

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE OF DRAFT GENERAL NPDES PERMIT
CONSTRUCTION STORMWATER
PUBLIC NOTICE NO: INRA00000
DATE OF NOTICE: OCTOBER 26,2026
RESPONSE DATE DUE: NOVEMBER 25,2026

The Indiana Department of Environmental Management (IDEM) proposes to issue a new General NPDES Permit (INRA00000) for stormwater discharges associated with construction activities. The current permit will expire five (5) years from its issuance on December 17, 2026. All current permitted projects have the same expiration date.

Each general permit contains specific eligibility requirements. Ineligible discharges will require an individual or alternative NPDES permit. Only projects existing within the boundaries of Indiana may obtain general NPDES permit coverage.

Interested persons are invited to submit written comments regarding the draft general Construction Stormwater NPDES general permit.

IDEM is specifically seeking input regarding the application of the San Francisco U.S. Supreme Court case regarding narrative water quality standards. We have made edits in Section 3.0 to address this. The draft language is similar to edits proposed by EPA made in the proposed 2027 Construction General Permit.

IDEM encourages the comments to be submitted via email. Comments submitted via email must be sent to Stormwat@idem.IN.gov. Otherwise all comments or requests must be in writing and mailed to: IDEM Office of Water Quality, Attn: Stormwater Program, IGCN Room 1255, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251. Regardless of the communication method, comments must be received by IDEM no later than November 25, 2026. Any request for a public hearing shall be made in writing and shall include: the name and address of the person making the request, the interest of the person making the request, persons represented by the person making the request, the reason for the request and the issues proposed for consideration at the hearing. The department will determine whether to hold a public hearing based upon the comments and the rationale for the request. All written comments received during the Public Notice period will be considered in the formulation of the final NPDES general permit. Please direct any comments submitted by email to: Stormwat@idem.IN.gov.

The draft general NPDES permit and related documents are posted on IDEM's web site at <https://www.in.gov/idem/public-notices/> (for statewide public notices). The documents are also available via email request. Please tell others whom you think would be interested in this matter. For more information about public participation including your rights & responsibilities, please see <https://www.in.gov/idem/public-notices/>. You may want to consult our online Citizens' Guide to IDEM: <https://www.in.gov/idem/resources/citizens-guide-to-idem/>.

Please send any email comments or inquiries to Stormwat@idem.IN.gov. IDEM will provide notice of the final determination on this permit to all persons who submit written comments or who request such notice.

Attachments: Draft Construction Stormwater NPDES General Permit 2026

INRA00000 NPDES Construction Stormwater Fact Sheet

Indiana Department of Environmental Management

Office of Water Quality
100 North Senate Avenue
IGCN, Room 1255
Indianapolis, Indiana 46204
(317) 232-8670
Toll Free (800) 451-6027

In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this National Pollutant Discharge Elimination System (NPDES) general permit to regulate discharges of stormwater from construction activities into surface waters of the State of Indiana.

This permit is issued on: _____, **2026**

This permit is effective on: _____, **2026**

This permit expires on: _____, **2031**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of this permit remain fully effective and enforceable after the expiration date of this permit if the permittee has timely submitted a notice of intent for coverage under this permit and IDEM has not, through no fault of the permittee, issued a new permit on or before the expiration date of this permit.

Martha Clark Mettler
Assistant Commissioner
Office of Water Quality

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GENERAL PERMIT COVERAGE and PERFORMANCE STANDARDS

1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This general permit covers all areas of the State of Indiana.

1.2 Discharges Authorized/Covered by this Permit

This permit authorizes the following discharges to waters of the state:

- (a) Stormwater, including stormwater run-off, snowmelt run-off, and surface run-off and drainage, associated with construction activity (40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i)).
- (b) Stormwater discharges designated by IDEM as needing to obtain coverage under this permit (40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii)).
- (c) Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material) provided the support activity is directly related to the construction site, 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 for the project it supports.
- (d) Non-stormwater discharges or flows from permitted construction activities, provided they are not identified by the department as significant sources of pollutants to waters of the state. This includes but is not limited to:
 - (1) Emergency fire-fighting water
 - (2) Fire hydrant flushing water
 - (3) Landscape irrigation water
 - (4) Water used to control dust
 - (5) Water line flushing
 - (6) Routine external building washdown water that does not use soaps, solvents, or detergents
 - (7) Water used to wash vehicles, equipment, and pavement, provided that there is no discharge of soaps, solvents, or detergents used for such purposes, and washdown water that would result in the discharge of sediment-laden run-off.
 - (8) Uncontaminated, non-turbid discharges of ground water or spring water

- (9) Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids
- (10) Foundation or crawl space footing drainage where flows are not contaminated with process materials such as solvents or contaminated ground water; and
- (11) Construction dewatering water that has been treated by a water quality measure or series of measures to minimize the discharge of sediment, provided other contaminants are not present in the discharge water.

This permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five (5) years. In order to obtain authorization to discharge under this permit, a person must submit a notice of intent (NOI) pursuant to Section 5.0 of this permit. The commissioner may deny coverage under this permit and require an application for an individual permit.

Except as provided in Section 1.3, when a complete NOI is submitted as set forth in Section 5.0 of this permit, a project site is permitted to discharge stormwater and allowable non-stormwater in accordance with the terms of this permit. The authorization to discharge becomes effective 48-hours after submittal of the NOI to IDEM. Any discharge of stormwater not authorized under this permit or by an individual permit are unlawful.

Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

- (a) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or
- (b) IDEM's receipt of the permittee's submittal of a notice of termination (refer to Section 6.0); or
- (c) Issuance or modification of an individual permit for the discharges covered by this permit; or
- (d) A final decision by IDEM either to revoke or to not reissue this permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek coverage under an alternative permit or an individual permit. Coverage under this permit will terminate at the end of this identified time period.

1.3 Discharges Not Authorized by This Permit

The following discharges are not authorized by this permit:

- (a) Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge from the land-disturbing activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50).
- (b) Direct discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters.
- (c) Discharges of concrete or cementitious wash water from washout activities or release from containment systems.
- (d) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.
- (e) Soaps, detergents, or solvents used in vehicle, equipment, pavement and external building washing.
- (f) Other discharges, including but not limited to fuel, oil, or other pollutants used in vehicle and equipment operation and maintenance.

1.4 Fees (Application)

Any person who seeks coverage under this general permit is required to remit an application fee with the NOI in accordance with IC 13-18-20-10(a). This fee is required for an initial NOI or a renewal request. Coverage under this permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

2.0 ELIGIBILITY FOR PERMIT COVERAGE

This permit applies to all projects that meet the requirements in Section 2.1. Projects that occur in a designated municipal separate storm sewer system (MS4) jurisdictional area and are regulated by the MS4 entity must obtain local approval for activities related to stormwater discharges consistent with IC 36-1-3-14.

2.1 Permit Coverage

This permit applies to construction activities with a projected land disturbance of one (1) acre or more, and operations that result in the land disturbance of less than one (1) acre of total land area but are part of a larger common plan of development or sale that cumulatively disturbs one (1) acre or more. Land disturbances that will require permit coverage are further clarified in Sections 3.8 through 3.10 and Appendix A.

2.2 Exclusion from Permit Coverage

(a) This permit does not apply to:

- (1) Agricultural land-disturbing activities, including tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural subsurface field tile.
- (2) Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).
- (3) Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).
- (4) Ditch maintenance for activities performed on a regulated drain by a county drainage board, or a ditch where the drainage board has relinquished jurisdiction to a municipality or a sanitary district, as defined in Appendix C and in accordance with IC 36-9-27. Construction or re-construction of a regulated drain to expand the feature beyond the originally constructed channel capacity is considered a construction activity which is eligible for permit coverage in accordance with Section 2.1.
- (5) Land-disturbing activities listed below, provided other applicable permits contain provisions requiring implementation of erosion and sediment control measures and stormwater management measures:
 - (A) Landfills that have been issued a certification of closure under 329 IAC 10.
 - (B) Coal mining activities permitted by IDEM under a general and/or individual permit.
 - (C) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by IDEM under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.
 - (D) Land-disturbing activities that are associated with an NPDES permitted mining operation, including removal of vegetative cover and/or overburden to expose mineral resources, when all stormwater run-off is directed to an outfall with valid NPDES permit coverage or fully contained on site with no discharge to waters of the state.
 - (E) Transportation maintenance activities that do not disturb or expose the subgrade soil (e.g., full depth reclamation or patching and cold-in-place recycling), guardrail or cable rail installation, or shoulder clipping.
 - (F) Transportation and/or utility work projects that have non-contiguous disturbed areas, where each individual disturbed area is less than one (1) acre and is separated by one-quarter (1/4) mile or more.

2.3 Waivers and Special Conditions

- (a) Discharges are conditionally authorized for land-disturbing activities that are subject to this permit but are considered an emergency. Emergency activities include any work which requires immediate implementation to avoid imminent endangerment to human health, public safety, the environment, or to re-establish essential public services.
- (b) Procedures for obtaining an emergency condition authorization require the applicant to:
 - (1) Submit notification of the emergency to IDEM and to a MS4 when within a MS4 jurisdiction, within 24 hours or next business day of initiating land disturbance. An email notification to IDEM Stormwater Program (Stormwat@idem.IN.gov) is acceptable.
 - (2) Develop a plan that specifically addresses the operations associated with the emergency and how these operations will address stormwater management including erosion and sediment control. The submittal of the plan to IDEM is not required.
 - (3) Submit a complete NOI within thirty (30) calendar days after commencing land-disturbing activities to IDEM, establishing eligibility under this permit.

3.0 PERFORMANCE STANDARDS

All permittees must ensure stormwater discharges do not contain the following conditions associated with pollutants that are discharged from the construction site:

- (a) Observable floating, settled, or suspended solids;
- (b) An observable film, sheen, discoloration, or odor, or
- (c) Observable scum, foam, or construction debris.

Compliance is required upon beginning such discharge. In addition:

- (a) The stormwater pollution prevention plan (SWP3) will serve as a guideline for stormwater management but should not be interpreted as the only basis for implementation of stormwater measures for a project site. The permittee is responsible for implementing all measures necessary to comply with the provisions of this permit.
- (b) All stormwater management measures must be implemented in accordance with this permit and sufficient to satisfy Section 3.1 through 3.10.
- (c) Ensure “trained individuals”, as defined in Appendix C, are utilized for activities associated with the development and design of the SWP3, stormwater measure implementation, self-monitoring, and stormwater project management.
- (d) Retain the construction/SWP3 and the project management log for at least three (3) years following the date the project permit coverage is terminated.

3.1 General Requirements

- (a) A permittee must meet each of the following requirements:
 - (1) Sediment-laden water which otherwise would flow from the project site must be managed with sediment control measures that minimize sedimentation to receiving waters and adjacent properties.
 - (2) Natural features, including but not limited to wetlands and sinkholes (karst features), must be protected with stormwater management and/or treatment measures that minimize pollutant discharges associated with stormwater run-off.
 - (3) Soil compaction is to be minimized, especially in areas where permanent vegetation will be re-established and/or areas that are designated to infiltrate stormwater.
 - (4) Topsoil must be preserved, unless infeasible.
 - (5) Existing natural buffers that are adjacent to waters of the United States as outlined in Appendix B and defined in Appendix C, must be preserved to promote infiltration and provide protection of the water resource, unless infeasible. Activities performed on a regulated drain managed by a county drainage board under IC 36-9-27, and activities performed on a ditch where the county drainage board has relinquished jurisdiction to a municipality or sanitary district under IC 36-9-27, are excluded.
 - (A) Natural buffers must be preserved, including the entire buffer bordering and/or surrounding the water resource. Existing buffers:
 - 1) 50 feet or more in width must be preserved to a minimum of 50 feet.
 - 2) Less than 50 feet in width must be preserved in their entirety.
 - 3) May be enhanced with vegetation that is native and promotes ecological improvement and sustainability.
 - (B) Run-off directed to the natural buffer must be:
 - 1) Treated with erosion and sediment control measures prior to discharging to the buffer to minimize the discharge of sediment and other pollutants.
 - 2) Managed with run-off control measures that minimize erosion within the buffer area.

3.2 Design Requirements

- (a) The selection, design, and implementation of all stormwater quality and management measures must take into consideration the following:
 - (1) Sound engineering, agronomic, and scientific principles.
 - (2) Standards as specified in technical guidance manuals, such as the Indiana Stormwater Quality Manual, and/or the product guidance/specifications of the manufacturer.

- (3) Measures must be planned, designed, and installed as part of an erosion and sediment control system that will ensure compliance with this permit.
- (4) Collected run-off leaving the project site must be either discharged directly into a well-defined, stable receiving conveyance or diffused and released without causing erosion at the point of discharge.
- (5) Conveyance systems must be designed taking into consideration both peak flow and total volume and must be adequately protected so that their final gradients and resultant velocities are unlikely to cause erosion at the outlet or in the receiving channel, based on known conditions of the discharge at the time of design.
- (6) Sediment basins must withdraw water from the surface of the water column unless sediment reduction can be achieved with other measures. Measures and/or procedures that may be implemented in lieu of surface withdrawal include:
 - (A) Increasing the basin length to width ratio to 4:1 or greater based on concentrated run-off inflow into the basin in relation to outlets from the basin,
 - (B) Implementation of porous baffles,
 - (C) Use of flocculants/polymers and/or
 - (D) Phasing of project land disturbance that also incorporates a rapid stabilization program.
 - (E) During freezing conditions, the implementation of alternative withdrawal methods may be utilized.

