

**PORTER COUNTY STORMWATER ADVISORY BOARD**  
**February 13, 2022**

**LOCATION:** County Administrative Center, Ste 205 TIME: 5:00 p.m.  
155 Indiana Avenue, Valparaiso IN

**MEMBERS IN ATTENDANCE**

Scott Severson, Bill Laird, Greg Simms, Andy Vasquez, and Todd Elliott. Paul Nelson was present via video. Laura Blaney was absent. Also in attendance were Clay Patton-Attorney, Kevin Breitzke, Chelsey Gordon, Meredith Phillis, and staff.

**Board Reorganization**

**Motion:** Todd Elliott moved to nominate Scott Severson as President. Andy Vasquez seconded the motion and so approved with a 6-0 voice vote.

**Motion:** Todd Elliott moved to nominate Bill Laird as Vice President. Greg Simms seconded the motion and so approved with a 6-0 voice vote.

**All Recommendations will be voted on at the next Storm Water Management Board meeting**

**New Business**

**Docket No. SM-22-0072**

**Applicant:** Poettinger U.S., Inc. c/o Radtke Engineering and Surveying, Inc.

**Location:** South of US 30, east of CR 325 E., in the City of Valparaiso

**Request:** To reduce the regulated drainage easement to 40 FT and install an outlet within South Koselke Ditch.

Todd Leeth presented for Petitioner. He was joined by Gary Radtke of Radtke Engineering and Surveying, Inc.

**Staff Findings and Recommendation:**

The applicant is requesting to reduce the regulated drainage easement to 40 FT from top of bank to accommodate the proposed detention basin location. The outlet is, by necessity, located within South Koselke Ditch. As shown on the construction plans, both a flared end section and a rock (i.e., rip rap) apron below the outfall are proposed. Both of these are best practices typically recommended by the Department.

Staff has performed a review of the proposed storm water management/drainage plan for the project for compliance with the Porter County Storm Water Standards. Staff notes that the 100 YR, 24 HR high water elevation within the detention basin is 746.40 while the outlet structure rim elevation is 746.00. Per the Porter County Stormwater Design Manual, the detention basin

must be designed to detain the 100 YR rainfall event with a maximum release rate of 0.13 cfs/ac. Staff also notes that additional grading will be required in the proposed 40 FT regulated drainage easement to match the existing adjacent grade to the proposed detention basin embankment grade. Staff estimates the limits of the additional grading to be approximately 6 FT with 3:1 (H:V) side slopes.

At this time, staff recommends approval of the easement reduction and improvements located within South Koselke Ditch and its associated regulated drainage easement. The standard terms and conditions associated with conducting work within a regulated drain/regulated drainage easement (as stated in the application) shall apply to the project, and staff recommends that approval of the proposed work be contingent upon the execution of a hold harmless agreement between the applicant and Porter Co. regarding any damages the improvements may incur during the maintenance of South Koselke Ditch. Staff also recommends that a marker (e.g., t-post fence post w/ safety green (i.e., sewer) paint on top of post) at the new outfall to aid in the identification of the outfall location in the field. Staff also recommends that the following special conditions be applied to the project:

1. Revise the construction plans to reflect the required 746.40 outlet rim elevation and subsequent 747.40 top of bank elevation for the detention basin.
2. Invite the Department to the pre-construction conference to be held prior to the start of work.
3. Contact the Department at least 72 hours prior to the start of work at Koselke Ditch so that staff may be present during the performance of the work.

### **Questions/Comments from the Board**

Todd Leeth – This project is in the City of Valparaiso. It is a larger parcel but they are only developing on the north end. They are going to have overweight trucks so they cannot travel on CR 325. They will come through Montdale Industrial Park. The odd shape of the parcel and the weight restrictions is what prompted this request.

Kevin Breitzke – He looked up the flood elevation. He has a different number. Where did the information come from for the flood elevation?

Chelsey Gordon – That was within their detention basin not with South Koselke Ditch.

Kevin Breitzke – They might have to have DNR do the evaluation where the flood elevation is. The county is not supposed to issue permits for anything below 2' above the flood hazard area. Another thing is there is a loading dock on one end. You cannot construct anything in a flood hazard area. Also, he does not like the long detention pond. They need to have a slope.

Gary Radtke – The bottom is flat but they can put a slope on it.

Kevin Breitzke – He advised him to work with staff. He also suggested the regulated drain be turned over to the City. Any agreements for the maintenance of the pond will be between the City of Valparaiso and the Petitioner? The County’s responsibility is the ditch?

