

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

Proposed changes and new requirements for Construction Sites in Indiana

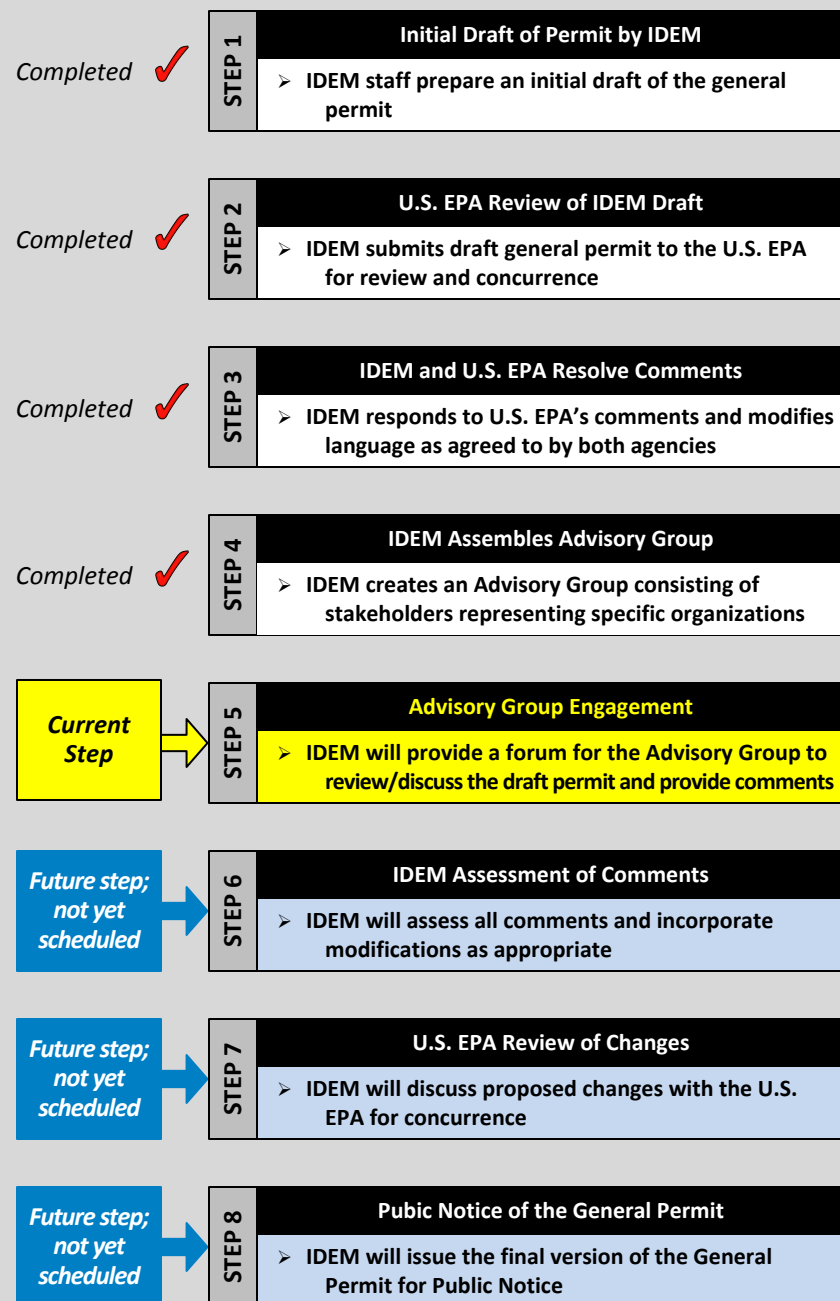
Thank you for your interest in the proposed Construction Site Run-off General Permit!

IDEM is currently working on converting Environmental Rule 327 IAC 15-5 to an NPDES Construction Site Run-off General Permit (CGP) which will apply to construction activities with a projected land disturbance of one acre or more, and operations that result in the land disturbance of less than one acre of total land area that are part of a larger common plan of development. How does the proposed CGP compare to Rule 5? This Fact Sheet provides a summary of the proposed changes and new requirements.

