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Conversion of Stormwater General Permits to Master General Permits

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

8/22/2018

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Conversion Process

- Reason for change:
 - In response to U.S. EPA, IDEM will move from general permits by promulgated rule to administratively issued master general permits
 - Potential conflicts with approval process for administrative rules
 - This process will be taken for each of the stormwater permits in the order below:
 - Construction Site Run-off
 - Municipal Separate Storm Sewer Systems (MS4s)
 - Industrial Stormwater Run-off

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Conversion Process

- Perspective on current stormwater rules:
 - Rules last updated in 2003
- Draft permits will be based on:
 - Experiences in implementing 327 IAC 15-5, 327 IAC 15-6, and 327 IAC 15-13
 - U.S. EPA:
 - 2017 Construction General Permit
 - MS4 General Permit and Remand Rule requirements
 - Industrial Multi-Sector General Permit
- Establish an advisory group

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Conversion Process

- Overview of IDEM procedure to issue a permit:
 - Draft each general permit
 - Submit the draft general permit to U.S. EPA for review
 - Assemble an advisory group to review the draft permit, discuss the permit, and solicit comments
 - Incorporate changes into the draft permit
 - Submit a final draft to U.S. EPA for final review and concurrence
 - Hold public hearing/meeting(s)
 - Public notice the final permit

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Advisory Group

- Purpose of an advisory group:
 - Assemble stakeholders representing various organizations and industries that have an interest in each type of general permit
 - Utilize an advisory group with membership of a manageable size to facilitate dialogue and to have productive and effective discussions related to permit content
 - Members of the advisory group are the conduit to bring comments and suggestions back to IDEM from their respective organizations on each of the draft permits

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Advisory Group

- Process:
 - Establish the advisory group
 - Review the draft general permit
 - Evaluate all comments on the draft general permit and as appropriate incorporate changes and comments into the permit

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Conversion Process

- Status of process:
 - Construction Site Run-off Permit:
 - Draft submitted to U.S. EPA
 - Multiple advisory group meetings have been held
 - Individual meetings have been held with specific stakeholder groups
 - U.S. EPA has no objection to the current draft permit
 - MS4 Permit:
 - Draft submitted to U.S. EPA
 - Forming advisory group
 - Industrial Stormwater Permit:
 - Finalizing draft

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Construction Site Run-off General Permit

- Content and Structure:
 - 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 Additional Requirements
 - Appendix A: Clarification of land-disturbing activities and applicability to obtain permit coverage
 - Appendix B: Definitions



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Notable Modifications: Eligibility

- 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 based on specific project types

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Notable Modifications: Eligibility

- 2.0 - Eligibility for Coverage:
 - Exclusions:
 - 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)
 - Ditch maintenance performed on regulated drains as performed by a county drainage board and defined in IC 36-9-27
 - Travel lanes associated with utility work on agricultural land

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Notable Modifications: Eligibility

- 2.0 - Waivers:
 - Emergency activities which include 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 an MS4
 - Requires notification to IDEM
 - Develop a plan for the operations that are associated with the emergency
 - Submittal of an after-the-fact Notice of Intent (NOI)

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Notable Modifications: Performance Standards

- 3.0 - Purpose:
 - Sediment-laden run-off must be managed and treated with appropriate measures to minimize sediment discharges
 - Natural features, including wetlands and sinkholes (karst features), must be protected from pollutant discharges

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Notable Modifications: Performance Standards

- 3.0 - General:
 - Manage generation of dust
 - Preserve topsoil, where feasible
 - Public or private roadways contains a new provision that removal must, at a minimum, occur on the day the sediment is tracked or deposited
 - Perform cleanup of sediment deposits and restoration for sediment discharges to wetlands and other resource areas

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Notable Modifications: Performance Standards

- 3.0 - General:
 - Fertilizer application:
 - Apply at a rate and amount consistent with the Indiana Stormwater Quality Manual or similar guidance documents, or as determined by a soil analysis
 - Apply at an appropriate time taking into consideration proximity to a waterbody and to coincide with the period of maximum vegetative uptake and growth
 - Avoid application before rainfall events

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Notable Modifications: Performance Standards

- 3.0 - General:
 - Dewatering:
 - Direct to an appropriate sediment control measure
 - Contaminated discharge water may require an individual permit or an alternative method of disposal
 - Construction and domestic waste must be managed and disposed of in waste containers (trash receptacles) that are covered when not in use and at the end of the day

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Notable Modifications: Performance Standards