3.3 Implementation Requirements

- (a) The following minimum standards apply to activities performed under this permit:
 - (1) Stable construction site access measures must be provided at all points of construction traffic ingress and egress to the project site. Where the selected measure is not effective to meet the requirements of this permit, an alternative measure or additional control measures must be utilized to minimize tracking. Alternative measures may include wheel wash systems and rumble strips.
 - (2) Public roadways and roadways not exclusive to construction traffic must be kept clear of accumulated sediment that is a result of run-off or tracking. The following minimum conditions apply:
 - (A) Clearing of sediment must not include:
 - 1) The utilization of mechanical methods that will result in mobilization of dust or sediment off the project site.
 - 2) Flushing the area with water unless the flushed water is directed to a sediment control measure to treat the flushed water and minimize the discharge of sediment.

- (B) Cleared sediment must be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
 - (C) Sediment discharged or tracked onto roadways or areas not exclusive to construction traffic must be removed as directed by a regulatory authority or at a minimum, removed by the end of the same day.
- (3) Phasing of construction activities must be considered to minimize the footprint of disturbed unstable areas.
- (4) Minimization of the generation of dust through dust suppression techniques must be done to prevent deposition into waters of the state and areas located beyond the permitted boundaries of the site.
- (5) During the period of construction activities, stormwater management measures installed must be maintained to meet the performance requirements of this permit. When the installed measure(s) do not meet the performance requirements in Section 3.0 as a result of operational changes and/or site characteristics, alternative measures must be selected and implemented.
- (6) Discharge water from dewatering of accumulated water from areas such as basins, excavations, trenches, and foundations must not be discharged off-site or to a water of the state when:
 - (A) Sediment-laden water is not first directed to a sediment control measure or a series of control measures that minimize the discharge of the sediment.
 - (B) A visible sheen, odor, and/or other site conditions indicate that pollutants are likely to be present. These conditions may require additional treatment and/or an alternate permit.
- (7) Measures must be implemented to eliminate wastes or unused building materials including, but not limited to garbage, debris, cleaning wastes, wastewater, concrete or cementitious washout water, mortar/masonry products, soil stabilizers, lime stabilization materials, and other substances from being carried from a project site by run-off or wind. Waste and unused building materials must be managed and disposed of in accordance with all applicable statutes and regulations.
- (8) Construction, domestic, and sanitary waste must be managed to prevent the discharge of pollutants and windblown debris. Management of waste materials may include, but is not limited to:
 - (A) Waste containers (trash receptacles), when selected to manage waste, must be managed to reduce the discharge of pollutants and blowing of debris. Receptacles that are not managed in accordance with this provision will require alternatives that include but are not limited to:
 - 1) A cover (e.g., lid, tarp, plastic sheeting, temporary roof) to minimize exposure of waste to precipitation or

- 2) A similarly effective method designed to minimize the discharge of pollutants.
- (B) Waste that is not disposed of in trash receptacles must be protected from exposure to the weather and/or removed at the end of the day from the site and disposed of properly.
- (C) Surplus plastic concrete or hardened concrete/cementitious materials are not required to be placed in trash or concrete washout receptacles and are considered clean fill that may be reused, disposed of on-site, or recycled in accordance with applicable state and federal regulations.
- (D) Positioning portable toilets to ensure that:
 - 1) They are stable, secure, and protected from tipping or being knocked over.
 - 2) They are located where their use will not contaminate ground or surface water.
- (9) Concrete or cementitious washout areas, where washout is permissible, must be identified for the site and the locations clearly posted. Wash water discharges:
 - (A) Must be directed into leak-proof containers or leak-proof containment areas:
 - 1) Located and designed to divert run-off away from the measure.
 - 2) Sized to prevent the discharge and/or overflow of the wash water.
 - (B) Do not include wash water from the rinsing of mixer truck windshields, mirrors, headlights, and taillights to ensure safe operation of the vehicle.
 - (C) Are not authorized to be disposed of through soil infiltration or to otherwise be disposed of on the ground.
- (10) Fertilizer applications associated with the stabilization plan for the project must meet the following requirements:
 - (A) Apply fertilizer at a rate and amount as determined by a soil analysis or in accordance with the Indiana Stormwater Quality Manual or similar guidance documents.
 - (B) Apply fertilizer at a time of year and rate that takes into consideration proximity to a waterbody, and preferably timed to coincide with the period of maximum vegetative uptake and growth.
 - (C) Avoid applying fertilizer immediately prior to precipitation events that are anticipated to result in stormwater run-off from the application area.
- (11) Proper storage and handling of materials, such as fuels or hazardous waste, and spill prevention, spill kits, clean-up measures must be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality. To meet this requirement:

- (A) Proper project management and the utilization of measures including eliminating a source or the exposure of materials must be completed.
- (B) Manage the following activities:
 - 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, and fertilizers
 - 5) Dispensing and utilization of diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals.
 - 6) Handling and disposal of hazardous waste, 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, grout, or other materials.
- (12) Personnel associated with the project must be informed of the terms and conditions of this permit and the requirements within the SWP3. Information regarding the management of potential pollutants must be provided through written notification, contracts, or other means (i.e., pre-construction meetings) that effectively communicate the provisions and requirements of the permit and SWP3. Personnel may include:
 - (A) General contractors, construction management firms, grading or excavating contractors, public/private utilities, and trade industry representatives (i.e., concrete industry) associated with the overall project.
 - (B) Contractors or individual lot operators that have primary oversight on individual building lots.
 - (C) Those responsible for the implementation of the SWP3, and the installation, repair, and maintenance of stormwater measures.
 - (D) Those responsible for the application and storage of treatment chemicals.
 - (E) Those responsible for administering the self-monitoring program (SMP).
- (13) Information about the project must be posted at a publicly accessible location near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the project posting must be placed in a publicly accessible location near the project field office.
 - (A) The project posting must be maintained in a legible condition and at a minimum on an 8.5 X 11-inch sheet and must include:
 - 1) A copy of the completed NOI or a document that at a minimum contains the information in Section 5.2 (a)(2).
 - 2) The NPDES permit number(s), upon receipt.

- 3) The location of the construction plan/stormwater pollution prevention plan if the project site does not have an on-site location to store the plan.

3.4 Stabilization Requirements

- (a) Un-vegetated areas that are left idle or scheduled to be left inactive must be temporarily or permanently stabilized with measures that minimize erosion potential. To meet this requirement, the following apply:
 - (1) Stabilization must be initiated by the end of the seventh day the area is left idle. The stabilization activity must be completed within fourteen (14) days after initiation. Initiation of stabilization includes, but is not limited to, the seeding and/or planting of the exposed area and applying mulch or other temporary surface stabilization methods. Areas that are not accessible due to an unexpected and disruptive event that prevents construction activities are not considered idle.
 - (2) Areas that have been compacted may be excluded from the stabilization requirement when the areas are intended to be impervious surfaces associated with the final land use, provided run-off from the area is directed to sediment control measures that are selected and implemented based on site characteristics to minimize the discharge of sediment.
- (b) Final stabilization of a project site is achieved when:
 - (1) All land-disturbing activities have been completed and a uniform (evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on unpaved disturbed areas, and areas not covered by permanent structures, or permanent stabilization measures have been employed. This requirement does not apply to:
 - (A) Landscaping that is part of the final project plan. This is considered stable when the plan has been fully implemented and areas not being vegetated are stable with a non-erosive material and/or product.
 - (B) Projects or specific stormwater 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 stormwater measure provided the activity does not pose a threat that will result in off-site sedimentation.
 - (C) Projects on land used for agricultural purposes when:
 - 1) Stabilization is completed in accordance with Section 3.4 (a) as land-disturbance progresses. Land that is returned to agricultural production must be temporarily or permanently seeded upon completing land-disturbing activities. Stabilization requirements may be waived by the inspecting authority if the project site does not pose a threat of discharging sediment.

- 2) Disturbed areas not previously used for agricultural production, such as filter strips, must be returned to their pre-land disturbance use.
- (D) Specific projects, due to function and/or operation may necessitate an area remain disturbed. Only the minimum operational area is allowed to remain disturbed. This option primarily applies to off-road recreational commercial operations but may apply to other land use types upon determination by the regulating entity.

3.5 Special Provisions

- (a) The use of anionic polymers (cationic polymers are not authorized for use) on the project site is authorized for soil stabilization and/or sediment control provided their use is in conformance with current State of Indiana standards and specifications and the use is identified in the stormwater pollution prevention plan (SWP3). If use of a polymer is not identified in the SWP3 and is selected at a later date, notification to IDEM or the MS4 regulating the project is required. An email notification prior to the use of the polymer to the IDEM Stormwater Program (Stormwat@idem.IN.gov) is acceptable when the project is not regulated by a MS4.
- (b) Restoration and/or clean-up may be required for areas impacted by sediment or other pollutant discharges. When such impacts are identified, the inspecting authority may require corrective action to restore the affected area. If directed to restore the area, the inspecting authority may require:
 - (1) Preparing and submitting a removal and restoration plan that ensures the selected methodology will not result in further degradation of the resource and includes stabilization methods and materials.
 - (2) Obtaining permission by a property owner when the restoration activity requires access to a property owned by another entity or individual.
 - (3) Obtaining any required additional permits/authorizations prior to initiation of the work.

3.6 Monitoring and Project Management Requirements

- (a) Monitor and manage project construction and stormwater activities through administration of a self-monitoring program (SMP) that includes:
 - (1) A documented evaluation of the entire project site, with the exception of those areas that are considered unsafe. The evaluation must be performed by a trained individual and completed:
 - (A) A minimum of once per work week (Monday through Friday), not to exceed two (2) inspections and in accordance with the following:
 - 1) If a measurable storm event occurs during the work week or over a weekend/holiday, an evaluation must be performed either within the 24 hours prior to a storm event or by the end of the next business day following the storm event to satisfy this requirement. A measurable storm event (excludes accumulated snow events and

snowmelt) is defined as a precipitation accumulation equal to, or greater than, one-half (0.50) inch of rainfall within a 24-hour period.

- 2) If no measurable storm event occurs within the work week a minimum of one (1) dry weather evaluation must occur.
- 3) If a measurable storm event occurs in the work week after a dry weather evaluation has been completed, an additional evaluation must be completed. No more than two (2) evaluations in a work week would be required to meet the self-monitoring commitment.

Note:

A permittee may elect, at their own discretion, to complete the required monitoring over a weekend if preferred. Weekend monitoring may be used to satisfy either dry-weather or pre/post-rainfall evaluation requirements, provided all timing conditions above are met.

- (B) At a minimum of one (1) time per month for specific areas within the project which are stabilized with permanent vegetative cover at seventy (70) percent density and/or where erosion resistant armoring is installed. A once per month inspection frequency may also be applied across the entire project site for stabilized common areas, basins, conveyances, outfalls, and inactive building sites. Prior to reducing the monitoring to monthly, records must identify the area and the date the area(s) became eligible for monthly monitoring. Weekly monitoring as identified in (A) above must resume if one or more of the following occurs:
 - 1) The vegetative cover fails or there is evidence of erosion in the identified area(s).
 - 2) IDEM or the inspecting authority requires monitoring to resume.
- (2) A complete documented evaluation report which must include:
 - (A) Name of the individual performing the evaluation, including printed name, title, and signature (electronic signatures are acceptable).
 - (B) Date of the evaluation.
 - (C) 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.
 - (D) Observations of project performance in relation to:
 - 1) Implementation of the stormwater pollution prevention plan.
 - 2) Assessment of existing stormwater measures based on industry standards and as identified in Section 4.1 (a)(8) to ensure each measure is operational and functioning properly.

- 3) Additional or alternative measures necessary to achieve compliance with this permit in the event an existing measure fails, or a measure is absent in the landscape.
 - 4) Impacts including sediment discharges to and deposition into a water of the state, erosion, discharges that result in bank erosion, and operational activities that have the potential to generate pollutants and unauthorized discharges.
 - 5) Status of areas that have been identified to be inspected once per month as outlined in Section 3.6 (a)(1)(B).
- (E) Documentation of an actual discharge if 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.
- (F) Detail of corrective action(s) recommended and/or completed. Corrective action includes:
- 1) Repairing, modifying, or replacing any stormwater management measure.
 - 2) Clean-up and proper disposal of spills, releases, or other deposits.
 - 3) Remedying a permit violation.
 - 4) Taking reasonable steps to remediate, minimize or prevent the discharge of pollutants associated with the construction activity until a permanent corrective solution is initiated.
- (G) A timeline for which the corrective action will occur to remediate the discharge of pollutants. The established corrective action, at a minimum, must be initiated:
- 1) On the day the deficiency was discovered. When it is not practical to initiate on the discovery date, no later than forty-eight (48) hours for the repair of a measure or installation of a temporary measure until a new and/or replacement measure is installed as specified in item 2) below.
 - 2) Within five business (5) days of discovery for the installation of a new (alternative) measure or replacement of an existing measure, unless a shorter timeframe is required as part of a regulatory inspection in a written report and documented that the associated discharge has impacted a water of the state. The inspecting authority may also allow additional time to take corrective action.
 - 3) If corrective action cannot be achieved within the timelines outlined in 1) or 2) above, a reason must be provided and documented, including the anticipated completion date.

- (H) Documentation of corrective action(s) taken from the previous self-monitoring report; including modifications to the SWP3 when alternative stormwater measures are installed and/or additional measures are installed.
- (3) Maintaining the SMP reports at the site or at an easily accessible location (refer to Project Documentation Requirements in Section 3.7 below).
- (4) Providing all reports for the project site to the inspecting authority within two (2) business days of a request. Electronic copies are acceptable, provided they are in a format consistent with the paper record.

3.7 Project Documentation Requirements

- (a) Maintain a project management log that contains:
 - (1) Information related to all off-site borrow sites, disposal areas, and staging areas that are off-site and meet the criteria listed in Appendix A (5)(B), including the location of each site/area.
 - (2) Documentation that the public was notified that a construction activity is to commence (Section 5.2).
 - (3) Information related to all project activities including, but not limited to:
 - (A) SMP reports.
 - (B) Regulatory inspections.
 - (C) Responses to a compliance action or enforcement action.
 - (D) Records showing the dates of all SWP3 modifications. The records must include the name of the person authorizing each change and a summary of all changes.
- (b) Ensure the construction/stormwater pollution prevention plan and supporting documentation associated with the SMP and project management log are accessible (printed or electronic versions are acceptable) at the project site office or in the possession of on-site individuals with responsibility for the overall project management or associated with the management and operations of construction activities. This information must be provided to IDEM or the inspecting authority within two (2) business days of a request.

