Appendix B: Letter of Understanding

A LETTER OF UNDERSTANDING BETWEEN THE SANITARY DISTRICT OF MICHIGAN CITY ("DISTRICT") & THE MICHIGAN CITY BOARD OF PUBLIC WORKS & SAFETY ("BOARD") REGARDING WATER QUALITY ISSUES IN TRAIL CREEK RELATING TO: THE ADMINISTRATION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM ("MS4") PROGRAM OF 327 IAC 15-13 (RULE 13) & TRAIL CREEK WATERSHED PLANNING EFFORTS

WHERAS, the City of Michigan City (herein after referred to as the "City") is a designated Municipal Separate Storm Sewer (MS4) entity resulting from the designation as a municipality mapped in the 2000 United States Census Bureau as an Urbanized Area and/or other criteria of 327 IAC 15-13-3; and,

WHEREAS, the City, as a designated MS4 entity, is required by the Indiana Department of Environmental Management (IDEM) to obtain a permit for, develop and operate a MS4 program under IAC 15-13 (Rule 13); and,

WHEREAS, the MS4 program includes, over time, among other requirements, the necessity for the development, passage, and enforcement of new zoning ordinances relating to construction site runoff and post-construction site monitoring; along with municipal operations pollution prevention pracitces by of other City Departments; and,

WHEREAS, the District has responsibility for storm sewer systems and discharges within District boundaries and has current involvement in other requirements of the MS4 program and District Staff has the personnel and experience to administer the MS4 program for the City; and,

WHEREAS, water quality problems in Trail Creek were identified in the 1988-89 Indiana 305(b) Report issued by the Indiana Department of Environmental Management; and,

WHEREAS, the "Horizon 2000 Michigan City Area Strategic Plan" issued on March 30, 1992, prepared for and in conjunction with the citizens of the Michigan City, identified a specific lakefront and Trail Creek water quality goal as follows: "Our goal is to have the highest quality of water for recreation and aquatic production in the area by eliminating debris, pollutants and sediment build-up in the creeks"; and,

WHEREAS, the "Trail Creek Watershed Management Plan" issued on September 30, 1993, proffered a multi-faceted and substantive plan focused on nonpoint sources of pollution with recommendations to reduce sedimentation and nutrient loading to the stream of Trail Creek; and,

WHEREAS, the Indiana Department of Environmental Management, Office of Water Quality, issued a "Draft Trail Creek Total Maximum Daily Load (TMDL) Report" in September 2003, with said report including draft nonpoint source E. coli pollutant limits and instructions that some "nonpoint sources will need to be monitored locally for implementation of BMP's or in providing access to watershed grants to assist in reducing nonpoint sources to meet the Load Allocation developed under this TMDL".

NOW, THEREFORE the District and Board agree as follows:

Section 1: The District will consider options and develop recommendations to ensure the City's compliance with the MS4 requirements of IAC 15-13 (Rule 13) and submit said recommendations to the Board for review; and,

Section 2: The District will act as the temporary "City Lead Agency", not necessarily as the implementer but as the facilitator, to coordinate activities that focus on nonpoint source water pollution abatement strategies among local, county, state and federal agencies, until such time as a partnership is established representing a variety of stakeholders including riparian owners, agricultural community, environmental community, commerce/industry, private citizens and local government entities located in the 59 square mile Trail Creek Watershed.

Approved by the **Sanitary District of Michigan City** Board of Commissioners
September 24, 2003

Boyd W. Phelps
President

ATTEST:

Roger J. McKee
Secretary

Approved by the **Michigan City Board of Public Works and Safety**
September 24, 2003

Anthony Metzger
President

ATTEST:

Thomas F. Fedder
City Clerk