



Stormwater Board Agenda

When: 4-2-2024

Time: 4:30pm

Where: Commissioners Conference Room

Pine View Government Center

Welcome:

Program Maintenance :

Approval of Minutes – March 2024

Claims (Don Lopp) – March 2024

Old Business:

Erosion Control Report – March Report

New Business:

2024 Annual Report (OHM) – Approval and Submittal

MCM's 4 and 5 Audit (OHM) – Report

Pollinator Day (Chris Moore) – April 27th @ Purdue Research Park

Public Comment:

ADA Notice: Floyd County, will upon request, provide appropriate aids and services leading to effective communications for qualified persons with disabilities so that they can participate equally in Floyd County's public meetings.

For special accommodations for a meeting contact the Commissioners Administrative Assistant Suzanna Worrall at 812-948-5466 or sworrall@floydcounty.in.gov at least two (2) business days prior to the scheduled meeting or event to request an accommodation.

REGISTER OF CLAIMS FOR STORMWATER

MEETING 04-02-24

DATE FILED	CLAIM #		FUND NO.	AMOUNT ALLOWED	DISCRPTION
3/18/2024	1	Carlson Midwest LLC	1197	\$ 12,200.00	Floyd County GIS
3/28/2024	2	Services Provided to Storm Water District	1197	\$ 24,997.14	Storm Water Work Plan Activities
TOTAL				\$ 37,197.14	

John Schellenberger, President

John Brinkworth, Vice-President

Al Knable, Member

Jason Sharp, Member

Floyd County Storm Water Board Minutes
Held: March 5, 2024
4:30 P.M.

Due to recording system failure, the minutes are not recorded.

Welcome:

Present: Commissioners John Schellenberger, Al Knable and Jason Sharp, County Surveyor John Brinkworth, Storm Water Coordinator Chris Moore, Attorney Rick Fox and Secretary Teresa Plaiss. Director of Operations Don Lopp was unable to attend.

Regular Meeting
Program Maintenance:

Approval of Minutes – February 6, 2023

Mr. Knable made a motion to approve the minutes of February 6 as presented, seconded by Mr. Sharp. Motion carried by a vote of 4-0.

Mr. Moore presented the Board with a report of the projects, number of hours spent and the amount of money spent on those projects by Public Works and Operations Department for the month of February.

Approval of Claims – March 5, 2024

Mr. Knable made a motion to approve the claims as presented, seconded by Mr. Sharp. Motion carried by a vote of 4-0.

Old Business:

Erosion Control Report– February – Chris Moore

Mr. Moore stated there are more findings on the report this month over last month. (The report is on file with the minutes.)

Business Plan – Stantec – Final Report

Kristen Hewes, Stantec presented the Board with the Business Plan final report. Ms. Hewes stated she will be making corrections before releasing the report.

New Business:

2024 Billing System – Stantec – Update

Ms. Hewes stated there is a new fly-over this year and there will be a week delay due to the Auditor going to a new system for billing.

MCM's 4 and 5 Audit – Chris Moore – Update

Mr. Moore stated IDEM is fairly pleased with the program at this time.

Public Outreach Materials – Chris Moore – Purchase of Items

Mr. Moore stated he will be purchasing rain gauges to be given away at events.

Public Comment:

Dale Mann, Georgetown, questioned why developers aren't charged stormwater fees as soon as they start a development.

Adjournment

With there being no other business, a motion made by Mr. Knable to adjourn, seconded by Mr. Sharp. Motion carried. Meeting adjourned at 5:04 P.M. The next regular meeting of the Board on April 2, 2024 at 4:30 P.M, unless otherwise notified.

John Schellenberger President

John Brinkworth, Vice-President

Al Knable, Member

Jason Sharp, Member

Attest: _____

Teresa Plaiss, Clerk



**Municipal Separate Storm Sewer System
General Permit (MS4GP)
Annual Report**

State Form 51278 (R6 / 7-12)
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

For questions regarding this form, contact:

IDEM Office of Water Quality Stormwater Program
100 North Senate Avenue
Indianapolis, IN 46204-2251
Telephone: (317) 234-1601 or
(800) 451-6027
Web Access: <http://www.IN.gov/idem/4900>

- NOTE:**
- Annual reports must be submitted to the Indiana Department of Environmental Management. Failure to submit the annual report is considered a violation of permit coverage.
 - Please type or print in ink.
 - Please answer all questions thoroughly and return the form in accordance with the MS4GP or as directed by IDEM.
 - Return this form and any required attachments to the IDEM Stormwater Program, MS4 Program at the address listed in the box on the upper-right.