3.8 General Performance Standards

Applicable to Individual Residential Building Sites within a Permitted Project Area:

- (a) The following general requirements apply to all individual residential building lots, where the individual lot operator/owner is working within a permitted project:
 - (1) All stormwater measures, including erosion and sediment control measures, necessary to comply with this permit must be implemented in accordance with the overall project stormwater pollution prevention plan and sufficient to satisfy 3.8(2)-(5) below.

- (2) A NOI for the land disturbance on a residential lot or multiple residential lots within a project site is not required unless notified that:
 - (A) The site characteristics dictate the need for separate permit coverage.
 - (B) A compliance issue has been identified for a specific individual lot operator or lot owner.
 - (C) The original permittee of the larger common plan of development is no longer available and land-disturbing activities on individual lots necessitate permit coverage.
- (3) Provisions for erosion and sediment control and project management on individual residential building lots regulated under the overall project site permit must ensure compliance with this permit:
 - (A) The individual lot operator (contractor/subcontractor), whether owning the property or acting as the agent of the individual lot owner, is responsible for compliance associated with activities on individual lots. This is accomplished by:
 - 1) Developing and implementing a lot specific stormwater pollution prevention plan (SWP3). Where site characteristics are similar, one SWP3 may be developed for multiple lots. The SWP3:
 - a) Must include the following:
 - 1. Perimeter sediment control measures around the lot.
 - 2. Stable construction entrance(s).
 - 3. Permanent stabilization specifications.
 - 4. Provisions to manage waste and construction debris.
 - 5. Identification of the system that will be used to manage and contain concrete/cementitious wash water whether on the building lot or common to the overall project provided the system is available and permission is granted by the overall project site owner.
 - b) Must be submitted for review within two (2) business days of a request.
 - 2) Completing a Construction Stormwater Residential Development Registration form certifying their intent to comply with the Construction General Permit. The Construction Stormwater Residential Development Registration certification must:
 - a) Include the permittee of the overall residential development contact information, project name, permit number, date, and signature.
 - b) Include the individual lot operator, contact information, and building lot or lots(s), date, and signature.
 - c) Be maintained on-site with the SWP3 for the individual lot(s).

- (B) Install and maintain a stable construction site access, unless the site is to be accessed solely from impervious or similar non-erosive areas.
- (C) Install erosion and sediment control measures prior to land disturbance and maintenance of measures once installed.
- (D) Temporary stabilization is utilized on the building. Temporary stabilization is not required during periods when accessibility to the building site is a necessity.
- (E) Sediment discharges and tracking from each lot must be minimized until permanent stabilization has been achieved.
- (F) Sediment that is either tracked or discharged onto internal project site roads is removed by the end of the same day. Clearing of sediment must not include flushing the area with water, unless the water is directed to a sediment control measure prior to discharge. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
- (G) Adjacent lots disturbed by an individual lot operator are required to be repaired and stabilized with permanent surface stabilization.
- (H) Measures must be implemented to eliminate waste or unused building materials including, but not limited to garbage, debris, cleaning waste, wastewater, concrete or cementitious washout water, mortar/masonry products, soil stabilizers, lime stabilization materials, and other substances from being carried from the building site by run-off or wind./ Waste and unused building materials must be managed and disposed of in accordance with all applicable statutes and regulations.
- (I) Construction and domestic waste must be managed to prevent the discharge of pollutants and windblown debris in accordance with 3.3 (a)(8).
- (J) Demolition waste must be managed to prevent windblown debris and to protect water quality.
- (K) Concrete and cementitious washout areas provided by the permittee of the overall project site are utilized unless a leak-proof containment system is operated on the building lot, or special arrangements are made to properly dispose of the wash water. Washout systems on individual lots are the responsibility of the individual lot operator and must be properly installed and maintained. Wash water must be managed by the individual lot operator and is not allowed to discharge. Where the overall project permittee provides a common washout facility, the individual lot operator shall ensure that affected personnel have access to the facility and understand its location and use.
- (L) Minimize the discharge risk from stored chemicals.

- (4) Monitor active building lot(s) each day work is performed to ensure measures are installed and maintained to minimize the discharge of sediment and other pollutants from the building lot(s). When the individual residential lot is covered under a completed Construction Stormwater Development Registration Form, it is not required to document monitoring.
- (5) For individual residential lots, final stabilization meeting the criteria in Section 3.4(b)(1) of this permit must be achieved. The individual lot operator must:
 - (A) Complete final stabilization taking into account weather and season.
 - (B) Initiate permanent seeding with crimped or tackified mulch cover, erosion control blanket, sod; or
 - (C) Install and/or ensure functional erosion and sediment control measures are in place on the individual lot prior to selling the lot. Upon issuance of the certificate of occupancy and concurrence of the homeowner, the homeowner is responsible to maintain the sediment control measures until final stabilization has occurred.

3.9 Single Family Residences and Ponds

Section 3.9 applies to single family residences and ponds that disturb one (1) acre or more of land and are not Part of a Larger Common Plan of Development or Sale.

These projects must:

- (a) Obtain permit coverage in accordance with Section 2.0.
- (b) Comply with this permit and the general performance standards in Section 3.0, with the exception of 3.6, 3.7, and 3.8.
- (c) Monitor the active project site each day work is performed to ensure measures are installed and maintained to minimize the discharge of sediment and other pollutants from the project site. It is not required to document this monitoring.
- (d) Develop and submit a site-specific stormwater pollution prevention plan (SWP3). The SWP3 must include the standards and specifications for the following:
 - (1) Stormwater quality measures selected in accordance with Section 4.1(a)(8)(B).
 - (2) Stable construction entrance(s) in accordance with Section 4.1(a)(8)(B)1).
 - (3) Temporary and permanent stabilization methods in accordance with Section 4.1(a)(8)(C).
 - (4) Provisions to manage waste and construction debris.
 - (5) Identification of the system that will be used to manage and contain concrete/cementitious wash water.

3.10 Industrial and commercial multi-lot projects

Industrial and commercial projects that are part of a larger common plan of development (multi-lot) where the overall project site owner has permit coverage or had permit coverage are required to:

- (a) Obtain permit coverage in accordance with Section 2.0 and as specified in Appendix A (a)(1)(C) regardless of lot size.
- (b) Comply with this permit and the general performance standards in Section 3.0 except for Sections 3.8 and 3.9.
- (c) Develop and submit a site specific construction/stormwater pollution prevention plan (SWP3) in accordance with Section 4.0 of this permit.

4.0 CONSTRUCTION/STORMWATER POLLUTION PREVENTION PLAN

The construction plan represents the overall project, including infrastructure and layout.

4.1 Plan Content

Develop a construction plan that includes a stormwater pollution prevention plan (SWP3).

The SWP3 must be signed by a “trained individual” as defined in Appendix C.

- (a) The construction plan must include:
 - (1) An index indicating the location, in the construction plan, of all information required by this Section.
 - (2) A vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads.
 - (3) A project narrative and supporting plan documents (documentation may be included on the plan sheets or as an appendix to the plan), which must include:
 - (A) A description of the nature and purpose of the project.
 - (B) The latitude and longitude in decimal representation, based on the type of project:
 - 1) Non-linear project sites: The approximate entrance to the project site that is obtaining permit coverage.
 - 2) Linear project sites: The beginning of the project site.
 - (C) The size of the project area expressed in acres.
 - (D) The total expected land disturbance expressed in acres.
 - (E) Construction support activities that are expected to be part of the project.
 - (F) The soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.
 - (G) The general construction sequence related to phasing of the project.

- (H) A reduced plat or project site map for all phases or sections of the project site (multiple sheets may be submitted to meet this requirement) that includes:
 - 1) The boundaries of the project site as represented in the full construction plans and for which the notice of intent (NOI) will be submitted.
 - 2) The boundaries of each phase, section, or other divisions of the project site associated with the construction activity.
 - 3) When applicable, the lot numbers, lot boundaries, road layout, and road names.
 - 4) A legend.
- (I) The identification and location of all wetlands, lakes, and water courses on or adjacent to the project site.
- (J) The location of any in-stream activities that are planned for the project including, but not limited to, stream crossings and pump arounds.
- (K) The identification and status of any other state or federal water quality permits or authorizations that are required for construction activities associated with the project site. If the permit or authorization has not been obtained, provide the expected timeline for obtaining the permit or authorization.
- (L) The identification of a U.S. EPA approved or established TMDL for the project watershed(s), including the name of the TMDL and the pollutant(s) for which there is a TMDL.
- (M) The identification of discharges to a water on IDEM's current 303(d) list of impaired waters and the pollutant(s) for which it is impaired.
- (4) An existing project site layout which must include:
 - (A) The identification of all wetlands, lakes, and water courses on, or adjacent to, the project site.
 - (B) The location of all existing structures on the project site.
 - (C) The boundaries of the one percent (1%) (i.e., one hundred (100) year) floodplains, floodway fringes, and floodways.
 - (D) A soil map of the predominant soil types, as determined by the United States Department of Agriculture, Natural Resources Conservation Service (USDA, NRCS) Soil Survey, an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map.
 - (E) The identification and delineation of natural buffers and existing vegetative cover, such as crop or crop residue, grass, weeds, brush, and trees.
 - (F) The land use of all adjacent properties.

- (G) The existing topography at a contour interval to indicate drainage patterns.
- (H) The location(s) where run-on enters the project site.
- (I) The location(s) where run-off discharges from the project site.
- (5) The final project site layout which must include:
 - (A) The location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.
 - (B) The boundaries of one percent (1%) (i.e., one hundred (100) year) floodplains, floodway fringes, and floodways.
 - (C) The proposed final topography at a contour interval to indicate drainage patterns.
 - (D) The locations of specific points where concentrated stormwater and non-stormwater discharges will leave the project site.
 - (E) The boundaries of natural features or unique resource areas that will be left undisturbed or preserved including, but not limited to, wetlands, steep slopes, riparian corridors, and natural buffers.
- (6) A grading plan which must include:
 - (A) A delineation of all proposed land-disturbing activities, including known off-site activities that will provide services to the project site.
 - (B) A proposed location of all on-site soil stockpiles and borrow areas and, when known at the time of submittal, the location of all off-site borrow, soil stockpiles, and disposal areas.
 - (C) The existing and proposed final topography.
- (7) A drainage plan which must include:
 - (A) The location, size, and dimensions of all stormwater drainage systems, such as culverts, storm sewers, and conveyance channels.
 - (B) The location(s) of the specific point(s) where concentrated stormwater and non-stormwater discharges will leave the project site.
 - (C) The location(s) where stormwater may be directly discharged into ground water, such as abandoned wells, sinkholes, or karst features.
 - (D) The name(s) of the receiving water(s) and, when the discharge is to a system (storm sewer, stormwater management measure, etc.) owned/or operated by a municipality, city, town, or county, the name of the system operator and the ultimate receiving water.
 - (E) The location, size, and dimensions of features, such as existing permanent retention or detention facilities, including manmade wetlands, designed for the purpose of stormwater management.
- (8) A SWP3 associated with construction activities. The plan must be designed and implemented to achieve the minimum performance requirements of Section 3.0 and must include:

- (A) A description of the potential pollutant generating sources and pollutants, including all potential non-stormwater discharges listed in Section 1.2 (d) that are associated with the construction activities, which may reasonably be expected to contribute pollutants to stormwater discharges.
- (B) The location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures, Including, but not limited to:
 - 1) Stable construction entrance(s);
 - 2) Erosion control measures;
 - 3) Sediment control measures;
 - 4) Run-off control measures;
 - 5) Dewatering applications and management methods;
 - 6) Measures, if applicable, utilized to cross water resources for the accessibility needed to perform construction;
 - 7) Measures, if applicable, utilized to isolate or separate construction activities from work within waterbodies; and
 - 8) Concrete and cementitious washout areas and management measures.
- (C) Temporary stabilization and permanent stabilization plans that include:
 - 1) Specifications and application rates for soil amendments and seed mixtures, or specifications for alternative stabilization including but not limited to hard armoring.
 - 2) Specifications (i.e., type and application rate) for anchored mulch, erosion control blanket, and/or other stabilization options.
- (D) For each temporary stormwater measure, a maintenance standard, including maintenance frequency and a threshold of when each measure requires corrective action and/or replacement with alternative measures.
- (E) The planned construction sequence describing the relationship between implementation of stormwater quality measures, including temporary and permanent stabilization, and stages of construction activities. The sequence must include all measures that will be implemented prior to land disturbance in a specific drainage area and those that will be implemented as construction progresses throughout the life of the project.
- (F) The provisions for erosion and sediment control on individual building lots regulated under the permit (if applicable).
- (G) A material handling and spill prevention and spill response plan meeting the requirements in 327 IAC 2-6.1, including contact information for

local emergency personnel and the IDEM Emergency Spill Line (888) 233-7745 or (317)233-7745

- (H) The material handling and storage procedures associated with construction activity describing the management and disposal of construction products and waste.
- (9) A post-construction SWP3 is required for all projects that are within the jurisdiction of a MS4 and/or projects that are owned and/or operated by a MS4.

4.2 Plan Submittal

- (a) For a project site where the proposed land disturbance is one (1) acre or more as determined under Section 2.0 of this permit, and for a project site that is part of a larger common plan of development and requires separate permit coverage as determined under Section 2.0 of this permit, the following requirements apply:
 - (1) A construction plan, including the stormwater pollution prevention plan (SWP3), must be submitted for review prior to the initiation of any land-disturbing activities to the appropriate plan review authority:
 - (A) Municipal separate storm sewer system (MS4) for projects regulated by the MS4 and within the MS4 jurisdictional boundaries.
 - (B) IDEM or when directed to the local soil and water conservation district (SWCD) that reviews on behalf of IDEM for projects outside of a MS4 jurisdictional boundary and for projects owned and/or operated by the MS4. Plans under this option must be submitted as follows:
 - 1) IDEM Review: Plans and all supporting documents must be submitted online through the Regulatory ePortal.