What is the process for IDEM to issue an NPDES General Permit?

IDEM staff have provided a summary of the process they are following to administratively issue the proposed Construction Site Run-off General Permit. The overall process involves eight steps. The specific steps and actions, along with the current progress, is summarized below:

8-Step Process for Administratively Issued NPDES General Permits:



Proposed Construction Site Run-off General Permit

The Draft CGP Table of Contents covers a comprehensive list of program elements from Permit Coverage, to Performance Standards, Construction Plan requirements, Notice of Termination Content, and Storm Water Pollution Prevention Plan (SWPPP) modifications. A short list of notable permit expansions and new requirements is provided at right and a more comprehensive listing is included on the back side of this Fact Sheet.

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Notable Permit Expansions and New Requirements

- Section 1.2: Permit Expansions for Offsite Construction Support Activities**
- 1.2(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.
- Section 1.3: Permit Expansions for Discharges that are not Authorized**
- 1.3(c) Discharges of concrete wash water from concrete washout containment systems.
1.3(d) Other discharges, including but not limited to concrete washout, fuel, oil, soaps, solvents, detergents, and hazardous substances.
- Section 3: Permit Expansions/New Requirements related to Construction Site Stormwater Discharges**
- This section of the proposed permit contains 33 Performance Standards that are required to be met. The Performance Standards include the selection, design, inspection, and post-construction elements of a project. See the reverse side of this Fact Sheet for detailed information on the notable expansions and new requirements.
- Section 6.1: New Requirements for Submitting a Notice of Termination (NOT)**
- 6.1(d)(1)(C) All discharges of potential pollutants associated with active construction and pollutant-generating activities have ceased.
6.1(d)(1)(D) All construction materials, waste, waste handling devices, equipment and vehicles have been removed.
- Section 7: New Requirements for the Post-Construction Plan**
- The post-construction plan must meet the performance requirements in Section 3.0 (c)(3) and (c)(4)(D) and include:
- 7.0(c)(10)(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.

Proposed EXPANSIONS Related to Managing Construction Site Stormwater Discharges

CONSTRUCTION ENTRANCE **Current Rule 5:** “A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.” 327-IAC 15-5-7(b)(3)

Expanded Requirements: 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. 3.0(c)(17)

ROADWAY SEDIMENT **Current Rule 5:** “Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.” 327-IAC 15-5-7(b)(4)

Expanded Requirements: Bulk clearing of sediment shall not include flushing the area with water unless the flushed water is directed to an appropriate sediment control measure. 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. 3.0(c)(15)

INFORM PERSONNEL **Current Rule 5:** “The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this rule and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation.” 327-IAC 15-5-7(b)(9)

Expanded Requirements: 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: General contractors, construction management firms, grading or excavating contractors, trade industry representatives (i.e. concrete industry), and utility contractors associated with the overall project; those responsible for the implementation of the SWPPP, and the installation repair, and maintenance of storm water measures; those responsible for the application and storage of treatment chemicals; those responsible for administering the SWAPP (Storm Water Assessment Performance Plan). 3.0(c)(28)

UNVEGETATED AREAS **Current Rule 5:** “Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) shall be restabilized using appropriate methods to minimize the erosion potential.” 327-IAC 15-5-7(b)(16)

Expanded Requirements: 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. 3.0(c)(19)

SELF MONITORING **Current Rule 5:** “A self-monitoring program that includes the following must be implemented: (A) A trained individual shall perform a written evaluation of the project site: (i) by the end of the next business day following each measurable storm event; and (ii) at a minimum of one (1) time per week. (B) The evaluation must: (i) address the maintenance of existing storm water quality measures to ensure they are functioning properly; and (ii) identify additional measures necessary to remain in compliance with all applicable statutes and rules. (C) Written evaluation reports must include: (i) the name of the individual performing the evaluation; (ii) the date of the evaluation; (iii) problems identified at the project site; and (iv) details of corrective actions recommended and completed. (D) All evaluation reports for the project site must be made available to the inspecting authority within forty-eight (48) hours of a request.” 327-IAC 15-5-7(b)(18)

