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In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this NPDES general permit to regulate discharges of storm water from construction activities into surface waters of the State of Indiana.

This permit is issued on: \_\_\_\_\_, **2017**

This permit is effective on: \_\_\_\_\_, **2017**

This permit expires on: \_\_\_\_\_, **2022**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of this permit remain fully effective and enforceable after the expiration date of this permit if the permittee has timely submitted a notice of intent for coverage under this permit and IDEM has not, through no fault of the permittee, issued a new permit on or before the expiration date of this permit.

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Martha Clark Mettler  
Assistant Commissioner  
Office of Water Quality

*May 15, 2017*

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## GENERAL PERMIT COVERAGE and EFFLUENT LIMITATIONS

### 1.0 GENERAL PERMIT COVERAGE

#### 1.1 Permit Area

This construction site run-off general permit covers all areas of the State of Indiana.

#### 1.2 Discharges Authorized/Covered by this Permit

This permit authorizes the following discharges to waters of the state:

- (a) Storm water, including storm water run-off, snowmelt run-off, and surface run-off and drainage, associated with construction activity (40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i)).
- (b) Storm water discharges designated by IDEM as needing a permit (40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii)).
- (c) Storm water discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided the support activity is directly related to the construction site required to have permit coverage for storm water discharges, and:
  - (1) The support activity is not a commercial/industrial operation, nor does it serve multiple unrelated construction projects.
  - (2) The support activity does not continue to operate beyond the completion of the construction activity at the project it supports; and
  - (3) Storm water measures are implemented in accordance with the storm water pollution prevention plan and performance standards.
- (d) Non-storm water discharges or flows provided they are not identified by the department as significant sources of pollutants to waters of the state, including, but not limited to:
  - (1) Emergency fire-fighting water
  - (2) Fire hydrant flushing water
  - (3) Landscape irrigation water
  - (4) Water used to control dust
  - (5) Water line flushing;
  - (6) Routine external building washdown water that does not use detergents
  - (7) Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes
  - (8) Uncontaminated, non-turbid discharges of ground water or spring water

- (9) Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids
- (10) Pavement wash waters, provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
- (11) Foundation or crawl space footing drainage where flows are not contaminated with process materials such as solvents or contaminated ground water; and
- (12) Construction dewatering water that has been treated by an appropriate storm water quality measure or series of measures, provided other contaminants are not present in the discharge water

This permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five (5) years. In order to obtain authorization to discharge under this permit, a person must submit a notice of intent (NOI) pursuant to Section 5.0 of this permit. The commissioner may deny coverage under this permit and require an application for an individual permit.

Except as provided in Subsection 1.3, when a NOI is submitted as set forth in Section 5.0 of this permit, a project site is permitted to discharge storm water and allowable non-storm water in accordance with the terms of this permit. This authorization to discharge shall become effective upon receipt of the NOI and work activity shall commence no earlier than 48-hours after submittal of the NOI. Any discharge of storm water not permitted under this permit or by an individual permit are unlawful.

Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

- (a) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or
- (b) IDEM's receipt of the permittee's submittal of a notice of termination (refer to Section 6.0); or
- (c) Issuance or modification of an individual permit for the discharges covered by this permit; or
- (d) A final decision by IDEM either to revoke or to not reissue this permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek coverage under an alternative permit or an individual permit. Coverage under this permit will terminate at the end of this identified time period.

### 1.3 Discharges Not Authorized by This Permit

The following discharges are not authorized by this permit:

- (a) Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge from the construction activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.
- (b) Discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters.
- (c) Discharges of concrete wash water from concrete washout containment systems.
- (d) Other discharges, including but not limited to concrete washout, fuel, oil, soaps, solvents, detergents, and hazardous substances.

### 1.4 Fees (Application)

Any person who seeks coverage under this general permit is required to remit an application fee with the NOI in accordance with IC 13-18-20-10(a). This fee is required for an initial NOI or a renewal request. Coverage under this permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

## 2.0 ELIGIBILITY FOR PERMIT COVERAGE

This permit applies to all projects that meet the requirements in Subsection 2.1. Projects that occur in a designated municipal separate storm sewer system (MS4) and are regulated by the MS4 must comply with this permit and, where applicable, all appropriate MS4 ordinances and regulations related to storm water discharges. The MS4 ordinance as required by the construction site run-off minimum control measure and the post-construction run-off minimum control measure will be considered to have the same authority as this permit within the regulated MS4 area.

### 2.1 Permit Coverage

This permit applies to construction activities with a projected land disturbance of one (1) acre or more, and operations that result in the land disturbance of less than one (1) acre of total land area that are part of a larger common plan of development or sale. Land disturbances that will require permit coverage are further clarified in Appendix A.

## 2.2 Exclusion from Permit Coverage

- (a) This permit does not apply to:
  - (1) Agricultural land-disturbing activities, including tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile.
  - (2) Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).
  - (3) Storm water discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).
  - (4) The land-disturbing activities listed below, provided other applicable permits contain provisions requiring immediate implementation of erosion and sediment control measures and storm water management measures:
    - (A) Landfills that have been issued a certification of closure under 329 IAC 10.
    - (B) Coal mining activities permitted under IC 14-34.
    - (C) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by IDEM under 329 IAC 10 that contains equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

## 2.3 Waivers and Special Conditions

- (a) Discharges are conditionally authorized for land-disturbing activities that are subject to this permit, but are considered an emergency. Emergency activities include any work which requires immediate implementation to avoid imminent endangerment to human health, public safety, or the environment, or to re-establish essential public services.
- (b) Procedures for obtaining an emergency condition authorization, require the applicant to:
  - (1) Obtain authorization prior to commencing land disturbance when other local erosion and sediment control permits are required or the activity is in a MS4 area.
  - (2) Submit a preliminary notification of the emergency to IDEM within 24 hours of initiating land disturbance.
  - (3) Develop a plan that specifically addresses the operations associated with the emergency. The submittal of the plan for review prior to submittal of the notice of intent (NOI) is waived, however the plan may be reviewed at a later date.
  - (4) Submit a complete NOI within thirty (30) calendar days after commencing land-disturbing activities to IDEM establishing eligibility under this permit.

### 3.0 PERFORMANCE STANDARDS

All permittees must manage storm water discharges as necessary to meet the narrative water quality criteria (327 IAC 2-1-6(a)(A-E) and 327 IAC 2-1.5-8) for any discharge authorized by this permit, with compliance required upon beginning such a discharge. For storm water discharges, the use of storm water management measures and planning principles is expected to achieve the control necessary to meet water quality criteria.

- (a) The storm water pollution prevention plan (SWPPP) shall serve as a guideline for storm water management, but should not be interpreted to be the only basis for implementation of storm water measures for a project site. The permittee is responsible for implementing all measures necessary to comply with the provisions of this permit.
- (b) All storm water management measures, including erosion and sediment control measures and post-construction measures must be implemented in accordance with this permit and sufficient to satisfy Subsection (c).
- (c) A permittee shall, at a minimum, meet each of the following requirements:
  - (1) Sediment-laden water which otherwise would flow from the project site must be treated with sediment control measures appropriate to minimize sedimentation to receiving waters and adjacent properties.
  - (2) Natural features, including wetlands and sinkholes (karst features), must be protected from pollutant discharges associated with storm water run-off.
  - (3) Maintain pre-existing natural buffers up to fifty (50) foot in width that are adjacent to waters of the state to promote infiltration and provide protection of the water resource, unless infeasible. Run-off directed to the natural buffer must be:
    - (A) Treated with appropriate erosion and sediment control measures during active construction.
    - (B) Managed with appropriate run-off control measures to prevent erosion from occurring within the buffer area.
  - (4) The selection, design, and implementation of all storm water quality and management measures must take into consideration the following:
    - (A) Sound engineering, agronomic, and scientific principles.
    - (B) Applicable standards as specified in technical manuals, the Indiana Storm Water Quality Manual or similar guidance documents, local ordinances, and the product guidance/specifications of the manufacturer.
    - (C) Expected amount, frequency, intensity, and duration of precipitation.
    - (D) Range of soil particle sizes expected to be suspended in the storm water run-off.