Note: If an individual or entity does not have the ability to submit the plans electronically, the applicant/permittee may request an exemption from the requirement which must include the justification of the inability to utilize an electronic filing system.
 - 2) SWCD Review: Plans and all supporting documents must be submitted to the local Soil and Water Conservation District.
 - (2) Project site owners of projects occurring outside of MS4 jurisdictional areas may request a single coordinated review through IDEM when the construction activity will occur in more than one (1) county.

4.3 Plan Review

- (a) Following the submittal of plans to the plan review authority as outlined in Section 4.2, the construction/stormwater pollution prevention plan (SWP3) review must be conducted by the plan review authority consistent with the content requirements of Section 4.0 and according to the schedule below:

- (1) Project sites with less than five (5) acres of land disturbance: Ten (10) business days after the day on which the plan is submitted to the plan review authority.
 - (2) Project sites with five (5) acres or more of land disturbance: Fourteen (14) business days after the day on which the plan is submitted to the plan review authority.
- (b) The plan review authority may accept a plan as adequate when it meets the minimum requirements of Section 4.0 and/or MS4 requirements within their jurisdiction. Modifications to the SWP3 necessary for compliance may be required prior to acceptance of the SWP3 and notification to the project site owner that a NOI may be submitted.
- (c) A plan may be deemed deficient based on any of the following:
 - (1) The plan does not meet the minimum content requirements of Section 4.0 or MS4 requirements within their jurisdiction.
 - (2) The plan does not include provisions to identify, avoid, and/or adequately protect, a wetland, state/federal jurisdictional water, or other natural feature and work activities are not feasible on other areas of the project site. Upon notification, the plan review is suspended until such time as the permits/authorizations are obtained and/or stormwater measures are planned to protect the resource feature.
- (d) If the plan is determined to be deficient:
 - (1) The plan must be modified to address the deficiencies and resubmitted to the plan review authority as outlined in Section 4.2 prior to land disturbance. Following the submittal of a revised plan, the revised plan must be reviewed according to the schedule outlined in Section 4.3 (a).
 - (2) The project site representative may not submit a NOI until the appropriate plan review authority accepts the plan as adequate.
- (e) When the project site representative submits a plan to the plan review authority as outlined in Section 4.2 and does not receive notification of plan review adequacy/deficiency status within the timelines outlined in 4.3 (a)(1) or (2), a NOI may be submitted to IDEM and must include documentation of the delivery date of the plan to the plan review authority.

4.4 Plan Modification

- (a) Modifications to the construction/stormwater pollution prevention plan (SWP3) following the initiation of land disturbance are required when:
 - (1) There are changes to the construction plan/SWP3, stormwater management measures, pollution prevention measures, off-site borrow and disposal areas, or other activities at the project site are no longer accurately reflected in the plan(s).
 - (2) Evaluations related to implementation of the self-monitoring program (SMP) or investigations by project management staff determine that the SWP3 measures are no longer adequate for site conditions or additional measures are required to remain in compliance with this permit.
 - (3) IDEM and/or the inspecting authority upon finding reasonable cause determines that changes to the plan are necessary to achieve compliance with this permit due to site conditions, inadequate minimization of pollution discharge, or project design changes.
- (b) Modifications or revisions to the plans are only required to be submitted upon request. If requested, plans must be submitted to the plan review authority within twenty-one (21) calendar days, or a later date as determined by the inspecting authority of a request for a modification.

5.0 NOTICE OF INTENT (NOI)

5.1 NOI Requirement

A person seeking coverage under this permit must submit the notice of intent (NOI) for this specific general permit as provided by the commissioner. The NOI must be signed by a person who has the signatory authority as required by 40 CFR 122.22.

5.2 NOI Documentation and Notification

- (a) A project site owner must demonstrate that the public has been notified that a construction activity is to commence. The public notification must:
 - (1) Be completed prior to the submittal of an initial notice of intent (NOI).
 - (2) Contain specific language, including:
 - (A) The name of the company or individual responsible for obtaining permit coverage or another entity that represents the company or individual responsible.
 - (B) A statement that a NOI will be submitted to IDEM with intent to discharge stormwater from construction/land-disturbing activities.
 - (C) The name of the construction project and the general location or, if available, an address for the project.
 - (D) The name(s) of the receiving water(s).
 - (E) Number of total acres associated with the project.
 - (F) Contact information (phone and email) to where questions may be directed.

- (3) Meet one or more of the options below:
 - (A) A posted notification at the project site. The notification must:
 - 1) Be located and visible at a publicly accessible location, preferably at the proposed entrance to the project.
 - 2) Contain the date the notice was posted.
 - 3) Include items in (2) (A) - (F) above.
 - 4) Be signed by the project site owner or their representative.
 - 5) Be legible and on an 8 1/2 X 11-inch sheet at a minimum.
 - 6) Be posted ten (10) calendar days prior to submittal of the NOI and remain posted with the NOI when it is posted at the project site.
 - (B) Local, state, and federal governmental agencies have the option to post a notification for their own projects on their publicly accessible website for ten (10) calendar days prior to submitting the notice of intent. The posting must include the date of the posting and items in (2) (A) - (F) above. A MS4 may also make their website available to projects they regulate to meet this requirement.
 - (C) If the applicant does not meet the requirement listed in either (A) or (B) above, the notification must be published in a printed or digital newspaper of general circulation in the affected area(s) for at least one day. The posting must include the items in (2) (A) - (F) above and be posted with the NOI at the project site.
- (4) Be documented and a record maintained in the project management log that demonstrates compliance with the notification process. Documentation may be requested and must be provided within two (2) business days.

5.3 NOI Content

- (a) The following information must be submitted by the project site owner with a complete notice of intent (NOI):
 - (1) The project site owner's name, address, telephone number, and email address.
 - (2) The ownership status associated with the project (federal, state, county, municipal, private, or other entity).
 - (3) A contact person's (if different than project site owner), name, company name, address, email address, and telephone number.
 - (4) The NOI preparer's name, address, telephone number, and email address.
 - (5) The construction/stormwater pollution prevention plan preparer's, name, address, telephone number, and email address.
 - (6) Project site information, including:
 - (A) The name of the project as it appears on the construction plan and, when applicable, alternative names that may be associated with the project. The name must include the specific designations that are

associated with the project and identified on the plans, including phases, sections, or other divisions.

- (B) When available, the street address of the project for which the NOI is being submitted. When an address is not available a description of the location based on local landmarks (e.g., road, intersections).
 - (C) A brief description of the construction project must be provided, including a statement of the specific activities (clearing, grading, etc.) for which the NOI is being submitted. The activities listed in the NOI must be consistent with those described in the construction/stormwater pollution prevention plan. Permit coverage only applies to the activities identified in the NOI and must match the scope of the construction plan submitted for the project site.
 - (D) The total acreage of the project site. This does not include future sections and/or phases that will be developed.
 - (E) The number of acres to be involved in the construction activities and disturbed. The disturbed acreage claimed in the NOI must be consistent with the acreage identified in the construction/stormwater pollution prevention plan. Permit coverage is only associated with the disturbed acreage and those areas where storm-water management measures are identified in the SWP3.
 - (F) The total impervious surface area, in square feet for the final project site, including structures, roads, parking lots, and other similar improvements.
 - (G) The latitude and longitude in decimal representation for:
 - 1) Non-linear project sites: The approximate entrance to the project site.
 - 2) Linear project sites: The beginning of the project.
 - (H) The estimated dates for initiation and completion of construction activities.
- (7) The name(s) of the receiving water(s) and, when the discharge is to a system (storm sewer, stormwater management measure, etc.) owned/or operated by a municipality, city, town, or county, the name of the system operator and the ultimate receiving water.
 - (8) Identification of a U.S. EPA approved or established TMDL for the project watershed(s).
 - (9) Identification of discharges to a water on IDEM's current 303(d) list of impaired waters.
 - (10) As applicable, a list of all municipal separate storm sewer systems (MS4s) within which the project site lies.
 - (11) Notification from IDEM, soil and water conservation district (SWCD), or MS4 (for projects regulated by a MS4) as the plan reviewing authority indicating

that the construction/stormwater pollution prevention plan has been reviewed and is accepted as adequate, including the name of the plan reviewer and the plan review authority the reviewer represents.

- (A) When the review is not completed within timeframes established in Section 4.3, documentation of the delivery date of the plan to the plan reviewing authority is acceptable to meet this requirement.
 - (B) Verification of plan review of an acceptable plan may be used for renewal of permit coverage or for continuation of permit coverage provided the original boundaries of the project are not being expanded by one (1) acre or more. Expansion beyond one (1) acre or more at the time of renewal will require new permit coverage for the project expansion.
- (12) A reduced project site map for all phases or sections of the project site (multiple sheets may be submitted to meet this requirement) and includes:
- (A) The boundaries of each phase, section, or other divisions of the project site that is associated with the construction activity and as represented in the construction plans/stormwater pollution prevention plan.
 - (B) When applicable, the lot numbers, lot boundaries, and road layout, and road names.
 - (C) A legend.
- (13) A written certification by the project site owner that:
- (A) The public has been notified of the intent to obtain stormwater construction general permit coverage for land-disturbing activities utilizing one of the options outlined in Section 5.2.
 - (B) A notice will be posted on the project site prior to land disturbance as required by Section 3.3 (a)(13).
 - (C) The stormwater quality measures included in the stormwater pollution prevention plan comply with the requirements of this permit.
 - (D) The measures required by Section 3.0 of this permit will be implemented in accordance with the stormwater pollution prevention plan (SWP3).
 - (E) Stormwater quality measures beyond those specified in the SWP3 will be implemented during the life of the permit when necessary to comply with Section 3.0 of this permit.
 - (F) Implementation of stormwater quality measures will be inspected by trained individuals.

5.4 Deadlines for NOI Submittal

After the project site owner has received notification of acceptance of the construction plan/SWP3 from the plan reviewing authority, a complete NOI must be submitted to the commissioner.

- (a) For a new project, the NOI must be submitted at least 48 hours prior to any land disturbance.
- (b) For a project that has existing, effective coverage under the Construction Stormwater General Permit (CSGP) issued on December 18, 2021, the existing coverage shall automatically be extended, provided that the permittee takes one of the following actions within ninety (90) days following the date that the commissioner makes the NOI form available to the permittee.
 - (1) The project site owner submits a new NOI in accordance with this Section to affirm their intention to comply with the requirements of this general permit.
 - (2) The permittee submits a NOI - Continuation of Coverage, unless otherwise directed by the commissioner to submit a new NOI. By submitting a NOI - Continuation of Coverage, the permittee agrees to operate under the new general permit, including all applicable performance requirements. The effective dates for the project as established under the previous permit will remain in effect and must be renewed ninety (90) days prior to the established expiration date. Permittees that submit a NOI - Continuation of Coverage must comply with the CSGP. Projects that currently have permit coverage under the CSGP were developed under specific requirements, and it is not the intent of the department to require extensive modifications to the design elements. Following is a list of items that are applicable to a permittee applying for continuation of coverage:
 - (A) Section 3.0 Performance Standards including:
 - 1) 3.0 (a), 3.0 (c), and 3.0 (d)
 - 2) 3.1 (a)(1) through (4)
 - 3) 3.2 (a)(1) through 3. 2 (a)(7)
 - 4) 3.3
 - 5) 3.4
 - 6) 3.5
 - 7) 3.6
 - 8) 3.7
 - 9) 3.8
 - 10) 3.9
 - 11) 3.10
 - (B) The construction/stormwater pollution prevention plan is not required to be updated for new design elements that are listed in the CSGP.

- (C) The performance standards that apply to continuing coverage and are procedural may require modifications to operating procedures. The permittee must update their procedures within 30 days of applying for continuation of coverage.
- (3) The permittee notifies IDEM in writing of its intent to terminate general permit coverage in accordance with Section 6.0.
- (4) The permittee submits an individual NPDES application or modification to IDEM for the existing discharge permitted by the former general permit rule. In such cases, the general permit coverage will remain in effect until the effective date of coverage under an individual NPDES permit.
- (c) A copy of the completed NOI, once submitted to IDEM, must also be submitted to the plan review authority (SWCD(s) and/or MS4(s)) where the construction/land-disturbing activities are to occur.

5.5 NOI Renewal

- (a) Coverage under this general permit is granted by the commissioner for a period of five (5) years from the date coverage commences.
- (b) Once the five (5) year term duration is reached, coverage issued under this general permit will be considered expired, and for construction activity to continue, a new NOI must be submitted in accordance with Section 5.0
- (c) To obtain renewal of coverage under this general permit, the information required under Section 5.2 and 5.3 must be submitted to the commissioner ninety (90) days prior to the expiration of coverage under this general permit, unless the commissioner determines that a later date is acceptable.

5.6 NOI Amendments

- (a) An amendment for coverage is required when:
 - (1) The name of the project has changed.
 - (2) The project personnel (individual representing the projects site owner and/or project contact) identified in the NOI have changed.
 - (3) The original boundaries of the project are being expanded, and the total cumulative expansion is less than one (1) acre. Project expansion thresholds at one (1) acre disturbed and above require new permit coverage with the exception of the provision in 5.5 (b) below.
 - (4) Land disturbance identified in the construction/stormwater pollution prevention plan and within the original project boundaries cumulatively expands less than one (1) acre.
 - (5) A portion of the overall project site is sold or transferred to a new owner.
 - (A) The current permittee must submit a NOI Amendment to IDEM including:
 - 1) Updated total and disturbed project acreage following the transfer/sale.

