



**Indiana Department of Environmental Management
Office of Water Quality
Surface Water, Operations, and Enforcement Branch
Wetlands and Storm Water Section**

Conversion of
Environmental Rule 327 IAC 15-5 to a General Permit
(Construction Site Run-off)



- **Agenda:**

- Introductions
- Reason for Change
- Perspective on Construction Site Run-off Rule
- Objectives to Utilize an Advisory Group
- Process
- Purpose of the Advisory Group
- Overview of IDEM Procedure to Issue a Permit
- Introduction to the Draft Construction Site Run-off General Permit
- Comments and Questions
- Next Meeting and Possible Topics



- **Reason for Change:**

- In response to U.S. EPA, IDEM will move from general permits by promulgated rule to administratively issued general permits
- Potential conflicts with approval process for Rules
- This process will be taken for each of the storm water permits in the order below:
 - ❖ Construction Site Run-off
 - ❖ Municipal Separate Storm Water Systems (MS4)
 - ❖ Industrial Storm Water Run-off

- **Perspective on Construction Site Run-off Rule:**

- Rule last updated in 2003

- **The Draft Permit is Based on:**

- Experiences in implementing 327 IAC 15-5
- The U.S. EPA 2012 and 2017 Construction General Permit



- **Objectives to Utilize an Advisory Group:**
 - Assemble stakeholders representing various organizations and industry
 - Gather information and the perspective of stakeholders that represent various levels of involvement
- **Process:**
 - IDEM will host at least three meetings related to the construction site run-off permit
 - Establish a group of manageable size to have productive and effective discussions
 - Members of the advisory group are the conduit to bring comments and suggestions back to IDEM from their respective organizations



- **Overview of IDEM Procedure to Issue a Permit:**
 - IDEM will draft the general permit **(Complete)**
 - IDEM will submit the draft general permit to U.S. EPA for review and concurrence **(Complete)**
 - IDEM will respond to U.S. EPA and modify language as agreed to between both agencies **(Complete)**
 - IDEM will assemble stakeholders representing specific organizations (Advisory Group)
 - IDEM will provide the advisory group a forum to review the draft permit, discuss the permit, and provide comments
 - IDEM will assess all comments and incorporate modifications as appropriate
 - Discuss proposed changes with U.S. EPA
 - IDEM will public notice the permit



- **Purpose of the Advisory Group:**
 - Review the draft general permit
 - Discuss the proposed permit with IDEM
 - Establish a forum for advisory group members to share the draft permit with organization members
 - Provide IDEM comments on the draft permit

- **Procedures:**
 - Review the permit and identify topics and/or language that should be discussed at the next meeting
 - Send comments and/or questions two weeks in advance of next meeting - this will give IDEM an opportunity to review comments and prepare for the next meeting



- **Construction Site Run-off General Permit:**
 - 1.0 General Permit Coverage
 - 2.0 Eligibility for Coverage
 - 3.0 Performance Standards
 - 4.0 Construction Plan
 - 5.0 Notice of Intent
 - 6.0 Termination of Coverage
 - 7.0 Construction Plan Content
 - 8.0 Notice of Intent Content
 - 9.0 Notice of Termination Content



- **Construction Site Run-off General Permit:**
 - 10.0 Modifications to the Construction/Storm Water Pollution Prevention Plan
 - 11.0 Additional Requirements
 - Appendix A: Clarification of land-disturbing activities and applicability to obtain permit coverage
 - Appendix B: Definitions



Notable Modifications



- **2.0 Eligibility for Coverage:**

- One (1) acre of land disturbance and those disturbing less than one (1) when part of a larger common plan of development or sale
- Appendix A clarifies eligibility
- Exclusions (Page 7):
 - Agricultural land-disturbing activities
 - Silvicultural activities (40 CFR 122.27)
 - Oil and gas exploration production, processing or treatment operations, or transmission facilities (40 CFR 122.26)



- **2.0 Eligibility for Coverage:**

- **Waivers (Page 7):** Emergency activities which includes those that may pose endangerment to human health, public safety, or the environment, or to re-establish essential public services:
 - Provides a requirement to obtain authorization from a MS4
 - Requires notification to IDEM
 - Requires a plan, but waives the review and allows submittal of the NOI



- **3.0 Performance Standards**

- U.S. EPA refers to these as “Technology Based Effluent Limitations”
- Natural buffer requirement (Page 8):
 - Preserve 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



● 3.0 Performance Standards

- Standards for individual storm water measures (Page 9):
 - Sediment basins, where feasible, must be designed to withdraw from the surface of the water column (*develop a standard*)
 - Stabilize basin slopes
 - Stabilize basin outfalls within 24 hours of installation
 - Pipes discharging from the project site must be stabilized within 24 hours of installation
 - Allows for the use of polymers (*develop a standard*)



● 3.0 Performance Standards

- Post-construction requirement (Page 9):
 - Total suspended solids in run-off associated with one (1) inch of rainfall must be reduced by a minimum of 80%
 - Utilize two or more post-construction measures
 - Utilize channel protection volume measures to protect stream channels impacted by construction and urbanization - Practices should be designed to accommodate and retain a 1-year 24-hour storm event