- 3.0 - Natural Buffer Requirement:
 - Preserve existing natural buffers adjacent to a water of the state to promote infiltration and provide protection of the water resource, unless infeasible. The buffer is required to be:
 - Maintained at a minimum width of fifty (50) foot where the existing buffer is fifty (50) foot or more
 - Maintained in its entirety where the buffer is less than fifty (50) foot

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Notable Modifications: Performance Standards

- 3.0 - Standards for Individual Stormwater Measures:
 - Sediment basins, where feasible, must be designed to withdraw from the surface of the water column (IDEM will 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
 - Allow for the use of polymers (IDEM will develop a standard)

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Notable Modifications: Performance Standards

- 3.0 - Vegetation Establishment:
 - In discussion with U.S. EPA, IDEM has modified the draft permit to include one standard and eliminate the requirement to:
 - Initiate stabilization within seven (7) days for sites discharging to a water on the current 303(d) List of Impaired Waters or with a U.S. EPA-approved TMDL that is impaired for sediment or a sediment related parameter (total suspended solids or turbidity) and/or nutrients
 - Initiate stabilization within seven (7) days for those areas of the site that are idle or planned to be left idle

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Notable Modifications: Performance Standards

- 3.0 - Final Stabilization:
 - 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 when the activity is associated with:
 - Another permit such as DNR, 401 Water Quality Certification, etc.
 - A post-construction measure that utilizes special plantings
 - Projects, due to function/operation, may leave disturbed areas. These include off-road recreational businesses

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Notable Modifications: Performance Standards

- 3.0 - Final Stabilization - Agricultural Land:
 - Stabilization for these projects must meet the requirements of the permit as required by U.S. EPA
 - Disturbed areas previously used for specific agricultural purposes, such as a filter strip, must be returned to their pre-land disturbance use
 - Stabilization requirements may be waived if the project site does not pose a threat of discharging sediment

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Notable Modifications: Performance Standards

- 3.0 - Post-construction Requirement:
 - Stormwater discharges must be managed to control both quantity and quality based on local requirements
 - If local requirements are not available, the project design must include a standard that:
 - The discharge will not exceed the pre-development discharge
 - Will treat the water quality volume or water quality flow rate

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Notable Modifications: Performance Standards

- 3.0 - Post-construction Requirement:
 - Utilize at least one and as necessary two or more post-construction measures
 - Promotes the use of low impact development strategies and infiltration
 - Infiltration requires pretreatment to protect ground water resources when warranted based on land use

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Notable Modifications: Performance Standards

- 3.0 - Project Management and Self-monitoring:
 - In discussion with U.S. EPA, IDEM has modified the draft permit to include one standard and eliminate the requirement to:
 - Perform self-monitoring once per week and following one-quarter (0.25) inch of rainfall for projects discharging directly to a water on the current 303(d) List of Impaired Waters or with a U.S. EPA-approved TMDL
 - IDEM has modified the draft permit and will utilize one standard in Indiana of once per week and following a rain event of one-half (.5) inch

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Notable Modifications: Performance Standards

- 3.0 - Project Management and Self-monitoring:
 - Accumulating snow events are excluded
 - Monitoring may be reduced to once per month for areas that are seeded to permanent vegetative cover and meet the 70% density requirement

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Notable Modifications: Performance Standards

- 3.0 - Project Management Log:
 - Information and location of all off-site borrow, disposal, and 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

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Notable Modifications: Performance Standards

- 3.0 - Individual Residential Building Sites Within a Permitted Project:
 - Provides clarification for a temporary seeding exclusion that applies when site accessibility is necessary for home construction
 - Requires disposal of construction and domestic waste in waste containers (trash receptacles) that must be covered when not in use and at the end of the day

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Notable Modifications: Plans

- 4.0 - Content:
 - Identification of other operators associated with the project, including their name, affiliation, and contact information if known at the time of submittal
 - 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
 - Identification of discharges to a water on the current 303(d) List of Impaired Waters and the pollutant(s) for which it is impaired
 - Location of any in-stream activities that are planned for the project

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Notable Modifications: Plans

- 4.0 - Submittal:
 - Prior to initiating land disturbance
 - Within a designated MS4, plans must be submitted to the MS4(s)
 - Projects outside an MS4 and those owned/operated by an MS4 must be submitted to the local Soil and Water Conservation District (SWCD) or when directed to IDEM

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Notable Modifications: Plans

- 4.0 - Review:
 - Identifies when a plan may be deemed deficient:
 - Plan does not meet the requirements of the permit
 - 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

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Notable Modifications: Plans

- 4.0 - Modification:
 - New operators become active in construction activities
 - Changes are made to the construction plan
 - Stormwater 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 that are necessary for management of the project and compliance with the permit