- (E) The nature of storm water run-off and run-on, including factors such as expected flow from impervious surfaces, slopes, and site drainage features.
- (5) In addition to accepted design standards for individual storm water management measures, the following minimum performance standards apply to activities performed under this permit:
  - (A) Sediment basins, where feasible, must withdraw water from the surface of the water column.
  - (B) Basin slopes must be stabilized upon achieving design grades to eliminate sediment inflow from the measure itself.
  - (C) The outfall of a basin must be stabilized and non-erosive within 24 hours of installation of the basin outlet.
  - (D) Pipe outlets discharging from the project site must be provided with temporary or permanent energy dissipation within 24-hours of discharging run-off.
  - (E) The use of polymers, flocculants, or other sediment treatment chemicals on the project site are authorized provided their use is in conformance with current State of Indiana standards and specifications and/or in compliance with the following:
    - 1) Effective erosion and sediment control methods are utilized prior to the addition of a chemical to ensure effective treatment.
    - 2) Chemicals may only be utilized/applied where treated storm water is directed to a sediment control system which allows for filtration and/or settlement prior to discharge.
    - 3) Chemicals must be selected based on the type of soils associated with the project, the expected turbidity, pH, and flow rate of storm water into the treatment system or area.
    - 4) Chemicals must be used in accordance with accepted engineering principles and with the sediment removal design specifications provided by the manufacturer.
  - (F) Post-construction storm water management measures must be designed and implemented in accordance with the following standards:
    - 1) The expected total suspended solid (TSS) load in run-off associated with a one (1) inch rainfall must be reduced by a minimum of eighty (80) percent including floatable debris, oil, and petroleum products.
    - 2) The standard in 1) above must be achieved as part of a treatment train by utilizing two (2) or more post-construction measures working in tandem to treat storm water run-off and increasing the overall efficiency of individual and specialized measures.

Consideration must be given to measures that function in low-flow conditions to remove pollutants and reduce the burden of treatment for shorter and more intense storm events

- 3) In combination with proper post-construction measure selection, design and development strategies must be selected and incorporated into the plan to reduce the overall run-off contribution of pollutants from the project area to the post-construction measures. These strategies include, but are not limited to Low Impact Development (LID) and green infrastructure.
- 4) Implement and manage channel protection volume measures where possible to protect stream channels impacted by construction and urbanization. Practices should be designed to accommodate and retain a 1-year 24-hour storm event.
- 5) Infiltration measures must take into consideration the pollutants associated with run-off and the potential to contaminate ground water resources. Where there is a potential for contamination, pre-treatment of run-off must be utilized to eliminate or reduce the pollutants of concern.
- (6) Storm water run-off leaving the project site must be discharged in a manner that is consistent with applicable local, state, or federal law.
- (7) Collected run-off leaving the project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing erosion at the point of discharge.
- (8) Drainage channels and swales must be designed taking into consideration both peak flow and total volume and adequately protected so that their final gradients and resultant velocities will not cause erosion at the outlet or in the receiving channel. The design and standards must meet the requirements of the local jurisdiction.
- (9) Appropriate measures must be planned, designed, and installed as part of an erosion and sediment control system.
- (10) Phasing of construction activities must be used, where possible, to minimize the footprint of disturbed unstable areas.
- (11) The generation of dust that may be deposited off the project site or into surface waters must be minimized through utilization of water or dust suppression techniques.
- (12) Soil compaction is to be minimized, especially in areas where permanent vegetation will be re-established and/or areas that are designated to infiltrate storm water for the post-construction phase.
- (13) Topsoil will be preserved, unless infeasible.

- (14) Where applicable, storm water run-off and project site discharges must be directed to an established vegetated area to increase pollutant removal and maximize storm water infiltration.
- (15) Public or private roadways must be kept cleared of accumulated sediment that is a result of run-off or tracking. The following minimum conditions are applicable:
  - (A) Bulk clearing of sediment shall not include flushing the area with water unless the flushed water is directed to an appropriate sediment control measure.
  - (B) Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
  - (C) Incidental sediment discharged or tracked onto public streets that are open to traffic must be removed as directed or at a minimum, on the day which the tracking or deposition occurs.
- (16) Perform restoration and/or clean-up for those areas impacted by sediment or other pollutant discharges. These activities will be performed as directed and may require:
  - (A) Development and submittal of a plan, including acceptance of the plan to ensure the methodology chosen will not result in further degradation of the resource.
  - (B) Appropriate permission and other permits prior to initiation of the work.
- (17) A stable construction site access measure must be provided at all points of construction traffic ingress and egress to the project site. Where the selected measure is not effective, an alternative measure or additional controls must be utilized to reduce tracking. Alternative measures may include, but are not limited to, wheel wash systems and rumble strips.
- (18) During the period of construction activities, all storm water management measures necessary to meet the requirements of this permit must be maintained in working order and as necessary alternative measures selected and implemented.
- (19) Un-vegetated areas that are left idle or are scheduled or likely to be left inactive must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. To meet this requirement, the following apply:
  - (A) Temporary and/or permanent soil stabilization must be initiated by the end of the next work 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 fourteen (14) days or more or seven (7) days for sites discharging to a water on the current 303(d) list of impaired waters or with an EPA-approved TMDL that is impaired for sediment or a sediment related parameter (total suspended solids

- or turbidity) and/or nutrients. Initiation of stabilization includes, but is not limited to, the seeding and/or planting of the exposed area and applying mulch or other temporary surface stabilization methods where appropriate.
- (B) Vegetated areas must be monitored and managed to ensure establishment is achieved and those areas permanently seeded with a density of less than seventy percent (70%) are re-stabilized using appropriate methods to minimize erosion potential.
  - (C) Areas that have been prepared for and/or compacted may be excluded from the stabilization requirement when the areas are intended to be impervious surfaces associated with the final land use, provided run-off from the area is directed to appropriate sediment control measures.
- (20) Final stabilization of a project site is achieved when:
- (A) 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.
  - (B) Landscaping that is part of the final project plan, provided the areas are stable with a non-erosive material and/or product.
  - (C) Projects or specific storm water measures that utilize native vegetation and/or special vegetative plantings that are either required by a water quality permit/authorization or part of the design and functionality of a storm water measure are not required to achieve seventy percent (70%) density provided the activity does not pose a threat that will result in off-site sedimentation.
  - (D) Construction projects on land used for agricultural purposes must achieve the following:
    - 1) Stabilization is required to be completed in accordance with 3.0 (c)(20) as construction progresses. Land that is returned to its preconstruction agricultural production use must be temporarily or permanently seeded when an agricultural crop is planned within one (1) month of completing land-disturbing activities. Stabilization requirements may be waived if the project site does not pose a threat of discharging sediment.
    - 2) Disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, must meet the final stabilization requirements of this permit.

- (E) Specific projects, due to function and/or operation may necessitate that an area remain disturbed. Only the minimum operational area is allowed to remain disturbed. This option primarily applies to off-road recreational operations, but may apply to other land use types upon concurrence by the regulating entity.
- (21) Fertilizer applications associated with the stabilization plan for the project must meet the following requirements:
  - (A) Apply fertilizer at a rate and amount consistent with the manufacturer's recommendations, in accordance with the Indiana Storm Water Quality Manual or similar guidance documents, or as determined by a soil analysis.
  - (B) Apply fertilizer at an appropriate time of year for the project location, and preferably timed to coincide with the period of maximum vegetative uptake and growth.
  - (C) Avoid applying fertilizer before heavy rainfall events that could result in the discharge of nutrients.
- (22) Discharge water from dewatering of ground water from excavations, trenches, foundations, etc. must not be discharged when the discharge:
  - (A) Contains sediment and is not first directed to an appropriate storm water quality measure or a series of control measures that minimize the discharge of the sediment.
  - (B) Is contaminated and contains pollutants at a level that requires treatment and/or an individual permit.
- (23) Appropriate measures must be implemented to minimize or eliminate wastes or unused building materials including, but not limited to garbage, debris, cleaning wastes, wastewater, concrete truck washout, soil stabilizers, lime stabilization materials, and other substances from being carried from a project site by run-off or wind. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations.
- (24) Construction and domestic waste must be managed and disposed of in waste containers (trash receptacles) and covered when not in use.
- (25) Concrete washout areas, where concrete truck washout is permissible, must be identified for the site and the locations clearly posted. Wash water must be directed into leak-proof containers or leak-proof containment areas which are designed to eliminate run-on and sized to prevent the discharge and/or overflow of the concrete wash water.