Chelsey Gordon – Yes. The pond design & maintenance responsibility is between the petitioner & the city. The County’s responsibility is South Koselke Ditch and if the easement can be reduced, along with the detention basin outlet constructed within South Koselke Ditch. Staff confirmed the project meets the county’s release rate of 0.13 cfs/ac.

Bill Laird – Is this intended to be a wet pond or dry basin?

Gary Radtke – Dry. They did percolation tests so they know where the ground water is and the percolation.

Bill Laird – His concern is water quality with a dry basin and the inlet so close to the outlet. That may become an issue.

**Motion:** Todd Elliott moved to approve Case SM-22-0072 with the recommendations of staff. Greg Simms seconded the motion and so approved with a 6-0 voice vote.

**Docket No.** SM-23-0007

**Applicant:** Nancy Lee

**Location:** Northeast corner of CR 550 N and CR 250 W

**Request:** Discuss storm water management plan for the proposed 10-lot Lee subdivision and responsibility for maintenance of storm water infrastructure to be located therein.

Angelica of Duneland Group presented. She was joined by Nancy Lee, Valparaiso Indiana.

**Staff Findings and Recommendation:**

The proposed 10-lot Lee Subdivision (major subdivision) is currently under review at the Department in preparation for presentation of the proposed development to the plan commission at an upcoming meeting.

To date, the Department has performed four reviews of the proposed construction and post-construction storm water management plans and construction plans for the project for conformance with the Porter Co. Design & Construction Standards, including the Storm Water Standards. The Department received a re-submittal from the applicant in response to the comments generated during our Engineering Review #4 (i.e., 10/21/22). We have found that the proposed construction and post-construction storm water management plans for the above-referenced project appear to conform to Porter County’s Erosion & Sediment Control and Storm Water Management Standards and that the proposed construction plans for the

above-referenced project appear to conform to Porter County's Design & Construction Standards.

This case is being presented to the Storm Water Advisory Board at this time to discuss the proposed storm water management plan and, in particular, responsibility for the maintenance of the storm water infrastructure to be located within the proposed development.

At the time of preliminary acceptance of the public improvements located within the development, the storm water infrastructure located within the development and serving multiple lots may become public infrastructure (i.e., regulated drainage infrastructure), which would charge Porter County with the inspection, maintenance, and repair of such infrastructure, or it may remain private infrastructure, which would charge the property owners within the development with the inspection, maintenance, and repair of such infrastructure. At a minimum, we recommend that the responsibility for inspection, maintenance, and repair of the storm water infrastructure located within the development and serving multiple lots be given to a property owners association. However, given the general case history of property owners associations' efforts to maintain storm water infrastructure across Porter Co. (and elsewhere), it is the Department's recommendation that the storm water infrastructure located within the development and serving multiple lots become public infrastructure at the time of preliminary acceptance of the public improvements located within the development. Storm water infrastructure serving individual lots should remain private infrastructure to be inspected, maintained, and repaired by the owners of such lots.

This project has not received final approval from the Plan Commission or her Department. Since they are far enough along with the review, this Board is able to make a motion to either accept the infrastructure as public or charge the POA with maintenance of the infrastructure. Accepting it as public would be staff's recommendation. POA's have historically struggled to maintain infrastructure.

### **Questions/Comments from the Board**

Andy Vasquez – If the County keeps taking more and more, where does the money come from.

Chelsey Gordon – Having this as public infrastructure allows staff to observe the construction of the infrastructure as it is going in. This allows them to make sure the proper materials and proper construction practices are being followed during construction so the longevity is longer. The individual lot owners will pay the storm water user fee.

Kevin Breitzke – When someone subdivides, they pay a bigger storm water user fee which will increase the income.

**Motion:** Andy Vaquez moved to approve Case SM-23-0007 and accept the infrastructure as public. Todd Elliott seconded the motion and so approved with a 6-0 voice vote.

**Docket No.** SM-23-0008

**Applicant:** Arcadia Development LLC

**Location:** Southwest corner of CR 750 N and CR 50 W

**Request:** Discuss storm water management plan for the proposed 27-lot Arcadia subdivision and responsibility for maintenance of storm water infrastructure to be located therein.

Todd Leeth presented for Petitioner. He was joined by John Hannon and Pat Klaheige. They are here requesting acceptance of the storm water infrastructure for the Development known as Arcadia. They believe they should be maintained by the County.

**Staff Findings and Recommendation:**

The proposed 27-lot Arcadia Subdivision (major subdivision) is currently under review at the Department in preparation for presentation of the proposed development to the plan commission at an upcoming meeting.