Reporting Year
Permit Year: <input type="checkbox"/> (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5)

SECTION 1: GENERAL PERMITTEE INFORMATION

- (1) MS4 Entity: **Floyd County** (4) Type of MS4: City
 Town
 County
 Non-traditional:
 (2) Primary County: **Floyd**
 (3) MS4 Permit Number: **INR040078**

- (5) MS4 Operator (Individual): **Dr. Al Knable**
- Title: **President Floyd County Commissioners**
 - Telephone Number: **812-948-5440**
 - Email Address; **commissioners@floydcounty.in.gov**
 - Mailing Address:
 2524 Corydon Pike Suite 204
 City: **New Albany** State: **IN** Zip Code: **47150**
 - Physical Address (if different from mailing address):
 City: State: **IN** Zip Code:

- (6) MS4 Coordinator (Individual): **Chris Moore**
- Title: **Director of GIS/Stormwater**
 - Telephone Number: **812-949-5446** Cell Phone: **812-914-1374**
 - Email Address; **cmoore@floydcounty.in.gov**
 - Mailing Address:
 2524 Corydon Pike Suite 201
 City: **New Albany** State: **IN** Zip Code: **47150**
 - Physical Address (if different from mailing address):
 City: State: **IN** Zip Code:

- (7) Application Preparer (if different from above):
- Title: **Project Manager** Name of Company (if applicable): **OHM Advisors**
 - Telephone Number: **502-537-7604** Cell Phone:
 - Email Address; **allison.padron@ohm-advisors.com**
 - Mailing Address:
 400 Missouri Ave. Suite 100
 City: **Jeffersonville** State: **IN** Zip Code: **47130**
 - Physical Address (if different from mailing address):
 City: State: Zip Code:

SECTION 2: PUBLIC EDUCATION, OUTREACH AND PUBLIC PARTICIPATION – MINIMUM CONTROL MEASURES 1 AND 2

(1) Status of measurable goals, program requirements, compliance schedules, and timetables for this MCM. If Objectives are not being met for a specific program element, explain the implementation problems encountered, and changes made to resolve problems identified [4.3 (h)(1)]:

(a) On Target: Yes No

(b) If No, provide an explanation in Section 7.

(2) List of public participation and outreach events and activities conducted, a description of the activity, an estimate of the number of attendees, and an assessment if the goals and objectives were met [4.3 (h)(2)]:

(a) Total number of public participation and outreach events: **4 - Three (3) took place with Floyd County SWCD**

(b) Identify the targeted audience/constituents for this reporting period: **Residential**

(c) Briefly describe changes or effects observed due to the outreach event(s): **Participants actively engaged in cleaning up public areas are highly likely to not litter and dispose of trash properly, so our waterways are not polluted. The River Sweep event on September 9, 2023 was a partnership with CoastLove and surrounding communities, which was documented on social media to spread awareness.**

(d) Delivery Method: **ORSANCO Ohio River Sweep with local partnerships, including the SWAC and CoastLove**

(e) The MS4 must maintain a list of the public participation/outreach event, including a short description of the activity, number of attendees, and if the goals and objectives were met.

Do not submit this information. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.

(3) The number and types of construction and/or post-construction stormwater training opportunities that were provided to contractors, developers and builders, property owners (commercial, industrial, residential, homeowner associations, and other targeted entities during the reporting period [4.3 (h)(3)]:

(a) Number of training events:

- Construction only: **90**
- Post-construction only: **30**
- Both Construction and Post-construction: **12**

(b) The event or events were conducted with another MS4(s): Yes No

- If Yes, list the MS4(s): **Southern Indiana Advisory Committee - City of Jeffersonville, City of New Albany, City of Madison, Town of Clarksville, Town of Sellersburg, Town of Georgetown, Oak Park Conservancy, Clark County. The SWAC's Qualified Professional Inspector (QPI) Program was intended to be re-instituted in fall 2023, however, due to unforeseen circumstances, the program will now take place in 2024.**
- **Training events digitally identified in Director's calendar regarding on-site training that took place during discussions with developers, contractors, and builders.**

(4) Document that presentations (or reports provided) were made to local officials [4.3 (h)(4)]:

(a) Yes No

(b) Number of presentations: **12** Date or Dates: **Averaged one (1) time per month at Stormwater Board, Commissioner and County Council meetings**

(5) Provide a list of public education materials used during the reporting period [4.3 (h)(6)]:

(a) Number of new materials developed: **1(Stormwater Awareness Week Signs)**

(b) The MS4 must maintain a list of public educational materials.

(c) If the materials are maintained on a webpage – please provide the link:

<https://www.in.gov/counties/floyd/department/stormwater/> and www.siswac.org

Do not submit the list of materials at this time. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.

SECTION 3: ILLICIT DISCHARGE DETECTION AND ELIMINATION - MINIMUM CONTROL MEASURE 3

(1) Status of measurable goals, program requirements, compliance schedules, and timetables for this MCM If Objectives are not being met for a specific program element, explain the implementation problems encountered, and changes made to resolve problems identified [4.4 (k)(1)]:

(a) On Target: Yes No

(b) If No, provide an explanation in Section 7.

(2) A summary of any storm sewer system mapping changes to the outfall and/or conveyance maps [4.4 (k)(3)]:

(a) The map is current: Yes No

(b) The map was last updated on:

December 2023

(3) Number of new outfalls mapped [4.4 (k)(4)]:

2

(4) Number and location of dry weather outfalls screened for illicit discharges [4.4 (k)(5)]:

(a) Number of dry weather outfalls screened:

30

(b) The number of dry weather outfalls that need to be screened before the end of the permit cycle:

94

(c) The MS4 must maintain information that contains the "location" of the dry weather outfalls screened.