- (26) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures must be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality. To meet this requirement:
- (A) Project management and the utilization of appropriate measures including, but not limited to, eliminating a source or the exposure of materials must be completed.
  - (B) The following activities, where applicable must be addressed as part of project management:
    - 1) Fueling and maintenance of equipment.
    - 2) Washing of equipment and vehicles.
    - 3) Storage, handling, and disposal of construction materials, products, and wastes.
    - 4) Application of pesticides, herbicides, insecticides, fertilizers, and landscape materials.
    - 5) Dispensing and utilization of diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals.
    - 6) Handling and disposal of hazardous wastes, including, but not limited to paints, solvents, petroleum based products, wood preservatives, additives, curing compounds, and acids.
    - 7) Washing of applicators and containers used for paint, concrete, or other materials.
- (27) Monitor and manage project construction and storm water activities (self-monitoring) through administration of a storm water assessment performance program (SWAPP) that includes:
- (A) A written evaluation of the project site, performed by a qualified individual and completed:
    - 1) 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 (0.5) inch of rainfall or one-quarter (0.25) inch of rainfall for those projects discharging directly to a water on the current 303(d) list of impaired waters or with an EPA-approved TMDL that is impaired for sediment or a sediment related parameter (total suspended solids or turbidity) and/or nutrients; and
    - 2) 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. Prior to reducing the monitoring to monthly, records must identify the area and the date the area

became eligible for monthly monitoring. Weekly monitoring must resume if one or more of the following occur:

- a) Failure of vegetative cover or evidence of erosion in the identified area.
  - b) IDEM or the inspecting authority requires monitoring to resume.
- (B) Information to satisfy the purpose of the evaluation. The purpose of the evaluation is to:
- 1) Assess overall plan implementation.
  - 2) Assess the performance of existing storm water measures based on industry standards and as identified in Section 7 (c)(8)(D) to ensure each measure is operational and functioning properly.
  - 3) Identify additional or alternative measures that are necessary in the event an existing measure fails or is not present in the landscape.
  - 4) Identify impacts including, but not limited to, sediment discharges, erosion, discharges to a surface water within the site or adjacent to the site that results in bank erosion, and operational activities that potentially lead to spills and/or leaks that generate pollutants.
- (C) A complete written evaluation report which must include:
- 1) Name of the individual performing the evaluation, including printed name, title, and signature.
  - 2) Date of the evaluation.
  - 3) Amount of precipitation, when the evaluation is conducted after a measurable storm event. Recorded rainfall may be documented utilizing an on-site rain gauge or storm event information from a weather station that is representative of the project location.
  - 4) Observations of project performance, status, and problems; which at a minimum includes the items listed in (B) above.
  - 5) Documentation of an actual discharge that is visible during the assessment, the location of the discharge and a visual description of the discharge. The visual description includes, but is not limited to, color (turbidity reading is an option), odor, floatables, settled/suspended solids, foam, oil sheen, and any other visible sign that may be attributed to operations occurring on the project site.
  - 6) Detail of corrective action recommended and/or completed. Corrective action includes, but is not limited to:
    - a) Repairing, modifying, or replacing any storm water management measure.
    - b) Clean-up and proper disposal of spills, releases, or other deposits.

- c) Remedying a permit violation.
  - d) Taking reasonable steps to remediate, minimize or prevent the discharge of pollutants associated with the construction activity until a permanent corrective solution is initiated.
  - e) Restoring an impacted area and/or removing accumulated sediment, provided appropriate permission and permits are obtained to conduct the activity.
- 7) A timeline for which the corrective action or the initiation of reasonable steps will occur to remediate the discharge of pollutants. The established corrective action, at a minimum, must occur:
- a) On the day the deficiency was discovered or when it is not practical to initiate on the discovery date, no later than the following work day for the repair of a measure.
  - b) Within seven (7) days of discovery for the installation of a new measure or replacement of an existing measure, unless a shorter timeframe is required as part of a regulatory inspection.
- 8) Documentation of corrective action taken from the previous self-monitoring report.
- (D) Maintaining the SWAPP reports at the site or at an easily accessible location (refer to Project Management Log in subsection 3.2 (c)(28) below).
- (E) Providing all reports for the project site to the inspecting authority within forty-eight (48) hours of a request. Electronic copies are acceptable, provided they are in a format consistent with the paper record.
- (28) Inform personnel associated with the project of the terms and conditions of this permit, and the conditions and standards of the SWPPP and the schedule for proposed implementation. It is recommended that the permittee document this process. Information may be provided through training, preconstruction meetings, written notification, contracts, or other means that effectively communicate the provisions and requirements of the permit and plan. Personnel include, but are not limited to:
- (A) General contractors, construction management firms, grading or excavating contractors, trade industry representatives (i.e. concrete industry), and utility contractors associated with the overall project.
  - (B) Contractors or individual lot operators that have primary oversight on individual building lots.
  - (C) Those responsible for the implementation of the SWPPP, and the installation repair, and maintenance of storm water measures.



- (D) Those responsible for the application and storage of treatment chemicals.
- (E) Those responsible for administering the SWAPP.
- (29) Post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office.
  - (A) The notice must be maintained in a legible condition and include:
    - 1) A copy of the completed NOI or a document that contains the same information.
    - 2) The NPDES permit number(s), upon receipt.
    - 3) The name, company name, telephone number, email address, and address of the permittee or a local contact person.
    - 4) The location of the construction plan if the project site does not have an on-site location to store the plan.
  - (B) Posting of the notice does not provide the public with any right to trespass on a project site for any reason, nor does it require that the permittee allow public access to the project site.
- (30) Maintain a project management log that contains:
  - (A) A list of all individuals that will be responsible for implementation of the storm water provisions required by this permit. These individuals include, but are not limited to those responsible for project management, implementation and/or modification of the SWPPP, and the SWAPP.
  - (B) Information related to all off-site borrow sites, disposal areas, and staging areas, including:
    - 1) The location of each activity as it is identified and/or selected.
    - 2) The name, address, phone number and, where applicable, an email address of the owner and/or operator of the activity.
  - (C) Information related to all project activities including, but not limited to:
    - 1) SWAPP reports.
    - 2) Rainfall occurrences of 0.50 inches or as applicable 0.25 inches or greater that occurred at the site. Recorded rainfall may be documented utilizing an on-site rain gauge or storm event information from a weather station that is representative of the project location.
    - 3) Regulatory inspections.
    - 4) Responses to a compliance action or enforcement action.
    - 5) Records showing the dates of all construction plan modifications. The records must include the name of the person authorizing each change and a summary of all changes.

- (31) Ensure "Qualified Individuals", as defined in Appendix A, are utilized for activities associated with the development and design of the construction plan, storm water measure implementation, and storm water project management.
- (32) Ensure construction plans and supporting documentation associated with the SWAPP and project management log are readily accessible at the project site office or in the possession of on-site individuals with responsibility for the overall project, management of storm water operations, or associated with the management and operations of construction activities. This information must be provided to IDEM or the inspecting authority within forty-eight (48) hours of a request.
- (33) Retain all records for at least three (3) years from the date the project permit is terminated.

3.1 General Performance Standards Applicable to Individual Residential Building Sites within a Permitted Project Area

- (a) The following general requirements apply to all individual building lots within a permitted project.
  - (1) All storm water measures, including erosion and sediment control measures, necessary to comply with this permit must be implemented in accordance with the overall project construction plan and sufficient to satisfy 3.1(a)(2).
  - (2) Provisions for erosion and sediment control and project management on individual building lots regulated under the overall project site permit must ensure:
    - (A) The individual lot operator (contractor/subcontractor), whether owning the property or acting as the agent of the individual lot owner, is responsible for erosion and sediment control requirements associated with activities on individual lots.
    - (B) Installation and maintenance of a stable construction site access, unless the site is to be accessed solely from impervious or similar non-erosive areas.
    - (C) Installation and maintenance of appropriate erosion and sediment control measures prior to land disturbance.
    - (D) Temporary seeding is utilized as work progresses on the building site. Note: temporary stabilization is not required on an individual active residential building site during the period when accessibility to the building site is a necessity.
    - (E) Sediment discharges and tracking from each lot is minimized until permanent stabilization has been achieved.
    - (F) Incidental sediment that is either tracked or discharged onto internal project site roads is removed by the end of each work day. Bulk

clearing of sediment shall not include flushing the area with water, unless authorized by the permittee of the overall project site and the sediment is directed to an appropriate on-site sediment control measure. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.

