



ENVIRONMENTAL ISSUES

INTRODUCTION

A unique quality of life and the goal to enhance it has directed the City of Valparaiso to place environmental issues and solutions as high priorities. The issues are national, regional and local in nature, and thus demand a variety of solutions. Locally, cities can enhance and protect their quality of life and its environment through preservation policies, recycling, source and waste reduction, waste management, and zoning ordinances. Many of these issues are discussed further in Chapter 9, the Growth Management Plan, specifically Goal 3 addresses Environmental Integrity.

OPEN SPACE PRESERVATION

Valparaiso plans to create "*a city embraced by open space*" as it manages growth into the 21st century. The existing natural resources in Valparaiso's planning area are a vital and irreplaceable element in the quality of life of the community. Future development should not compromise or diminish the open space context or the environmental integrity of Valparaiso. In fact, future development should be managed so as to enhance and improve upon open space resources and environmental conditions. The City recognizes that the existing natural environment in Valparaiso is a vital and irreplaceable element of its residents' quality of life.

The City should conserve Valparaiso's open space and environmental resources through preservation of natural features, create additional open space, protect air and water quality, and preserve and protect resources including creek systems, floodplains, wetlands, and large tracts of wooded areas. The following strategies should be studied and an implementation plan developed.



1) **Preservation policies enhance and improve existing environmental conditions by:**

- Preserving existing designated areas such as, wellhead protection areas, floodways, wetlands, trail routes, and historically significant structures and places. These are all designated in the zoning ordinances, and the Porter County Historical Preservation Survey.
- Inventory "to-be-designated" areas such as sensitive eco-diversity areas, prime wooded areas, creek corridors, and prime farmland.

2) **Policies promote the benefits of preservation such as:**

- Protecting and preserving the region's biologic diversity;
- Providing recreation opportunities
- Enhancing of the aesthetic appeal of neighborhoods.
- Improving water and air quality;
- Providing opportunities for utility easements, and flood and stormwater management;
- Providing and preserving cultural and historic resources;
- Promoting environmental awareness;
- Providing visual relief and improved aesthetics;
- Promoting non-vehicular transportation opportunities;
- Promoting regional identity and awareness; and
- Aiding in economic development by marketing high quality of life.

Policies and strategic park plans create links between natural areas that add to recreation value, and take advantage of existing natural features like creek basins and land with low development potential. Links may focus on existing drainage corridors because 1) the land is relatively unsuitable for development, so there is less economic competition for trails on easements of such land, 2) these areas are relatively undisturbed and provide the highest scenic and ecological quality in the area, and 3) intrusion by vehicular traffic is minimized.



Policies promote more scenic vistas where public perception of community character is based largely on what can be seen from an automobile. Programs to protect and enhance the scenic quality of public ways are supported through the Growth Management Plan and the Signature Street Ordinance.

AIR/NOISE QUALITY

The City is a partner with Regional and State Agencies to find ways to improving the air and noise quality, as well as meet all the regulations that are passed by the EPA and IDEM.

Lake and Porter counties have been in a non-attainment status with EPA for several years. The air quality has improved over the course of time to the point where the region has attained the one-hour attainment status for ozone and NOX violations. However, EPA has set a new eight-hour standard that will be in effect in 2002, that will probably bring a new non-attainment status to the region. Sulfur dioxide, carbon monoxide and particulates are shown as Unclassified in EPA documentation. .

The EPA mandated auto emission testing several years ago as one method of reducing the air pollution. Porter County has several emission testing sites in compliance with the EPA mandate. EPA can withhold federal funds from cities and counties that do not reduce air pollution in a non-attainment area. Recent efforts by the regional EPA to reduce air pollution in this region have been directed towards a three or four-state study (Wisconsin, Illinois, Indiana, and possibly Michigan) to recommend solutions to pollution problems.

Currently both the county (Section 17) and the city (Articles XXIV, XXV and XXVI) have extensive zoning requirements for all industries to comply with regarding air pollution. these zoning requirements also include water, noise, and storage and disposal of hazardous materials minimum standards.

