



# **Stormwater Section**

## **Indiana Department of Environmental Management Office of Water Quality**

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# Stormwater Construction General Permit





# Construction Stormwater General Permit

- Rule 5 (327 IAC 15-5) Repealed
- Replaced Construction Stormwater General Permit (CSGP):
  - Effective: 12-18-2021
- Soil and Water Conservation Districts Role:
  - Plan review on behalf of IDEM
  - Inspection on behalf of IDEM
  - MS4 affiliation
- Municipal Separate Storm Sewer Systems (MS4s):
  - Develop a program based on local priorities and resources
  - Projects regulated based on a local ordinance
  - At a minimum must meet the minimum requirements of the CSGP



# Construction Stormwater Regulatory Portal

- Database and interactive permitting system:
  - Increase interaction with the regulated community:
    - ◆ Online submittals of SWP3, Notices of Intent, and Notices of Termination
  - IDEM complies with the U.S. EPA:
    - ◆ Electronic reporting rule
    - ◆ Requirement to migrate all data to the U.S EPA database
- Implementation schedule:
  - The use of the Regulatory ePortal is required with new CSGP

# Regulatory Portal Required

- Construction/Stormwater Pollution Prevention Plans:
  - MS4 owned/operated projects  
(SWCD does not review on behalf of IDEM)
  - Projects outside of MS4 jurisdictions  
(SWCD does not review on behalf of IDEM)
  - State owned and operated projects
- Notices of Intent
- Notices of Termination for MS4 regulated sites:
  - MS4s are required to verify projects are eligible for termination:
    - ◆ Field verification: inspection, email, correspondence, etc.

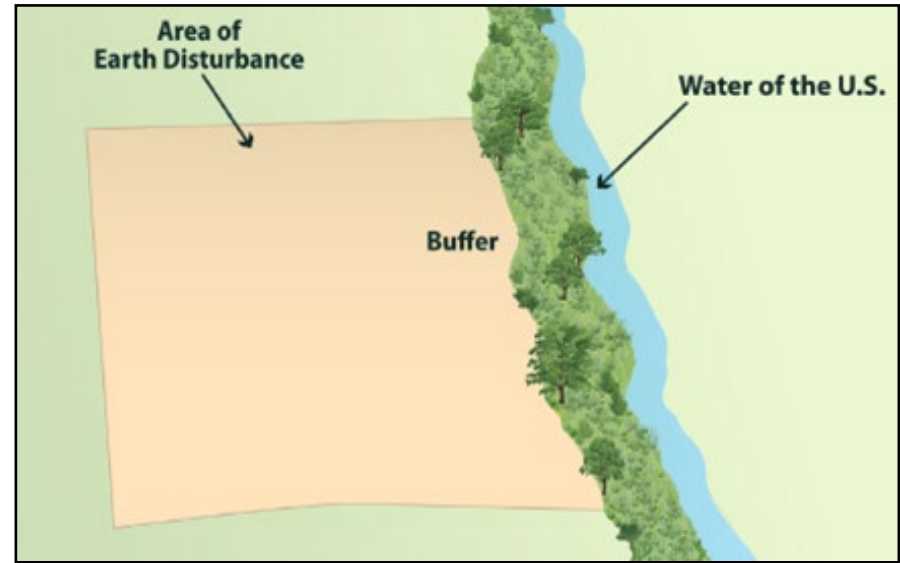
# Eligibility

- Eligibility for Coverage:
  - One (1) acre of land disturbance
  - Exclusions (NPDES):
    - ◆ 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

# Performance Standards

- Natural Buffer Preservation: (U.S. EPA 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

# Performance Standards

- Stabilization and Vegetation Establishment:
  - IDEM has established one standard in the permit and eliminated the federal requirement to:
    - ◆ Initiate stabilization immediately and complete 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
  - CSGP: Initiate stabilization by the end of the seventh (7) day for those areas of the site that are left idle and complete stabilization within 14 days





# Performance Standards

- Final Stabilization:
  - Standard of 70% density remains
  - 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





# Performance Standards

- Project Management and Self-monitoring:
  - IDEM has established one standard in the permit and eliminated the federal 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 one standard that includes:
    - ◆ Inspect by the end of the next business day following a rain event of one-half (.5) inch or more, but no more than three inspections within the business week
    - ◆ An Inspection twenty-four hours prior to a qualifying rain event is acceptable
    - ◆ If a rain event does not occur during the business week at least one inspection must be completed

# Individual Building Sites

- Residential building sites within a permitted site:
  - 327 IAC 15-5 allowed the builder to operate under the permit of the developer of the project and the SWP3.
  - The Construction Stormwater General Permit (CSGP) now requires:
    - ◆ Develop a lot specific SWP3
    - ◆ Complete a Residential Development Registration form certifying compliance that must be kept on the building site, which requires a builder to sign onto the project if they do not have their own permit coverage

# Post-construction Performance Standards

- 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 post-development discharge must not exceed the pre-development discharge based on the two-year, ten-year, and one-hundred year peak events
- ♦ Will treat the water quality volume or water quality flow rate

# Post-construction Performance Standards

- Post-construction Requirement:
  - Utilize at least one and, as necessary, two or more post-construction measures
  - Promote the use of low impact development strategies and infiltration
  - Infiltration requires pretreatment to protect groundwater resources when warranted

# Questions?

