owner/Operator. The person required to submit the NOI letter through the IDEM ePortal and is required to comply with the provisions of this Article, including either of the following:
  - (1) A developer; or
  - (2) A person or entity that has financial and operational control of construction activities and project plans and specifications, including the authority to approve expenditure of funds and the ability to make modifications to those plans and specifications.
- r. Sediment. Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its place of origin by air, water, gravity, or ice and has come to rest on the earth's surface.
- s. Storm Drainage System. Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and

detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

- t. Subdivision. Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.
- u. Technical Review and Comment Form. A form issued by the Authorized Enforcement Agency stating that the Stormwater Pollution Prevention Plan (SWPPP) is adequate or stating revisions needed in the SWPPP.
- v. Trained Individual. An individual who is trained and experienced in the principles of stormwater management, including erosion and sediment control as is demonstrated by completion of coursework, state registration, professional certification, , or annual training that enable the individual to make judgments regarding stormwater management, treatment, and monitoring.
- w. Waters of the States. The accumulations of water, surface and underground, natural and artificial, public and private, or a part of the accumulations of water that are wholly or partially within, or flow through, or border upon Indiana. The term does not include private ponds, or ponds, reservoirs, or facilities built for the reduction or control of pollution or cooling water before discharge, unless the discharge from the pond, reservoir, or facility causes or threatens to cause water pollution.

#### **Sec. 9-162 Applicability.**

- a. This Article covers any new development or re-development construction site resulting in the disturbance of one (1) acre or more of total land area and other types of development specified in Sec. 9-172 regardless of the disturbed area. Persons must meet the applicability requirements under CSGP. This Article also applies to disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land within the corporate limits of the City. ...
- b. All terms, conditions, definitions, and other measures defined in CSGP shall apply except for state permitting process references and submittal deadlines of Construction Plans.
- c. This Article does not apply to persons who obtain an individual NPDES permit under CSGP Section 7.6.
- d. This Article does not apply to the Indiana Department of Transportation when it conducts its business within the City's corporate limits under its NPDES permit under CSGP Section 2.2 or Section 7.6 and the Indiana State University, which has its own MS4 permit.
- e. This Article does not apply to the following types of activities:
  - (1) Agricultural land disturbance activities;
  - (2) Forest harvesting activities.
- f. This Article does not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:



- (1) Landfills that have been issued a certification of closure under CSGP Section 2.2-5-(A).
- (2) Coal mining activities permitted under CSGP Section 2.2-5-(B).
- (3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under CSGP Section 2.2-5-(c) 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.

**Sec. 9-163 Responsibility for Administration.**

The Authorized Enforcement Agency shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the City through the Board of Sanitary Commissioners to persons or entities in the beneficial interest of or in the employ of the City.

**Sec. 9-164 Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore, this Article does not replace, repeal, abrogate, supersede or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this Article imposes requirements which are more protective of human health or environment than those set forth elsewhere, the provisions of this Article shall prevail. Approvals and permits granted under this Article are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance with all applicable federal, state and local laws and regulations shall be required, including rules promulgated under authority of this Article.

**Sec. 9-165 Responsibility of Construction Site Owner.**

- a. The project site owner has the following responsibilities:
  - (1) Ensure that, prior to the initiation of any land disturbing activities, a sufficient Construction Plan is completed and submitted to the Authorized Enforcement Agency and approved by the Authorized Enforcement Agency as discussed in Sec. 9-166 of this Article.
  - (2) Complete and submit to the Authorized Enforcement Agency and the Indiana Department of Environmental Management (IDEM) a sufficient Notice of Intent (NOI) letter and notification from Authorized Enforcement Agency indicating the Construction Plans are sufficient to comply with the requirements of CSGP.
  - (3) Make application for a Land disturbance permit and any other permits required by the City in accordance with procedures established by the City.
  - (4) Ensure compliance with this Article during:
    - (a) the construction activity; and
    - (b) implementation of the Construction Plan.

- (5) Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this Article and the approved Construction Plan.
- (6) Provide the Authorized Enforcement Agency and IDEM with a sufficient Notice of Termination (NOT) letter submitted through IDEM's ePortal, in compliance with the requirements of CSGP.
- b. For off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site, these off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.
- c. For an individual lot where land disturbance is expected to be one (1) acre or more and the lot lies within a project site permitted under this rule, the individual lot owner shall:
  - (1) Ensure that, prior to the commencement of any land disturbing activity, a sufficient Construction Plan is completed and submitted to and approved by the Authorized Enforcement Agency;
  - (2) Complete his or her own Notice of Intent (NOI) letter and submit it to the Authorized Enforcement Agency and IDEM;
  - (3) Apply for a Land disturbance permit and any other permits required by the City in accordance with the procedures established by the City.
- d. For an individual lot where the land disturbance is less than one (1) acre and the lot lies within a project site permitted under this rule, submittal of a Notice of Intent (NOI) letter and Construction Plan shall not be required. The individual lot operator shall:
  - (1) Comply with the provisions and requirements of the plan developed by the project site owner in accordance with the procedures established by the City;
  - (2) Comply with the provisions set forth in Sec. 9-168 of this Article; and
  - (3) Apply for a Land disturbance permit and any other permits required by the City in accordance with the procedures established by the City.