● 3.0 Performance Standards

■ General:

- Manage generation of dust (Page 10)
- Preserve topsoil, where feasible (Page 10)
- Public or private roadways contains a new provision that removal must, at a minimum occur on the day the sediment is tracked or deposited (Page 11)
- Perform clean-up of sediment deposits and restoration (Page 11)



● 3.0 Performance Standards

- Vegetation establishment (Page 11 and 12):
 - Initiate stabilization within 14 days
 - Initiate stabilization within 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
 - Areas that have been prepared for and/or compacted and intended for impervious use are excluded from the stabilization requirement



● 3.0 Performance Standards

- Final stabilization (**Page 12**):
 - Standard of 70% density remains
 - Landscaping has been added (was a definition in current Rule)
 - Provision to exclude activities from the requirement to achieve 70% density:
 - ❖ Requirement associated with another permit such as DNR, 401 WQC, etc.
 - ❖ A post-construction measure that utilizes special plantings



● 3.0 Performance Standards

- Final stabilization related to agricultural land use (Page 12):
 - Stabilization for these projects must meet the requirements of the permit as per U.S. EPA. However, the stabilization requirements may be waived if the project site does not pose a threat of discharging sediment
- Projects, due to function/operation, that may leave disturbed areas include off-road recreational businesses (Page 13)



● **3.0 Performance Standards**

- Application of fertilizer (Page 13)
- Dewatering of ground water from excavations, trenches, foundations, etc. (Page 13)
- Dispose of construction and domestic waste in covered waste containers (trash receptacles) on active construction sites (Page 14)



● 3.0 Performance Standards

- Project management and monitoring (Page 14):
 - Current requirement is listed in the draft permit; which is once per week and following a rain event of .5 inches. The draft permit specifies that accumulating snow events are excluded
 - A provision to perform self-monitoring once per week and following a one-quarter (0.25) inch of rainfall has been added for 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



● 3.0 Performance Standards

- Project management and monitoring (Page 14):
 - A provision to reduce self-monitoring to 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
 - Purpose of monitoring
 - Content of the monitoring report



● 3.0 Performance Standards

- Project management log (Page 17):
 - A list of individuals responsible for project implementation
 - Information and location of all off-site borrow, disposal, staging areas associated with the project
 - Documents associated with the project:
 - Monitoring reports
 - Rain gauge data
 - Regulatory inspections and responses to any compliance actions or enforcement actions
 - Plan modifications and the person(s) authorizing the changes



● 3.0 Performance Standards

- Individual residential building sites within a permitted project site (Page 18):
 - Clarification for temporary seeding - provides for an exclusion to seed when site accessibility is necessary
 - Dispose of construction and domestic waste in covered waste containers (trash receptacles)



- **4.0 Construction Plan**

- Plan review (Page 20):

- Identifies when a plan may be deemed deficient
- Allows the plan review to be suspended if 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



● 7.0 Construction Plan Content

- Identification of other operators associated with the project, including their name, affiliation, and contact information if known at the time of submittal (Page 26)
- 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 (Page 27)
- Identification of discharges to a water on the current 303d list of impaired waters and the pollutant(s) for which it is impaired (Page 27)



- **8.0 Notice of Intent Content:**

- Language to clarify that the NOI acreage and coverage area must correspond with the plans that were reviewed and accepted (Page 31)
- Identification of a U.S. EPA approved or established TMDL, including the name of the waters (Page 32)
- Identification of discharges to a water on the current 303d list of impaired waters (Page 32)
- 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 (Page 32)



- **8.0 Notice of Intent Content:**

- Language has been removed to notify IDEM within 48 hours of initiation of land disturbance, unless the project does not start within 30 calendar days of the projected start date. If this occurs notification is required within 48 hours of initiating land disturbance
(Page 33)



- **10.0 Plan Modification:**

- Plan modifications must occur when (Page 34):
 - New operators become active in construction activities
 - Changes are made to the construction plan
 - Storm water management/pollution prevention measures are changed and/or modified
 - Activities at the project site are no longer accurately reflected in the plan
 - The self-monitoring process identifies changes are necessary for management of the project and compliance with this permit



- **Appendix A:**

- Residential lots within a permitted multi-lot project do not have to obtain a permit and are allowed to operate under the overall project permit. The following are new provisions that may be administered upon notification (Page 38):
 - A compliance issue has been identified on individual lot
 - A lot operator is associated with multiple lots that cumulatively are one acre or more of land disturbance
 - Active building is occurring on development and the overall permittee is no longer available
- Residential lots, where land disturbance is one acre or more are required to obtain permit coverage (Page 38)



- **Appendix A:**

- Agricultural activities subject to permit coverage – no change from current Rule (Page 39)
- Industrial facilities (Page 39):
 - One acre or more of land disturbance
 - Land disturbances of less than one 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



- **Appendix A:**

- **Off-road Recreational Commercial Operations**

(Page 40):

- One acre or more of land disturbance
- May terminate coverage, but have sediment control measures in place and maintain them long term
- May be required to continue permit coverage or obtain a new permit as the facility expands