

## CHAPTER 816

### ZONING ORDINANCE: EROSION CONTROL/GRADING PLAN

816-1

#### Purpose

The purpose of this chapter is to control soil erosion and sediment damages and to ensure compliance with 327 IAC 15-5 (Rule 5) by establishing requirements for storm water discharges and the protection of exposed soil surfaces for construction activities to promote the safety, public health, convenience, and general welfare of the citizens of Monroe County, Indiana.

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#### Applicability and Exemptions

The requirements under this chapter apply to all persons who:

- (A) Propose any land disturbance, except for the following:
1. Development where the land will not be disturbed (e.g., addition of a second story, location of a mobile home on an existing pad, etc.);
  2. Land disturbance activities directly associated with the use of an existing single family and two-family dwelling (e.g., gardening, repairing septic system, etc.);
  3. Land disturbance activities directly associated with the construction of a single family or two-family dwelling, or residential accessory structure, or agricultural structure that is expected to disturb less than one (1) acre;
  4. Agricultural use of lands;
  5. Forest harvesting occurring in areas classified as rural in accordance with I.C. 36-7-4-1103;
  6. Landfills that have been issued a certification of closure under 329 IAC 10;
  7. Municipal landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste boundary;
  8. Projects that are performed by, or on behalf of, the United States, the State of Indiana, or any political subdivision of the State of Indiana, and that are otherwise subject to Federal or State erosion control regulations.
- (B) Propose any preliminary plat, site plan, construction plan, or development plan where total land disturbances are expected to exceed one (1) acre in area;
- (C) Do not obtain an individual NPDES permit under 327IAC 15-2-6;
- (D) Meet the general permit rule applicability requirements under 327 IAC 15-2-3, and
- (E) Propose forest harvesting in areas classified as urban in accordance with I.C. 36-7-4-1103. Such activities shall only be required to submit a plan that details compliance with the Best Management Practices described in "Best Management Practices. Protecting the Woods While Harvesting" –

IDNR, "Logging and Forestry BMP's for Water Quality in Indiana" – IDNR, and any other recognized Best Management Practices adopted by the Indiana Department of Natural Resources.

### 816-3

#### **Definitions**

In addition to the definitions contained elsewhere in the Monroe County Zoning Ordinance, the following definitions apply to this Chapter:

**Agricultural Conservation Practices.** Practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation. These practices include grass waterways, sediment basins, terraces, and grade stabilization structures.

**Agricultural Land Disturbing Activity.** Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tiles.

**Construction Plan.** A representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A storm water pollution prevention plan is a part of the construction plan.

**Construction Site Access.** A stabilized stone surface at all points of ingress and 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.

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

**Department.** The Monroe County Planning Department.

**Erosion and Sediment Control Measure.** A practice or a combination of practices, to control erosion and resulting sedimentation.

**Erosion and Sediment Control System.** The use of appropriate erosion and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged from or within a project site.

**Final Stabilization.** The establishment of permanent vegetative cover or the application of a permanent nonerosive material to areas where all land disturbing activities have been completed and no additional land disturbing activities are planned under the current permit.

**Individual Building Lot.** A single parcel of land within a multiparcel development.

**Individual Lot Operator.** A contractor or subcontractor working on an individual lot.

**Individual Lot Owner.** A person who has financial control of construction activities for an individual lot.

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

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

**MS4 Area.** Land comprising one (1) or more places that receive coverage under one (1) NPDES storm water permit regulated by 327 IAC 15-13 or 327 IAC 5-4-6(a)(4) and 327 IAC 5-4-6(a)(5).

**MS4 Operator.** The person responsible for development, implementation, or enforcement of the minimum control measures for a designated MS4 area regulated under 327 IAC 15-13.

**Peak Discharge.** The maximum rate of flow during a storm, usually in reference to a specific design storm event.

**Permanent Stabilization.** The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent nonerosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

**Phasing of Construction.** Sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.

**Project Site.** The entire area on which construction activity is performed.

**Project Site Owner.** The person required to submit the NOI letter under this Chapter and required to comply with the terms of this Chapter, including either a developer or a person who has financial and operational control of the construction activities and project plans and specifications, including the ability to make modifications to those plans and specifications.