**Sec. 9-166 Construction Plan Submittal, Review and Approval.**

- a. A complete Stormwater Pollution Prevention Plan and erosion and sediment control plan shall be submitted to the Authorized Enforcement Agency for approval. At the time of submittal, the date and time will be recorded.
- b. The sufficiency of the Construction Plan shall be based upon CSGP regulations, the design criteria described in the current City of Terre Haute Standards and Specifications, and the design criteria described in the current Indiana Storm Water Quality Manual, as revised and amended from time to time.
- c. Each applicant shall bear the name(s) and address(es) of the owner or developer of the project site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.
- d. Each application shall include a statement that any land clearing, construction or development involving the movement of earth shall be in accordance with the submitted SWPPP .



- e. The Authorized Enforcement Agency will review each submitted SWPPP to determine its conformance with the provisions of this regulation and CSGP. Based on this review, the Authorized Enforcement Agency shall, in writing:
  - (1) Approve the erosion and sediment control plan and SWPPP subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the Technical Review and Comment Form stating that the “Plan is Adequate”;
  - (2) Provide a Technical Review and Comment Form stating that the “Plan is Deficient” and indicating the reason(s) and procedure for submitting a revised application and/or submission.
- f. The Technical Review and Comment Form from the Authorized Enforcement Agency stating that the “Plan is Adequate” and a Land disturbance permit shall be obtained prior to the initiation of any land disturbing activities.
- g. Pursuant to IC 13-18-27-16, the Authorized Enforcement Entity shall make a preliminary determination as to whether the construction plan associated with SWPPP is substantially complete before the end of the tenth (10th) working day (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. Failure to notify the applicant of the Authorized Enforcement Agency’s preliminary determination within the stated deadlines shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by written agreement between the applicant and the Authorized Enforcement Agency.
- h. After receiving a Technical Review and Comment Form stating that the “Plan is Adequate”, if revisions to the Construction Plan require a change in measures appropriate to control the quality or quantity of stormwater runoff, then revised plans must be submitted to the Authorized Enforcement Agency and receive the approval of the Authorized Enforcement Agency prior to implementation of the modified plan.
- i. The applicant shall apply for and receive a Land disturbance permit from the Authorized Enforcement Agency.
- j. After receiving a Technical Review and Comment Form stating that the “Plan is Adequate” from the Authorized Enforcement Agency, and the Land disturbance permit as well as any other permits required by the City, and at least forty-eight (48) hours prior to the start of land disturbance, the following shall be submitted to the Authorized Enforcement Agency and IDEM:
  - (1) Notice of Intent (NOI) submittal;
  - (2) A copy of the Technical Review and Comment Form stating that the “Plan is Adequate”; and
  - (3) Proof of Publication as required by CSGP.

**Sec. 9-167 Erosion and Sediment Control Requirements.**

- a. **General and Implementation Requirements** - The following general and implementation requirements apply to all land-disturbing activities and shall be considered in the preparation of a SWPPP within the corporate boundaries of the City of Terre Haute.
- (1) Trained individuals must be utilized for activities associated with the development and design of the SWPPP, stormwater measure implementation, and stormwater project management.
  - (2) Minimize the potential for soil erosion by designing a development that fits the topography and soils of the site. Unless needed to meet requirements and goals of the development, steep slopes should be avoided, and natural contours should be followed.
  - (3) All activities on a site should be conducted in a logical sequence and in accordance with the site's construction phasing plan so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
  - (4) The length and steepness of designed slopes should be minimized to reduce erosion potential. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. Methods for determining acceptable velocities are included in the IDEM Storm Water Quality Manual.
  - (5) Sediment-laden water which otherwise would flow from the project site shall be managed by appropriate erosion and sediment control measures to minimize sedimentation to receiving waters and adjacent properties as discussed in the IDEM Storm Water Quality Manual and other authoritative sources.
  - (6) Public roadways and roadways not exclusive to construction traffic shall be kept cleared of accumulated sediment that is a result of runoff or tracking. The following minimum conditions are applicable:
    - (a) Clearing of sediment must not include the utilization of mechanical methods that will result in mobilization of dust off the project site or flushing the area with water unless the flushed water is directed to an appropriate sediment control measure.
    - (b) Cleared sediment must be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
    - (c) Sediment discharged or tracked onto roadways that are open to traffic must be removed as directed by a regulatory authority or at a minimum, removed by the end of the same day.