- 2) Contact information for the new owner(s), including the name of the company/individual, phone number, and email.
 - 3) The portion(s) of the project site being sold specifically designated by section, phase, etc. that is represented on the plans and the active NOI.
- (B) The new owner must submit an initial NOI to IDEM in accordance with Section 5.0 for the portion(s) of the overall project site which they are purchasing. The new owner must provide a plan review for the newly obtained area in accordance with 1) or 2) below:
- 1) Use the existing construction/stormwater pollution prevention plan review obtained by the original permittee.
 - 2) Develop a new construction/stormwater pollution prevention plan that represents planned activities for the area, including a plan review.
- (b) IDEM may grant an amendment for permit coverage based on a written request from the project site owner demonstrating extenuating circumstances that warrant an amendment to an existing permit in lieu of submitting a new NOI.

5.7 Submitting the NOI and Processing Fee

The NOI and all supporting documents must be submitted online through the Regulatory ePortal.

If an individual or entity does not have the ability to submit NOIs or NOTs electronically, the applicant/permittee may request an exemption from the requirement which must include the justification of the inability to utilize an electronic filing system.

Submit hard copies to this address:

Indiana Department of Environmental Management
Office of Water Quality, Stormwater Program
100 North Senate Avenue
IGCN, 12th Floor
Indianapolis, Indiana 46204-2251

5.8 NOI Review

When the NOI is determined to be deficient by IDEM, the project site owner or their representative must address the deficient items and submit a revised NOI to the department within fourteen (14) calendar days of receipt of the deficiency notification. Upon notification that a NOI is deficient:

- (a) Land disturbance may not commence.
- (b) Failure to respond may result in the application being rejected and permit coverage not being issued.

6.0 NOTICE OF TERMINATION (NOT)

6.1 NOT Requirement

A permittee must request termination of coverage under this general permit when discharges of stormwater associated with the construction activity and land disturbance have ceased. In order to do so, the permittee must complete and submit a notice of termination (NOT) including a signature as required by 40 CFR 122.22.

6.2 NOT Content

- (a) The notice of termination (NOT) must include:
 - (1) The name of the project as it appeared on the NOI.
 - (2) The NPDES permit authorization number assigned to the project by IDEM.
 - (3) The location of the project.
 - (4) The acreage associated with the project as it appeared on the initial NOI or acceptable NOI amendments.
 - (5) The name of the permittee.
 - (6) Permittee contact information, including the name of the company and/or corporation, when applicable, address, phone number, and email address.
 - (7) Date the site was determined to eligible for termination in accordance with Section 6.4.
 - (8) A certification statement acknowledging eligibility for termination, based on the requirements for the type of termination in accordance with Section 6.4.
 - (9) The date, if required, when verification for termination eligibility was performed including a copy of the document. Determination of eligibility by IDEM or by a representative of a municipal separate storm sewer system (MS4), is required when:
 - (A) It is a requirement of compliance, an agreed order, or an enforcement settlement.
 - (B) The project is within and regulated by a local MS4. Verification of termination eligibility must be in accordance with one of the following items:
 - 1) The MS4 or their representative completes an inspection and verifies that project is eligible for termination based on Section 6.4 (b).
 - 2) The permittee requests a determination from the MS4 that the project is eligible for termination. The determination must be based on the conditions outlined in Section 6.4 (b). The MS4 must complete one of the following within fifteen (15) business days of a written request from the permittee.
 - a) Issue a certification statement if the permit coverage is eligible for termination

- b) Issue a response if the permit coverage is ineligible for termination, including the reason(s) for ineligibility. The NOT may not be submitted until the MS4 verifies that the project is eligible for termination of permit coverage.
- 3) If the permittee does not receive a response from the MS4 within fifteen (15) business days with a determination regarding eligibility for termination of permit coverage, the permittee may submit their correspondence as an attachment with the NOT application. The NOT is the certification of the permittee that the project meets the eligibility requirements in Section 6.4.

6.3 NOT Conditions

- (a) The permittee must plan an orderly and timely termination of the construction activities, including the implementation of permanent stormwater management measures that are to remain on the project site.
- (b) After a NOT has been received, maintenance of the remaining stormwater management measures will be the responsibility of the individual lot owner or occupier of the property, unless a contractual agreement exists for another entity such as a municipal separate storm sewer system (MS4) to take responsibility for the measures.

6.4 Procedures for NOT Submittal

- (a) Where a project site has coverage under this general permit and a MS4 has regulatory authority for that project, the permittee must obtain verification of eligibility per this permit to terminate from the MS4 (refer to Section 6.2 (a)(9)(B)) prior to submittal of the NOT.
- (b) The permittee must submit a NOT to the department and a copy to the MS4 in accordance with the following:
 - (1) Except for the options provided in (2) or (3) below, the permittee must submit a Completion of Construction NOT if either of the conditions in (A) or (B) apply:
 - (A) The project has obtained permit coverage, and land disturbance has been completed. A Completion of Construction NOT may be submitted provided each of the following conditions have been met:
 - 1) All land-disturbing activities, with the exception of activities identified in Section 3.4 (b)(1)(B), 3.4 (b)(1)(C), and 3.4 (b)(1)(D), including construction on all building lots, have been completed and the entire site has been permanently stabilized in accordance with Section 3.4 (b).
 - 2) All temporary erosion and sediment control measures have been removed and permanent stormwater management measures have been installed and are operational.

- 3) All discharges of potential pollutants associated with active construction and pollutant-generating activities have ceased.
- 4) All construction materials, waste, waste handling devices, equipment and vehicles have been removed.
- (B) The project has obtained permit coverage, but land disturbance has not been initiated and will not occur under permit coverage obtained for this project.
- (2) The permittee of a multi-lot development that includes residential building lots or out lots associated with a commercial/industrial project may be eligible to obtain early release from permit coverage when each of the following conditions are met:
 - (A) All land-disturbing activities have been completed and the entire project site meets the performance criteria for final stabilization as required by Section 3.4(b), with the exception of individual residential building lots or commercial/industrial out lots that have active land disturbance at the time of the request to terminate.
 - (B) The remaining undeveloped acreage, including lots under construction, must not exceed five (5) acres, with contiguous areas not exceeding one (1) acre (applies to residential projects only).
 - (C) A NOT is submitted with a map of the entire project site, clearly identifying all remaining undeveloped lots and acreage of each, including those under construction. The submittal must be accompanied by a list of names and addresses of individual lot owners or individual lot operators for each lot that is idle or currently being built upon.
 - (D) All public and common improvements, including infrastructure and common areas, have been completed and have been transferred to the local entity.
 - (E) Any required permanent stormwater management measures common to the overall development have been installed and are operational.
 - (F) The planned disturbance of remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
 - (G) Following acceptance of the NOT from IDEM for early release, the permittee must notify all current individual lot owners and all subsequent individual lot owners of the following:
 - 1) The requirement to install and maintain erosion and sediment control measures that minimizes the discharge of sediment and other pollutants from leaving the individual building lot.
 - 2) Their responsibility to maintain all erosion and sediment control measures that are to remain on-site.

- 3) Permanent stormwater management measures common to the overall project are not intended to be the primary construction site sediment control measure(s).
 - 4) Permit coverage and the submittal of a NOI is required under the CSGP, regardless of lot size for all commercial/industrial out lots in accordance with Section 3.10.
 - 5) Permit coverage and submittal of a NOI by the project site owner/operator of an individual residential lot is not required unless notified by IDEM, in accordance with Section 3.8.
- (3) When a project is sold to a new owner or operator, the permittee must terminate permit coverage by applying for a change of ownership. The following conditions apply:
- (A) A change of ownership only applies to the sale and/or transfer of the entire project area that has permit coverage.
 - (B) The seller must submit a NOT to IDEM that includes:
 - 1) The date that the sale and/or transfer will take effect.
 - 2) Contact information for the new owner, including the name of the company/individual, phone number, and email.
 - (C) The new owner must submit an initial NOI to IDEM in accordance with Section 5.0 for the project site which they are purchasing. The new owner must provide a plan review for the newly obtained area in accordance with 1) or 2) below:
 - 1) Use the existing construction/stormwater pollution prevention plan review obtained by the original permittee.
 - 2) Develop a new construction/stormwater pollution prevention plan that represents planned activities for the area, including a plan review.
- (c) A permittee that requests termination and is found to be ineligible may be returned to permit coverage and/or subject to civil penalties.

7.0 ADDITIONAL REQUIREMENTS

7.1 Standard Conditions for General Permits

The following standard permit conditions are incorporated by reference, as applicable to general permits.

Standard Conditions	Federal Regulatory Cite
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)
e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 CFR 122.42(a)

7.2 Planned Changes in Project or Discharge

The permittee must give notice to IDEM no later than thirty (30) days prior to the initiation of any physical alterations or additions to the permitted facility that will or may:

- (a) result in a discharge from a point previously not identified in the NOI;
- (b) result in the facility meeting one of the criteria for determining whether the facility is a new source as defined in 40 CFR 122.29(b);
- (c) change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to performance standards in the general permit, or to notification requirements under 40 CFR 122.42(a)(1); or
- (d) change the amount or frequency of the discharge.

Changes resulting in the addition (item (a) above) or deletion of a discharge point will necessitate the submission of a new NOI requesting this amendment, along with the appropriate fee in accordance with IC 13-18-20-12.

7.3 Other Information

When the permittee becomes aware of a failure to submit any relevant facts or the submission of incorrect information in an NOI or any report, the permittee must promptly submit such facts and/or corrected information to the commissioner.

The permittee must promptly provide to IDEM written notice of any changes to items listed on the NOI. These would include:

- (a) any changes in contacts or responsible party;
- (b) any changes to addresses- mailing address or email address- for any contact or responsible party;
- (c) any changes to telephone numbers for any contact person or responsible party;
- (d) any changes involving the person or position with delegated signature authority for any forms or reports required by this general permit as set forth in Section 5.4 and 5.5 of this general permit.

7.4 Effect of Noncompliance

All discharges must be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws, the Clean Water Act and IC 13 and is grounds for enforcement action, termination of coverage under the permit, requirement of an individual permit, and/or denial of permit coverage renewal.

When IDEM or the U.S. EPA determines that the performance standards contained in Section 3.0 of this general permit are not being met consistently, or that the discharge is causing or contributing to an excursion above any applicable water quality standard, the permittee may be notified by the commissioner in writing that an individual permit application is necessary.

7.5 Reporting Spills and Noncompliance

When the permittee observes or is otherwise made aware of any permit noncompliance or any adverse incident that may have resulted from a discharge from the permitted facility, the permittee must notify the IDEM Spill Line at (888) 233-7745 or (317) 233-7745.

The permittee must monitor for, identify, and report to IDEM any adverse incidents (including spills and leaks) which reach any surface water of the state.

7.6 Individual or Alternative General NPDES Permit

- (a) IDEM may require a person to obtain an individual NPDES permit or an alternative general permit in accordance with the provisions of 327 IAC 15-2-9 or 40 CFR 122.28(b)(3).
- (b) Any discharger authorized for coverage under this general permit may apply for coverage under an individual NPDES permit by submitting an individual NPDES application or modification to IDEM.

7.7 Records Retention

All records and information must be retained by the permittee for a minimum of three (3) years. All records must be kept by the permittee in such a manner that the reports will be readily available for IDEM compliance staff review. The three-year retention requirement will be extended:

- (a) automatically during the course of any litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- (b) as requested by the Regional Administrator of U.S. EPA or the commissioner.

7.8 Reopening Clause

- (a) This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any mandated federal requirement.
- (b) When this general permit is modified or revoked and reissued all persons regulated under it will be notified by IDEM. Those persons notified under this Section must, within one hundred twenty (120) days of the receipt of notification:
 - (1) submit a complete NOI containing the information required under the modified or reissued permit; or
 - (2) apply for an individual NPDES permit; or
 - (3) submit a notice of termination (NOT) of discharge.

7.9 State and Local Laws

Coverage under this permit does not preempt any duty to obtain any other state, or local authorization required by law for the discharge or for the construction or operation of the facility from which a discharge is made. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.

Appendix A:

Clarification of land-disturbing activities and the applicability to obtain permit coverage.

- (a) Specific activities will require permit coverage and notice of intent (NOI) based on land disturbance. Other land-disturbing activities will require compliance with conditions of this permit or may allow land-disturbing operations to occur under an existing permit for the overall development. These activities are defined below and apply to:
 - (1) Land disturbance on a multi-lot project must be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot. The expected land disturbance for an individual lot must be calculated for:
 - (A) A single-family residential project site where the lot(s) are one-half (0.5) acre or more in total size, as one-half (0.5) acre of land disturbance.
 - 1) In lieu of calculating one-half (0.5) acre of land disturbance per lot, the developer or operator of the multi-lot, single-family residential project may propose site-specific calculations for lot disturbance based on the planning for the project and submit them to the regulatory authority for concurrence.
 - (B) A single-family residential project site where the lot(s) are less than one-half (0.5) acre in size, as the actual lot size.
 - (C) All other types of project sites, such as industrial and commercial project sites, must use the actual lot size when calculating land disturbance. However regardless of lot size (larger common plan), these sites (Refer to Section 3.10) are still required to obtain permit coverage.
 - (2) A single-family residential lot (not part of a multi-lot project) must obtain permit coverage if the projected land disturbance is one (1.0) acre or more.
 - (3) Off-site construction activities with a projected land disturbance of one (1) acre or more that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site when the activity is not under the control of the project site permittee must obtain permit coverage.
 - (4) Residential strip developments are considered multi-lot projects and are required to obtain permit coverage. To determine applicability of coverage the following options apply:
 - (A) When improvements are made to the property in preparation for development and the total projected land disturbance for the entire development, including each building lot is one (1) acre or more based on the calculation in Appendix A (1)(A) and (B), the overall operator that made improvements in preparation for the sale of lots must obtain permit coverage. Upon sale of the individual lots, the permittee must notify each individual lot owner and/or individual lot operator of the requirements of this permit, specifically Section 3.8.
 - (B) The individual that owns the parcels of platted lots does not make improvements and only sells the lots is not required to obtain permit coverage.

