

STORM WATER MANAGEMENT BOARD

April 18, 2022

6:30 p.m.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Member T. Kopko called the meeting to order at 6:30 p.m.

ROLL CALL

Meeting called to order and roll was called; present were Member T. Kopko, Member P. Stofko, and Member V. Wittig.

APPROVAL OF MINUTES

Member P. Stofko made the motion to approve the minutes from the March 21, 2022 Meeting, March 29, 2022 Special Meeting, and April 6, 2022 Special Meeting, motion seconded by Member V. Wittig; motion approved by unanimous voice vote.

CONSIDERATION OF CLAIMS

Member P. Stofko made the motion to approve the claims packet as submitted, motion seconded by Member V. Wittig; motion approved by unanimous voice vote.

COMMENTS FROM THE FLOOR

Greg Bauer- Legal Representation of Olthof Homes – Mr. Bauer, of 425 Joliet Rd., Dyer, IN, commented on the Springdale Subdivision regarding fines to Olthof Homes. Bauer stated that he believes any additional fines would constitute double jeopardy and exceed statutory authority.

REPORTS

MS4 PROGRAM REPORT – No report.

SUPERINTENDENT REPORT – Superintendent M. O'Dell reported \$48,000 in revenue for March and a surplus of \$11,000. The department has been making monthly transfers in the amount of \$1,000 to the Capital Improvement Fund. The Trust IN investment had a balance of \$501,000. The storm water bond has been added to the spreadsheet.

OTHER REPORTS – Street Commissioner J. Schnadenberg reported on a quote received for the new street sweeper. Schnadenberg reported the quote at \$254,856. With a trade-in of an older street

sweeper, the balance due would be \$225,000. Options for lease purchases at 3.32% interest for 4 or 5 year terms were discussed. Down payment options such as \$125,000 down were also discussed. Such down payment would be taken from the Trust IN storm water investment fund. Commissioner Schnadenberg reported that there is such unit on order at about a 2-3 month time frame for production. Superintendent O'Dell and Commissioner Schnadenberg will provide more info regarding purchase and financing options and will report back at the next meeting. Member V. Wittig asked about project lists—O'Dell will provide more information on projects and their respective costs. Commissioner Schnadenberg reported the street sweeping schedule has been interrupted by snow and rain.

Storm Water Bond Projects:

CR 1050 Ditch—DLZ- Superintendent M. O'Dell reported that they are trying to minimize road interruptions while completing the project. Alternate materials and issues with utilities are being looked into. The project's time frame is 4-5 weeks.

Springdale Subdivision- Attorney C. Parkinson stated that at the conclusion of the April 6 meeting, the Storm Water Board had asked legal to prepare findings. These findings were sent today and the board has been given copies. Parkinson recited the facts that were presented at the two hearings, stating that the Storm Water Management Board would ultimately make the determination of the amount of any fines imposed. Parkinson went on to state that Paragraph 26 indicates that the Town's MS4 operator spent 62 hours in determining compliance, town engineer spent 31 hours, and legal spent in excess of 30 hours, totaling in excess of \$12,000. During the hearings held, MS4 Operator J. Gadzala showed a series of slides where there were multiple violations on each day between March 18-29. When the summary from Gadzala was reviewed, there was only one inlet violation on March 18. However, at least 4 inlet violations were presented, and these were not cited and fines were not paid. Furthermore, in paragraph 29, there was evidence of how many weekly reports were submitted to the Town. Gadzala's violation summary shows only 1 violation issued within 2.5 years; however, there were 105 weeks where no reports were submitted. There were violations of the permit/ordinance just about every day from March 18 to March 29. Parkinson concluded that the fine imposed will be up to the Storm Water Board and that the parameters of such fine are set out in the ordinance. Parkinson commented that what Olthof Homes had been doing was paying to violate the ordinance.

Member T. Kopko questioned the last set of fines given to Olthof. Member V. Wittig made motion to adopt the findings but encouraged a higher fine than \$100k- Wittig estimated \$216k in fines (not even the maximum) on the basis that the permit was violated on a regular basis since permit was issued. Member Wittig also pointed out that the town is close to Lake Michigan and that all water drains into that national treasure. Member T. Kopko commented that max fines were not needed because MS4 Coordinator J. Gadzala can issue a stop work when needed. Regular inspections are still ongoing. Town Engineer O'Dell was out today and the site was being cleaned up during inspection. MS4 Coordinator J. Gadzala is now receiving reports. Member Kopko stated he was in favor of \$100k in fines- (\$2500 at 40 occurrences) and the prepared findings. Member P. Stofko made the motion to adopt findings and to impose fines at \$100k, motion seconded by Member V. Wittig; roll call with two in favor - Member T.

Kopko and Member P. Stofko and one against – Member V. Wittig.

NEW BUSINESS

Area Transportation Company-116 E 1100 N – Fire- MS4 Coordinator J. Gadzala gave an update on the firefighting and respective runoff. A fire occurred within the truck maintenance facility on April 11th. Firefighters used a total of 300,000 gallons of water. The water that now contained petroleum products in it ran out of the facility into the catch basin and drainage ditch. The drainage ditch runs to the south end of property and then lastly to the to 1100 N ditch. IDEM (Indiana Department of Environmental Management) and Porter County Hazmat responded to the scene. There was active sheen on top of the drainage ditch and on top of the property. A vactor truck came out to suck out the catch basin and ditch. Somewhere between 12,000 and 14,000 gallons of water from the ditch and catch basin was removed and pads were placed in the ditches. Porter County Hazmat reported that petroleum products did not reach the 1100 N side ditch. IDEM was pleased with the timely response and will call to follow up and to re-evaluate. This may involve going into the ditch to pull samples to test for petroleum based product. If contamination is found, then more remediation is put in place. Under the Town of Chesterton ordinance, firefighting activities and water that comes from firefighting activities are exempt from discharge violations.

ADJOURNMENT

Member P. Stofko made the motion to adjourn; motion seconded by Member v. Witting; motion approved by unanimous voice vote.

ATTEST:

PRESIDENT STORM WATER BOARD

CLERK-TREASURER C.UDVARE