- (G) Adjacent lots disturbed by an individual lot operator are required to be repaired and stabilized with permanent surface stabilization.
  - (H) Construction and domestic waste is managed and disposed of in waste containers (trash receptacles) and covered when not in use.
  - (I) Concrete washout areas provided by the permittee of the overall project site are utilized unless a leak-proof containment system is operated on the building lot, or special arrangements are made to properly dispose of the wash water. Concrete washout systems on individual lots must be properly installed and maintained by the individual lot operator and are not allowed to discharge wash water.
- (3) For individual residential lots, final stabilization meeting the criteria in Section 3.0 (c)(19)(A-C) of this permit will be achieved. The individual lot operator must:
- (A) Complete final stabilization;
  - (B) Initiate permanent seeding with appropriately crimped or tackified mulch cover, erosion control blanket, sod; or
  - (C) Install appropriate and/or ensure functional erosion and sediment control measures are in place on the individual lot upon occupation by the homeowner. Inform the homeowner of the requirement for, and benefits of, final stabilization. The homeowner upon occupying the home is responsible to maintain the sediment control measures and stabilize the property.

## **4.0 CONSTRUCTION PLAN**

### **4.1 Plan Submittal**

- (a) For a project site where the proposed land disturbance is one (1) acre or more as determined under Section 2.0 of this permit, the following requirements apply:
  - (1) A construction plan must be submitted prior to the initiation of any land-disturbing activities to the appropriate soil and water conservation district (SWCD), municipal separate storm sewer system (MS4), or, when directed, to IDEM or other entity designated by IDEM for review and verification that the plan meets the minimum requirements of this permit or the applicable ordinance of a MS4.

Project site owners of projects occurring outside of MS4 jurisdictional areas may request a single coordinated review through IDEM when the construction activity will occur in more than one (1) SWCD.

#### 4.2 Plan Review

- (a) IDEM, a SWCD, or other entity designated by IDEM as the reviewing agency, may require plan modifications, terms, and conditions as necessary to meet the requirements of the permit.
- (b) A plan may be deemed deficient based any of the following:
  - (1) The plan does not meet the content requirements of Section 7.0.
  - (2) The plan does not include provisions to avoid, adequately protect, or identify a wetland, state/federal jurisdictional water, or other natural feature and the performance of work activities is not feasible on other areas of the project site. Upon notification, the plan review is suspended until such time as the appropriate permits/authorizations are obtained or storm water measures are planned to protect the resource feature.
- (c) When the construction plan is determined to be deficient:
  - (1) The initiation of construction activity following notification by the reviewing agency that the plan is deficient is a violation and subject to enforcement action.
  - (2) When notification of a deficient plan is received, the plan must be modified to meet the requirements of this permit and resubmitted within fourteen (14) days if land disturbance has commenced.
- (d) When the project site representative does not receive notification within twenty-eight (28) days after the plan is received by the reviewing agency (may not be applicable to a MS4 entity), a NOI may be submitted, provided documentation of the delivery date of the plan or a waiver from the plan review agency is included with the NOI submittal.

### 5.0 NOTICE OF INTENT (NOI) REQUIREMENTS

#### 5.1 NOI Format

A person seeking coverage under this permit shall submit the appropriate notice of intent (NOI) for this specific general permit as provided by the commissioner. The NOI must be signed by a person who has the appropriate signatory authority as required by 40 CFR 122.22.

#### 5.2 Deadlines for NOI Submittal

After the project site owner has received notification from the reviewing agency that the construction plan meets the requirements of this permit, and any applicable municipal separate storm sewer system (MS4) ordinance, or it is documented that 28

days (may not be applicable to a MS4 entity) have passed since delivery of the construction plan to the plan review agency, a complete NOI must be submitted to the commissioner.

- (a) For a new project, the NOI must be submitted at least 48 hours prior to any land disturbance or a discharge occurs.
- (b) For a project that has existing, effective coverage under the former general permit rule (327 IAC 15-5), on the effective date of this general permit, the existing coverage shall automatically be extended, provided that the permittee takes one of the following actions within ninety (90) days following the date that the commissioner makes the NOI form available to the permittee.
  - (1) The project site owner submits a new NOI in accordance with this Section and Section 8.0 of this general permit to affirm his/her intention to comply with the requirements of this general permit;
  - (2) The permittee submits a NOI - Continuation of Coverage, unless otherwise directed by the commissioner to submit a new NOI. By submitting a NOI - Continuation of Coverage, the permittee agrees to operate under the new general permit, including all applicable performance requirements. The effective dates for the project as established under the previous permit will remain in effect and must be renewed ninety (90) days prior to the established expiration date.
  - (3) The permittee notifies IDEM in writing of its intent to terminate general permit coverage in accordance with Section 6.0 of this general permit; or
  - (4) The permittee submits an individual NPDES application or modification to IDEM for the existing discharge permitted by the former general permit rule. In such cases, the general permit coverage will remain in effect until the effective date of coverage under an individual NPDES permit.
- (c) A copy of the completed NOI, submitted to IDEM must also be submitted to the appropriate SWCD(s), MS4(s), or other entity designated by IDEM, where the land-disturbing activities are to occur.

### 5.3 NOI Renewal

- (a) A permit issued under this permit is granted by the commissioner for a period of five (5) years from the date coverage commences.
- (b) Once the five (5) year permit term duration is reached, a general permit issued under this permit will be considered expired, and, as necessary for construction activity continuation, a new NOI must be submitted in accordance with subsection 5.2 (b).
- (c) To obtain renewal of coverage under this permit, the information required under Section 8.0 of this permit must be submitted to the commissioner ninety (90) days prior to the termination of coverage under this NPDES general permit, unless the commissioner determines that a later date is acceptable.

#### 5.4 NOI Amendments

- (a) An amendment for coverage is required when:
  - (1) The name of the project has changed.
  - (2) The original boundaries of the project are being expanded and the total cumulative expansion is less than one (1) acre. Thresholds at one (1) acre and above require submittal of a new NOI and coverage under a new permit with the exception of the provision in (b) below.
  - (3) Land disturbance, as identified in the plan and within the permitted project site is cumulatively less than one (1) acre.
- (b) IDEM may grant an amendment for permit coverage based on a written request from the project site owner demonstrating extenuating circumstances that warrant an amendment to an existing permit in lieu of submitting a new NOI.

#### 5.5 Submitting the NOI and Processing Fee

The NOI and all supporting documents and fees shall be submitted according to the following:

**Submit hard copies to this address:**

Indiana Department of Environmental Management  
Office of Water Quality, Storm Water Program  
100 North Senate Avenue  
IGCN, Room 1255  
Indianapolis, Indiana 46204-2251

IDEM continues to develop means of electronic submittals for NOI and NOT forms. Upon availability and notification by the commissioner of an electronic application process, a person may choose to or, may be required to, utilize this process to file the NOI, NOT and other submission requirements. If the electronic application process does become a requirement and the person does not have the ability to submit NOIs or NOTs electronically, the permittee may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system.

#### 5.6 NOI Review

When the NOI is determined to be deficient, the project site owner must address the deficient items and resubmit the NOI to the department within fourteen (14) calendar days of receipt of the notification, unless the department allows additional time to develop and submit the construction/storm water pollution prevention plan. Upon notification, land disturbance may not commence.

## 6.0 REQUESTING TERMINATION OF COVERAGE

### 6.1 NOT Format

A permittee may request termination of coverage under this general permit when discharges of storm water associated with the construction activity and land disturbance have ceased. In order to do so, the permittee shall complete and submit a notice of termination (NOT) including a signature as required by 40 CFR 122.22.

