

MUNICIPAL SEPARATE STORM WATER SYSTEM (MS4) AGREEMENT

Between

The Northwestern Indiana Regional Planning Commission

And

City of Valparaiso

Valparaiso Storm Water Management Board

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, two of the MCMs are (1) Public Education/Outreach and (2) Public Participation/Involvement and can best be implemented on a regional basis; and,

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

WHEREAS, the MS4 entities participating in this regional public education and participation 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 Small 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 development and implementation of a five-year (5) Joint Storm Water Quality Phase II Public Education and Involvement Program as set forth in Attachment A to this Agreement.
2. NIRPC will be responsible for meeting all state and federal requirements as they pertain to two of the elements of the Rule 13 permit program: Public Education/Outreach and Public Involvement/Participation.
3. NIRPC will be responsible with providing necessary permit reports as required by IDEM.
4. The **Valparaiso Storm Water Management Board** agrees to participate in the regional program and agrees to pay NIRPC a base program fee of twenty-five hundred dollars (**\$2,500.00**) per year plus a **first year per capita** fee of nineteen and one half cents (.195) and a twenty-five cents (.25) per capita fee for the **second, third, fourth and fifth year**.
5. The cost for the first year (**2005**) will be a total of **\$7,848.46** based on a population of **27,428**. The cost of years **2006, 2007, 2008, 2009** will be **\$9,357.00 per year** based on the same 2000 Census population numbers.
6. The five year program will begin in 2005 and conclude in 2009. First year fees (2005) are due to the Commission by October 15, 2004. Subsequent years, payment is due to the Commission by February 28th.
7. 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.
8. 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:

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Valparaiso Stormwater Board Contact:

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City of Valparaiso
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Northwestern Indiana Regional Planning Commission - MS4 Agreement

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

This AGREEMENT, made and entered into as of the 25th day of August, 2004.

Northwestern Indiana Regional Planning Commission



JOHN SWANSON, Executive Director



Valparaiso Storm Water Management Board