

CONVERTING 327 IAC 15-5 (RULE 5) TO A NPDES CONSTRUCTION SITE RUN-OFF GENERAL PERMIT

Quick facts on Construction Site Run-Off Permitting...

IDEM is working on issuing a new NPDES Construction Site Run-off General Permit that will apply to construction activities with a projected land disturbance of one acre or more and operations that result in the land disturbance of less than one acre of total land area that are part of a larger common development.

Why should this be of interest?

- The Construction General Permit (CGP) includes **EXPANDED** construction site erosion and sediment control measures and **NEW REQUIREMENTS** for managing construction site stormwater discharges.
- **Timing:** The CGP has a permit cycle of 5 years. A new CGP must be issued by IDEM every 5 years and MS4s will have to incorporate local MS4 program changes in conjunction with each CGP 5-year permit cycle.

Why is Rule 5 being converted?

- Per IDEM: "In response to U.S. EPA, IDEM will move from general permits by promulgated rule to administratively issued general permits."
- Indiana is one of the only states in the country to govern by 'rule' rather than 'administratively issued' permits.
- Indiana's Rule 5 has not been updated since 2003. The rest of the country is updating their construction site run-off permits every 5 years. This Rule 5 conversion will make Indiana's permit cycle more consistent with the rest of the country.

What are proposed enhancements and new requirements based on?

IDEM has stated that enhancements and new requirements included in the Draft CGP are based on:

- U.S. EPA 2012 & 2017 Construction General Permits.
- Past experiences in implementing the current 327 IAC 15-5 (Rule 5).

What does the Draft Construction General Permit Cover?

The Draft CGP covers a comprehensive list of program elements from Permit Coverage, to Performance Standards, Construction Plan requirements, Notice of Termination content and Storm Water Pollution Prevention Plan (SWP3) modifications. See the reverse side of this Fact Sheet for draft permit requirements.

8-Step Process for IDEM's Administratively Issued NPDES General Permits:

Completed	STEP 1	Initial Draft of Permit by IDEM
		➤ IDEM staff prepare an initial draft of the general permit
Completed	STEP 2	U.S. EPA Review of IDEM Draft
		➤ IDEM submits draft general permit to the U.S. EPA for review and concurrence
Completed	STEP 3	IDEM and U.S. EPA Resolve Comments
		➤ IDEM responds to U.S. EPA's comments and modifies language as agreed to by both agencies
Completed	STEP 4	IDEM Assembles Advisory Group
		➤ IDEM creates an Advisory Group consisting of stakeholders representing specific organizations
Completed	STEP 5	Advisory Group Engagement
		➤ IDEM will provide a forum for the Advisory Group to review/discuss the draft permit and provide comments
Completed	STEP 6	IDEM Assessment of Comments
		➤ IDEM will assess all comments and incorporate modifications as appropriate
Current Step	STEP 7	U.S. EPA Review of Changes
		➤ IDEM will discuss proposed changes with the U.S. EPA for concurrence
Future	STEP 8	Pubic Notice of the General Permit
		➤ IDEM will issue the final version of the General Permit for Public Notice

Sample of Proposed EXPANDED REQUIREMENTS Related to Managing Construction Site Stormwater Discharges

Offsite Construction Support Activities -- CGP Sect. 1.2(c)

Expanded permit language and permit applicability for offsite activities including borrow areas, excavated material disposal areas and staging yards.

Same Day Street Sweeping -- CGP Sect. 3.3(a)(4)(C)

Sediment discharged or tracked onto public streets that are open to traffic must be removed as directed by a regulatory authority or at a minimum, removed by the end of the same day.

Training Requirements -- CGP Sect. 3.3(a)(14)

Personnel associated with the project must be informed of the terms and conditions of this permit and the requirements within the SWP3. The permittee is required to document this process. Information must be provided through training, preconstruction meetings, written notification, contracts, or other means that effectively communicates the provisions and requirements of the permit and SWP3. Personnel include, General Contractors, construction management firms, grading or excavating contractors, trade industry representatives (i.e. concrete industry), and utility contractors associated with the overall project.

Site Stabilization -- CGP Sect. 3.4(a)(1)

Temporary and/or permanent soil stabilization must be initiated by the end of the next business day upon temporarily or permanently ceasing land-disturbing activities on any portion of the project site that is, or is planned to be left idle for a period of seven (7) days.

Notice of Termination (NOT) -- CGP Sect. 3.4(b)(1)

Final stabilization of a project site is achieved when all land-disturbing activities have been completed and a uniform (evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved tillable areas, and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed.

Storm Event Inspection Triggers -- CGP Sect. 3.6(a)(1)(A)

By the end of the next business day following each measurable storm event (excludes accumulated snow events); which is defined as a precipitation accumulation equal to, or greater than, one-half (0.50) inch of rainfall. When there is failure to implement the SWP3 or initiate corrective action the frequency to conduct an evaluation must be based on a one-quarter (0.25) inch of rainfall.

Inspection Schedule Reduction -- CGP Sect. 3.6(a)(1)(C)

At a minimum of one (1) time per month for areas within the project which are stabilized with permanent vegetative cover at seventy (70) percent density.

Sample of Proposed NEW MINIMUM REQUIREMENTS Related to Managing Construction Site Stormwater Discharges

Performance Standards for Construction Sites -- CGP Sect. 3.0

A sample of new requirements include:

- Maintaining pre-existing natural buffers up to 50 foot in width.
- Basin slopes must be stabilized upon achieving design grades to eliminate sediment inflow from the measure itself.
- The outfall of a basin must be stabilized and non-erosive within 24 hours of installation of the basin outlet.
- Pipe outlets discharging from the project site must be provided with temporary or permanent energy dissipation within 24-hours of discharging run-off.
- The use of anionic polymers on the project site are authorized and requires notification to IDEM and/or the MS4s.
- Concrete washout must be directed to leak proof containers or containment areas. Locations must be clearly posted.
- Dewatering discharges containing sediment must first be directed to an appropriate storm water quality measure or a series of control measures that that minimize the discharge of he sediment.
- Waste/trash receptacles must be covered when not in use at the end of the day.
- Documentation of a visible discharge is required as part of the self-monitoring program. A visual description includes but is not limited to, color, turbidity, odor, floatables, TSS and oil sheen. Within 7 days of discovery, the corrective action must be installed and repair completed.

Performance Standards for Post-Construction -- CGP Sect. 3.2(a)(9)

A sample of new requirements include:

Utilize one (1) or more post-construction measures working in tandem to treat stormwater run-off and increasing the overall efficiency of individual and specialized measures. Post Construction measures include Low Impact Development (LID) and green infrastructure. Infiltration measures, when selected must take into consideration the pollutants associated with run-off and the potential to contaminate ground water resources.

Project Management Log -- CGP Sect. 3.7

Maintain a project management log that contains information related to all off-site borrow sites, disposal areas, and staging areas. The name, address, phone number and, where applicable, an email address of the owner and/or operator of the activity. Information related to all project activities including, but not limited to self monitoring reports, regulatory inspections, responses to a compliance action or enforcement action, records showing the dates of all SWP3 modifications. The records must include the name of the person authorizing each change and a summary of all changes.