- (7) Phasing of construction activities must be used, when feasible, to minimize the footprint of disturbed unstable areas.
- (8) Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
- (9) Natural features, including wetlands and sinkholes (karst features), shall be protected from pollutants associated with stormwater runoff, through appropriate stormwater management and/or treatment measures.
- (10) Soil compaction is to be minimized, especially in areas where permanent vegetation will be re-established and/or areas that are designated to infiltrate stormwater for the post-construction phase.
- (11) Topsoil must be preserved, unless infeasible.
- (12) Existing natural buffers that are adjacent to waters of the state must be preserved to promote infiltration and provide protection of the water resource, unless infeasible. Activities performed by a county drainage board under IC 36-9-27 are excluded.
  - (a) Natural buffers must be preserved, including the entire buffer bordering and/or surrounding the water resource. Existing buffers:
    - i. 50 feet or more in width must be preserved to a minimum of 50 feet.
    - ii. less than 50 feet in width must be preserved in their entirety. May be enhanced with vegetation that is native and promotes ecological improvement and sustainability.
  - (b) Runoff directed to the natural buffer must be:
    - i. treated with appropriate erosion and sediment control measures prior to discharging to the buffer.
    - ii. managed with appropriate runoff control measures to prevent erosion from occurring within the buffer area.
  - (c) Further information regarding buffer requirements is contained in IDEM's "Implementation of Buffers" guidance document.

- (13) Minimize the generation of dust through dust suppression techniques to prevent deposition into waters of the state and areas located beyond the permitted boundaries of the site as discussed in the IDEM Storm Water Quality Manual and other authoritative sources.
- (14) A stable construction site access measure must be provided at all points of construction traffic ingress and egress to the project site. Where the selected measure is not effective, an alternative measure or additional controls must be utilized to minimize tracking. Alternative measures may include, but are not limited to, wheel wash systems and rumble strips.
- (15) During the period of construction activities, all stormwater management measures necessary to meet the requirements of this permit must be maintained. Alternative measures must be selected and implemented, as necessary.
- (16) Discharge water from dewatering of ground water from excavations, trenches, foundations, etc. must not be discharged when:
- (a) Sediment-laden water is not first directed to an appropriate sediment control measure or a series of control measures, as per IDEM Storm Water Quality Manual and other authoritative sources, that minimizes the discharge of the sediment.
  - (b) A visible sheen and/or pollutants are present at a level that requires additional treatment and/or an alternate permit.
- (17) Appropriate measures must be implemented to eliminate wastes or unused building materials including, but not limited to garbage, debris, cleaning wastes, wastewater, concrete washout, mortar/masonry products, soil stabilizers, lime stabilization materials, and other substances from being carried from a project site by runoff or wind. Wastes and unused building materials must be managed and disposed of in accordance with all applicable statutes and regulations.
- (18) Construction and domestic waste must be managed to prevent the discharge of pollutants and windblown debris. Surplus plastic or hardened concrete/cementitious materials are not required to be placed in trash receptacles and are considered clean fill that may be reused, disposed of on-site, or recycled in accordance with applicable state and federal regulations. Management of waste materials may include, but are not limited to:
- (a) Waste containers (trash receptacles), when selected to manage waste, must be managed to reduce the discharge of pollutants and blowing of



debris. Receptacles that are not appropriately managed will require alternatives that include but are not limited to:

- i. A cover (e.g., lid, tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation or
- ii. A similarly effective method designed to minimize the discharge of pollutants.

(b) Waste that is not disposed of in trash receptacles must be protected from exposure to the weather and/or removed at the end of the day from the site and disposed of properly.

(19) Concrete and cementitious wash water areas, where cementitious fluids are permissible, must be identified for the site and the locations clearly posted. Wash water must be directed into leak-proof containers or leak-proof containment areas which are located and designed to divert runoff away from the measure and sized to prevent the discharge and/or overflow of the cementitious wash water. If not evaporated, wash water must be removed (pumped) for appropriate off-site disposal.

(20) Fertilizer applications associated with the stabilization plan for the project must meet the following requirements:

- (a) Apply fertilizer at a rate and amount as determined by a soil analysis or in accordance with the Indiana Storm Water Quality Manual or similar guidance documents.
- (b) Apply fertilizer at an appropriate rate and time of year for the project location (per manufacturer recommendations), taking into consideration proximity to a waterbody, and preferably timed to coincide with the period of maximum vegetative uptake and growth.
- (c) Avoid applying fertilizer immediately prior to precipitation events that are anticipated to result in stormwater runoff from the application area.

(21) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures must be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality. To meet this requirement:

- (a) A spill prevention and response plan, meeting the requirements in 327 IAC 2-6.1, must be completed.