Expanded Requirements: Monitor and manage project construction and storm water activities (self-monitoring) through administration of a storm water assessment performance program (SWAPP) that includes: a written evaluation of the project site, performed by a qualified individual and completed by the end of the next business day following each measurable storm event (see CGP for enhanced storm event definitions and inspection frequencies). 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. The complete written evaluation report 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; 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; 7) A timeline for which the corrective action or the initiation of reasonable steps will occur to remediate the discharge of pollutants; 8) Documentation of corrective action taken from the previous self-monitoring report. 3.0(c)(27)

MATERIAL HANDLING **Current Rule 5:** “Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.” 327-IAC 15-5-7(b)(19)

Expanded Requirements: To meet this requirement: project management and the utilization of appropriate measures including, but not limited to, eliminating a source or the exposure of materials must be completed. 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. 3.0(c)(26)

FINAL STABILIZATION **Current Rule 5:** “Final stabilization of a project site is achieved when: (A) all land disturbing activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and (B) construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements in clause (A).” 327-IAC 15-5-7(b)(20)

Expanded Requirements: Landscaping that is part of the final project plan, provided the areas are stable with a non-erosive material and/or product. 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. 3.0(c)(20)

Proposed NEW MINIMUM REQUIREMENTS Related to Managing Construction Site Stormwater Discharges

NATURAL BUFFERS **New Requirements:** 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. 3.0(c)(3)

DESIGN CONSIDERATIONS **New Requirements:** 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. 3.0(c)(4)

PERFORMANCE STANDARDS **New Requirements:** For **Construction Site Run-off**, 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 (see CGP for additional specifications); (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 inch rainfall must be reduced by a minimum of 80% including floatable debris, oil, and petroleum products, 2) The standard must be achieved as part of a treatment train by utilizing two 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 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 and 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, pretreatment of run-off must be utilized to eliminate or reduce the pollutants of concern. 3.0(c)(5)

DUST MANAGEMENT **New Requirements:** 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. 3.0(c)(11)

SOIL COMPACTION **New Requirements:** 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. 3.0(c)(12)

TOPSOIL PRESERVATION **New Requirements:** Topsoil will be preserved, unless infeasible. 3.0(c)(13)

USE OF VEGETATED AREAS **New Requirements:** 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. 3.0(c)(14)

DISCHARGE RESTORATION **New Requirements:** 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. 3.0(c)(16)

FERTILIZER APPLICATION **New Requirements:** 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. 3.0(c)(21)

DEWATERING DISCHARGES **New Requirements:** 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. 3.0(c)(22)

CONSTRUCTION WASTE **New Requirements:** Construction and domestic waste must be managed and disposed of in waste containers (trash receptacles) and covered when not in use. 3.0(c)(24)

CONCRETE WASHOUT **New Requirements:** 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. 3.0(c)(25)

PROJECT LOG **New Requirements:** 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 including 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; (C) Information related to all project activities including: 1) SWAPP reports, 2) Rainfall occurrences of 0.50 inches or as applicable 0.25 inches or greater that occurred at the site, 3) Regulatory inspections, 4) Responses to a compliance action or enforcement action, 5) Records showing the dates of all construction plan modifications. 3.0(c)(30)

QUALIFIED INDIVIDUALS **New Requirements:** 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. 3.0(c)(31)

ACCESSIBLE DOCUMENTS **New Requirements:** 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. 3.0(c)(32)

RECORD RETENTION **New Requirements:** Retain all records for at least three (3) years from the date the project permit is terminated. 3.0(c)(33)