**Sedimentation.** The settling and accumulation of unconsolidated sediment carried by storm water run-off.

**Soil and Water Conservation District.** A political subdivision established under IC 14-32.

**Storm Water Pollution Prevention Plan.** A plan developed to minimize the impact of storm water pollutants resulting from construction activities.

**Storm Water Quality Measure.** A practice or a combination of practices, to control or minimize pollutants associated with storm water run-off.

**Strip Development.** A multilot project where building lots front an existing road.

**Temporary Stabilization.** The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover,

anchored mulch, or other nonerosive material applied at a uniform density of seventy percent (70%) across the disturbed area.

**Tracking.** The deposition of soil that is transported from one (1) location to another by tires, tracks of vehicles, or other equipment.

**Trained Individual.** An individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

## 816-4

### **Submittal Requirements**

The following information (A or B and D and E) must be submitted by the project site owner for all projects subject to the provisions of this Chapter:

- (A)** Construction Plans (for all projects other than single-family residential developments consisting of four (4) or fewer lots or a single family residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a large common plan of development or sale)

For projects requiring compliance with this Chapter, the project owner shall develop a set of construction plans that must include at a minimum the following:

1. Project narrative and supporting documents, including the following:
  - a. An index indicating the location, in the construction plans of all information required by this subsection;
  - b. Description of the nature and purpose of the project;
  - c. Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township;
  - d. Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions;
  - e. General construction sequence of how the project site will be built, including phases of construction;
  - f. Hydrologic Unit Code (14 Digit) available from the United States Geological Survey (USGS);
  - g. A reduced plat or project site map showing the lot numbers, lot boundaries, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site, and
  - h. Identification of any state or federal water quality permits that are required for construction activities associated with the owner's project site.
2. Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map or county highway map.

3. An existing project site layout that must include the following information:
  - a. Location and name of all wetlands, lakes, and water courses on or adjacent to the project site;
  - b. Location of all existing structures on the project site;
  - c. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists;
  - d. Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map;
  - e. Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site;
  - f. Land use of all adjacent properties and location of any existing building or structures on land of adjacent owners which are within one-hundred (100) feet of subject property which may be affected by any proposed land disturbing activities, and
  - g. Existing topography at a contour interval (maximum five (5) foot intervals) appropriate to indicate drainage patterns.
  - h. Identification of any historic or prehistoric ruins or monuments, objects of antiquity, geological landmarks or monuments, and any state or federally protected species or habitats.
4. Final project site layout, including the following information:
  - a. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists;
  - b. Proposed final topography at a contour interval appropriate to indicate drainage patterns, and
  - c. Information (including copies of approved permits) regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site and under the control of the project site owner.
5. A grading plan, including the following information:
  - a. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site;
  - b. Location of all proposed site improvements, including roads (including road elevations), utilities, lot delineation and identification, proposed structures, and common areas;
  - c. Location of all soil stockpiles and borrow areas, and
  - d. Existing and proposed topographic information.
6. A drainage plan prepared in accordance with Chapter 761 "Storm Water Management" of the Monroe County Code.
7. A storm water pollution prevention plan associated with construction activities. The plan shall meet the methods and standards adopted by the Indiana Department of Natural

Resources and/or set forth in the Indiana Construction Site Erosion Control Manual and must include the following:

- a. Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures;
- b. Temporary stabilization plans and sequence of implementation;
- c. Permanent stabilization plans and sequence of implementation;
- d. Temporary and permanent stabilization plans shall include the specifications and application rates for soil amendments and seed mixtures and the type and application rate for anchored mulch;
- e. Construction sequence describing the relationship between implementation of storm water quality measures and stages of construction activities;
- f. Self-monitoring program including plan and procedures;
- g. A description of potential pollutants to storm water discharges, and
- h. Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6-1.

8. The post-construction storm water pollution prevention plan. The plan must include the following information:

- a. A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to storm water discharges;
- b. Location, dimensions, detailed specifications, and construction details of all post-construction storm water quality measures;
- c. A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed;
- d. A sequence describing when each post-construction storm water quality measure will be installed;
- e. Storm water quality measures that will remove or minimize pollutants from storm water run-off;
- f. Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat, and
- g. A narrative description of the maintenance guidelines for all post-construction storm water quality measures to facilitate their proper long-term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction storm water quality measures.