- (b) Proper project management and the utilization of appropriate measures including, but not limited to, eliminating a source or the exposure of materials must be completed.
- (c) Manage the following activities:
  - i. Fueling and maintenance of equipment.
  - ii. Washing of equipment and vehicles.
  - iii. Storage, handling, and disposal of construction materials, products, and wastes.
  - iv. Application of pesticides, herbicides, insecticides, and fertilizers
  - v. Dispensing and utilization of diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals.
  - vi. Handling and disposal of hazardous wastes, including, but not limited to paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.
  - vii. Washing of applicators and containers used for paint, grout, or other materials.

(22) The construction shall be undertaken by a City of Terre Haute registered contractor and the personnel associated with the project must be informed of the terms and conditions of this permit and the requirements within the SWPPP. The permittee is required to document this process. Information must be provided through written notification, contracts, or other means (i.e., pre-construction meetings) that effectively communicates the provisions and requirements of the permit and SWPPP. Personnel may include, but are not limited to:

- (a) General contractors, construction management firms, grading or excavating contractors, and trade industry representatives (i.e. concrete industry) associated with the overall project.
- (b) Contractors or individual lot operators that have primary oversight on individual building lots.
- (c) Those responsible for the implementation of the SWPPP, and the installation, repair, and maintenance of stormwater measures.
- (d) Those responsible for the application and storage of treatment chemicals.
- (e) Those responsible for administering the self-monitoring program (SMP).

(23) A notice must be posted near the main entrance of the project site or at a publicly accessible location. For linear project sites, such as a pipeline or highway, the notice must be placed



in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and include:

- (a) A copy of the completed IDEM NOI or a document, such as the Permit Summary Report & Notice of Sufficiency letter produced by IDEM's online ePortal system, that at a minimum contains the following information:
    - i. The project site owner's name, address, telephone number, and email address.
    - ii. A contact person's (if different than project site owner) name, company name, address, email address, and telephone number.
    - iii. The name of the project as it appears on the construction plan and, when applicable, alternative names that may be associated with the project. The name must include the specific designations that are associated with the project and identified on the plans, including phases, sections, or other divisions.
    - iv. The number of acres to be involved in the construction activities and disturbed. The disturbed acreage claimed in the NOI must be consistent with the acreage identified in the construction/stormwater pollution prevention plan. Permit coverage is only associated with the disturbed acreage and those areas where appropriate storm-water management measures are identified in the SWPPP.
  - (b) The NPDES permit number(s), upon receipt.
  - (c) The location of the construction plan/SWPPP if the project site does not have an on-site location to store the plan.
- (24) The use of anionic polymers (cationic polymers are not authorized for use) on the project site are authorized for sediment control provided their use is in conformance with current State of Indiana standards and specifications and the use is identified in the stormwater pollution prevention plan (SWPPP). If use of a polymer is not in the SWPPP and is selected at a later date, notification to IDEM and the Authorized Enforcement Agency is required. An email notification prior to the use of the polymer to the IDEM Stormwater Program is acceptable. For projects regulated by a MS4 notification must follow the local process for the use of polymers.
- (25) Restoration and/or clean-up may be required for those areas impacted by sediment or other pollutant discharges. These activities will be performed as directed by the inspecting authority and may require:

- (a) Development and submittal of a removal and restoration plan to ensure the methodology chosen will not result in further degradation of the resource.
- (b) Permission by a property owner when the restoration activity requires access to a property owned by another entity or individual.
- (c) Additional permits prior to initiation of the work.

b. **Stabilization Requirements** - The following stabilization requirements apply to all land-disturbing activities:

1. Non-vegetated areas that are left idle or scheduled to be left inactive must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. To meet this requirement, the following apply:

- (a) Stabilization must be initiated by the end of the seventh day the area is left idle. The stabilization activity must be completed within fourteen (14) days after initiation. Initiation of stabilization includes, but is not limited to, the seeding and/or planting of the exposed area and applying mulch or other temporary surface stabilization methods where appropriate. Areas that are not accessible due to an unexpected and disruptive event that prevents construction activities are not considered idle.
- (b) Areas that have been compacted may be excluded from the stabilization requirement when the areas are intended to be impervious surfaces associated with the final land use, provided runoff from the area is directed to appropriate sediment control measures.

2. Final stabilization of a project site is achieved when:

- (a) All land-disturbing activities have been completed and a uniform (evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved disturbed areas, and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed. This requirement does not apply to:
  - i. Landscaping that is part of the final project plan is considered stable when the plan has been fully implemented and areas not being vegetated are stable with a non-erosive material and/or product.