Upon sale of the lots, the lot operator of one or more lots must obtain permit coverage and must develop a lot specific stormwater pollution prevention plan (SWP3) in accordance with Section 3.8 of this permit.

- (5) Project site access roads and borrow, disposal, and soil stockpile areas that are associated with a permitted project and are located off the permitted site, must utilize the following criteria to determine if permit coverage is required:
 - (A) When the activities are located off-site and at a site or facility that has an NPDES permit that addresses stormwater run-off, the project site owner does not have to obtain permit coverage.
 - (B) When the off-site area is associated with an active construction stormwater permit and is owned and/or operated by the permittee, a new construction stormwater general permit is not required, provided the area(s) have been identified in the original construction plans and the acreage has been identified in the notice of intent (NOI).
 - (C) When activities are located at an off-site property and are operated by the contractor, the contractor must obtain permit coverage.
 - (D) When the contractor/project site owner offers for sale or transport to another location or delivers material and does not manipulate and/or place the material as part of an activity to construct or distribute the soil material for a specific purpose, the entity or property owner in receipt of the material must obtain permit coverage provided the operation meets the disturbance thresholds of this permit.
 - (E) When the operation is an independent activity for the purpose of selling/providing soil material the activity requires permit coverage provided the operation meets the land disturbance thresholds of this permit.
- (6) Land-disturbing activities for the construction of the following agricultural operations must obtain permit coverage:
 - (A) Barns.
 - (B) Buildings to house livestock.
 - (C) Roads associated with infrastructure.
 - (D) Agricultural waste lagoons and other facilities.
 - (E) Lake, ponds and impoundments.
 - (F) Wetlands constructed voluntarily or as mitigation.
 - (G) Other infrastructure.
- (7) Utility projects that will result in land disturbances equal to or greater than one (1) acre must obtain permit coverage. Calculation of land disturbance must include an estimation for staging areas, new access roads, and the area necessary to work on a pole or junction.
 - (A) Land disturbance does not include:
 - 1) Vehicle travel between distinct areas through agricultural land that is in row crop production.

- 2) Sections covered by protective mat (timber or synthetic materials) that will be restored to pre-construction land use.
- (B) For projects that are not required to obtain permit coverage, storm-water management measures must be implemented on site to protect waters of the state
- (8) Facilities that have NPDES general permit coverage or an individual permit that includes stormwater requirements must utilize the following criteria to determine if construction stormwater permit coverage is required from the department.
 - (A) Land disturbances of one (1) acre or more that are planned or projected, require the facility to obtain coverage under this permit.
 - (B) Land disturbances of less than one (1) 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 stormwater pollution prevention plan prior to land disturbance. The modification to the plan must:
 - 1) Meet the intent of this permit and address all pollutants, including sediment that is associated with the land disturbance.
 - 2) Document when land disturbance for each activity is initiated.
 - (C) When incremental land-disturbing activities are planned or occur within the existing facility boundaries identified in the industrial permit for the facility which will cumulatively result in one (1) acre or more disturbance in a twelve (12) month period (the 12 months is based on the first initiation of land disturbance), coverage under this permit will be required in accordance with the following:
 - 1) When the projected acreage of the incremental disturbance is known prior to initiation of construction, the facility operator is required to obtain permit coverage.
 - 2) When the projected acreage of the incremental disturbance is not known at the time of the first initiation of land disturbance, the facility operator is required to obtain permit coverage for the final activity that meets or exceeds the one (1) acre threshold regardless of the acreage size.
- (b) Land disturbance associated with off-road recreational commercial operations require permit coverage for initial land-disturbing activities or expansion of an existing operation where one (1) acre or more of land is disturbed. The following provisions apply to these facilities and their operations:
 - (1) Off-road recreational facilities must maintain all sediment control measures that are designed to capture sediment from the final established track layout at the time of termination of permit coverage.
 - (2) Discharges of sediment or other pollutants once operations commence may require continued permit coverage or a new permit.

Appendix B

Buffer Preservation Requirement:

Section 3.1 (a) (5) contains a requirement that specifically targets the preservation of natural buffers to promote infiltration and protect water quality. Appendix B has been provided to clarify and to assist engineers, developers, contractors, and regulatory staff in understanding this requirement and to ensure consistent implementation within Indiana.

Buffers are critical to the protection and enhancement of water resources. Buffers minimize the discharge of pollutants into aquatic environments as well as mitigate and/or control point and nonpoint source pollution by increasing infiltration. Natural buffers are complex ecosystems that help provide food and habitat for stream communities. Buffers comprised of trees also provide shading to the aquatic resource by lowering the water temperature, providing bank stability, and improving habitat.

A natural buffer may include vegetation such as trees, shrubs, and/or grasses that are immediately adjacent to a stream, lake, or wetland. These natural areas may also include exposed rock, overflow channels, or barren earth that existed prior to land-disturbing activities. For purposes of administering the CSGP, the following criteria are provided to clarify the scope of the buffer preservation requirement. The "Natural Buffer" is an existing (prior to land disturbance) undisturbed area adjacent to or surrounding surface waters within which construction activity is restricted.

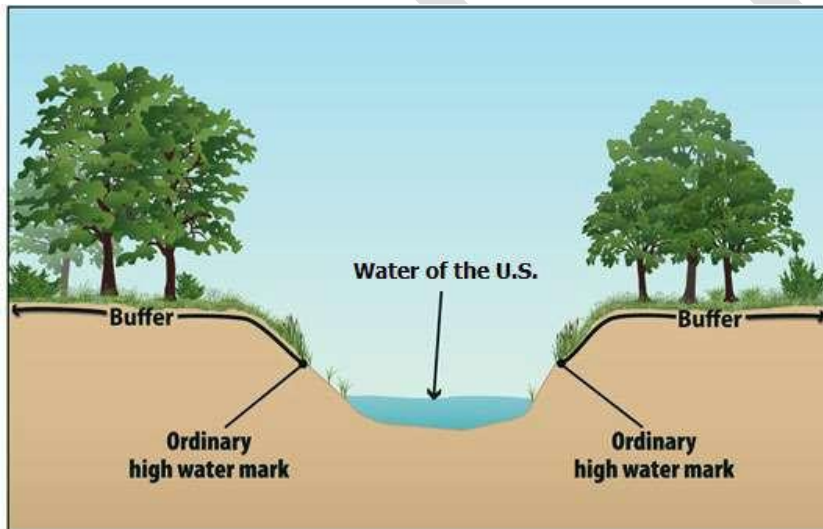
- (a) Preservation of a buffer on a project site applies to natural buffers adjacent to Waters of the United States as determined by the U.S. Army Corps of Engineers (USACE):
 - (1) Ephemeral, intermittent and perennial streams with a defined bed and bank.
In lieu of obtaining a jurisdictional determination by the USACE, refer to a USGS Topographic map for water courses indicated by a solid blue line or three dot and/or dash intermittent symbol/line.
 - (2) Natural lakes.
 - (3) Reservoirs.
- (b) Natural buffer criteria:
 - (1) Natural buffers may include:
 - (A) Areas of trees, saplings, shrubs, and/or undergrowth.
 - (B) Native species.
 - (C) Non-native species if they provide ground cover or other ecological value to the water resource.

- (2) The natural buffer must contain trees and/or woody vegetation and have the following characteristics:
- (A) Has trees and/or woody vegetation with a dbh (trunk diameter at 4.5 feet above the ground level) of three (3) inches or more.
 - (B) Thirty percent or greater aerial coverage by tree canopy¹.
 - Examples:
 - *A buffer area with 30% aerial coverage of trees over a shrub layer with a 60% aerial coverage would be required to be preserved.*
 - *An area with 20% aerial coverage of trees over the same (60%) shrub layer would not be required to be preserved.*
 - (C) Buffer is contiguous along a fifty (50) foot linear section of stream.
 - Examples:
 - *A buffer area extends along a one hundred (100) foot linear section of stream. If fifty (50) feet of the buffer area is contiguous forested buffer and 50 feet of the buffer area is a farm field, only the fifty (50) feet of forested buffer would be required to be preserved.*
 - *A buffer area extends along a one hundred (100) foot linear section of stream. If forty (40) foot of the buffer area is forested buffer and 60 feet of the buffer area is a farm field, the buffer is not required to be preserved.*
 - (D) Buffer does not have breaks in tree canopy cover of fifty (50) feet or more.
 - Examples:
 - *Along a two hundred (200) foot linear section of stream, if a forested buffer extends for eighty (80) feet, followed by a forty (40) foot linear section of farm field buffer, followed by another eighty (80) foot linear section of forested buffer, the entire two hundred (200) foot buffer is required to be preserved and the forty (40) foot linear section of farm field buffer must be stabilized and maintain contiguity with the adjacent forested buffer sections.*
 - *Along a two hundred (200) foot linear section of stream, if a forested buffer extends for seventy (70) feet along the stream, followed by a sixty (60) foot linear section of farm field buffer, followed by another seventy (70) foot linear section of forested buffer, the two (2) linear sections of forested buffer are required to be preserved, but the sixty (60) foot linear section of farm field buffer is not required to be preserved.*

¹ Cowardin, L. M., V. Carter, F. C. Golet, E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. Jamestown, ND: Northern Prairie Wildlife Research Center Online.
<http://www.npwrc.usgs.gov/resource/wetlands/classwet/index.htm> (Version 04DEC1998).

(c) Buffer width:

- (1) If a natural buffer area exists and is 50 feet or greater in width prior to land disturbance associated with the project, at least 50 feet of the natural buffer area is required to be preserved.
- (2) If a natural buffer area exists and is less than 50 feet in width prior to land disturbance associated with the project, the natural buffer is required to be preserved in its entirety.
- (3) The buffer width should be measured perpendicularly from the ordinary highwater mark (OHWM) of the waterbody. The OHWM is the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, absence destruction of terrestrial vegetation, and/or the presence of litter and debris.
 - For example, if the buffer is 100 foot in width from the OHWM, only 50 feet of that buffer is required to be preserved.



- (4) Maintain the full width of the natural buffer (or as much as feasible) to maintain ecological function and water quality benefits in areas where there are known sources of pollutants and/or unique landform features, such as steep slopes and areas of high erosion potential.
- (5) The buffer in its entirety should be delineated in the SWP3 including those buffers that will be preserved. If the proposed land disturbance or infrastructure encroaches on the buffer, the SWP3 should clearly show where the buffer will be preserved in other areas to accommodate the loss.

(d) Planning and preparation:

- (1) Identify water resources on the project site.
- (2) Identify the areas that are considered buffers and begin to layout the project, including roads, lots, and other infrastructure taking into consideration the buffers. Buffers that exist prior to development should be evaluated in the planning stage.
 - (A) If land disturbance is planned or the project footprint is on both sides of the stream or waterbody, the buffer must be preserved on both sides of the feature. If land disturbance and the project footprint is restricted to one side, the buffer only needs to be preserved on that side.
 - (B) If part of the buffer area adjacent to the waterbody is owned by another party and is not under control/ownership of the project site owner, the project site owner is only required to protect and preserve that area under the project site owner's control.
 - (C) If the project is not adjacent to the waterbody but within the 50-foot buffer, the area of the project within the 50-foot buffer is subject to the requirement to preserve the buffer.
- (3) An assessment of vegetative cover can be completed as part of a desktop review of the most recently available leaf-on aerial imagery or a field assessment. Only a field assessment can be used to verify scrub shrub versus tree canopy vegetative cover.
- (4) Where the layout does not allow preservation of a portion of the buffer, the planner may increase the width of the buffer in other locations to compensate for the loss.
- (5) Activities that will require a Section 401 Water Quality certification/404 permit, state regulated wetland permit, or DNR Construction in a Floodway permit are authorized to be excluded from the buffer requirement. Appropriate permit coverage and/or authorization must be obtained prior to the impact. The exclusion applies to the impact area only and not the entire buffer.
- (6) Existing natural buffers must not be utilized as a stand-alone sediment control measure during construction. Sediment control measures should be avoided in the preserved buffer area. Sediment control measures must be installed in locations between a disturbed area and the buffer to minimize sediment discharges to the buffer.
- (7) Lots that are part of a larger common plan of development or sale must preserve the natural buffer areas identified by the primary permit holder for the overall development. The natural buffer preservation area should be included in the individual lot plan portion of the SWP3.
- (8) The installation of permanent stormwater management measures within the buffer should be avoided unless it is infeasible to place in another location. The intent is not to replace a buffer in its entirety with a permanent measure, but to preserve the

buffer. The existing buffer may be enhanced to further function as a component of a treatment train.

- (9) Additional assistance in making a determination for the buffer requirement may be directed to the IDEM Stormwater Program (Stormwat@idem.IN.gov) or the local Municipal Separate Storm Sewer System (MS4) that has jurisdiction for the planned project.
- (e) Any existing structures or impervious surfaces, including those areas used for maintenance access, that occur in the buffer may remain provided the remaining vegetated area is protected from further land-disturbing activities.
- (f) Specific activities may qualify as an exclusion from the requirement to preserve an existing buffer. These items may eliminate the requirement for the entire buffer or for a portion of the buffer and take into consideration the feasibility of preservation, including economic limitations. Activities that are exempt from the buffer preservation requirement include, but are not limited to:
 - (1) Activities such as crossings for roads or utilities are exempt from the buffer preservation requirement. The planned activity must consider the following:
 - (A) The project must be designed to minimize the number of crossings and the width of the disturbance for each crossing within the buffer area.
 - (B) The width of the disturbance associated with a road and/or utility crossing should be limited to standards associated with safety and right-of-way requirements that allows for long-term maintenance. For the installation of utilities, the disturbed area must be stabilized with permanent vegetative cover that allows for maintenance of the utility. Stabilization of the area does not require restoration to the original cover.
 - (2) Stormwater conveyances and outfalls are allowed to impact the buffer and must be designed to minimize the width of disturbance and impact to the buffer.
 - (3) Construction of water-dependent structures such as boat ramps are excluded from the buffer requirement. Construction must minimize the width of the disturbance within the buffer area.
 - (4) Buffer areas created as agricultural filter strips on farmland adjacent to water resources are not required to be preserved. Although these areas are not required to be preserved, due to their water quality benefits, plan designers are encouraged to utilize these existing features as a filter strip during construction to complement other erosion and sediment control measures and as a permanent stormwater management measure. Proposed use of these measures must be incorporated into the SWP3.
 - (5) Foot trails/people paths whether they be impervious or pervious in nature may be established within the buffer area with minimal impact to the buffer.
- (g) If sediment control measures fail and sediment is discharged into the preserved buffer area, the sediment discharge should be removed with minimal impact to the buffer, and the sediment control measures should be repaired and/or replaced.