- (a) The permittee shall plan an orderly and timely termination of the construction activities, including the implementation of permanent storm water management measures that are to remain on the project site.
- (b) After a NOT has been accepted, maintenance of the remaining storm water management measures shall be the responsibility of the individual lot owner or occupier of the property, unless a contractual agreement exists for another entity such as a municipal separate storm sewer system (MS4) to take responsibility for the measures.
- (c) Failure to maintain a post-construction storm water quality measure that results in a violation of water quality standards, following project termination, may require the responsible entity that manages the measure to obtain permit coverage and/or implement a compliance plan to ensure long-term functionality of the measure.
- (d) The permittee shall submit a NOT to the commissioner and a copy to the appropriate soil and water conservation district (SWCD), MS4 or other designated entity in accordance with the following:
  - (1) Except as provided in subdivision (2) or (3) the permittee shall submit a NOT when each of the following conditions have been met:
    - (A) All land-disturbing activities, with the exception of activities identified in Section 3.0 (c)(20)(D and E), including construction on all building lots, have been completed and the entire site has been stabilized.
    - (B) All temporary erosion and sediment control measures have been removed.
    - (C) All discharges of potential pollutants associated with active construction and pollutant-generating activities have ceased.
    - (D) All construction materials, waste, waste handling devices, equipment and vehicles have been removed.
  - (2) The permittee may be eligible to obtain early release from compliance with this permit when each of the following conditions are met:
    - (A) The project is a multi-lot development that includes residential building lots or out lots associated with a commercial/industrial project that is part of a larger common project that has permit coverage.
    - (B) All land-disturbing activities have been completed and the entire project site has been permanently stabilized in accordance with the

performance criteria for final stabilization as required by this permit, with the exception of individual residential building lots or commercial/industrial out lots that have active land disturbance at the time of the request to terminate.

- (C) The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not exceeding one (1) acre (applies to residential projects only).
- (D) A NOT is submitted with a map of the project site, clearly identifying all remaining undeveloped lots and acreage of each, including those under construction. The submittal must be accompanied by a list of names and addresses of individual lot owners or individual lot operators for each lot that is idle or currently being built upon. All public and common improvements, including infrastructure, have been completed and have been transferred to the appropriate local entity.
- (E) All permanent post-construction storm water measures common to the overall development have been installed and are operational.
- (F) The planned disturbance of remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
- (G) Following acceptance of the NOT and written approval from IDEM for early release, the permittee shall notify all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity of the following:
  - 1) The requirement to install and maintain appropriate erosion and sediment control measures to prevent sediment from leaving the individual building lot.
  - 2) Their responsibility to maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.
  - 3) Post-construction measures common to the overall project are not intended to be the primary construction site sediment control measure(s).
  - 4) The project site owner of a commercial/industrial out lot that permit coverage and the submittal of a NOI are required under the construction site run-off general permit, regardless of lot size.
  - 5) The project site owner/operator of a residential lot does not need to submit a Notice of Intent for land disturbance on the individual parcel unless notified by IDEM.



- (3) Change of Ownership/Transfer of Coverage under this permit is made when the project is sold or transferred to a new owner or operator and the following occurs:
- (A) The current permittee notifies IDEM at least thirty (30) days in advance of the proposed transfer date.
  - (B) A written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to IDEM.
  - (C) The transferee certifies in writing to IDEM the intent to operate the project site without making such material and substantial alterations or additions to the project as would significantly change the nature or quantities of pollutants discharged.
  - (D) The new owner or operator submits a new NOI not less than thirty (30) days before the transfer in accordance with the provisions of Section 5.0 of this permit.
  - (E) For the purposes of this permit, a transfer of ownership may be requested for portions of the site based on eligibility and concurrence of IDEM, when the following conditions are met:
    - 1) The portion(s) of the project site being sold are specifically designated by the section, phase, etc. that is represented on the plans and the active NOI. The original permittee must submit an amended NOI that reflects the change and indicates the portion of the project site they are retaining.
    - 2) Storm water measures required as part of the overall project and located within common areas of the project are operational and are under the control of the new owner(s).
- (e) A permittee that requests termination and is found to be ineligible may be returned to permit coverage and/or subject to civil penalties.

## **7.0 CONSTRUCTION PLAN CONTENT AND REQUIREMENTS**

- (a) Develop a construction plan that will achieve the minimum performance requirements specified in Section 3.0 of this permit.
- (b) The construction plan must be developed and signed by a “Qualified Individual” as defined in Appendix B and where appropriate a registered engineer.
- (c) The construction plan must include:
  - (1) An index indicating the location, in the construction plan, of all information required by this Section.
  - (2) A vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads.

- (3) A project narrative and supporting plan documents, which must include:
- (A) A description of the nature and purpose of the project.
  - (B) A legal description of the project site. The description must include the legal section(s), or alternative land division(s), township and range, and civil township.
  - (C) The latitude and longitude to the nearest fifteen (15) seconds of :
    - 1) The approximate center of the project site.
    - 2) For linear projects, the beginning, midpoint, and end of the project site.
  - (C) The size of the project area expressed in acres.
  - (D) The total expected land disturbance expressed in acres.
  - (E) The construction support activities that are expected to be part of the project.
  - (F) When known at the time of submittal, identification of other operators associated with the project, including their name, affiliation, and contact information.
  - (G) The soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.
  - (H) The general construction sequence of how the project site will be built, including the phases of construction.
  - (I) A reduced plat or project site map that is submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site (multiple sheets may be submitted to meet this requirement) and includes:
    - 1) A legend.
    - 2) The boundaries of the project site as represented in the full construction plans and for which the notice of intent (NOI) will be submitted.
    - 3) The boundaries of each phase, section, or other divisions of the project site associated with the construction activity.
    - 4) The general boundaries of land disturbance as depicted on the construction plans.
    - 5) When applicable, the lot numbers, lot boundaries, road layout, and road names.
  - (J) The identification and location of all wetlands, lakes and water courses on or adjacent to the project site.
  - (K) The identification and status of any other state or federal water quality permits or authorizations that are required for construction activities associated with the project site. If the permit or authorization has not

- been obtained, provide the expected timeline for obtaining the permit or authorization.
- (L) The Identification of a U.S. EPA approved or established TMDL, including the name of the TMDL and the pollutant(s) for which there is a TMDL.
  - (M) The Identification of discharges to a water on the current 303d list of impaired waters and the pollutant(s) for which it is impaired.
- (4) An existing project site layout which must include:
- (A) The identification of all wetlands, lakes, and water courses on, or adjacent to, the project site.
  - (B) The location of all existing structures on the project site.
  - (C) The boundaries of the one hundred (100) year floodplains, floodway fringes, and floodways.
  - (D) A soil map of the predominant soil types, as determined by the United States Department of Agriculture, Natural Resources Conservation Service (USDA, NRCS) Soil Survey, an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map.
  - (E) The identification and delineation of existing vegetative cover, such as crop or crop residue, grass, weeds, brush, and trees.
  - (F) The land use of all adjacent properties.
  - (G) The existing topography at a contour interval appropriate to indicate drainage patterns.
  - (H) The location(s) of where run-off enters the project site.
  - (I) The location(s) of where run-off discharges from the project site.
- (5) The final project site layout which must include:
- (A) The location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.
  - (B) The boundaries of one hundred (100) year floodplains, floodway fringes, and floodways.
  - (C) The proposed final topography at a contour interval appropriate to indicate drainage patterns.
  - (D) The boundaries of natural features or unique resource areas that will be left undisturbed or preserved including, but not limited to, wetlands, steep slopes, riparian corridors, and natural buffers.
- (6) A grading plan which must include:
- (A) A delineation of all proposed land-disturbing activities, including known off-site activities that will provide services to the project site.

