

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

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

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

Why should this be of interest?

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

Why is Rule 5 being converted?

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

What are proposed enhancements and new requirements based on?

- IDEM has stated that enhancements and new requirements included in the Draft CGP are based on:
- U.S. EPA 2012 & 2017 Construction General Permits.
 - Past experiences in implementing the current 327 IAC 15-5 (Rule 5).

What does the Draft Construction General Permit Cover?

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

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

Completed	STEP 1	Initial Draft of Permit by IDEM <ul style="list-style-type: none"> ➤ IDEM staff prepare an initial draft of the general permit
Completed	STEP 2	U.S. EPA Review of IDEM Draft <ul style="list-style-type: none"> ➤ IDEM submits draft general permit to the U.S. EPA for review and concurrence
Completed	STEP 3	IDEM and U.S. EPA Resolve Comments <ul style="list-style-type: none"> ➤ IDEM responds to U.S. EPA’s comments and modifies language as agreed to by both agencies
Completed	STEP 4	IDEM Assembles Advisory Group <ul style="list-style-type: none"> ➤ IDEM creates an Advisory Group consisting of stakeholders representing specific organizations
Current Step	STEP 5	Advisory Group Engagement <ul style="list-style-type: none"> ➤ IDEM will provide a forum for the Advisory Group to review/discuss the draft permit and provide comments
Future	STEP 6	IDEM Assessment of Comments <ul style="list-style-type: none"> ➤ IDEM will assess all comments and incorporate modifications as appropriate
Future	STEP 7	U.S. EPA Review of Changes <ul style="list-style-type: none"> ➤ IDEM will discuss proposed changes with the U.S. EPA for concurrence
Future	STEP 8	Public Notice of the General Permit <ul style="list-style-type: none"> ➤ IDEM will issue the final version of the General Permit for Public Notice

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

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

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

Site Stabilization -- CGP Sect. 3.0(c)(19)(A)

“Next work day” temporary or permanent stabilization required if disturbed land is planned to be idle for 14 days or more; requirement can apply to land planned to be idle for 7 days or more if certain downstream conditions are present (see CGP).

Same Day Street Sweeping -- CGP Sect. 3.0(c)15(C)

Sediment tracked onto public streets must be removed at a minimum on the day which the tracking occurs.

Storm Event Inspection Triggers -- CGP Sect. 3.0(c)27(A)(1)

Inspection must be completed by the end of the next business day following a one-half inch rainfall; inspection trigger reduces to a one-quarter inch rainfall if certain downstream conditions are present (see CGP).

Inspection Schedule Reduction -- CGP Sect. 3.0(c)27(A)(2)

Areas within a project that are stabilized with permanent vegetative cover at 70% density can have the weekly monitoring requirement reduced to a monthly inspection schedule if certain conditions are met.

Training Requirements -- CGP Sect. 3.0(c)28

Provisions and requirements of the CGP must be communicated 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; those responsible for the application and storage of treatment chemicals; those responsible for administering the Storm Water Assessment Performance Plan.

Notice of Termination (NOT) -- CGP Sect. 6.1(d)(1)

In addition to completing all land disturbing activities, having the entire site stabilized, and having temporary erosion and sediment control measures removed, an expanded NOT requirement states, “All construction materials, waste, waste handing devices, equipment and vehicles have been removed.”

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

Performance Standards for Construction Sites -- CGP Sect. 3.0(c)

A sample of new requirements include:

- Maintaining pre-existing natural buffers up to 50 foot in width.
- For sediment basins: withdraw water from the top of the water column; stabilize basin slopes upon achieving design grades; 24-hour time limit for stabilizing basin outfalls.
- Stabilize project site pipe outlets within 24-hours of discharging run-off.
- The use of polymers, flocculants or other sediment treatment chemicals are authorized provided certain conditions are met (see CGP Sect. 3.0(c)(5)(E)).
- Concrete washout must be directed to leak-proof containers or leak-proof containment areas.
- Dewatering discharges containing sediment must first be directed to an appropriate storm water quality measure or a series of control measures that that minimize the discharge of he sediment.
- Waste/trash receptacles must be covered when not in use.

Performance Standards for Post-Construction -- CGP Sect. 3.0(c)(5)(F)

A sample of new requirements include:

- 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).
- The standard must be achieved as part of a treatment train by utilizing two or more post-construction measures working in tandem.
- 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.
- Infiltration measures must take into consideration the pollutants associated with run-off and the potential to contaminate ground water resources.

Project Management Log -- CGP Sect. 3.0(c)(30)

Maintain a log that contains: a list of all responsible individuals; information for off-site areas (borrow sites, disposal areas, staging); SWAPP (inspection) reports; rainfall occurrences; regulatory inspections; compliance/enforcement actions; and SWPPP modifications.