

MUNICIPAL SEPARATE STORM WATER SYSTEM (MS4) AGREEMENT

Between

The Northwestern Indiana Regional Planning Commission

And

Valparaiso Lakes Area Conservancy District

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 that can be significantly implemented on a regional basis and
- (2) Public Participation/Involvement that can be implemented on both a regional basis and also a local basis,

WHEREAS, the Northwestern Indiana Regional Planning Commission has developed a regional program to satisfy the mutual permitting requirements placed on area MS4 entities for Public Education/Outreach and many of the mutual permitting requirements placed on the 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 Valparaiso Lakes Area Conservancy District 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 annual implementation of the Scope of Work presented in Table 1 of this agreement each year of this five-year Joint Regional Storm Water Quality Phase II Public Education and Involvement Program.

2. NIRPC will be responsible for meeting all state and federal requirements as they pertain to common regional elements of the Rule 13 permit program: Public Education/Outreach and Public Involvement/Participation as listed in Table 1. NIRPC is not responsible for additional local activities Valparaiso Lakes Area Conservancy District might have included in their permit beyond the regional program.
3. NIRPC will be responsible with providing necessary permit reports as required by IDEM.
4. The Valparaiso Lakes Area Conservancy District agrees to participate in the regional program and agrees to pay NIRPC an base program fee of twenty-five hundred dollars (**\$2,500.00**) per year plus an **annual materials fee of \$1,000** in place of a per-capita fee.
5. The cost for per year will be a total of **\$3,500**.
6. The five year program will begin in 2010 and conclude in 2014. Annual fees will be invoiced in January each year and are due to the Commission by February 28th of the same year.
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 Lakes Area Conservancy District Contact:

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

This AGREEMENT, made and entered into as of the _____ day of _____, 2010.

Northwestern Indiana Regional Planning Commission



 John Swanson, Executive Director



 Dick Brychell, Chairman, Valparaiso Lakes Area Conservancy District