Do not submit this information. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.

(5) Number and location of illicit discharges detected [4.4 (k)(6)]:

(a) Number detected:

5

(b) The MS4 must maintain information that contains the "location" of the illicit discharges.

Do not submit this information. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.

(6) Number and location of illicit discharges and/or spills reported [4.4 (k)(8)]:

(a) Number reported:

6 total - Floyd County EMA sends Floyd County Stormwater a list of HAZMAT incidents each year. 3 spills and 3 water pollution complaints were recorded in 2023.

(b) The MS4 must maintain information that contains the "location" of the illicit discharges and/or spills reported.

Do not submit this information. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.

(7) Illicit discharges eliminated for those that were detected and/or reported [4.4 (k)(7) and (9)]:

(a) Number eliminated: 5

(b) Number that required no corrective action: 0

(c) Number of enforcement actions taken: 0

(8) The MS4 has reviewed and assessed the minimum control measure in accordance with MS4GP [4.4 (i)]:

Yes No

(9) The MS4 documents annual training attended by staff specific to their responsibilities in accordance with the MS4GP [4.4 (g)]:

Yes No

(10) The MS4 adopted a revised IDDE ordinance during this reporting year [8.1 (a)(4)]:

Yes No

Last updated on: Current ordinance adopted in 2019. Updated ordinance anticipated to be adopted by July 2024.

SECTION 4: CONSTRUCTION SITE STORMWATER RUN-OFF CONTROL - MINIMUM CONTROL MEASURE 4

- (1) Status of measurable goals, program requirements, compliance schedules, and timetables for this MCM. If objectives are not being met for a specific program element, explain the implementation problems encountered, and changes made to resolve problems identified [4.5 (m)(1)]:
(a) On Target: Yes No
(b) If No, provide an explanation in Section 7.
- (2) The number of construction projects owned and/or operated by the MS4 entity that were active at the time of submission of this report [4.5 (m)(2)]:
22 active, with two (2) closed out during 2023
- (3) The number of construction sites obtaining a MS4 entity-issued stormwater run-off permit or authorization to discharge during the reporting period [4.5 (m)(3)]:
8
- (4) The number of construction sites inspected during the reporting period [4.5 (m)(4)]: 725
(a) The MS4 has completed the inspections as required by the MS4GP [4.5 (d)(3)]:
• On Target: Yes No
• If No, provide an explanation in Section 7.
- (5) The number and type of enforcement actions taken during the reporting period [4.5 (m)(5)]: 3
(a) Check the Appropriate Type of Action:
 Stop work Orders
 Monetary Penalties
 Other (Describe):
3 sites were issued no new building permits from Building and Development, where Floyd County Stormwater and Building and Development has an excellent working relationship currently. It allows us to (NOT) have to issue full Stop Work Orders.
- (6) The number of public information requests and/or complaints received [4.5 (m)(6)]:
(a) Public Information Requests (Freedom of Information Request): 0 from filing a Freedom of Information request, and 4 from residents that we just send through emails
(b) Complaints Received: 3
- (7) The MS4 has reviewed and assessed the minimum control measure in accordance with MS4GP [4.5 (i)]:
 Yes No
- (8) The MS4 documents annual training attended by staff specific to their responsibilities in accordance with the MS4GP [4.5 (j)]:
 Yes No
- (9) The MS4 maintains an inventory of all construction site projects in accordance with MS4GP [4.5 (l)]:
 Yes No
- (10) The MS4 adopted a revised construction stormwater run-off ordinance or regulatory mechanism during the reporting year [8.1 (a)(4)]:
 Yes No
Last Updated on: Current ordinance adopted in 2019. Updated ordinance anticipated to be adopted by July 2024.