Appendix C
Definitions:

The following definitions are specific to this permit.

- (1) "Agricultural conservation practices" means practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation. These practices include, but are not limited to grass waterways, sediment basins, terraces, and grade stabilization structures.
- (2) "Agricultural land-disturbing activity" means tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural subsurface drainage tile.
- (3) "Borrow area" means areas where materials are excavated for use as fill.
- (4) "Business day" means Monday through Friday excluding holidays.
- (5) "Cementitious wash water" means water generated by cleaning or rinsing equipment, tools, vehicles, or other surfaces used in mixing, transporting, placing, or finishing concrete, mortar, grout, stucco, or other cement-containing materials, where the water contains suspended or dissolved cementitious constituents. Such water may exhibit elevated pH and may contain other pollutants depending on the materials and processes involved.
- (6) "Commissioner" refers to the commissioner of the department.
- (7) "Concrete washout" means the cleaning or rinsing of equipment, including concrete mixer truck chutes, concrete pumps, paving equipment, hoppers, wheelbarrows, and hand tools that generates wastewater containing cementitious constituents. Concrete washout does not include the collection or recovery of unused concrete as a solid or plastic material for beneficial use or recycling, provided that the activity does not result in an unauthorized wastewater discharge.
- (8) "Construction activity" means land-disturbing activities and land-disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.
- (9) "Construction plan" means a plan that identifies the overall project site layout and all proposed land improvements, including but not limited to infrastructure, underground and overhead utilities, location of buildings and structures, paved areas, landscaped areas, and incidental construction. The construction plan includes a stormwater management component stormwater management measures and structures.
- (10) "Construction site access/entrance" means a stabilized surface (stone, commercial products and/or alternatives) utilized at all points of ingress or egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

- (11) "Construction support activity" means an activity that specifically supports the project and involves land disturbance and/or activities that may result in pollutant generating activities on their own. These activities include but are not limited to concrete or asphalt batch plants, staging areas, material storage areas, disposal sites, and soil stockpile areas.
- (12) "Construction waste" means discarded materials including packaging materials, electrical cuttings, plastics, styrofoam, and scrap construction materials including, shingles, timber, steel, and pipe.
- (13) "Contractor" or "subcontractor" means an individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.
- (14) "Conveyance" means combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity including:
 - a) Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;
 - b) Natural stormwater conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or
 - c) Restored stormwater conveyance system means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.
- (15) "Debrushing" means controlling and removing woody vegetation with no or minimal disturbance of soil.
- (16) "Demolition" means solid waste resulting from the demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete.
- (17) "Department" refers to the department of environmental management.
- (18) "Developer" means:
 - a) any person financially responsible for construction activity; or
 - b) an owner of property who sells or leases, or offers for sale or lease, any lots in a multiple lot project.
- (19) "Dewatering" means the act of draining rainwater and/or ground water from excavations, stormwater measures, building foundations, vaults, and trenches.
- (20) "Ditch maintenance" means to restore a conveyance system to its originally constructed channel capacity and to perform the function for which it was originally constructed as defined in IC 36-9-27. Maintenance includes:
 - a) cleaning (removal of accumulated sediments, de-brushing, and mowing),
 - b) spraying,
 - c) removing obstructions,

- d) conducting minor repairs
- (21) “Domestic waste” means typical household trash, garbage or rubbish.
- (22) “Erosion” means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- (23) “Erosion control measure” means a practice that protects exposed soil from being detached and transported by wind, water, or mechanical disturbance. These practices prevent erosion and focus on stabilizing soil surfaces, reducing the energy of rainfall impact and flowing water, and maintaining vegetative and/or structural cover to ensure soil is not detached.
- (24) “Erosion and sediment control measure” means a practice, or a combination of practices, to control erosion and resulting sedimentation.
- (25) “Erosion and sediment control system” means the use of erosion, run-off, and sediment control measures utilized to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged.
- (26) “Filter strip” means an area of undisturbed or planted vegetation used to retard or collect sediment for the protection of watercourses, reservoirs, or adjacent properties.
- (27) “Grading” means the cutting and filling of the land surface to a desired slope or elevation.
- (28) “Impaired water” means any waterbody included on IDEM’s current 303(d) list.
- (29) “Impervious surface” means any land surface with a low or no capacity for soil infiltration, including, but not limited to pavement (sidewalks, streets, parking areas, and driveways), packed gravel or soil, and rooftops.
- (30) “Individual building lot” means a single parcel of land within a multi-parcel development.
- (31) “Individual lot operator” means a builder, contractor or subcontractor working on an individual lot.
- (32) “Individual lot owner” means a person who has a financial interest in the construction activities for an individual lot.
- (33) “Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices
- (34) “Infiltration” means the process by which surface water enters the soil and recharges streams, lakes, rivers, and underground aquifers. Stormwater infiltration is a fundamental component of the water cycle and is a centerpiece of stormwater management strategies.
- (35) “Inspection authority” means the department or other entity designated by the department to administer this permit.
- (36) “Land-disturbing activity” means any manmade change of the land surface including but not limited to removing vegetative cover that exposes the underlying soil, excavating, filling, and grading.
- (37) “Landscape maintenance” means soil disturbance, excluding grading, cutting or filling, that is associated with killing existing vegetation to restore a lawn, seedbed preparation

for establishing new lawns or planting sod, applying landscape mulch, or planting ornamental shrubs, trees, or other plantings.

- (38) “Larger common plan of development or sale” means a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land must be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.
- (39) “Measurable storm event” means a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall within a 24-hour period, unless otherwise specified as a condition of this permit. A measurable storm event excludes an accumulated snow event.
- (40) “Natural buffer” means an existing (prior to land disturbance) undisturbed area adjacent to or surrounding Waters of the United States (for purposes of the permit) within which construction activity is restricted.
- (41) “Natural Vegetation” means “vegetation that occurs spontaneously without regular management and/or maintenance. This definition also includes mitigation sites.
- (42) “Non-stormwater discharges” means discharges that do not originate from storm events. These discharges include, but are not limited to process water, air conditioner condensate, non-contact cooling water, sanitary waste, concrete washout water, paint wash water, irrigation water, or pipe testing water.
- (43) “Off road” means an operation or facility that is designed for vehicular recreational use.
- (44) “Permittee” means the individual or entity required to obtain a permit coverage as defined by Project Site Owner.
- (45) “Phasing” means sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.
- (46) “Plan review authority” means an entity that is authorized to evaluate the completeness and requirements of a plan including the department and other entity designated by department including a MS4 or SWCD acting on behalf of IDEM or a MS4.
- (47) “Project site” means the entire area on which construction activity is to be performed.
- (48) “Project site owner/operator” means the person required to submit the NOI letter and required to comply with the terms of this permit, including either of the following:
 - a) A developer.
 - b) A person or entity that has financial and operational control of construction activities and project plans and specifications, including the authority to approve expenditure of funds and ability to make modifications to plans and specifications.
- (49) “Regulatory authority” means the department or other entity designated by the department to administer this permit or develop a local stormwater program. The definition as used in this permit may also include local law enforcement.

- (50) “Review authority” means a designated municipal separate storm sewer system (MS4) entity that has permit coverage under the Municipal Separate Storm Sewer System General Permit (MS4GP), IDEM or a soil and water conservation district (SWCD) designated by IDEM to review plans on behalf of IDEM.
- (51) “Run-off” means water that originates during a precipitation event and flows over the land rather than infiltrating into the ground or evaporating.
- (52) “Run-off control measure” means practice that is selected based on site characteristics and installed to manage the direction, speed, and volume of stormwater run-off. These practices function to direct run-off to stable areas or to a sediment control measure.
- (53) “Run-on” means sources of stormwater that drain from land located upslope or upstream of a permitted project site.
- (54) “Sediment” means solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth’s surface.
- (55) “Sediment control measure” means a practice selected based on site characteristics and installed to intercept, slow down, trap, and/or filter soil particles that have already been loosened and transported by stormwater.
- (56) “Sedimentation” means the settling and accumulation of unconsolidated sediment carried by stormwater run-off.
- (57) “Seepage” means the slow escape of a liquid or gas through porous materials or small holes.
- (58) “Silvicultural” means the practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.
 - a) Nonpoint activities that do not require permit coverage include source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or logging road construction and maintenance from which there is natural run-off. Some of these activities (such as stream crossing for roads) may involve the placement of dredged or fill material which may require a CWA section 404 permit and a 401 Water Quality Certification.
 - b) Point source activities, subject to permit coverage include any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.
- (59) “Soil” means the unconsolidated mineral and organic material on the surface of the earth that serves as the natural medium for the growth of plants.
- (60) “Soil and Water Conservation District” or “SWCD” means a political subdivision established under IC 14-32.
- (61) “Steep slope” means slopes that are 1:3 (V:H) or 33.3 percent or steeper in grade.

- (62) “Stormwater management measure” means a practice or a combination of practices selected to improve the quality of run-off discharges, divert run-off, or mitigate the impacts related to quantity of run-off.
- (63) “Stormwater quality measure” means a practice, or a combination of practices, to control or minimize pollutants associated with stormwater run-off.
- (64) “Strip development” means a multi-lot project where building lots front on an existing road and are not part of another larger common plan of development or sale.
- (65) “Stormwater pollution prevention plan” or “SWP3” means a plan developed to minimize the impact of stormwater pollutants resulting from construction activities. The stormwater pollution prevention plan is a component of the overall construction plan.
- (66) “Stormwater quality measure” means a practice, or a combination of practices, to control or minimize pollutants associated with stormwater run-off.
- (67) “Total Maximum Daily Load” or “TMDL means” A Total Maximum Daily Load (TMDL) is a regulatory term in the U.S. Clean Water Act, describing a plan for restoring impaired waters that identifies the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.
- (68) “Trained individual” means an individual who is trained and experienced in the principles of stormwater management, including erosion and sediment control as is demonstrated by state registration, professional certification, or annual training/completion of coursework that enable the individual to make decisions regarding stormwater management, treatment, and monitoring. Upon the effective date of this permit individual(s) identified as a trained individual must:
 - a) Demonstrate their qualifications by meeting one (1) or more of the following:
 - (1) Attend training conducted by IDEM, MS4, and/or a soil and water conservation district (SWCD).
 - (2) Maintain a professional certification/license that requires continuing education units.
 - (3) Complete applicable stormwater training made available through:
 - (A) Purdue Local Technical Assistance Program (LTAP) specific to stormwater management.
 - (B) U.S. EPA Construction Inspection Course including successfully passing the exam.
 - (C) Other organizations.
 - b) Upon request, provide documentation within two (2) business days of applicable training and/or certifications/licenses demonstrating eligibility as a trained individual.
- (69) “Treat” means improving the stormwater run-off quality managing run-off volume, managing peak flow, or any combination thereof.
- (70) “Waters of the state” for purposes of water pollution control laws and environmental management laws means: the accumulations of water, surface and underground, natural and artificial, public and private; or a part of the accumulations of water; that are wholly or partially within, flow through, or border upon Indiana. Ther term includes all waters of

the United States, as defined in Section 502(7) of the federal Clean Water Act (33 U.S.C. 1362(7)), that are located in Indiana. The term does not include:

- (a) An exempt wetland;
 - (b) A private pond; or
 - (c) an off-stream pond, reservoir, wetland, or other facility built for reduction or control of pollution or cooling of water before discharge.
- (71) “Waters of the United States” for purposes of water pollution control laws and environmental management means all waters defined in 33 CFR § 328.3.



**National Pollutant Discharge Elimination System
DRAFT GENERAL PERMIT FACT SHEET for
 Construction Stormwater
 NPDES Permit No. INRA00000**

October 22, 2026

Indiana Department of Environmental Management

Office of Water Quality
 100 North Senate Avenue
 Indianapolis, Indiana 46204

(317) 232-8603
 Toll Free (800) 451-6027
www.idem.IN.gov

Existing Permit Information:	<p><u>Permit Number:</u> Existing project site currently permitted under 327 IAC 15-5 have general permit tracking numbers using the following format INRAxxxxx. This format will be retained for existing active sites that are required to renew permit coverage. All new sites that become active under the new administrative Construction Stormwater General Permit will be assigned a tracking number continuing with INRAxxxxx).</p> <p><u>Expiration Date:</u> The current construction stormwater general permit (CSGP) will expire on December 17, 2026. Under the new administrative general permit, all permitted projects will have the same expiration date. IDEM is considering bringing existing projects under the new permit, requiring a Notice of Intent - Continuation of Coverage and allowing the project to retain their current expiration date.</p>
Source Location:	State-wide
Receiving Stream:	All waters of the state of Indiana.
Proposed Action:	New administrative NPDES general permit to replace existing NPDES general permit-by-rule (327 IAC 15-5)
Source Category	NPDES - Stormwater
Permit Writer:	<p>Name: Randy Braun Contact Information: rbraun@idem.IN.gov Telephone: (317) 234-3980</p> <p>Eric Roberts Contact Information: eroberts@idem.IN.gov Telephone: (317) 233-1864</p>

The Federal Water Pollution Control Act (also referred to as The Clean Water Act (CWA) (33 U.S.C. 1251 etseq.), which was enacted in 1972, provides that the discharge of pollutants to the waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The primary condition determining eligibility for this permit is ensuring that the discharge consists of only stormwater and allowable non-stormwater (defined in Section 1.2) from construction sites. All construction sites that will disturb one (1) acre or more of land are required to seek coverage under this permit. Dischargers who meet the eligibility requirements may seek coverage under this NPDES general permit, instead of applying for an individual NPDES permit.