To date, the Department has performed three reviews of the proposed construction and post-construction storm water management plans and construction plans for the project for conformance with the Porter Co. Design & Construction Standards, including the Storm Water Standards. The Department is awaiting re-submittal from the applicant in response to the comments generated during our Engineering Review #3 (i.e., 12/12/22). However, we have found that the proposed construction and post-construction storm water management plans for the above-referenced project appear to conform to Porter County's Erosion & Sediment Control and Storm Water Management Standards and that the proposed construction plans for the above-referenced project appear to conform to Porter County's Design & Construction Standards.

This case is being presented to the Storm Water Advisory Board at this time to discuss the proposed storm water management plan and, in particular, responsibility for the maintenance of the storm water infrastructure to be located within the proposed development.

At the time of preliminary acceptance of the public improvements located within the development, the storm water infrastructure located within the development and serving multiple lots may become public infrastructure (i.e., regulated drainage infrastructure), which would charge Porter County with the inspection, maintenance, and repair of such infrastructure, or it may remain private infrastructure, which would charge the property owners within the development with the inspection, maintenance, and repair of such infrastructure. At a minimum, we recommend that the responsibility for inspection, maintenance, and repair of the storm water infrastructure located within the development and serving multiple lots be given to a property owners association. However, given the general case history of property owners associations' efforts to maintain storm water infrastructure across Porter Co. (and elsewhere), it is the Department's recommendation that the storm water infrastructure located within the development and serving multiple lots become public infrastructure at the time of

preliminary acceptance of the public improvements located within the development. Storm water infrastructure serving individual lots should remain private infrastructure to be inspected, maintained, and repaired by the owners of such lots.

### **Questions/Comments from the Board**

John Hannon – The 100 year flood elevation is well above. They are not near any creek. The water is going to drain to the west onto land that is owned by Shirley Heinz. They have worked with this group on the design. A portion will drain to the east into a county roadside ditch. They have three detention ponds proposed for the property.

**Motion:** Bill Laird moved to approve Case SM-23-0008 and accept the infrastructure as public. Andy Vesquez seconded the motion and so approved with a 6-0 voice vote.

**Docket No.** SM-23-0009

**Applicant:** INDOT

**Location:** US 6, 2.4 miles of east of SR 49

**Request:** To replace the existing culvert carrying US 6 over North Koselke Ditch, Lateral 7.

No one was present from INDOT.

### **Staff Findings and Recommendations:**

The applicant is proposing to replace the culvert carrying US 6 over North Koselke Ditch, Lateral 7 (open drain). Per INDOT, the existing culvert consists of a 4 FT (span) x 5.3 FT (rise) reinforced concrete box culvert. The proposed culvert is a 5 FT (span) x 5 FT (rise) x 71.5 FT (length) reinforced concrete box culvert. Concrete headwalls and wingwalls will also be installed on the downstream end and upstream end of the culvert.

The construction plans indicate that the proposed 5 FT (span) x 5 FT (rise) reinforced concrete box culvert will be installed with a 6 IN sump to encourage the development of a natural stream bottom through the culvert. Per the construction plans, the invert of the proposed 5 FT (span) x 5 FT (rise) reinforced concrete box culvert will be set at 715.90 on the downstream end and 717.68 on the upstream end. The bottom of the wingwall footings will be installed a minimum of 48 IN below the structure flowline.

The existing downstream invert and centerline of ditch elevation is 716.56 and the existing upstream invert and centerline of ditch elevation is 718.49 based on field survey data collected by staff. The proposed inverts of box culvert are 715.90 at the downstream end and 717.68 at the upstream end which will provide a maximum sump of 10 IN. The provided sump is acceptable to staff.

The upstream and downstream ends of the culvert will be treated with rock aprons to dissipate flows moving into and through the culvert and minimizing the potential for scour and erosion as flows moving into and out of the culvert.

The in-stream work will be conducted in the dry via the use of a proposed bypass pumping operation. A non-erodible dike constructed out of sandbags, covered with impervious sheeting, will be used to isolate the in-stream work area and provide the set up for the bypass pumping operation. The bypass pumping operation will include the inlet(s) being installed in a sump/pool. We recommend that the inlet(s) for the bypass pumping operation be installed in a rock sump to minimize sediment intake and increase the effectiveness and extend the life of the sediment trap that the bypass pumping operation will discharge to.

Given the scope, extent, and character of the culvert replacement work, the applicant will likely also need to obtain permits/authorizations for the proposed crossing from the state and federal agencies also having jurisdiction over North Koselke Ditch, Lateral 7, including USACE, IDEM, and IDNR. Staff requests that such authorizations be forwarded to the Department once they are received.