SECTION 5: POST-CONSTRUCTION STORMWATER RUN-OFF CONTROL - MINIMUM CONTROL MEASURE 5

- (1) Status of measurable goals, program requirements, compliance schedules, and timetables for this MCM. If objectives are not being met for a specific program element, explain the implementation problems encountered, and changes made to resolve problems identified [4.6 (j)(1)]:
(a) On Target: Yes No
If No, provide an explanation in Section 7.
- (2) The MS4 updated the post-construction ordinance and/or regulatory mechanism during the reporting period [4.6 (j)(2)]:
 Yes No
Last Updated on: [Current ordinance adopted in 2019. Updated ordinance anticipated to be adopted by July 2024.](#)
- (3) The number of sites requiring post-construction control measures during the reporting period [4.6 (j)(3)]:
(a) Number of Sites: [22](#)
- (4) Number, type, and location of structural measures installed during the reporting period [4.6 (j)(4)]:
(a) Number of Measures: [16 new - Every permitted site required a detention pond as a post-construction control measure, some are not installed yet.](#)
(b) The MS4 must maintain information on the "type" and "location" of the measures installed.
Do not submit this information. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.
- (5) Number, type, and location of structural measures modified to function properly or improve water quality benefits [4.6 (j)(5)]:
(a) Number of Measures Modified: [0](#)
(b) The MS4 must maintain information on the "type" and "location" of the measures modified.
Do not submit this information. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.
- (6) Number, type, and location of structural measures inspected to ensure each meets design requirements and/or are being maintained [4.6 (j)(6)]:
(a) Number of MS4 Owned/Operated Measures Inspected: [2](#)
On Target (permit requires 100 % inspected by the end of the permit cycle):
 Yes No If No, provide an explanation in Section 7
(b) Number of Privately Owned Measures Inspected: [7](#)
On Target (permit requires 100% or a minimum of 250 inspected by the end of the permit cycle):
 Yes No If No, provide an explanation in Section 7
(c) The MS4 must maintain information on the "type" and "location" of the measures inspected.
Do not submit this information. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.
- (7) The MS4 has developed and administers an inspection program in accordance with the MS4GP [4.6 (e) and (f)]:
 Yes No
- (8) The MS4 has reviewed and assessed the minimum control measure in accordance with MS4GP [4.6 (h)]:
 Yes No
- (9) The MS4 documents annual training attended by staff specific to their responsibilities in accordance with the MS4GP [4.6 (i)]:
 Yes No

SECTION 6: MUNICIPAL OPERATIONS POLLUTION PREVENTION AND GOOD HOUSEKEEPING - MINIMUM CONTROL MEASURE 6

(1) Status of measurable goals, program requirements, compliance schedules, and timetables for this MCM. If Objectives are not being met for a specific program element, explain the implementation problems encountered, and changes made to resolve problems identified [4.7 (n)(1)]:

(a) On Target: Yes No

If No, provide an explanation in Section 7.

(2) Number and location of stormwater outfalls and conveyance systems that have been repaired during the reporting period [4.7 (n)(2)]:

(a) Number of outfalls: **0 outfalls repaired, a small number may be cleaned during dry-weather screening**

(b) Number of conveyance systems: **31.5 miles cleaned/repaired**

(c) The MS4 must maintain information that contains the "location" of the outfalls and conveyances that have been repaired.

Do not submit this information. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.

(3) Estimated amount of material collected from stormwater drainage system cleaning during the reporting period including the disposal methods utilized [4.7 (n)(3)]:

(a) Material Collected (*Volume or Weight*): **1,129.5 tons**

(b) Disposal Method: **Materials collected in Vac-Truck taken off-site to landfill**

(4) Estimated amount of material collected from street sweeping during the reporting period, if applicable, including the disposal methods utilized [4.7 (n)(4)]:

(a) Material Collected (*Volume or Weight*): **n/a**

(b) Disposal Method Utilized: **n/a**

(5) Number and location of de-icing salt and sand storage areas and methods used to minimize stormwater exposure:

(a) Number of De-icing salt and sand storage areas [4.7 (n)(5)]: **2**

(b) The MS4 must maintain information as to the "location" and methods used to minimize stormwater exposure.

Do not submit this information. Upon review of the annual report IDEM may request the information or evaluate the information as part of an audit of the MS4 Program.

(6) The MS4 has reviewed and assessed the minimum control measure in accordance with MS4GP [4.7 (i)]:

Yes No

(7) The MS4 documents annual training attended by staff specific to their responsibilities in accordance with the MS4GP [4.7 (m)]:

Yes No

(a) List the number of employees within other departments that have been trained on stormwater issues: **3**

(8) The total number of owned and/or operated facilities (total number as of submittal of this report) within the MS4:

4 - All facilities were inspected during 2023

(9) The number of owned and/or operated facilities, identified in item (8) above that require development of a SWPPP:

1 - only site that required SWPPP is Department of Highway and Public Works (DHPW)

(10) Facility inspections completed during the reporting period:

(a) The MS4 inspected each facility quarterly: Yes No

If No, provide an explanation:

(b) The MS4 Coordinator participated in at least one of the quarterly inspections at each facility: Yes No

If No, provide an explanation:

(11) The percentage of surface visual inspection performed by the MS4 during the reporting period:

75% (est) Percent

SECTION 7: MS4 PROGRAM MANAGEMENT AND SUMMARY

(1) Water Quality Characterization Report (WQCR) [8.1 (a)(5)]:

(a) The WQCR has been updated during this reporting period. Yes No

Date of Modification/update: **Finalized March 2023**

(b) The updated WQCR and/or new and on-going water quality characterization data is required as part of the annual report).

Do not submit this information. As part of the annual report review IDEM may request this information or review the information during an audit of the MS4 Program.

(c) Updated list of the receiving waters. The MS4 must maintain documentation of receiving waters. As part of the annual report review, IDEM may request this information or review the information as part of an audit of the MS4 Program [8.1 (a)(6)].

Do not submit this information. As part of the annual report review, IDEM may request this information or review the information as part of an audit of the MS4 Program.