Development of a Fact Sheet for NPDES permits is required by Title 40 of the Code of Federal Regulations, Section 124.8 and 124.56. This document fulfills the requirements established in those regulations by providing the information necessary to inform the public of actions proposed by the Indiana Department of Environmental Management (IDEM) as outlined in 40 CFR 122.28 and 327 IAC 5-3-8.

A. Description of General Permit Category:

The purpose of this general permit is to regulate discharges associated with construction sites that result in land disturbances of one (1) acre or more or those projects with disturbances of less than one (1) acre that are part of a larger common plan of development. The general permit is a performance-based regulation to reduce pollutants, including sediment and other pollutant discharges that are associated with active construction.

NPDES general permits are developed and issued to cover multiple projects that are engaged in the same process category instead of issuing a specific permit to an individual project site within the State of Indiana. Persons who seek coverage under the master general permit will be assigned a unique permit tracking number. For all new applicants, coverage under the general permit will be limited to the permit term established in the master general permit once it is issued.

The dischargers covered under this general permit are required to administer the same principles and performance standards to manage stormwater. In addition, each discharger is required to develop a construction/stormwater pollution prevention plan from a menu of state and nationally acceptable stormwater management measures specific to the project site characteristics. Annually, the program area receives approximately 2,000 to 2,500 project site notices of intent to obtain permit coverage. These new notices of intent are in addition to those projects that are active at the time the new permit will be issued. Active projects will also be required to file a continuation of coverage online to continue permit coverage under the new CSGP. Since the permit requirements for discharges from these project sites are similar and the total number of active permits is substantial, it is the opinion of IDEM that this category of sources is controlled more appropriately under a NPDES general permit rather than under individual permits.

Discharges from active construction sites are similar in several ways, they:

- (1) are comprised primarily of sediment discharges to waters of the state;
- (2) may consist of sediment tracking onto bordering properties or public roadways; and

- (3) often include secondary pollutant sources and discharges that are typically associated with active construction and land disturbance.

B. Geographic Area Covered:

This general permit is intended to cover any construction and/or land-disturbing activities that disturb one (1) or more acres within the boundaries of the state of Indiana, except as denoted herein.

C. Receiving Waters:

This general permit will authorize discharges to all waters of the State of Indiana.

D. Eligibility:

Discharges covered under this general permit are associated with construction activities that disturb one (1) or more acres of land and where the discharge is primarily comprised of stormwater. The requirements under this permit do not apply to activities or persons who are involved in:

- (1) Agricultural land-disturbing activities, including tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile.
- (2) Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).
- (3) Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).
- (4) Ditch maintenance for activities performed on a regulated drain by a county drainage board as defined in Appendix C and IC 36-9-27.
- (5) The land-disturbing activities listed below, provided other applicable permits contain provisions requiring immediate implementation of soil erosion and sediment control measures:
 - (a) Landfills that have been issued a certification of closure under 329 IAC 10.
 - (b) Coal mining activities permitted under IC 14-34.
 - (c) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by IDEM under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.
 - (d) Transportation maintenance activities that do not disturb or expose the subgrade soil (e.g., full depth reclamation or patching and cold-in-place recycling), guardrail or cable rail installation, or shoulder clipping.
 - (e) Transportation and/or utility work projects that have non-contiguous disturbed areas, where each individual disturbed area is less than one (1) acre and is separated by one-quarter (1/4) mile or more.

This general permit contains specific exclusions from coverage under the general permit which are identified in Sections 1.3 and 2.2 of the permit. In such instances, the discharger will be required to apply for an individual NPDES permit or eliminate the discharge.

The following discharges are not authorized by this permit:

- (a) Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge from the land-disturbing activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.
- (b) Direct discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters.
- (c) Discharges of concrete or cementitious wash water from washout activities or release from containment systems.
- (d) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.
- (e) Soaps, detergents, or solvents used in vehicle and equipment washing.
- (f) Other discharges, including but not limited to fuel, oil, or other pollutants used in vehicle and equipment operation and maintenance.

E. Application for Coverage:

This general permit applies to all projects that meet the requirements in Section 2.0 which is further clarified in Appendix A. Projects that occur in a designated municipal separate storm sewer system (MS4) must comply with this general permit and where applicable all appropriate local stormwater ordinances and regulations within a MS4 area.

Each discharger seeking coverage under this general permit must submit a Notice of Intent (NOI). Federal regulations found in 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit an application for an individual permit. NOI requirements are intended to establish a mechanism that can be used to establish a clear accounting of the number of permittees covered by the general permit, the identities, locations, mailing addresses, and the nature of the discharges covered by the general permit.

F. Antidegradation Evaluation:

327 IAC 2-1.3 outlines the state's Antidegradation Standards and Implementation Procedures. The Tier 1 antidegradation standard found in 327 IAC 2-1.3-3(a) applies to all surface waters of the state regardless of their existing water quality. Based on this standard, for all surface waters of the state, existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. IDEM implements the Tier 1 antidegradation standard by requiring NPDES permits to contain effluent limits (expressed as "Performance Standards" in the permit) and best management practices

for regulated pollutants that ensure the narrative and numeric water quality criteria applicable to the designated use are achieved in the water and any designated use of the downstream water is maintained and protected. There are no effluent limits in this permit; however the performance standards are specifically required to target sediment (total suspended solids) as the primary pollutant of concern to satisfy the Tier 1 antidegradation standard.

The Tier 2 antidegradation standard found in 327 IAC 2-1.3-3(b) applies to surface waters of the state where the existing quality for a parameter is better than the water quality criterion for that parameter established in 327 IAC 2-1-6 and 327 IAC 2-1.5. These surface waters are considered high quality for the parameter and this high quality shall be maintained and protected unless the commissioner finds that allowing a significant lowering of water quality is necessary and accommodates important social or economic development in the area in which the waters are located. IDEM implements the Tier 2 antidegradation standard for regulated pollutants with numeric water quality criteria quality adopted in or developed pursuant to 327 IAC 2-1 and 327 IAC 2-1.5 and utilizes the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6. Total residual chlorine is a Tier II pollutant.

According to 327 IAC 2-1.3-1(b), the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6 apply to a proposed new or increased loading of a regulated pollutant to surface waters of the state from a deliberate activity subject to the Clean Water Act, including a change in process or operation that will result in a significant lowering of water quality. There are no regulated pollutants in the expected discharge from construction sites that have numeric water quality criterion and therefore, the Tier 2 antidegradation standard does not apply to any new or existing discharge from these operations because the discharge cannot cause a significant lowering of water quality in the receiving waterbody.

The following antidegradation determination is based on 327 IAC 2-1.3 for stormwater discharges exposed to land-disturbing and/or construction activity and allowable non-stormwater discharges. Implementation of the required stormwater principles and measures and overall project management requirements found in Section 3.0 of the permit for stormwater discharges associated construction activity and allowable non-stormwater discharges from a project will meet applicable water quality standards and will not cause a significant lowering of water quality. Therefore, stormwater discharges are in compliance with Antidegradation Standards and Implementation Procedures found in 327 IAC 2-1.3 and an Antidegradation Demonstration is not required.

G. When to Apply:

All dischargers seeking coverage under this general permit must submit a Notice of Intent (NOI) form for this specific general permit which will be provided by the commissioner. The NOI form must be signed by a person who has the appropriate signatory authority as required by 40 CFR 122.22.

The NOI shall contain the elements identified in Section 5.0 of this general permit and the NOI shall be submitted to IDEM according to the method set forth in this general permit.

H. Permit Conditions:

The permit requires compliance with:

(1) Effluent Limits (Performance Standards) and Monitoring Requirements

Under State and Federal law and regulations 40 CFR 122.44 and 327 IAC 5, a discharge permit must establish effluent limitations equivalent to best available technology economically achievable (BAT). For some industry categories, such effluent limitations have already been established by the EPA.

Parameters regulated under the existing permit include discharge of sediment and other pollutants associated with construction. The following water quality standards apply to any existing permit.

- (a) The discharge shall not contain substances, materials, floating debris, oil, scum, or other pollutants that will settle to form putrescent or otherwise objectionable deposits;
- (b) The discharge shall not contain substances that are in sufficient amounts to be unsightly or deleterious;
- (c) The discharge shall not contain oil or other substances that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
- (d) The discharge shall not contain substances which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
- (e) The discharge shall not contain substances which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

(2) General Performance Standards Applicable to all Construction Sites

Construction sites are expected to meet the following performance standards:

- (a) The stormwater pollution prevention plan (SWP3) will serve as a guideline for stormwater management but should not be interpreted to be the only basis for implementation of stormwater measures for a project site. The permittee is responsible for implementing all measures necessary to comply with the provisions of this permit.
- (b) All stormwater management measures, including erosion and sediment control measures must be implemented in accordance with this permit and sufficient to satisfy Section 3.0 of the permit.

(3) Construction/Stormwater Pollution Prevention Plan

For a project site where the proposed land disturbance is one (1) acre or more as determined under Section 2.0 of this permit, a construction/stormwater pollution prevention plan (SWP3) must be submitted prior to the initiation of land-disturbing activities to the reviewing authority. The authority is IDEM or a SWCD if IDEM has designated them as part of the review process. For projects that occur in a MS4, the MS4 has primary regulatory authority including plan review.

The review timeline is based on Indiana Code (IC 13-18-27-16). The review period for a project is fourteen (14) days for a project with projected land disturbances of five (5) acres or more and ten (10) days for a project with projected land disturbances of one (1) or more acres but less than five (5) acres. The reviewing agency may require modifications, terms and conditions as necessary to meet the requirements of the permit. The plans must be accepted prior to submittal of the Notice of Intent.

Key Changes Proposed in the 2026 Draft CSGP General Permit:

(1) Clarified Requirements for When a Permit Is Needed

- Clearer definitions of land-disturbing activities that require permit coverage, especially for multi-lot developments, off-site work areas, utilities, and single-family home sites.
- Updated Appendix A to help users more easily determine if their project triggers the need for permit coverage.

(2) Improvements to Performance Standards

- IDEM released an initial draft of the CSGP on September 25, 2026, seeking input whether the CSGP stabilization requirements for idle, unvegetated areas (3.4) should remain consistent with the current CSGP requirements (seven days and be fully completed within 14 days) or modified to include separate criteria for discharges to impaired waters aligning more closely with U.S. EPA guidance. IDEM has selected the first option to continue with the requirements that were established in the 2021 CSGP. The decision to maintain the same requirement as it appears in the 2021 version of the CSGP establishes one standard across Indiana.

(3) Natural Buffer Preservation (Appendix B)

- Buffer preservation now applies specifically to natural buffers adjacent to Waters of the United States.
- Incorporates language developed as guidance under the current CSGP (2021-2026) to provide clear examples of where buffers must be preserved and under what conditions partial preservation is allowed. Identifies exclusions such as utility crossings, road crossings, water-dependent structures, and cases where preservation is infeasible.

(4) Streamlined Plan Review and Submission

- Updated review deadlines to align MS4 and IDEM expectations with Indiana Code. Removes the 28-day review period in the 2021 CSGP for IDEM.

- (5) Updates to Evaluations and Monitoring under the Self-monitoring Program (SMP). IDEM released an initial draft of the CSGP on September 25, 2026, seeking input whether the CSGP requirements for self-monitoring, should remain consistent with the current CSGP or align with the U.S. EPA CGP requirements. The two options as proposed:
- First Option – Statewide Standard: One to two evaluations per week depending on rainfall. Similar to current requirements but with reduced maximum frequency.
 - Second Option – EPA Aligned Standard: At least one evaluation per week regardless of precipitation. Additional evaluations are required for projects discharging to an impaired water or located within a TMDL.

Based on feedback IDEM has selected the first option. The decision to maintain the same requirement as it appears in the 2021 version of the CSGP establishing one standard across Indiana. In the 2021 CSGP, IDEM negotiated this option with the U.S. EPA in lieu of requiring the second level of monitoring. However, in the CSGP for 2026, IDEM did adjust the language and reinserted the option to allow for pre-rain events and for an entity performing self-monitoring to count evaluations conducted on weekends (optional).

- (6) Removal of Post-Construction Requirements
- Post-construction standards are removed from the permit to align with U.S. EPA Construction General Permit requirements.
 - MS4 communities may continue administering post-construction programs under their separate authority and as required by the U.S. EPA.

I. Stormwater Pollution Prevention Plan (SWP3) and Stormwater Measures

The project site owner shall develop a set of construction plans that includes the required plan elements identified in Section 4.1 of this permit. The plan must be designed to include stormwater measures and operational procedures to meet the performance standards specified in Section 3.0 of this permit.

J. Spill Response and Reporting Requirement:

Spills from the permitted facility meeting the definition of a spill under 327 IAC 2-6.1-4(15), the applicability requirements of 327 IAC 2-6.1-1, and the Reportable Spills requirements of 327 IAC 2-6.1-5 (other than those meeting an exclusion under 327 IAC 2-6.1-3 or the criteria outlined below) are subject to the Reporting Responsibilities of 327 IAC 2-6.1-7.

It should be noted that the reporting requirements of 327 IAC 2-6.1 do not apply to those discharges or exceedances that are under the jurisdiction of an applicable permit when the substance in question is covered by the permit and death or acute injury or illness to animals or humans does not occur. In order for a discharge or exceedance to be under the jurisdiction of this NPDES permit, the substance in question must have been