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Notable Modifications: Notice of Intent

- 5.0 - Content:
 - Language to clarify that the NOI acreage and coverage area must correspond with the plans that were reviewed and accepted
 - Identification of a U.S. EPA approved or established TMDL, including the name of the waters
 - Identification of discharges to a water on the current 303(d) List of Impaired Waters
 - 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

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Notable Modifications: Notice of Intent

- Section 5.0 - Submittal:
 - New projects must submit 48 hours in advance as is the requirement in the current rule
 - Existing projects will be required to submit upon notification by IDEM:
 - New permit
 - Continuation of coverage which will maintain existing permit coverage dates

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Notable Modifications: Eligibility

- Appendix A - Eligibility:
 - 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:
 - A compliance issue has been identified on an individual lot
 - A lot operator is associated with multiple lots that cumulatively are one (1) acre or more of land disturbance
 - Active building is occurring on the development and the permittee of the overall site is no longer available
 - Residential lots, where land disturbance is one (1) acre or more, are required to obtain permit coverage

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Notable Modifications: Eligibility

- Appendix A - Eligibility:
 - Multi-lot commercial and industrial sites will require all individual lots regardless of size to obtain permit coverage
 - Agricultural activities subject to permit coverage:
 - No change from current rule
 - Industrial facilities:
 - One (1) acre or more of land disturbance
 - Land disturbances of less than one (1) acre that are to occur in a 12-month period do not require the facility to obtain separate coverage under this permit; however the facility is required to modify the facility's industrial stormwater pollution prevention plan prior to land disturbance

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Notable Modifications: Eligibility

- Appendix A - Eligibility:
 - Off-road recreational commercial operations:
 - One (1) acre or more of land disturbance
 - May terminate coverage, but have permanent run-off and sediment control measures in place and maintain them long term
 - May be required to continue permit coverage and/or obtain a new permit as the facility expands

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Other IDEM Activities

- Update the Indiana Stormwater Quality Manual
- Continue to provide training
- Provide additional guidance to ensure a smooth transition with the new permit
- Develop standard forms, especially for the self-monitoring program
- Posted a web portal for submittal of Notices of Intent and Terminations
- Modify the portal in the near future to allow plan submittals and interaction between permittees and IDEM

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Questions?



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**Technical Resources
and Program Staff**

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Surface Water, Operations, and Enforcement Branch
Wetlands and Stormwater Section
Stormwater Program

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**Stormwater Technical
Resource Information**

Industry Publications:

- Erosion Control Journal
- Stormwater Journal
- Storm Water Solutions

IDEM Publications:

- Indiana Stormwater Quality Manual

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Indiana Stormwater Quality Manual

Planning Principles:

- Layout and design
- Resource inventory
- Plan design elements

Indiana Stormwater Quality Manual

Planning and Specifications
Guidance for Stormwater Quality
Control and Best Management
Practices

Project Management:

- Monitoring
- Maintenance

Stormwater Quality Measures:

- Construction
- Post-construction

www.idem.IN.gov/stormwater/2363.htm

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Stormwater Program Contact Information



Central Office Mailing Address:
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IGCN 1255
100 North Senate Avenue
Indianapolis, Indiana 46204

Toll Free Phone:
(800) 451-6027, option 5

IDEM Stormwater Website:
www.idem.IN.gov/stormwater

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IDEM's Compliance and Technical Assistance Program

The Compliance and Technical Assistance Program (CTAP) provides assistance to help Indiana businesses understand and comply with environmental regulations. CTAP is:

- **Nonregulatory** – CTAP staff members are not regulators and do not have regulatory authority. Therefore, businesses will not be penalized for reporting relevant environmental information to CTAP when requesting assistance.
- **Free and Confidential** – While CTAP staff members serve as liaisons between the regulatory programs and businesses, they do not provide any details about the company to regulators, as the information is protected under Indiana Code 13-28-3-4.

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- **Assistance** – CTAP staff members provide assistance through on-site visits or via phone and will provide a full compliance review or just target a single issue. They also develop training programs, brochures, and webinars to help businesses understand the state and federal environmental regulations that affect them.
- **Multimedia** – CTAP staff members are knowledgeable in air, water, land, and Community Right-to-Know regulations and are happy to answer questions in these areas.

CTAP staff members provide assistance to businesses that contact them directly, are referred by regulatory inspectors or permit writers, or are impacted by a new U.S. Environmental Protection Agency or state regulation.

Contact CTAP if you need assistance

Hotline: (800) 988-7901 Email: CTAP@idem.IN.gov Website: www.idem.IN.gov/ctap

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