- ii. Projects or specific stormwater measures that utilize native vegetation and/or special vegetative plantings that are either required by a water quality permit/authorization or part of the design and functionality of a stormwater measure provided the activity does not pose a threat that will result in off-site sedimentation.
- iii. Projects on land used for agricultural purposes when:
  - a) Stabilization is completed in accordance with the above Stabilization Requirements (in 1. (a) and 1. (b)) as land-disturbance progresses. Land that is returned to agricultural production must be temporarily or permanently seeded upon completing land-disturbing activities. Stabilization requirements may be waived by the inspecting authority if the project site does not pose a threat of discharging sediment.
  - b) Disturbed areas, not previously used for agricultural production, such as filter strips, must be returned to their pre land disturbance use.

(b) Specific projects, due to function and/or operation, may necessitate that an area remain disturbed. Only the minimum operational area will be allowed to remain disturbed. This option primarily applies to off-road recreational commercial operations but may apply to other land use types upon determination by the regulating entity.

c. **Design Requirements** - The following design requirements 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:

1. Sound engineering, agronomic, and scientific principles must be utilized for measures contained in the SWPPP.
2. Appropriate measures must be planned, designed, and installed as part of an erosion and sediment control system and in accordance with the site's construction phasing plan.
3. Stormwater runoff leaving the project site must be discharged in a manner that is consistent with this ordinance, state, and/or federal law.
4. Collected runoff leaving the project site must be directed to an established vegetated area, when feasible and applicable, to increase pollutant removal and maximize stormwater

infiltration and then either discharged directly into a well-defined, stable receiving conveyance or diffused and released without causing erosion at the point of discharge.

5. Conveyance systems must be designed taking into consideration both peak flow and total volume and must be adequately protected so that their final gradients and resultant velocities are unlikely to cause erosion at the outlet or in the receiving channel, based on known conditions of the discharge at the time of design to accommodate post-construction conditions.
  6. Sediment basins, where feasible, must withdraw water from the surface of the water column unless equivalent sediment reduction can be achieved by use of alternative measures. Alternative measures include but are not limited to increasing the basin length to width ratio to 4:1 or greater, implementation of porous baffles, use of flocculants/polymers, and/or phasing of project land disturbance that also incorporates a rapid stabilization program. During freezing conditions, the implementation of alternative withdrawal methods may be utilized.
- d. **Monitoring and Management Requirements** - A trained individual (or an individual working under the direct supervision of a trained individual, as authorized by IC 13-18-27-17), acceptable to the Authorized Enforcement Agency, shall monitor project construction and stormwater activities utilizing the self-monitoring form provided in the Terre Haute Stormwater Standards and Specifications. These shall include:
1. A written evaluation of the entire project site, with the exception of those areas that are considered unsafe. The evaluation must be performed by a trained individual and completed:
    - (a) Twenty-four (24) hours prior to a qualifying precipitation event or by the end of the next business day following each measurable storm event (excludes accumulated snow events); which is defined as a precipitation accumulation equal to, or greater than, one-half (0.50) inch of rainfall within a 24-hour period. If no rain event occurs within the work week a minimum of one inspection must occur. In the event of multiple qualifying events during the work week, no more than three (3) inspections would be required to meet the self-monitoring requirements.
    - (b) At a minimum of one (1) time per month for specific areas within the project which are stabilized with permanent vegetative cover at seventy (70) percent density and/or erosion resistant armoring is installed. A reduction to once per month is also applicable for the entire project site for stabilized common areas, basins, conveyances, outfalls, and inactive



building sites. Prior to reducing the monitoring to monthly, records must identify the area and the date the area became eligible for monthly monitoring. Weekly monitoring as identified in (a) above must resume if one or more of the following occurs:

- i. The vegetative cover fails or there is evidence of erosion in the identified area.
- ii. The Authorized Enforcement Agency requires monitoring to resume.

2. A complete written evaluation report which must include:

- (a) Name of the individual performing the evaluation, including printed name, title, and signature (electronic signatures are acceptable).
- (b) Date of the evaluation.
- (c) Amount of precipitation, when the evaluation is conducted after a measurable storm event. Recorded rainfall may be documented utilizing an on-site rain gauge or storm event information from a weather station that is representative of the project location.
- (d) Observations of project performance in relation to:
  - i. Implementation of the stormwater pollution prevention plan.
  - ii. Assessment of existing stormwater measures based on industry standards and maintenance standards as identified in Section 5 of the Stormwater Permit Application Form (found in Appendix B1 of this document) to ensure each measure is operational and functioning properly.
  - iii. Additional measures necessary in the event an existing measure fails or is not present in the landscape.
  - iv. Impacts including, but not limited to, sediment discharges, erosion, discharges that results in bank erosion, and operational activities that have the potential to generate pollutants and unauthorized discharges.
- (e) Documentation of an actual discharge that is visible during the assessment, the location of the discharge and a visual description of the discharge. The visual description includes, but is not limited to, color (turbidity reading is an option), odor, floatables, settled/suspended solids,

foam, oil sheen, and any other visible sign that may be attributed to operations occurring on the project site.