- (B) The location of all on-site soil stockpiles and borrow areas and, when known at the time of submittal, the location of all off-site borrow, soil stockpiles, and disposal areas.
- (C) The existing and proposed topography.
- (7) A drainage plan which must include:
  - (A) An estimate of the peak discharge, based on the ten (10) year storm event, of the project site for both preconstruction and post-construction conditions.
  - (B) The location, size, and dimensions of all storm water drainage systems, such as culverts, storm sewers, and conveyance channels.
  - (C) The locations where storm water may be directly discharged into ground water, such as abandoned wells, sinkholes, or karst features.
  - (D) The locations of specific points where storm water and non-storm water discharges will leave the project site.
  - (E) The name(s) of the receiving water(s) and, when the discharge is to a system (storm sewer, storm water management measure, etc.) owned/or operated by a municipality, city, town, or county, the name of the system operator and the ultimate receiving water.
  - (F) The location, size, and dimensions of features, such as existing permanent retention or detention facilities, including manmade wetlands, designed for the purpose of storm water management.
- (8) A storm water pollution prevention plan associated with construction activities. The plan must be designed and implemented to achieve the minimum performance requirements of Section 3.0 of this permit and must include:
  - (A) A description of the potential pollutant generating sources and pollutants, including all potential non-storm water discharges associated with the construction activities, which may reasonably be expected to contribute pollutants to storm water discharges.
  - (B) The location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures, Including, but not limited to:
    - 1) Erosion control measures;
    - 2) Sediment control measures;
    - 3) Perimeter control measures;
    - 4) Run-off control measures;
    - 5) Dewatering applications and management methods;
    - 6) Construction traffic management control methods to reduce sediment tracking;
    - 7) Measures utilized to cross water resources for the accessibility needed to perform construction; and

- 8) Measures utilized to isolate or separate construction activities from work within waterbodies.
- (C) Temporary stabilization and permanent stabilization plans, including the sequence of implementation planned to minimize the footprint of disturbed, unstable soil and the following information:
  - 1) Specifications and application rates for soil amendments and seed mixtures.
  - 2) The type and application rate for anchored mulch, erosion control blanket, and other appropriate stabilization options.
- (D) For each planned storm water quality measure, a maintenance standard, including a threshold of when each requires corrective action, a contingency plan for corrective action and/or replacement with alternative measures, and a schedule for inspection based on the measure and its susceptibility to failure.
- (E) The planned construction sequence describing the relationship between implementation of storm water quality measures, including temporary and permanent stabilization and stages of construction activities. The sequence must include the measures that will be implemented prior to land disturbance in a specific drainage area and those that will be implemented as construction progresses throughout the life of the project.
- (F) The provisions for erosion and sediment control on individual building lots regulated under the permit.
- (G) The procedures for the storm water assessment performance program (SWAPP) as required in Section 3.0.
- (H) A material handling and spill prevention and spill response plan meeting the requirements in 327 IAC 2-6.1, including contact information for local emergency personnel and the IDEM Emergency Spill Line.
- (I) The material handling and storage procedures associated with construction activity describing the management and disposal of construction products and waste.
- (9) A post-construction storm water pollution prevention plan is required for all projects with the exception of:
  - (A) Projects where there will be no impervious surfaces associated with the final completed project, including but not limited to, ditch construction/reconstruction and utility work.
  - (B) Single-family residential development consisting of four (4) or fewer lots or a single-family residential strip development offered for sale or lease without land improvements, and the project is not part of a larger common plan of development or sale.

- (10) The post-construction plan must meet the performance requirements in Section 3.0 (c)(3) and (c)(4)(D) and include:
- (A) A description of potential pollutant generating sources and a list of pollutants from the proposed land use, that may reasonably be expected to contribute pollutants to storm water discharges.
  - (B) A description of storm water quality and storm water management measures that will be installed to address post-construction sources that are expected to generate pollutants in storm water discharges after construction activities have been completed. The measures selected should achieve, at a minimum, the following objectives:
    - 1) Storm water quality measures that target pollutants of concern and are designed to remove or minimize pollutants from storm water run-off.
    - 2) Storm water quality measures that will be implemented to prevent or minimize adverse impacts to aquatic resources including, but not limited to, wetlands, streams, karst features, and riparian habitats.
    - 3) Storm water management measures that will address the potential impacts of increased run-off from the project. Measures must be designed and approved according to current local requirements and drainage ordinances. An engineer must certify that the design meets the local requirement.
    - 4) Measures, including structural and those based on low impact development principles, selected to address the pollutant(s) of concern, reduction of peak flows, and ability to infiltrate.
    - 5) Protective measures that will be implemented during active construction when the type of post-construction measure(s) planned are susceptible to pollutants, specifically sediment that may be generated during land-disturbing activities.
  - (C) The location, dimensions, detailed specifications, and construction details of all post-construction storm water quality and storm water management measures.
  - (D) A sequence describing when each post-construction storm water measure will be installed in relation to project construction.
  - (E) An operation and maintenance manual that includes a description of the maintenance guidelines for all post-construction storm water measures to facilitate their proper long-term function. This operation and maintenance manual must be made available to future parties who will assume responsibility for the operation and long-term maintenance of the post-construction storm water measures.

- (F) When known at the time of plan submittal, the entity that will be responsible for operation and maintenance of the system.

## 8.0 NOTICE OF INTENT CONTENT

- (a) The following information must be submitted by the project site owner with a complete notice of intent (NOI):
  - (1) The project site owner's name, address, telephone number, and email address.
  - (2) The ownership status associated with the project as defined by federal, state, county, municipal, private, or other entity.
  - (3) A contact person's (if different than project site owner), name, company name, address, email address, and telephone number.
  - (4) The NOI preparer's name, address, telephone number, and email address.
  - (5) The construction plan/storm water pollution prevention plan preparer's, name, address, telephone number, and email address.
  - (6) Project site information, including:
    - (A) The name of the project as it appears on the construction plan and, when applicable, alternative names that may be associated with the project.
    - (B) The name must include the specific designations that are associated with the project and identified on the plans, including phases, sections, or other divisions.
    - (C) When available, the mailing address of the project for which the NOI is being submitted or when not available a description of the location based on local landmarks (e.g., road, intersections).
    - (D) A brief description of the construction project, including a statement of the specific activity (clearing, grading, etc.) for which the NOI is being submitted and which corresponds to the scope of the construction plan that was submitted for the project site.
    - (E) The total acreage of the project site. Total acreage claimed in the NOI must be consistent with the acreage identified in the construction/storm water pollution prevention plan.
    - (F) The total impervious surface area, in square feet for the final project site including structures, roads, parking lots, and other similar improvements.
    - (G) The number of acres to be involved in the construction activities and disturbed.
    - (H) The project location which must be provided in the two (2) formats specified below:
      - 1) The latitude and longitude at the approximate center of the project to the nearest fifteen (15) seconds.

- 2) The county and civil township in which the project site is located.
- (l) The estimated dates for initiation and completion of construction activities.
- (7) The name(s) of the receiving water(s) and, when the discharge is to a system (storm sewer, storm water management measure, etc.) owned/or operated by a municipality, city, town, or county, the name of the system operator and the ultimate receiving water.
- (8) The Identification of a U.S. EPA approved or established TMDL.
- (9) The Identification of discharges to a water on the current 303d list of impaired waters.
- (10) As applicable, a list of all municipal separate storm sewer systems (MS4s) within which the project site lies.
- (11) Proof of publication in a newspaper of general circulation in the affected area(s) that notifies the public that a construction activity is to commence.
  - (A) The notice must meet the following:
    - 1) The name of the company or entity responsible for the construction activity and an address.
    - 2) A statement that a NOI will be submitted to IDEM with intent to discharge storm water from construction activities.
    - 3) The name of the construction project and a general location or if applicable an address.
    - 4) The name(s) of the ultimate receiving water.
  - (12) Notification from IDEM, soil and water conservation district (SWCD), or MS4 (for projects regulated by an MS4) as the reviewing agency indicating that the construction/storm water pollution prevention plan is sufficient to comply with this permit or the applicable ordinance of a MS4.
    - (A) When the review was not completed within twenty eight (28) days (this time frame may not apply to a MS4 conducting a plan review in accordance with a local ordinance), a waiver from the reviewing authority, or documentation of the delivery date of the plan to the reviewing agency is acceptable to meet this requirement.
    - (B) Verification of plan review and an acceptable plan may be used for a renewal NOI provided the following conditions are met:
      - 1) No significant changes have been made to the layout, footprint, design elements, drainage system, or scope of the plan.
      - 2) The local designated reviewing agency does not require a new review.
  - (13) A reduced plat or project site map that is submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site (multiple sheets may be submitted to meet this requirement) and includes:



- (A) The boundaries of the project site and a general boundary for the land disturbance limits as represented in the construction/storm water pollution prevention plans that were submitted for review and ultimately accepted by the plan review agency.
  - (B) A general boundary for those areas designated to be disturbed.
  - (C) The boundaries of each phase, section, or other divisions of the project site that is associated with the construction activity and as represented in the construction plans.
  - (D) When applicable, the lot numbers, lot boundaries, and road layout, and road names.
- (14) A written certification by the project site owner that:
- (A) The storm water quality measures included in the construction/storm water pollution prevention plan comply with the requirements in Section 3.0 of this permit and that the plan complies with all applicable federal, state, and local storm water requirements.
  - (B) The measures required by Section 3.0 of this permit will be implemented in accordance with the construction/storm water pollution prevention plan.
  - (C) Storm water quality measures beyond those specified in the storm water pollution prevention plan will be implemented during the life of the permit when necessary to comply with Section 3.0 of this permit.
  - (D) Implementation of storm water quality measures will be inspected by qualified individuals.
- (b) When the initiation of land disturbance occurs 30 calendar days beyond the projected start date identified in item 8.0 (a)(6)(K) above, the project site owner or a representative must notify IDEM and the appropriate plan reviewing agency of the actual project start date within forty-eight (48) hours of the initiation of land-disturbing activity.

## **9.0 NOTICE OF TERMINATION CONTENT**

- (a) The Notice of Termination (NOT) shall include:
  - (1) The name of the project as it appeared on the Notice of Intent.
  - (2) The NPDES permit number that was assigned to the project by IDEM.
  - (3) The location of the project.
  - (4) The acreage associated with this project as it appeared on the Notice of Intent or acceptable amendments.
  - (5) The name of the permittee.
  - (6) Permittee contact information, including the name of the company and/or corporation, when applicable, address, phone number, and email address.
  - (7) Date the site will be eligible or was eligible for termination.

- (8) A certification statement acknowledging eligibility for termination, based on the appropriate requirements for the type of termination.
- (9) The date, if required, when field verification was performed including a copy of the document. Field verification by IDEM, a soil and water conservation district (SWCD), or municipal separate storm sewer system (MS4), is required when:
  - (A) It is a requirement of compliance, an agreed order, or an enforcement settlement.
  - (B) Approval of an MS4 to terminate construction activities is required, provided the MS4 has included a requirement in the local ordinance.

**10.0 MODIFCATIONS CONSTRUCTION/STORMWATER POLLUTION PREVENTION PLAN**

Modifications to the construction and/or storm water pollution prevention plan (SWPPP) are required when:

- (a) New operators become active in construction activities on the project site, or there are changes to the construction plan/storm water pollution prevention plan, storm water management measures, pollution prevention measures, or other activities at the project site are no longer accurately reflected in the plan(s).
- (b) Evaluations related to implementation of the storm water assessment performance plan (SWAPP) or investigations by project management staff determine that SWPPP modifications are necessary for management of the project and compliance with this permit.
- (c) IDEM and the inspecting authority upon finding reasonable cause determines that changes to the plan are necessary due to site conditions or project design changes. Revised plans, if requested, must be submitted to the appropriate entity within twenty-one (21) calendar days (this timeline may not apply to a MS4 entity regulating a project based on a local ordinance) of a request for a modification.

**11.0 ADDITIONAL REQUIREMENTS**

**11.1 Standard Conditions for General Permits**

The following standard permit conditions are incorporated by reference, as applicable to general permits.

<b>Standard Conditions</b>	<b>Federal Regulatory Cite</b>
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)

e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 CFR 122.42(a)

### 11.2 Planned Changes in Project or Discharge

The permittee shall give notice to IDEM no later than thirty (30) days prior to the initiation of any physical alterations or additions to the permitted facility that will or may:

- (a) result in a discharge from a point previously not identified in the NOI;
- (b) result in the facility meeting one of the criteria for determining whether the facility is a new source as defined in 40 CFR 122.29(b);
- (c) change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the general permit, or to notification requirements under 40 CFR 122.42(a)(1); or
- (d) change the amount or frequency of the discharge.

Changes resulting in the addition (item (a) above) or deletion of a discharge point will necessitate the submission of a new NOI requesting this amendment, along with the appropriate fee in accordance with IC 13-18-20-12.

### 11.3 Other Information

When the permittee becomes aware of a failure to submit any relevant facts or the submission of incorrect information in an NOI or any report, the permittee shall promptly submit such facts and/or corrected information to the Commissioner.

The permittee shall promptly provide to IDEM written notice of any changes to items listed on the NOI. These would include:

- (a) any changes in contacts or responsible party;
- (b) any changes to addresses- mailing address or email address- for any contact or responsible party;

- (c) any changes to telephone numbers for any contact person or responsible party,
- (d) any changes involving the person or position with delegated signature authority for any forms or reports required by this general permit as set forth in Section 6.1(k) of this general permit.

#### 11.4 Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws, the Clean Water Act and IC 13 and is grounds for enforcement action, termination of coverage under the permit, requiring an individual permit, and/or denial of permit coverage renewal.

When IDEM or the U.S. EPA determines that the effluent limitations contained in Sections 2.1 or 2.2 of this general permit are not being met consistently, or that the discharge is causing or contributing to an excursion above any applicable water quality standard, the permittee may be notified by the Commissioner in writing that an individual permit application is necessary.

#### 11.5 Reporting Spills and Noncompliance

The permittee must monitor for, identify, and report to IDEM any adverse incidents (including spills and leaks) which reach any surface water of the state. When the permittee observes or is otherwise made aware of any permit noncompliance or any adverse incident that may have resulted from a discharge from the permitted facility, the permittee must notify IDEM by telephone **at (888) 233-7745**:

#### 11.6 Individual or Alternative General NPDES Permit

- (a) IDEM may require a person to obtain an individual NPDES permit or an alternative general permit in accordance with the provisions of 327 IAC 15-2-9 or 40 CFR 122.28(b)(3).
- (b) Any discharger authorized for coverage under this general permit may apply for coverage under an individual NPDES permit by submitting an individual NPDES application or modification to IDEM.

#### 11.7 Records Retention

All records and information must be retained for a minimum of three (3) years. All records shall be kept by the permittee in such a manner that the reports will be readily available for IDEM compliance staff review. The three year retention requirement shall be extended:

- (a) automatically during the course of any litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- (b) as requested by the Regional Administrator of U.S. EPA or the Commissioner.

### 11.8 Reopening Clause

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- (a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (b) controls any pollutant not limited in the permit.

When this general permit is modified or revoked and reissued all persons regulated under it will be notified by IDEM. Those persons notified under this Section shall, within one hundred twenty (120) days of the receipt of notification:

- (a) submit a complete NOI containing the information required under the modified or reissued permit; or
- (b) apply for an individual NPDES permit.; or
- (c) submit a Notice of Termination (NOT) of discharge.

### 11.9 State and Local Laws

Coverage under this permit does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.

**Appendix A:**

Clarification of land-disturbing activities and the applicability to obtain permit coverage.

- (a) Specific activities will require permit coverage, including a construction plan and notice of intent (NOI) based on land disturbance. Other land-disturbing activities require compliance with conditions of this permit or may allow land-disturbing operations to occur under an existing permit for the overall development. These activities are defined below and requirements apply to:
- (1) An individual residential lot within a multi-lot project site with permit coverage and with an expected land disturbance of less than one (1) acre as defined in item (c) of Appendix A is required to comply with the storm water pollution plan for the overall project and Section 3.0 of this permit. A NOI for the land disturbance on a lot or multiple lots within a project site is not required unless notified that:
    - (A) A compliance issue has been identified for a specific individual lot operator or lot owner.
    - (B) The individual lot operator manages multiple lots within a multi-lot project site and the cumulative land disturbance is one (1) acre or more.
    - (C) The original permittee is no longer available and land-disturbing activities on individual lots necessitate permit coverage.
  - (2) A single family residential lot (not part of a multi-lot project) must obtain permit coverage if the projected land disturbance is one (1.0) acres or more.
  - ~~(3) A single family residential dwelling disturbing less than five (5) acres when the dwelling is not part of a larger common plan of development or sale are subject to the provisions Sections 3.0(c)(1) through 3.0(c)(3) and 3.0(c)(5) through 3.0(c)(24) of this permit, but are not required to submit a NOI. However, upon identifying a violation, IDEM may require the submittal of a NOI and/or a compliance plan.~~
  - (4) Off-site construction activities with a projected land disturbance of one (1) acre or more that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site when the activity is not under the control of the project site permittee must obtain permit coverage.
  - (5) Residential strip developments, when improvements are made to the property in preparation for development and the total projected land disturbance, including each building lot is one (1) acre or more must obtain permit coverage. Upon sale of the lots, the permittee must notify each individual lot owner or individual lot operator of the requirements of this permit and provide an erosion and sediment control plan and/or specifications to be implemented on the building lot.