(2) Provide progress to meet a TMDL, WLA, or improve water quality in the 303d listed impairments) [8.1 (a)(7)]:

(a) A TMDL implementation plan has been developed within the MS4 boundaries.

Yes No In Progress Not Applicable

(b) If Yes: provide a brief description of progress to meet the TMDL WLA or improve water quality in the 303d listed impairments.

The Final Total Maximum Daily Load (TMDL) Report for the South Fork Blue River Watershed was published by IDEM in August 2017. The TMDL report utilized the data from the Complete Watershed Management Plan. The portion of the South Fork Blue River Watershed located in Floyd County is minimal so the County has minimal opportunity to improve water quality through activities taking place within the County. Measures will continue to be taken by the County to minimize negative impacts to Bear Creek, such as inspections and educating residents.

(3) MS4 jurisdictional boundaries as required by Section 4.2 (a)(1). Identify areas removed or added to the jurisdictional area of the MS4 [8.1 (a)(10)]:

(a) Provide a shapefile or map with a date that reflects changes made during the reporting period.

(4) Describe new funding sources and new expenditures [8.1 (a)(9)]:

(a) **None new. Program continues to be funded through the Stormwater User fees, violation fees, and permit fees.**

(b)

(c)

(d)

(5) Describe relevant sections of the SWQMP that have been modified (by MCM) [8.1 (a)(1)]:

(a) Public Education, Outreach and Involvement: **SWQMP submitted in January 2023**

(b) Illicit Discharge: **SWQMP submitted in January 2023**

(c) Construction Stormwater Run-off: **SWQMP submitted in January 2023**

(d) Post-construction Run-off: **SWQMP submitted in January 2023**

(e) Good Housekeeping: **SWQMP submitted in January 2023**

(6) Brief Description of changes from the previous year due to annual review [8.1 (a)(2)]:

(a) Public Education, Outreach and Involvement: **New SWQMP submitted in January 2023. No Changes required for the program as of 2024**

(b) Illicit Discharge: **See (a)**

(c) Construction Stormwater Run-off: **See (a)**

(d) Post-construction Run-off: **See (a)**

(e) Good Housekeeping: **See (a)**

(7) Implementation problems encountered, including program changes made to address ineffectiveness or infeasibility [8.1 (a)(8)]:

(a) Public Education, Outreach and Involvement: **None**

(b) Illicit Discharge: **None**

(c) Construction Stormwater Run-off: **The Qualified Professional Inspector Program (QPI) through the SWAC is under development and set to be released in Spring of 2024 to coincide with the adoption of the new Stormwater Ordinance. Getting this training program finalized and made available is a priority of the SWAC.**

(d) Post-construction Run-off: **See Construction Stormwater Run-off section.**

(e) Good Housekeeping: **None**

(8) Brief Description of projects or programs that have been successful or should be highlighted and unique:

Floyd County is a member of the Southern Indiana Stormwater Advisory Committee, which consists of the City of Jeffersonville, City of New Albany, City of Madison, Town of Clarksville, Town of Sellersburg, Town of Georgetown, Oak Park Conservancy District, Clark County. the SWAC conducted quarterly meetings, hosted an educational booth at the MS4 Annual Meeting on May 16th which handed out more than 330 materials (brochures, SOP's, guidebooks, training materials) and promoted Stormwater Awareness Week September 4th - 9th which culminated in an Ohio River sweep. The SWAC members are currently developing their new stormwater ordinances and technical standards as a partnership, and will then modify the baseline documents for their own needs.

(9) Brief Description of issues that have been identified that IDEM may be able to assist the MS4 in addressing:

None

SECTION 8: CERTIFICATION AND SIGNATURE

I swear or affirm, under penalty of perjury as specified by IC 35-44.1-2-1 and other penalties specified by IC 13-30-10, that the statements and representations in this notification are true, accurate, and complete.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name of Responsible Individual (Applicant/Permittee):

Dr. Al Knable

Signature of Responsible Individual:

_____ Date (month/day/year) 04/02/2024

Note:

- This document must be signed by the individual meeting requirement of 40 CFR 122.22.
- Signature must be wet ink (FAX and photocopies are not acceptable)

Storm Water Section Municipal Separate Storm Sewer System Program Office of Water Quality Indiana Department of Environmental Management	Authority: <i>This inspection was conducted pursuant to Indiana Code (IC) 13-14-2-2 and is consistent with the requirements of IC 13-14-5.</i>
Municipal Separate Storm Sewer System (MS4) Minimum Control Measure Audit: <ul style="list-style-type: none"> • Construction Site Run-off • Post-Construction Run-off 	Date of Audit: March 1, 2024 Report Issued: March 19, 2024 Audit Conducted By: Martin Yake Report Prepared By: Martin Yake

This audit report is a cumulative overview of the MS4 program for the construction site run-off and post-construction run-off minimum control measures. The report provides general background information, observations, recommendations, and requirements. The purpose of the audit is to identify program areas where an MS4 can improve program implementation, but to also identify deficiencies and/or violations that will require the MS4 to respond or address within specified timelines.