- (f) Detail of corrective action recommended and/or completed. Corrective action includes, but is not limited to:
  - i. Repairing, modifying, or replacing any stormwater management measure.
  - ii. Clean-up and proper disposal of spills, releases, or other deposits.
  - iii. Remedying a permit violation.
  - iv. Taking reasonable steps to remediate, minimize or prevent the discharge of pollutants associated with the construction activity until a permanent corrective solution is initiated.
  - v. Restoring an impacted area and/or removing accumulated sediment, provided appropriate permission and permits are obtained to conduct the activity.
  
- (g) A timeline for which the corrective action will occur to remediate the discharge of pollutants. The established corrective action, at a minimum, must be initiated:
  - i. On the day the deficiency was discovered or when it is not practical to initiate on the discovery date, no later than forty- eight (48) hours for the repair of a measure or installation of a temporary measure until a new and/or replacement measure is installed as specified in item ii) below.
  - ii. Within seven (7) days of discovery for the installation of a new (alternative) measure or replacement of an existing measure unless a shorter timeframe is required as part of a regulatory inspection. The inspecting authority may also allow additional time to take corrective action.
  - iii. If corrective action cannot be achieved within the timelines outlined in i) or ii) above, a reason for incompleteness must be provided and documented, including the anticipated completion date.
  
- (h) Documentation of corrective action taken from the previous self-monitoring report.



3. Maintaining the SMP reports at the site or at an easily accessible location (refer to Project Documentation Requirements below).
  4. Providing all reports for the project site to Authorized Enforcement Agency within forty-eight (48) hours of a request. Electronic copies are acceptable, provided they are in a format consistent with the paper record.
- e. **Project Documentation Requirements** – The following project documentation shall be developed and maintained:
1. Maintain a project management log that contains:
    - (a) Information related to all off-site borrow sites, disposal areas, and staging areas, including the location of each activity as it is identified and/or selected.
    - (b) Information related to all project activities including, but not limited to:
      - i. SMP reports.
      - ii. Regulatory inspections.
      - iii. Responses to a compliance action or enforcement action.
      - iv. Records showing the dates of all SWPPP modifications. The records must include the name and affiliation of the person authorizing each change and a summary of all changes.
  2. Ensure the SWPPP and supporting documentation associated with the SMP and project management log are accessible at the project site office or in the possession of on-site individuals with responsibility for the overall project management or associated with the management and operations of construction activities. This information must be provided to the Authorized Enforcement Agency within forty-eight (48) hours of a request.

**Sec. 9-168 General Requirements for Individual Building Lots within a Permitted Project.**

All stormwater quality measures, including erosion and sediment control, necessary to comply with this Article must be implemented in accordance with the Construction Plan and be sufficient to satisfy the following requirements:

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

- a. The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots.
- b. Installation and maintenance of a stable construction site access.
- c. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
- d. Sediment discharge and tracking from each lot must be minimized throughout the land disturbance activities on the lot until permanent stabilization has been achieved.
- e. Clean-up of sediment that is either tracked or washed onto road. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable laws and ordinances.
- f. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
- g. Appropriate measures must be implemented to eliminate wastes or unused building materials including, but not limited to garbage, debris, cleaning wastes, wastewater, concrete or cementitious washout water, mortar/masonry products, soil stabilizers, lime stabilization materials, and other substances from being carried from the building site by runoff or wind. Wastes and unused building materials must be managed and disposed of in accordance with all applicable statutes and regulations.
- h. Construction and domestic waste must be managed to prevent the discharge of pollutants and windblown debris in accordance with Sec. 9-167(a)(18).
- i. Demolition waste must be managed to prevent windblown debris and to protect water quality.
- j. Concrete and cementitious washout areas provided by the permittee of the overall project site are utilized unless a leak-proof containment system is operated on the building lot, or special arrangements are made to properly dispose of the wash water. Washout systems on individual lots are the responsibility of the individual lot operator and must be properly installed and maintained. Wash water must be managed by the individual lot operator and is not allowed to discharge.
- k. For individual residential lots, final stabilization meeting the criteria in Sec. 9-167 b of this Article will be achieved when the individual lot operator:
  - (1) completes final stabilization; or
  - (2) has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

**Sec. 9-169 Monitoring of Discharges.**

The Authorized Enforcement Agency shall have authority to monitor discharges from construction sites covered under this Article as described in City of Terre Haute Illicit Connections and Discharge Regulation.