**(B)** Construction Plans (for single-family residential developments consisting of four (4) or fewer lots or a single family residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a large common plan of development or sale)

1. For projects requiring compliance with this Chapter, the project owner shall develop a set of construction plans that must include at a minimum the following:
  - a. An index indicating the location, in the construction plans, of all required items in this subsection;
  - b. Description of the nature and purpose of the project;
  - c. Legal description of the project site. The description should be to the nearest quarter section, township and range, and include the civil township;
  - d. Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions;
  - e. Hydrologic Unit Code (14 Digit) available from the United States Geological Survey (USGS), and
  - f. Identification of any state or federal permits that are required for construction activities associated with the project site owner's project site.
2. Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map or county or municipal road map.
3. A project site layout that must include the following information:
  - a. Location and name of all wetlands, lakes, and water courses on or adjacent to the project site;
  - b. Location of all existing structures on the project site (if applicable);
  - c. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists;
  - d. Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map;
  - e. Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site;
  - f. Land use of all adjacent properties and location of any existing building or structures on land of adjacent owners which are within one-hundred (100) feet of subject property which may be affected by any proposed land disturbing activities;
  - g. Existing and proposed topography at a contour interval appropriate to indicate drainage patterns;
  - h. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, and proposed structures.
  - i. Identification of any historic or prehistoric ruins or monuments, objects of antiquity, geological landmarks or monuments, and any state or federally protected species or habitats.
4. A storm water pollution prevention plan associated with the construction activities. The plan shall meet the methods and

standards adopted by the Indiana Department of Natural Resources and/or set forth in the Indiana Construction Site Erosion Control Manual and must include the following:

- a. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site;
- b. Location of all soil stockpiles and borrow areas;
- c. Location, size, and dimensions of all storm water drainage systems, such as culverts, storm sewers, and conveyance channels;
- d. Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. or note if none exist;
- e. Locations of specific points where storm water discharge will leave the project site;
- f. Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water;
- g. Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures;
- h. Temporary stabilization plans and sequence of implementation of implementation of storm water quality measures;
- i. Temporary and permanent stabilization plans shall include the following:
  - i. Specifications and application rates for soil amendments and seed mixtures.
  - ii. The type and application rate for anchored mulch, and
- j. Self-monitoring program plan and procedures.

**(C)** Upon finding of reasonable cause, the Planning Administrator may require modification to the construction plan if it is determined that changes are necessary due to site conditions or project design changes. Revised plans, if requested, must be submitted to the Planning Department within twenty-one (21) calendar days of a request for modification.

**(D)** Notice of Intent Letter

A NOI letter meeting the provisions of 327 IAC 15-5-5 and 327 IAC 15-5-6 shall be submitted to the Indiana Department of Environmental Management, the Monroe County Soil and Water Conservation District, and the Monroe County Planning Department following written approval of the project's construction plans from the Planning Department.

**(E)** Financial Guaranty of Performance

1. As a condition of approval for the issuance of a permit, the Administrator shall require the Applicant to post a performance guaranty with the County Engineer to ensure that the required improvements are completed and/or dedicated in the manner

prescribed by this Ordinance, unless exempted under the provisions of this Chapter;