Section A: MS4 Program Information

MS4 Entity: Floyd County	County: Floyd
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MS4 Permit Number: INR040075	Permit Start and Expiration: November 3, 2018; November 02, 2023
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MS4 Operator: D Mark Seabrook

MS4 Coordinator/Representative: Chris Moore

Audit Participants:
Chris Moore, Cameron Voyles, Frank Walden, Rob Huckaby (OHM), Clayton Hull (Heritage Engineering)

Construction Certification Date: N/A
Post-Construction Certification Date: N/A

Projects Regulated by MS4:

All new projects are regulated upon the effective date of the construction site ordinance. The MS4 did not assume responsibility for projects that were active prior to passage of the local ordinance. These projects remain under the regulatory authority of IDEM.

All new and active projects within the MS4 area, including those where construction was initiated prior to the effective date of the construction site ordinance.

The MS4 is a non-traditional MS4 (University, Prison, College, etc.) and does not regulate projects within the MS4. All projects that occur within the MS4 are considered to be owned and operated by the MS4. The MS4 is responsible to obtain a permit in accordance with 327 IAC 15-5 and manage the construction site.

MS4 Boundaries for Program Administration of the Construction Minimum Control Measure:

County MS4: Urbanized Areas Only Entire County, Excluding Incorporated Areas
Clarification:

Municipality, City, Town: Urbanized Areas Only Other
Clarification:

Outreach to the Regulated Community (Construction Site and Post-construction Run-off):
MS4 staff conduct outreach meetings with developers, engineers, and contractors during the course of a project. Through pre-construction discussions, on-site visits, and post-construction discussions, the MS4 staff are engaged with the regulated community on construction and post-construction run-off issues and measures. The MS4 maintains an online presence with a website page. The MS4 is a member of the Southern Indiana Stormwater Advisory Committee (SWAC) which routinely conducts outreach including, but not limited to: workshops, meetings, educational material, and a social media/website presence.

Section B: Overall Program Assessment - Construction Site Run-off

(S = Satisfactory, M = Marginal, U = Unsatisfactory, NE = Not Evaluated, NA = Not Applicable)

<p>S M U NE NA (B1) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> The construction site ordinance meets the intent of 327 IAC 15-5. Comment: The Floyd County MS4 construction site ordinance that is currently in-effect meets the intent of 327 IAC 15-5 and was implemented in October 2019. All sites with one (1) acre or more of land disturbance (or less than one (1) acre if part of a larger common plan) are required to submit a SWPPP and construction plans. The ordinance has exemptions for agricultural land management activities in regard to permit coverage requirements. Recommendations: Requirements: Ensure the local ordinance is updated by the 2024 deadline to meet the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP), both of which went into effect December 18, 2021. Current items observed, but not limited too, in the ordinance that do not meet this requirement are the 50-foot buffer requirement and the requirements for new gasoline outlets.</p>
<p>S M U NE NA (B2) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Requirements and standards have been developed and/or adopted for the implementation of measures associated with erosion, sedimentation, and other waste on construction sites. Comment: The Floyd County MS4 has developed the Floyd County Stormwater Design Manual for the implementation of measures associated with erosion, sedimentation, and other waste on construction sites. The manual is available online to the public. Recommendations: Requirements:</p>
<p>S M U NE NA (B3) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Construction plans submitted for regulated projects are reviewed in accordance with the local MS4 ordinance. Comment: Applicants submit hard and digital copies of the plans and SWP3, application, and associated fee to the Floyd County MS4. MS4 internal staff review the erosion control portion of the plans and the SWP3 and Heritage Engineering review the drainage portion. The MS4 will send notification of adequacy of plans and SWP3. Applicants are granted two attempts at submitting adequate plans before they must resubmit application and fees for additional reviews. Recommendations: Requirements:</p>
<p>S M U NE NA (B4) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Construction projects are managed through a tracking system that includes name, address/location, duration, indication of compliance actions, and status (active NOI or equivalent and termination). Comment: The MS4 maintains a database that contains project name, location, point of contact, permit number, compliance status, permit status, along with several other critical points of data. Recommendations: Requirements:</p>
<p>S M U NE NA (B5) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> The construction site run-off inspection program has established procedures and written policy for program implementation; including sites that are a priority for inspection. The stormwater ordinance establishes the MS4's authority to conduct on-site inspections. The MS4 utilizes an evaluation form for inspections. MS4 staff members Cameron Voyles and Frank Walden conduct site inspections monthly. 100% of project sites are inspected each month. If violations are noted, a follow-up inspection is conducted to verify if compliance was achieved. Recommendations: Requirements:</p>
<p>S M U NE NA (B6) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Policy and procedures are implemented to enforce the construction site run-off program. The MS4 utilizes <input checked="" type="checkbox"/> Fines <input checked="" type="checkbox"/> Stop work orders <input checked="" type="checkbox"/> Penalties <input checked="" type="checkbox"/> Permit suspension Comment: The Floyd County construction site ordinance allows the use of fines, stop work orders, penalties, and permit suspensions to enforce the construction site run-off program. If a project site is found to have violations during a site inspection, the site is issued an inspection report with deficiencies noted. If the site fails to make the required</p>

corrections to become compliant, they are issued a violation letter. If the site remains non-compliant, they are required to report to the stormwater board who evaluate the issue of non-compliance and can penalize them according with fines, stop work orders, and permit suspension.