**Sec. 9-170 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.**

The Authorized Enforcement Agency shall establish requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state. The owner or operator of a construction site shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non- structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

**Sec. 9-171 Construction Site Inspection.**

- a. In addition to the required self-monitoring inspections by the developer as detailed in Section 9-167 d, the Authorized Enforcement Agency will perform inspections and provide recommendations to evaluate the installation, implementation, and maintenance of control measures and management practices at any project site involved in construction activities. Construction project sites will be prioritized based on the nature and extent of the construction activity, topography, and the characteristics of soils and receiving water quality.
- b. If after a recommendation is provided to the project site owner, corrective action is not taken, the Authorized Enforcement Agency will pursue enforcement pursuant to Sec. 9-176.

**Sec. 9-172 Project Termination.**

- a. The Authorized Enforcement Agency shall make a final inspection of the site at the request of the project site owner when all land disturbing activities have been completed, the entire project site has been stabilized and all temporary erosion and sediment control measures have been removed. Upon satisfaction that all conditions have been addressed the Authorized Enforcement Agency shall issue a Termination Verification Form.
- b. The project site owner must submit a Notice of Termination (NOT) letter to IDEM through IDEM's ePortal and include a copy of the Termination Verification Form with the NOT submittal.

**Sec. 9-173 Post-Construction Controls for New Development or Redevelopment.**

- a. On areas that undergo new development or redevelopment, site construction resulting in disturbance of one (1) acre or more total land area, the project site owner must submit to the Terre Haute Department of Engineering, a Stormwater Pollution Prevention Plan

(SWPPP) that would show placement of appropriate post construction BMP(s) from a pre-approved list of BMPs specified in the Terre Haute Standards and Specifications. The SWPPP submittal shall include an Operation and Maintenance Manual for all post construction BMP(s) included in the project and a notarized Maintenance Agreement, consistent with the sample agreement provided in the Terre Haute Standards and Specifications, providing for the long-term maintenance of those BMPs, both of which shall be recorded with the deed for the property on which the project is located. The noted BMPs must be designed, constructed, and maintained according to the guidelines provided or referenced in the City of Terre Haute Standards and Specifications. 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 the guidelines provided in the Terre Haute Standards and Specification, would be placed with the applicant. Details regarding the procedures and criteria for consideration for acceptance of such BMPs are provided in the Terre Haute Standards and Specifications. The Terre Haute Department of Engineering shall have full technical and administrative approval authority on the application and design of all post construction BMPs, conditions, definitions, and submittal requirements of construction plans and specifications and related documents as defined in CSGP.

- b. Any development or redevelopment, regardless of disturbed area, discharging to infiltration measures or karst features shall be required to install pretreatment BMPs in accordance with the Terre Haute Standards and Specifications.
- c. Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure. Detailed requirements regarding the activities in wellhead protection areas are contained in the City of Terre Haute Wellhead Protection District code (Division XV).
- d. Hotspot developments which produce higher levels of pollutants and/or present a higher potential risk for spills, leaks, or illicit discharges regardless of the disturbed area may be required to install pretreatment BMPs at the discretion of the Authorized Enforcement Agency.
- e. Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and other 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.
- f. Post-construction stormwater management measures must be implemented to manage the discharge of stormwater run-off to address quality and quantity. Measures must be designed and engineered in accordance with the following standards and at a minimum:
  - (1) The control and release of the post-developed stormwater run-off shall be in accordance with the details contained in the Terre Haute Standards and Specifications.
  - (2) Run-off from the project site must be managed to minimize pollutants that are expected to be associated with stormwater run-off from the final land use. To



achieve pollutant minimization goals, measures must be selected based on correct sizing to address the Water Quality Volume (WQv) or Water Quality Flow Rate (WQq) in accordance with the details contained in the Terre Haute Standards and Specifications to ensure compliance with 327 IAC 2-1-6(a)(1)(A-D) and 327 IAC 2-1.5-8(a) and 327 IAC 2-1.5-8 (b)(1)(A-D).

- (3) Utilize one (1) or more post-construction measures working in tandem or series to treat stormwater run-off and increase the overall efficiency of individual and specialized measures.
- (4) In combination with proper post-construction measure selection, design and development strategies may be selected and incorporated into the plan to minimize the discharge pollutants. These strategies may include, but are not limited to:
  - (a) Low Impact Development (LID) and green infrastructure.
  - (b) Infiltration measures. When selected, infiltration measures must take into consideration the pollutants associated with run-off and the potential to contaminate ground water resources. When there is a potential for contamination, choose alternative measures or measures that pre-treat run-off to eliminate or reduce the pollutants of concern.

**Sec. 9-174 Post Construction Stormwater Quality Submittals.**

- a. All planned post construction BMPs shall be indicated on the submitted plans with design calculations included. The calculation methods as well as the type, sizing, and placement of all BMPs shall meet the design criteria, standards, and specifications outlined in the City of Terre Haute Standards and Specifications.
- b. Written operational and maintenance plans shall be submitted for all planned structural post construction BMPs to ensure long-term maintenance and functionality.