- (6) Project site access roads and borrow, disposal, and soil stockpile areas that are associated with a permitted project and are located off the permitted site, must utilize the following criteria to determine if permit coverage is required:
  - (A) When the activities are located off-site and at a site or facility that has an NPDES permit that addresses storm water run-off, the activity is not subject to the requirements of this permit and the project site owner does not have to obtain permit coverage.
  - (B) When the off-site area is associated with an active construction permit and is owned and/or operated by the permittee, a new construction site run-off permit is not required, provided the area(s) have been identified in the original construction plans and have been identified in the Notice of Intent (NOI).
  - (C) When activities are located at an off-site property and is operated by the contractor, the contractor must obtain permit coverage.
  - (D) When the contractor/project site owner offers for sale or transport to another location or delivers material and does not manipulate and/or place the material as part of an activity to construct or distribute for a specific purpose, the entity or property owner in receipt of the material must obtain permit coverage provided the operation meets the disturbance thresholds of this permit.
  - (E) When the operation is an independent activity for the purpose of selling/providing soil material requires permit coverage provided the operation meets the land disturbance thresholds of this permit.
- (7) Land-disturbing activities for the construction of the following agricultural operations must obtain permit coverage:
  - (A) Barns.
  - (B) Buildings to house livestock.
  - (C) Roads associated with infrastructure.
  - (D) Agricultural waste lagoons and other facilities.
  - (E) Lake, ponds and impoundments.
  - (F) Wetlands constructed voluntarily or as mitigation.
  - (G) Other infrastructure.
- (8) Facilities that have an industrial storm water general permit must utilize the following criteria to determine if a construction site run-off permit is required:
  - (A) Land disturbances of one (1) acre or more that are planned or projected, require the facility to obtain coverage under this permit.
  - (B) Land disturbances of less than one (1) acre that are to occur in a twelve month period do not require the facility obtain separate coverage under this permit, however the facility is required to modify the facility's industrial storm water pollution prevention plan prior to land disturbance. The modification to the plan must:

- 1) Meet the intent of this permit and address all pollutants, including sediment that is associated with the land disturbance.
  - 2) Document when land disturbance for each activity is initiated.
- (C) When incremental land-disturbing activities are planned or occur within the existing facility boundaries identified in the industrial permit for the facility which will cumulatively result in one (1) acre or more disturbance in a twelve (12) month period (the 12 months is based on the first initiation of land disturbance), coverage under this permit will be required in accordance with the following:
- 1) When the projected acreage of the incremental disturbance is known prior to initiation of construction, the facility operator is required to obtain permit coverage.
  - 2) When the projected acreage of the incremental disturbance is not known at the time of the first initiation of land disturbance, the facility operator is required to obtain permit coverage for the final activity that meets or exceeds the one (1) acre threshold regardless of the acreage size.
- (b) Land disturbance associated with off-road recreational commercial operations require permit coverage for initial land-disturbing activities of one (1) acre or more. The following provisions apply to these facilities and their operations:
- (1) Off-road recreational facilities must maintain all post-construction measures, including sediment control measures that are designed to capture sediment from the final established track layout at the time of termination.
  - (2) Discharges of sediment or other pollutants once operations commence, may require continued permit coverage or a new permit.
- (c) Land disturbance on a multi-lot project shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot. The expected land disturbance for an individual lot must be calculated for:
- (1) A single-family residential project site where the lot(s) are one-half (0.5) acre or more in total size, as one-half (0.5) acre of land disturbance.
  - (2) A single-family residential project site where the lot(s) are less than one-half (0.5) acre in size, as the actual lot size.
  - (3) All other types of project sites, such as industrial and commercial project sites, as a minimum of one (1) acre for all lots regardless of size.



**Appendix B**

## Definitions:

The following definitions are specific to this permit. Additional definitions are located on the Storm Water Program website.

- (a) "Construction activity" means land-disturbing activities and land-disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.
- (b) "Contractor" or "subcontractor" means an individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.
- (c) "Developer" means:
  - (1) any person financially responsible for construction activity; or
  - (2) an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.
- (d) "Ditch Maintenance" means to restore a conveyance system to its originally constructed channel capacity and to perform the function for which it was originally constructed. Maintenance includes cleaning (removal of accumulated sediments), spraying, removing obstructions, conducting minor repairs, and maintaining a maintenance corridor.
- (e) "Ditch Re-construction" means land disturbance associated with a conveyance including, but not limited to conversion from closed systems to open systems, increase in length and volume of the conveyance, or modifying the cross sectional area to accommodate additional flow capacity of the channel.
- (f) "Erosion and sediment control system" means the use of appropriate erosion, run-off, and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged.
- (g) "Grading" means the cutting and filling of the land surface to a desired slope or elevation.
- (h) "Individual building lot" means a single parcel of land within a multi-parcel development.
- (i) "Individual lot operator" means a contractor or subcontractor working on an individual lot.
- (j) "Individual lot owner" means a person who has a financial interest in the construction activities for an individual lot.
- (k) "Infeasible" means not technologically possible, or not economically practicable and achievable in light of best industry practices.
- (l) "Land-disturbing activity" means any manmade change of the land surface including, but not limited to removing vegetative cover that exposes the underlying soil, excavating, filling, and grading.

- (m) "Landscape Maintenance" means soil disturbance, excluding grading, cutting or filling, that is associated with killing existing vegetation to restore a lawn, seedbed preparation for establishing new lawns or planting sod, applying landscape mulch, or planting ornamental shrubs, trees, or other plantings
- (n) "Larger common plan of development or sale" means a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.
- (o) "Measurable storm event" means a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall, unless otherwise specified as a condition of this permit.
- (p) "Natural Buffer" means an undisturbed area adjacent to, or surrounding surface waters within which construction activity is restricted. A natural buffer may include natural vegetation, exposed rock, overflow channels, or barren earth that existed prior to land-disturbing activities.
- (q) "Natural Vegetation" means "vegetation that occurs spontaneously without regular management and/or maintenance. This definition also includes mitigation sites.
- (r) "Permittee" means the individual required to obtain a permit as defined by Project Site Owner
- (s) "Project site" means the entire area on which construction activity is to be performed.
- (t) "Project site owner/operator" means the person required to submit the NOI letter and required to comply with the terms of this permit, including either of the following:
  - (1) A developer.
  - (2) A person or entity that has financial and operational control of construction activities and project plans and specifications, including the authority to approve expenditure of funds and ability to make modifications to plans and specifications.
- (u) "Silvicultural" means the practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.
  - (1) Nonpoint activities include source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural run-off. Some of these activities (such as stream crossing for roads) may involve the placement of dredged or fill material which may require a CWA section 404 permit and a 401 Water Quality Certification.
  - (2) Point source activities include any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log

storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.

- (v) "Steep slope" means slopes that are 1:3 (V:H) or 33.3 percent or steeper in grade.
- (w) "Storm water management measure" means a practice or a combination of practices selected to improve the quality of run-off discharges, divert run-off, or mitigate the impacts related to quantity of run-off.
- (x) "Storm water quality measure" means a practice, or a combination of practices, to control or minimize pollutants associated with storm water run-off.
- (y) "Strip development" means a multi-lot project where building lots front on an existing road and are not part of a larger common plan of development or sale.
- (z) "Subdivision" means any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.
- (aa) "Qualified individual" means an individual who is trained and experienced in the principles of storm water management principles, including erosion and sediment control as is demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water management, treatment, and monitoring.