In addition to the replacement of the culvert carrying US 6 over North Koselke Ditch, Lateral 7, the project will also include the replacement of an additional culvert, which conveys storm water runoff from the roadside ditch along US 6 into North Koselke Ditch, Lateral 7. Staff notes that this culvert appears to discharge near the wingwall and may cause erosion along/back of the wingwall based on the grading plan. This work will take place within the regulated drainage easement associated with North Koselke Ditch, Lateral 7. In making an application to conduct the proposed work, the applicant has agreed to restore any disturbance to the regulated drain and/or regulated drainage easement to a condition as good or better than that found prior to the commencement of the work. At this time, staff recommends approval for the replacement of the existing 4 FT x 5.3 FT reinforced box culvert carrying US 6 over North Koselke Ditch, Lateral 7 with a 5 FT x 5 FT reinforced box culvert. In making an application to conduct the proposed work, the applicant has agreed to restore any disturbance to the regulated drain and/or regulated drainage easement to a condition as good or better than that found prior to the commencement of the work. In addition to the standard terms and conditions outlined above and as stated in the application, staff also recommends that the following special provisions be applied to the project:

1. Provide the Department with the authorizations received for the project from the state and federal agencies also having jurisdiction over North Koselke Ditch, Lateral 7, including USACE, IDEM, and IDNR
2. Invite the Department to the pre-construction conference to be held prior to the start of work.
3. Contact the Department at least 72 hours prior to the start of work at North Koselke Ditch, Lateral 7 so that staff may be present during the performance of the work.

Staff notes the likely need for an unofficial (i.e., local) detour route to be established on the local county road system as a part of this project. The identification of such unofficial detour route shall be agreed upon and a letter of understanding designating such unofficial detour route shall be signed by both INDOT and Porter Co. prior to the start of the work.

### **Questions/Comments from the Board**

Kevin Breitzke – Simultaneously they are going to replace a culvert ¼ mile to the west. That is not one of the County's regulated drains. They are trying to get everything done at one time.

**Motion:** Todd Elliott moved to approve Case SM-23-0009 with staff's recommendations. Greg Simms seconded the motion and so approved with a 6-0 voice vote.

**Docket No.** SM-23-0010

**Applicant:** NIPSCO

**Location:** 486 Froberg Rd., Valparaiso

**Request:** To install a gas main extension across Waterford Subdivision Outlet to accommodate need for an upgraded supply in the area.

Melissa, A NIPSCO representative was on line.

### **Staff Findings and Recommendation:**

The applicant is proposing to replace an existing gas main crossing or in the vicinity of Waterford Subdivision Unit No. 3 Pond Outlet (closed drain). The work will include the installation of a new 8" plastic medium density polyethylene medium pressure (PMMP) gas main via horizontal directional drilling (HDD) or open cut trench construction and the abandonment in place of the existing 2" polyethylene medium pressure (PMMP) gas main.

The majority of the work associated with the project is located outside of Porter County's system of regulated drainage infrastructure. However, the applicant will need to connect the proposed 8" PMMP gas main to the existing 2" PMMP gas main at each end of the directional bore and will cut and cap that portion of the existing 2" PMMP gas main to be abandoned in place. This work will involve excavation to expose the existing 2" PMMP gas main, connect the proposed 8" PMMP gas main to the existing 2" PMMP gas, and cut, purge, and cap the portion of the 2" PMMP gas main to be abandoned in place. One of these work areas will be located within the regulated drainage easement associated with Waterford Subdivision Unit No. 3 Pond Outlet and near the existing drain tile.

It is difficult to discern the location of the existing drain tile in relation to the proposed work based on the provided construction plans. Staff recommends that the applicant revise the construction plans to show the approximate location of the regulated drain and drainage



easement so that the construction team is aware of an existing utility in the vicinity of the gas main replacement. Staff also recommends that the applicant utilize hydroexcavation to complete a subsurface investigation, with staff present, to locate the existing tile and ensure that existing tile is not damaged during the performance of the work. A minimum 5 FT separation distance between the proposed 8" PMMP gas main and the existing drain tile shall be provided, if the gas main crosses the existing drain tile. Proper erosion and sediment control measures (e.g., perimeter controls) should be put in place around these work areas, as necessary, to minimize the potential for sediment and other pollutants to leave such work areas.