Recommendations:

Requirements:

S M U NE NA

- (B7) MS4 personnel responsible for plan review, inspection, and enforcement of construction activities attend annual training.

Comment: MS4 personnel responsible for plan review, inspections, and enforcement of construction activities attended annual training. The records were not kept by the MS4, but by the individuals. Inspection staff have less than a year experience in their roles and have completed the EPA Construction General Permit Inspector Training online. The review staff are engineers and have adequate yearly training through professional development requirements.

Recommendations:

Requirements: The MS4 should maintain staff training records.

S M U NE NA

- (B8) The construction site run-off program is reviewed at least once every five (5) years.

Comment: The construction site program is currently under review for development of the new ordinance. The MS4 program is working with SWAC to identify any parts of the ordinance that do not meet the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP).

Recommendations:

Requirements:

- (B9) Overall performance in administering the construction site run-off minimum control measure.

Comment: The MS4 staff were knowledgeable of their program. The plan review process is thorough and well-documented. The inspection process was adequate, and while the inspection staff members are relatively new, they had a basic understanding about the inspection process and requirements.

Recommendations: Due to the limited experience of the inspection staff, it is recommended that they obtain additional training as opportunities arise.

Requirements: Ensure the stormwater MS4 Stormwater Program and as applicable local the ordinance meets the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP) which went into effect December 18, 2021.

Section C: Overall Program Assessment - Post-construction Site Run-off

(S = Satisfactory, M = Marginal, U = Unsatisfactory, NE = Not Evaluated, NA = Not Applicable)

S M U NE NA

- (C1) The post-construction ordinance addresses local resource issues and meets the intent of 327 IAC15-5.

Comment: The Floyd County MS4 post-construction ordinance that is currently in-effect meets the intent of 327 IAC 15-5 and was implemented in October 2019. All sites with one (1) acre or more of land disturbance (or less than one (1) acre if part of a larger common plan) are required to submit a SWPPP and construction plans. The ordinance has exemptions for agricultural land management activities regarding permit coverage requirements. The ordinance contains requirements for post-construction to meet two (2), ten (10), and one hundred (100) year storm events.

Recommendations:

Requirements: Ensure the stormwater MS4 Stormwater Program and as applicable local the ordinance meets the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP) which went into effect December 18, 2021.

S M U NE NA

- (C2) Requirements and standards have been developed and/or adopted for the implementation of measures associated with post-construction site run-off.

Comment: The MS4 maintains the Floyd County Stormwater Design Manual which covers post-construction measures in chapter 10 and Appendix A. The manual is available online to the general public.

Recommendations:

Requirements:

<p>S M U NE NA</p> <p>(C3) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	<p>The MS4 directs physical growth away from sensitive areas and towards those that will not compromise water quality. The MS4 manages the selection of measures in wellhead protection areas, discharges to other sensitive resource areas, and where applicable sinkholes.</p> <p>Comment: The MS4 directs physical growth away from sensitive areas in sections 3.2.3 and 3.2.4 of their ordinances. Section 3.2.3 contains a no-disturbance buffer 25-feet from the top of the waterway bank. Section 3.2.4 contains a waterway buffer of 25-feet beyond the flood plain boundary (FEMA) or 50-feet from the way bank, whichever is larger.</p> <p>Recommendations:</p> <p>Requirements:</p>
<p>S M U NE NA</p> <p>(C4) <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	<p>New retail gasoline outlets and refueling areas that replace their existing fuel tank systems are required by ordinance or other means to design and install appropriate measures to reduce lead, copper, zinc and polyaromatic hydrocarbons in storm water run-off from the facility.</p> <p>Comment: The ordinance, or other enforceable documents, does not include requirements for new retail gasoline outlets to design and install appropriate measures to reduce lead, copper, zinc and polyaromatic hydrocarbons in stormwater run-off.</p> <p>Recommendations:</p> <p>Requirements: Update the stormwater ordinance to include requirements for gasoline outlets and refueling areas to design and install measures to reduce pollutants associated with stormwater run-off from these facilities. Ensure the MS4 Stormwater Program and as applicable local the ordinance meets the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP) which went into effect December 18, 2021.</p>
<p>S M U NE NA</p> <p>(C5) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	<p>Post-construction plans submitted for regulated projects are reviewed in accordance with the local MS4 ordinance.</p> <p>Comment: Post-construction plans are submitted to the Floyd County MS4 for review. Internal staff and Heritage Engineering review the plans submitted for regulated projects.</p> <p>Recommendations:</p> <p>Requirements:</p>
<p>S M U NE NA</p> <p>(C6) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	<p>The MS4 requires the development and implementation of written operational and maintenance plans for all planned structural post-construction storm water management measures to ensure long-term functionality.</p> <p>Comment: The MS4 requires a Long-Term Maintenance Agreement (LMTA) with the owner. The LMTA is recorded on deed with the property. The LMTA details who is responsible for the maintenance of the post-construction measure and what those responsibilities entail.</p> <p>Recommendations:</p> <p>Requirements:</p>
<p>S M U NE NA</p> <p>(C7) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	<p>The post-construction site run-off inspection program has established procedures for implementation, including a mechanism to enforce failure to maintain a post-construction measure.</p> <p>Comment: Post-construction measure designs are reviewed during the plan review process. Floyd County requires a 2-year maintenance bond for construction activity, stormwater infrastructure is covered under this bond. If deficiencies are noted with a post-construction measure, they are sent to the property owner. If the owner fails to maintain the measure, the county has the right to enter to maintain, after which it will charge the property owner to recover costs associated with the maintenance.</p> <p>Recommendations:</p> <p>Requirements:</p>
<p>S M U NE NA</p> <p>(C8) <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	<p>MS4 personnel responsible for plan review, inspection, and enforcement of the post-construction program attend annual training.</p> <p>Comment: MS4 personnel responsible for plan review, inspections, and enforcement of construction activities attended annual training. The records were not kept by the MS4, but by the individuals. Inspection staff have less than a year</p>