2. For grading permits, the performance guaranty shall be in the amount of one hundred and ten percent (110%) of the estimated completion cost of the required erosion and sediment control measures as set forth in the construction plan and storm water pollution prevention plan. For logging harvest permits not otherwise exempted by this Chapter the performance guaranty shall be the aggregate of a fixed amount for each road cut proposed;
3. The period within which the required improvements must be completed ("performance period") shall be specified in the Improvement Agreement, and shall not exceed five (5) years from the date of the permit approval;
4. The Administrator may amend the financial guaranty and the Improvement Agreement to extend the performance period provided the provisions of 816-8 are adhered to and upon a finding that the Applicant has been unable to complete the required improvements despite due diligence;
5. The financial guaranty and the Improvement Agreement shall name the Plan Commission and/or Monroe County as obligees, shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney as to form (See Monroe County Code Section 860-6), sufficiency and manner of execution as set forth in this Ordinance, and
6. The guaranty and Improvement Agreement shall be secured by either an irrevocable letter of credit or a cashier's check in the amount of the guaranty. The beneficiary of such guaranty shall be the Plan Commission and/or Monroe County. The financial guaranty shall be issued by a financial institution (guarantor) that maintains an office within sixty (60) miles of Monroe County, Indiana, at which the financial guaranty may be presented for payment. Letters of credit submitted pursuant to this Chapter shall comply with Monroe County Code Section 860-8. Cashiers checks submitted pursuant to this Chapter shall be held by the County Treasurer until the performance guaranty is released or reduced as provided in this Ordinance.

**(F) General Requirements for Storm Water Quality Control**

All storm water quality measures and erosion and sediment controls necessary to comply with this Chapter must be implemented in accordance with the construction plan and sufficient to satisfy the following:

1. Sediment laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures to minimize sedimentation;
2. Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including

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

3. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site;
4. Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing of the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations;
5. Storm water runoff leaving a project site must be discharged in a manner that is consistent with applicable state or federal law;
6. The project site owner shall post a notice near the entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project filed office. The notice must be maintained in a legible condition and contain a copy of the completed NOI letter, NPDES permit number, and Monroe County Improvement Location Permit, where applicable. The notice shall also contain the name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person, the telephone number of the Monroe County Planning Department and the location of the construction plan if the project site does not have an on-site location to store the plan;
7. The permit and posting of the notice under section (6) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site;
8. The storm water pollution prevention plan shall serve as a guide for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this Chapter, all measures necessary to adequately prevent polluted storm water runoff and to comply with all other county and state statutes and regulations;

9. The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this Chapter and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation;
10. Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas;
11. Appropriate measures shall be planned and installed as part of an erosion and sediment control system;
12. All storm water quality measures must be designed and installed under the guidance of a trained individual;
13. 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;
14. 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;
15. Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water runoff;
16. Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with density of less than seventy percent (70%) shall be reestablished using appropriate methods to minimize erosion potential;
17. During the period of construction activities, all storm water quality measures necessary to meet the requirements of this Chapter shall be maintained in working order'
18. Implementation of a self-monitoring program that includes a written evaluation of the project site prepared by a trained individual by the end of the next business day following each measurable storm event and at a minimum of one (1) time per week. The evaluation must address the maintenance of existing storm water quality measures to ensure they are functioning properly and will identify

additional measures necessary to remain in compliance with all applicable statutes and rules. Written evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of corrective actions recommended and completed. All evaluation reports for the project must be made available to the County within forty-eight (48) hours of a request;

19. Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate the surface or ground water or degrade soil quality;
20. Final stabilization of a project site is considered achieved when all land disturbing activities have been completed and a uniform (for example, even distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed and construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use of disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements identified in this section;
21. Whenever feasible, natural vegetation shall be retained and protected;
22. Water runoff shall be minimized and retained on site whenever possible to facilitate ground water recharge;
23. Natural or constructed slopes in excess of twelve percent (12%) shall not be subjected to development unless the project engineer can demonstrate conclusively to the satisfaction of both the Administrator and the County Engineer that said limitation can be overcome in such a manner as to prevent hazard to life, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel, and adverse impact on the natural environment;
24. No grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments, objects of antiquity, or geological landmarks or monuments are present until protection measures are approved and implemented. The Indiana Department of Natural Resources shall approve the protection measures before the plans are approved by the Department. Whenever during excavation there are uncovered or become apparent any such areas not previously accounted for in the construction plans, all work in the immediate area shall cease until the Indiana Department of Natural Resources

determines what precautions should be taken to preserve the historic artifacts, and

25. No land disturbing activities shall take place in areas where a state or federally protected species and/or habitats are present until protection measures are approved and implemented. The Indiana Department of Natural Resources, the U.S. Fish and Wildlife Service, and other applicable state or federal agency shall approve the protection measure before the plans are approved by the Department. Whenever during construction activities there are identified species and/or habitats not previously accounted for in the construction plans, all work in the immediate area shall cease until the appropriate state or federal agency determines what precautions should be taken to protect the species and/or habitat.