Air quality standards in the City include smoke emissions, dust, dirt, fly ash, odors, gases or other materials which cause injury, detriment or nuisance to the public or which endanger the comfort, health or safety of persons, or which cause injury or damage to persons or property.

Noise pollution standards follow the American National Standards Institute and include set maximum permitted sound levels for residential and non-residential areas.

WATER QUALITY

The Valparaiso Department of Water Works draws raw water from two aquifers. They are the Lake Michigan Basin aquifer and the Kankakee River Basin aquifer. The Water Department has three wellfields located north and east of the city. One wellfield is located within the city limits and two are located outside the city limits. The water drawn from these wellfields is treated by filtration and disinfection in order to meet federal and state drinking water regulations. The Water Department has adopted a Wellhead Protection Plan and both the city and county governments have adopted a Wellfield Protection Ordinance. The Water Department has a full time Wellhead Protection Administrator who attends both City and County Site Review meetings. Issues of concern for Wellhead Protection are activities within Wellhead Protection Zones that may have the possibility to contaminate the aquifers, such as storage, handling and mixing of fuels and other toxic materials, malfunctioning septic systems, abandoned wells, spill reporting, and the prohibition of landfills.

Water quality issues are important to the City and its residents. The standards concerning quantity of runoff have always been stringent and the Stormwater Management Board is now developing standards related to the quality of the runoff. The City, acting through the Board, is “ahead of the curve” in recognizing and complying with the Phase 2 Discharge Regulations. The Board is active in searching out newer and innovative solutions to both point and nonpoint sources of runoff and pollution. It is important for the City to continue to work towards the improvements of all of our water resources both within the corporate limits and within the watersheds that accepts our runoff.

Flooding and/or drainage issues are addressed in part via the projects listed in the Capital Improvement Plan. They are also being addressed in part through the Stormwater Management Board’s project list. The Board has recently sold bonds to finance the construction of a number of drainage projects. They also will continue to work with budget funds to address other drainage concerns. The board must continue to exercise strict review of all new projects to ensure compliance with the standards to prevent the development of new drainage problems.

Wetlands are an important element in the proper functioning of the hydrologic cycle. They provide groundwater recharge areas and serve as filtering buffers for runoff before it enters streams or lakes. Wetlands also provide valuable habitat for both migratory and non-migratory wildlife. The City has long been an advocate of preserving wetlands. The Zoning

Ordinance (Article XXXIV) declares that it is “the public policy of the City of Valparaiso to preserve, protect, and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoilation and destruction of freshwater wetlands...”and so forth. The City has deferred the regulation and enforcement of wetlands to the Army Corps of Engineers and the Indiana Department of Environmental Management. With the recent relaxation of federal wetland rules, and the tendency of IDEM to lack flexibility in its rulings it may be necessary for the City to enact additional ordinances to supplement those from the other agencies if wetlands in the City are to be preserved. (Water supply issues are addressed in detail in Chapter 9, the Growth Management Plan).

SOLID WASTE DISPOSAL

The city began a weekly pilot recycling program in a northside neighborhood of 1,000 households in April, 1990. The participation has averaged over 93%. The program was then expanded to include the entire city. The participation rate has continued to be very high. The City currently has storage facilities to allow recyclables to be stored until market prices are high enough to sell them. This has allowed the City to more than offset the cost of recycling, and decreases landfill costs substantially.

We are now expanding the recycling program to businesses and apartment complexes that are not on our routes. We have purchased two (2) roll-off containers to assist in the collection at the larger businesses and apartment complexes.

Composting has also been part of the city's solid waste program for many years. Currently, the City does not pick up grass clippings, but encourages citizens to mulch the clippings. Leaves are picked up by the city and composed in a city site. Leave compost and mulch are available to city residents. We also grind all brush that is collected, and is available at all times to city resident. To diminish the cost to the City we have also begun recycling all concrete and pavement that is generated by the city and then reused for city project. This saves the City the cost of disposal and the purchase of new stone material. This recycled material is available to all city departments.