experience in their roles and have completed the EPA Construction General Permit Inspector Training online. The review staff are engineers and have adequate yearly training through professional development requirements.

Recommendations:

Requirements: The MS4 should maintain staff training records.

S M U NE NA

(C9) The post-construction site run-off program is reviewed at least once every five (5) years.

Comment: The construction site program is currently under review for development of the new ordinance. The MS4 program is working with SWAC to identify any parts of the ordinance that do not meet the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP).

Recommendations:

Requirements: Ensure the stormwater MS4 Stormwater Program and as applicable local the ordinance meets the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP) which went into effect December 18, 2021.

(C10) **Overall performance in administering the post-construction site run-off minimum control measure.**

Comment: The MS4 staff are knowledgeable about their program. The post-construction plan review process is thorough and well documented. The program did not include an effective tracking program for the 5-year cycle for inspections of all post-construction measures.

Recommendations:

Requirements: Develop and maintain a program for tracking inspections of all post-construction measures within the 5-year permit cycle.

Section D: Audit Summary

Action Items:

• **Recommendations:**

(1) **B9-** Due to the limited experience of the inspection staff, it is recommended that they obtain additional training as opportunities arise.

• **Required Actions:**

- (1) **B1-** Ensure the local ordinance is updated by the 2024 deadline to meet the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP), both of which went into effect December 18, 2021. Current items observed, but not limited to, in the ordinance that do not meet this requirement are the 50-foot buffer requirement and the requirements for new gasoline outlets.
- (2) **B7-** The MS4 should maintain staff training records.
- (3) **B9-** Ensure the stormwater MS4 Stormwater Program and as applicable local the ordinance meets the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP) which went into effect December 18, 2021.
- (4) **C1-** Ensure the stormwater MS4 Stormwater Program and as applicable local the ordinance meets the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP) which went into effect December 18, 2021.
- (5) **C4-** Update the stormwater ordinance to include requirements for gasoline outlets and refueling areas to design and install measures to reduce pollutants associated with stormwater run-off from these facilities. Ensure the MS4 Stormwater Program and as applicable local the ordinance meets the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP) which went into effect December 18, 2021.
- (6) **C8-** The MS4 should maintain staff training records.
- (7) **C9-** Ensure the stormwater MS4 Stormwater Program and as applicable local the ordinance meets the requirements of the Municipal Separate Storm Sewer System General Permit (MS4GP) and the Construction Stormwater General Permit (CSGP) which went into effect December 18, 2021.
- (8) **C10-** Develop and maintain a program for tracking inspections of all post-construction measures within the 5-year permit cycle.

Attachments:

Action by IDEM: Failure to address and/or respond to deficiencies and/or violations may result in further action by IDEM including, but not limited to a compliance meeting and/or a non-compliance letter. As warranted, IDEM will perform follow-up inspections for projects owned and operated by the MS4 as they are permitted and will periodically revisit sites regulated by the MS4.

Section E: Audit Information

Report Provided to:

- Chris Moore, Floyd County MS4 Coordinator

Report distributed: Email Mail Via Certified Mail:

Questions and the submittal of documents in response to this report should be directed to:

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JOIN US FOR POLLINATOR DAY!

WEATHER PERMITTING

SATURDAY, APRIL 27TH 10AM - 3PM

PURDUE RESEARCH PARK
3000 TECHNOLOGY AVE.,
NEW ALBANY, IN 47150



Pollinator Day is a **FREE**
family-friendly event!

It includes hands-on activities for the whole family! Games, crafts, local vendors, selfie-station, food trucks, and booths full of information for all!

Educational classes will be held on:

How To Catch a Swarm of Bees
-Spring Valley Beekeepers

Pollinators & The Big Picture
-Kevin Wiener (All Bugs Go to Kevin)

Supported in part by **Duke Energy Foundation.**

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