

MS4 Clean Water Program Requirements

Operators of regulated MS4s are required to have permit coverage through the Indiana Department of Environmental Management (IDEM). Under the MS4 Clean Water Act operators of regulated MS4s are required to:

- Apply for NPDES permit coverage
- Develop a Stormwater Management Program including six control measures:
 - Public education and outreach
 - Public participation/involvement
 - Illicit discharge detection and elimination
 - Construction site storm water runoff control
 - Post-construction storm water runoff control
 - Pollution prevention
- Implement a plan to treat, monitor, and improve the cleanliness of runoff
- Establish a reliable and stable source of funding to pay for the mandate



Legal documents to support this unfunded mandate are:

- U.S. Environmental Protection Agency-Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act
- Indiana Department of Environmental Management – Rule 13 (327 IAC 15-13)

Background on Federal Unfunded Mandate

According to U.S. EPA, polluted storm water runoff is a leading cause of impairment to the nearly 40 percent of surveyed U.S. water bodies which do not meet water quality standards. Over land or via storm sewer systems, polluted runoff is discharged, often untreated, directly into local water bodies. When left uncontrolled, this water pollution can result in the destruction of fish, wildlife, and aquatic life habitats; a loss in aesthetic value; and the threats to public health due to contaminated food, drinking water supplies, and recreational waterways.

Mandated by Congress under the Clean Water Act, the NPDES Stormwater Program is a national program for addressing the non-agricultural sources of storm water discharges. These discharges adversely affect the quality of our nation's waters. The program uses the National Pollutant Discharge Elimination System (NPDES) permitting to require the implementation of controls that are designed to prevent harmful pollutants being washed by storm water runoff into local streams and water bodies.

What is an Unfunded Mandate

When the state or federal government passes a law that requires communities to take a particular action but does not provide the funds needed for the action, it is referred to as an unfunded mandate. In short, it must be done. If not, heavy fines will be levied, paid by the taxpayer, no matter the cost.

Town of Lowell

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TOWN OF LOWELL

Federally Mandated
Stormwater Utility Fee

Lowell Town Ordinance
2012-24

How will the Clean Water Act funds be used?

These funds will be used to implement the new requirements and management practices to improve the quality of storm water runoff which includes but is not limited to: mapping, inspecting, monitoring, educating, enforcing, maintenance, sanitary separation and installation of water quality practices.

If I do not have storm drains, do I have to pay the fee?

Yes, we all live in a watershed where storm water drains into a variety of conveyances including but not limited to: ditches, creeks, streams, and rivers. Storm water is also routed through under ground drainage systems. Both underground and open channel conveyances require maintenance to function properly. According to the United States Environmental Protection Agency, contaminated storm water runoff is the single largest source of water pollution in the U.S.

MS4 Clean Water Program Benefits

Revenue generated from the Clean Water Act Fee will improve the town in the following ways:

- Supplement roadway drainage improvement
- Provide long term maintenance for existing storm water detention
- Minimize off-site sediment from construction sites
- Provide education to the residents on water quality issues
- Routine testing of water quality for pollution sources and affects
- Shoreline and ditch bank stabilization
- Reduce sediment into our waterways and lakes
- Fish and wildlife enhancement in some areas
- Wetland protection and quality improved



Schedule of Monthly Stormwater Fees

- Residential . . . \$7.00
- Commercial . . \$14.00
- Industrial. . . \$28.00
- Service Club . . \$28.00
- Church \$28.00
- School \$28.00

How were the Stormwater Management User Fees developed?

Local storm water user fees were established through Lowell Town Ordinance # 2012-24 in November of 2012. Each improved parcel is assessed and billed a flat monthly fee based on the schedule above. This monthly assessment is billed through the municipal billing system and circulated monthly on the town utility bills.

The schedule of fees for the Billing structure is based on average residential square footage. The average square footage for a residential unit in the Town of Lowell has been determined to equal 18,140 square feet. This Equivalent Residential Unit (ERU) is the base fee for residential properties. The ERU was then used to calculate the size of other non-residential types of property in the town.

The monthly rate for non-residential property is equal to actual calculated number of ERUs per property times the monthly rate. Non-residential rates are capped at a maximum of 4 ERUs.

Sample of Fees

Sample of fees from around the region to show a comparison of rates in different municipalities:

- Town of Griffith: \$7.50 per mo.
- Town of Highland: \$8.05 per mo.
- Town of Munster: \$10 per mo.
- Cedar Lake: \$5 per mo.
- City of Valparaiso: \$11 per mo.
- City of Crown Point: \$6 per mo.

