

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AGREEMENT

Between

The Northwestern Indiana Regional Planning Commission

And

City of Valparaiso

WHEREAS, the Federal Clean Water Act requires storm water discharges from certain types of urbanized areas to be permitted under the National Pollution Discharge Elimination System (NPDES) program (Phase II); and,

WHEREAS, the Indiana Department of Environmental Management, hereinafter referred to as "IDEM", has designated communities in Lake, Porter, and LaPorte Counties as MS4 Entities under the provisions of 327IAC 15-13 (Rule 13); and,

WHEREAS, the Storm Water Phase II Rule 13 extends coverage of the NPDES storm water program to all Small MS4s, requiring the implementation of a six (6) element program (minimum control measures); and,

WHEREAS, each MS4 entity is responsible for implementation of all six MCMs in their own jurisdiction; and,

WHEREAS, IDEM encourages regulated communities and entities to coordinate their MS4 activities; and,

WHEREAS, some aspects of MCM (1) Public Education/Outreach can best be implemented on a regional basis; and,

WHEREAS, the Northwestern Indiana Regional Planning Commission has developed a regional program to satisfy regional aspects of the requirements placed on area MS4 entities for Public Education/Outreach; and,

WHEREAS, the MS4 entities participating in this regional public education program will be able to identify this regional cooperative agreement in their Notice of Intent filed with the Indiana Department of Environmental Management (IDEM) and in their required permit reports to IDEM; and,

WHEREAS, this regional program will be cost effective for all MS4 entities while fulfilling permit requirements; and,

WHEREAS, the City of Valparaiso is a Phase II MS4 entity in northwest Indiana required to comply with Rule 13;

NOW THEREFORE BE IT RESOLVED THAT THE PARTIES SIGNATORY HERETO DO HEREBY AGREE AS FOLLOWS:

1. The Northwestern Indiana Regional Planning Commission (NIRPC) will be responsible for the services, activities and deliverables outlined pertaining to Public Education and Outreach in the attached Scope of Work as set forth in Attachment A to this Agreement.
2. NIRPC will be responsible for providing City of Valparaiso with documentation of services provided within one month of time of service for purposes of inclusion in their individual permit reports as required by IDEM.

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3. The **City of Valparaiso** agrees to participate in the regional program and agrees to pay NIRPC a program fee of Three Thousand Nine Hundred Twenty Two dollars (\$3,922).
 - Three thousand dollars (**\$3,000**) for regional media and advertising program;
 - Eight hundred seventy dollars (**\$870**) for annual four (4) annual training workshops on MCM 3, MCM 4, MCM 5, and MCM 6;
 - Fifty Two (**\$52**) for maintenance, storage, and care of regional program materials.
4. The annual program will begin in January of each year. Annual fees will be invoiced in January each year, based on base fee program selected and materials ordered by January 31st and are due to the Commission by February 28th of the same year.
5. NIRPC may use funds received through this Agreement to match federal, state, local, or non-profit grant funds available for use for the MS4 program objectives as provided for in Attachment A to this Agreement.
6. Either party may during the fourth quarter of each year provide the other party with written notice of its intent to withdraw from the Agreement.

NIRPC Contact:

Ms Kathy Luther, Director
Environmental Programs
6100 Southport Road
Portage, IN 46368
(219) 763-6060
kluther@nirpc.org

City of Valparaiso Contact:

Mingyan Zhou, MS4 Operator
166 Lincolnway
Valparaiso, IN 46383
219-462-1161 x 3326
mzhou@valpo.us

IT IS FURTHER UNDERSTOOD that this agreement becomes effective when both parties are signatory hereto.

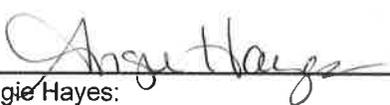
This AGREEMENT, made and entered into as of the 18 day of March, 2013.

Northwestern Indiana Regional Planning Commission



Ty Warner, Executive Director

Attest:



Angie Hayes:

City of Valparaiso



Jon Costas, Mayor

Attest:



Sharon Swihart, Clerk Treasurer