In 1990, the Indiana General Assembly enacted Bill 1240, which requires every county by July 1, 1991 to create a Solid Waste District. The City of Valparaiso’s mayor has been a member of the Porter County Board since its creation.

HISTORIC PRESERVATION

The City created a local Historic Preservation Commission to address issues and creates local districts. The Commission is meeting on a monthly basis, and is creating a strategic plan with the help of Indiana Landmarks Foundation, and other local Commissions. The Commission's mission statement is: *"The Valparaiso Historic Preservation Commission serves as the City of Valparaiso's official historic preservation advisory body to identify, preserve, protect and educate the public about Valparaiso's historic resources."*

The members are appointed by the Mayor, and the ordinance encourages public education as a strong means to preservation. In 1991, a survey of all historical sites, structures and places in Porter County was completed and the Commission is using that information to help publicize preservation sites. The downtown district is included in the list of Valparaiso sites and is on the National Register of Historic Places.



VISUAL ENVIRONMENT

The quality with which a community develops is as important as what develops where. That is to say, it is one thing to carefully select how land uses should be arranged, and another to assure that what is actually built is designed well from both an architectural and a site design perspective. A bad design is something the community has to live with for generations even though the land uses might be properly located. Comprehensive growth management must establish the standards that will influence the quality of future development.

Most often, design is thought of on a building or project scale. Equally important yet overlooked in many community growth plans is larger scale design concerns. Important to our community is what the whole is going to look like. How will the visitor experience the visual and built environment as the city grows. What is being done to set the stage through planning and growth management so that what is actually built will be something the community will share with pride. Pride is also revealed in the gateways or entrances to the city. The Growth Management Plan, Chapter 9, and the Downtown Special District Plan, Chapter 8, both detail the design elements and include prototypes of the downtown, the downtown gateways, and the city gateways.

Also, in the Signature Street Ordinance are additional landscaping requirements. The visual aspects of the Signature Streets are important in the overall development of Valparaiso. It is often the first impression a visitor receives of the City of Valparaiso, and the city's commitment to maintaining and enhancing a rich quality of life. The entrances into the city, which are identified in the Signature Street Ordinance are also important in making a visual impression on residents and visitors.



Our parks also enhance the visual environment and quality of life of our city. Open space and park requirements are part of the PUD and subdivision ordinances. Our environment is enhanced or marred by visual considerations. The visual environment is considered within the Site Review process for all new and rehab construction projects.

Landscaping plans and replacement of trees and open space are all part of the development plan presented by developers and builders. (Chapter 5 of Growth Management Plan).

The Sign Ordinance effects visual environment with restrictions on number, size and placement of new signs. Billboards within the city are not allowed on Signature Streets, or in other areas except

manufacturing zoning. Phasing out the nonconforming billboards should be accelerated in order to be consistent with other signage throughout the City. Billboards are now allowed only in manufacturing zones and are limited in size by the Sign Ordinance.

Design Guidelines for the Downtown Commercial District were created at the time the area was listed on the National Register of Historic Places. These guidelines are suggestions for building renovations to preserve the historic character of the structures, and suggest historic vocabulary for downtown renovation work. The guidelines can be found in the Downtown Master Plan, which is a section of Chapter 8.

SUMMARY OF FEDERAL AND STATE LAWS

Many of the local environmental concerns are under federal regulations that are also enforced by the federal government. The State follows federal law, but can **also add stricter** rules. Indiana's rules are usually the same as the federal, but final consultation with all state and federal laws is advised for current applicability. Some of these laws address standards, requirements, criteria or limitations of hazardous substance, pollutant, contaminant, remedial action, location, or other circumstances that are site specific.

The State is required to identify all applicable, relevant and appropriate requirements (ARARs) and to create manuals and/or guidelines for solutions and enforcement. In some environmental cases, the State also holds the permitting responsibility.