**Sec. 9-175 Post Construction Site Inspection and Maintenance.**

- a. All post construction BMPs shall be inspected and maintained in good condition by the owner, in accordance with the Terre Haute Standards and Specifications, the Indiana Storm Water Quality Manual, and/or the post construction operations and maintenance manual to provide the intended stormwater quality benefits. Following construction completion, maintenance of BMPs shall be the long-term responsibility of the facility's owner.
- b. Post construction BMPs shall not be altered, revised, or replaced except in accordance with the approved plans, or in accordance with approved amendments or revisions to the plans.
- c. The Authorized Enforcement Agency have the authority to perform long-term, post construction inspection of all public or privately owned BMPs. The inspections will follow the operation and maintenance procedures included in the Terre Haute Standards and Specifications, the Indiana Storm Water Quality Manual, or the operation and maintenance plan submitted with the approved plans for each specific BMP. The inspection will cover physical conditions, available water quality storage capacity, and

operational condition of key facility elements. Noted deficiencies and recommended corrective action will be notified by the Authorized Enforcement Agency 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 Authorized Enforcement Agency will pursue enforcement actions.

**Sec. 9-176 Enforcement.**

- a. Enforcement of this Article shall be subject to the severity of the infraction and the construction site operator's efforts to comply. The Authorized Enforcement Agency shall reserve the right to interpret enforcement on a case by case basis. Tiered enforcement will be practiced at the Authorized Enforcement Agency's discretion. The tiered enforcement may include:
  - (1) Verbal warning to the construction site operator to make corrections.
  - (2) Written warning to the construction site operator to make corrections within a specified period of time. The period of time shall take into account issues such as the severity of the problem, pending weather, seasonal conditions, and the level of effort necessary to correct the problem.
  - (3) Warning of Non-Compliance with directions to the construction site operator that site conditions require immediate action.
  - (4) Stop Work Order. Note that per IC 13-18-27-18, if the Authorized Enforcement Agency has made a conclusive favorable determination concerning a construction plan (including SWPPP) and work on the construction project has begun, the Authorized Enforcement Agency may not order work on the construction project to stop on the grounds that the erosion and sediment control measures included in the construction plan are not adequate unless the project site owner is notified in writing of the inadequacies that the Authorized Enforcement Agency perceives in the erosion and sediment control measures and the perceived inadequacies are not resolved within seventy-two (72) hours after the project site owner receives the written notice. However, this limitation does not prohibit the Authorized Enforcement Agency from ordering work on a construction project to stop immediately if the project site owner is creating a public health hazard or a safety hazard.
  - (5) Revocation of Land disturbance permit.
- b. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.



**Sec. 9-177 Injunctive Relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. If a person has violated or continues to violate the provisions of this Article, the Authorized Enforcement Agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**Sec. 9-178 Compensatory Action.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the Authorized Enforcement Agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, or any other action deemed reasonable by the Authorized Enforcement Agency.

**Sec. 9-179 Civil Penalty.**

Any person that has violated or continues to violate the provisions of this Article shall be liable to civil penalties to the fullest extent of the law, and shall be subject to a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) per violation per day. The Authorized Enforcement Agency may recover all attorney's fees, court costs, consultant costs, and other expenses associated with enforcement of this Article, including sampling and monitoring expenses.

**Sec. 9-180 Violations Deemed a Public Nuisance.**

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

**Sec. 9-181 Remedies Not Exclusive.**


The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state, or local law. It is within the discretion of the Authorized Enforcement Agency to seek cumulative remedies.

SECTION 3. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinances imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

SECTION 4. If any provision of this Ordinance or the application of any provision of this Ordinance to any person or circumstance is invalid, the invalidity shall not affect the other provisions or the application of any provision which can be given effect without the invalid

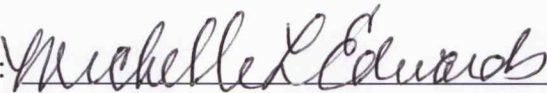
provision or application, and to this end, all provisions and sections or parts thereof are declared to be Severable.

SECTION 5. WHEREAS, this Ordinance shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and publication as required by law.

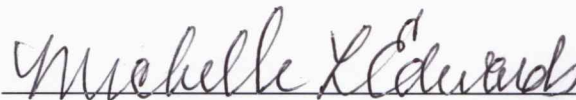
Introduced by:  Anthony Dinkel, Councilperson

Passed in open Council this 6<sup>th</sup> day of June, 2024.

 Tammy Boland, President

ATTEST:  Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 6<sup>th</sup> day of June, 2024  
at 9:05pm o'clock.

 Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 6<sup>th</sup> day of June, 2024.

 Brandon C. Sakbun, Mayor

ATTEST:  Michelle L. Edwards, City Clerk