At this time, staff recommends approval of the use of the regulated drainage easement associated with Waterford Subdivision Unit No. 3 Pond Outlet to install the proposed 8" PMMP gas main, connect it to the existing 2" PMMP gas main, and cut, purge, and cap that portion of the existing 2" PMMP gas main to be abandoned in place. The standard terms and conditions associated with conducting work within a regulated drain/regulated drainage easement (as stated in the application), including the execution of a hold harmless agreement between the applicant and Porter Co. regarding any damages the improvements may incur during the repair, maintenance, construction, or reconstruction of Waterford Subdivision Unit No. 3 Pond Outlet and/or any damages that Waterford Subdivision Unit No. 3 Pond Outlet may incur during or as a result of construction of the improvements shall apply to the project.

In making an application to conduct the proposed work, the applicant has agreed to restore any disturbance to the regulated drain and/or regulated drainage easement to a condition as good or better than that found prior to the commencement of the work. In addition to the standard terms and conditions outlined above, staff also recommends that the following special provisions be applied to the project:

1. Utilize hydroexcavation to complete a subsurface investigation, with staff present, to locate the existing tile and ensure that the existing tile is not damaged during the performance of the work.
2. Install proper erosion and sediment controls (e.g., perimeter controls, restoration of disturbed areas as soon as possible following the completion of land disturbing activities) around all work areas associated with the work to minimize the potential for sediment and other pollutants to leave such work area.
3. Contact the Department at least 72 hours prior to the start of work within the regulated drainage easement associated with Waterford.

### **Questions/Comments from the Board**

Andy Vasquez – There are revisions NIPSCO needs to do?

Chelsey Gordon – On the construction plan sheet, adding the regulated drainage easement and the centerline of that easement will be helpful for the construction team. That is what staff usually requires. NIPSCO has not agreed to this yet.

Paul Nelson – He wants to make sure that staff pays particular attention to the tiles in this area.

**Motion:** Andy Vasquez moved to approve Case SM-23-0010 with staff's recommendations. Bill Laird seconded the motion and so approved with a 6-0 voice vote.

## **Storm Water Program Director's Report**

### **ARPA Project Presentation**

From 2016 through 2022 the Department completed 630 repair/maintenance/construction/reconstruction projects at a total of just under \$25 Million Dollars. The projects were selected by a 12 criteria ranking system. The majority of the revenue was gotten from the user fee. ARPA funds will be used to slowly fund the construction of high priority projects. For every 60 cents of ARPA funding, the Department will be contributing 40 cents to get to project completion.

North Stimpson Drain Parker Ditch Headwaters project. Located by the Expo Center and Pratt Industries. In 2017 the drain tile was unable to be televised because of the poor condition. They have been granted \$1.25 Million of ARPA Funds for this project.

Carriage Hill Subdivision storm sewer reconstruction project. When this subdivision was developed it was done with the storm sewer installed in the wrong location, with the wrong material and the wrong size pipe. The offsite flow was neglected. They have been granted \$1.25 Million of ARPA Funds for this project.

Shorewood Forest Storm Water Infrastructure Improvements Phase 1. A study has been done that will be released to the public soon. From the study they picked the high priority and urgent projects that were targeted for ARPA funding. There is 28,500 linear feet of storm sewer and 26,400 linear feet of ravines. They have been granted \$685,000 of ARPA Funds for this project.

The Greater South Haven project. A watershed study has been done for this project. There are three subdivisions located in the Greater South Haven area Coventry, New South Haven and Salt Creek Valley Commons. In New South Haven 75% of the storm sewers are in need of reconstruction. Most appear to be lineable. In Salt Creek Valley Common 85% of the storm sewers are in need of reconstruction and 75% of those will need to be replaced. In Coventry 100% of the storm sewers are in need of reconstruction. They have been granted \$1.34 Million Dollars of ARPA Funds for these projects. The Newcastle storm sewer bypass project in New South Haven will be paid out of the Department's budget and will cost \$310,000.

Kemper Ditch Arm 18 Drain Tile Reconstruction. Over the last 100 years there has not been a lot of maintenance here. They are doing a joint project with IDNR and Shirley Heinze Land Trust. This project will not only improve the drainage but also the environment. They have been granted \$235,000 of ARPA Funds for this project.

Willowcreek Road and 700 North project. This will be a joint project with the City of Portage. They have been granted \$910,000 of ARPA Funds for this project. An easement will need to be acquired. ARPA Funds can only be used for construction. Any land acquisition for the easement will be Department funds.

### **New Employee**

Chelsey Gordon introduced Lori Larson. Lori is the new Storm Water Project Manager. Lori previously worked for the City of LaPorte.

**Next Meeting Date:** March 13, 2023

**Time:** 5:00 p.m. Room 205

There being no further business, the meeting recessed.

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Scott Severson, President

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Chelsey Gordon, Storm Water Program Manager