Relevant and appropriate requirements are defined as standards, requirements, criteria or limitations promulgated under Federal or State law that, while not "applicable" to a hazardous substance, pollutant, contaminant, remedial action, location or other circumstances, address problems or situations sufficiently similar to those encountered at a particular site.

Some of the Federal laws that have direct impact on Valparaiso include:

Resource Conservation and Recovery Act (RCRA) - created to protect health and environment, reduce waste and conserve energy and natural resources, and reduce hazardous waste.

This major statute includes standards for treatment, storage and disposal of hazardous waste; regulations for the management of hazardous waste, ensure safe disposal of waste, and provide for resource recovery from the environment by controlling hazardous waste from "cradle to grave." The specific standards are also found in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). CERCLA also includes Superfunds to clean up abandoned sites. RCRC regulates existing sites.

Clean Water Act (CWA) - created to restore and maintain the chemical, physical and biological integrity of the nations' waters. The State of Indiana can implement permit requirements of the National Pollution Discharge Elimination System through CWA.

Safe Drinking Water Act (SDWA) - created to establish regulations to protect human health from contaminants in drinking water, including underground injections.

Other federal laws that could impact the City of Valparaiso include:

National Historic Preservation Act
Endangered Species Act
Wilderness Act
Fish and Wildlife Act
Toxic Substance Control Act
Federal Land Policy and Management Act



ACTION PLAN

- 1) Inventory additional environmentally significant areas and establish minimum performance criteria for development in these areas.
- 2) Rigorously enforce the Erosion Control Ordinance which limits the amount of off-site deposition and on-site loss of soil.
- 3) Establish public-private partnerships for the protection and restoration of environmentally significant areas.
- 4) Finish the Salt Creek Corridor study and create specific conservation recommendations
- 5) The Plan Commission budget should include a line item for environmental assessments.
- 6) Community agencies should make available to the public educational information that increase the public's awareness of health and safety procedures.
- 7) Annex or protect natural areas and open spaces through intergovernmental agreements with the County to create more linkages to open spaces like greenways and pathways.
- 8) Encourage the donation of conservation easements on lands, or acquire outright park and conservation lands through the County and City park programs through grants, trusts, or transfer of development rights procedures (see Growth Plan for detailed list).
- 9) Promote public awareness through workshops, tours, and seminars that encourage practices that sustain a healthy environment.
- 10) Create a list of open space preservation resources – both financial and technical. (USDA Forest Service, Open Land Trusts, etc.)
- 11) Accelerate the phasing out of non-conforming billboard signs through buyouts.
- 12) By 2006, prepare Wellhead Protection Plan Phase 2, which is an update of the original WHPP.
- 13) Develop a WHPP - Early Warning-Monitoring System for all wellfields.
- 14) Develop a WHPP - Pesticides Monitoring Plan.
- 15) Continue developing and implementing the Phase 2 Discharge program in the community especially the public awareness and education components.
- 16) Continue to work with the County Surveyor, Drainage Board, Highway Engineer, planners, and commissioners to address watershed issues.
- 17) Revise our ordinances and standard to reflect the new requirements regarding water quality issues.
- 18) Work towards the implementation of local wetland rules if legally permitted.
- 19) Work with IDEM to achieve a better understanding about our mutual desire to preserve wetlands and related water quality issues.

20) Review wetland ordinance to determine if amendments are needed including surveying for wetlands, defining quality of wetlands, and limiting mitigation requirements.

CROSS REFERENCES

Zoning Ordinance	
Article VI	Flood Plain Management
Article IX	Signs
Article XIII	Open Space
Article XXVIII	Soil Erosion Control
Article XXIX	Signature Street Ordinance
Article XXXI	Tree Landscaping Ordinance
Article XXXIII	Recycling/Solid Waste Disposal
Article XXXVII	Wellhead Protection
Article XXXIV	Wetlands