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**General Requirements for Individual Building Lots Within a Permitted Project**

- (A) All storm water quality measures, including erosion and sediment control, necessary to comply with this Chapter must be implemented in accordance with the plan and sufficient to satisfy (B) of this Section;
- (B) 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:
  1. 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 the activities on the individual lots;
  2. Installation and maintenance of a stable construction site access;
  3. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance;
  4. Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been achieved;
  5. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the areas with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules;
  6. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with a temporary or permanent surface stabilization, and
  7. For individual residential lots, final stabilization meeting the criteria of this Chapter will be achieved when the

individual lot operator completes final stabilization or 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.

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**Project Termination**

- (A) All necessary erosion and sediment control measures installed under this Chapter shall be adequately maintained for one (1) year after completion of the approved plan or until such measures have been stabilized as determined by the Administrator. The Plan Commission, by rule, may require and establish standards for maintenance bonds, or other assurances, to guarantee compliance with the maintenance requirement of this Chapter;
- (B) The project site owner shall plan an orderly and timely termination of the construction activities, including the implementation of storm water quality measures that are to remain on the project site;
- (C) The project site owner shall submit a Notice of Termination (NOT) letter to the Commissioner and a copy to both the Monroe County Soil and Water Conservation District and the Monroe County Planning Department with the following:
  - 1. Except as provided in (2) of this Section, the project owner shall submit an NOT letter when the following conditions have been met:
    - a. All land disturbing activities, including construction on all building lots, have been complete and the entire site has been stabilized, and
    - b. All temporary erosion and sediment control measures have been removed.
  - 2. The project site owner may submit a NOT letter to obtain early release from compliance with this rule if the following conditions are met:
    - a. The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre;
    - b. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individuals lot operators of all undeveloped lots;
    - c. All public and common improvements, including infrastructure, have been complete and permanently stabilizes and have been transferred to the appropriate local entity;

- d. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality, and
- e. All permanent storm water quality measures have been implemented and are operational.

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**Inspection and Enforcement**

- (A) The Planning Department or other designated representative may inspect any project site involved in construction activities regulated by this Chapter at reasonable times. The Department or its designated representatives may make recommendations to the project site owner or their representative to install appropriate measures beyond those specified in the storm water pollution prevention plan to achieve compliance;
- (B) All persons engaging in construction activities on a project site shall be responsible for complying with the storm water pollution prevention plan and the provisions of this Chapter;
- (C) The Department shall investigate potential violations of this Chapter to determine which person may be responsible for any violation. The Department shall, if appropriate, consider public records of ownership, building permits, Improvement Location Permits, and other relevant information, which may include site inspections, storm water pollution prevention plans, notices of intent, and other information related to the specific facts and circumstances of the potential violation. Any person causing or contributing to a violation of any provisions of this Chapter shall be subject to enforcement as provided for in this Ordinance and may further be subject to enforcement under IC 13-14-10, IC 13-15-7, and IC 13-30;
- (D) If remaining storm water quality measures are not properly maintained by the person occupying or owning the property, the Department may pursue enforcement against that person for correction of deficiencies, and
- (E) Construction plans and supporting documentation associated with the quality assurance plan must be made available to the Department or its designated representatives within forty-eight (48) hours of such a request.

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**Duration of Coverage**

- (A) A permit issued under this Chapter is granted for a period of five (5) years from the date coverage commences;
- (B) Once the five (5) year permit term duration is reached, a general permit issued under this Chapter will be considered expired, and, as necessary for construction activity continuation, a new NOI letter would need to be submitted in accordance with (C) of this Section, and
- (C) To obtain renewal of coverage under this Chapter, the information required under 816-4 must be submitted to the Planning Department

ninety (90) days prior to the termination of coverage under this Chapter; unless the Administrator determines that a later date is acceptable. Coverage under renewal NOI letters will begin on the date of expiration from the previous five (5) year permit term.

(END OF CHAPTER)