

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE OF DRAFT GENERAL NPDES PERMIT
MUNICIPAL SEPARATE STORM SEWER SYSTEM
PUBLIC NOTICE NO: INR040000
DATE OF NOTICE: OCTOBER 27, 2026
RESPONSE DATE DUE: NOVEMBER 26, 2026

The Indiana Department of Environmental Management (IDEM) proposes to issue a new General NPDES Permit (INR040000) for Municipal Separate Storm Sewer Systems (MS4). The current permit will expire five (5) years from its issuance on December 17, 2026. All current permitted MS4s have the same expiration date.

The purpose of this permit is to establish requirements for point source discharges from municipal stormwater conveyance systems.

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

Interested persons are invited to submit written comments regarding the draft general Municipal Stormwater NPDES 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 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 26, 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-notice/> (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-notice/>. 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 MS4 General NPDES Permit 2026

INRA040000 MS4 NPDES Fact Sheet

Indiana Department of Environmental Management

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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 designated Municipal Separate Storm Sewer System (MS4) entities into waters of the State of Indiana.

This permit is issued on:

This permit is effective on:

This permit expires on:

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 40 CFR 123.25, the conditions of this permit remain fully effective and enforceable after the expiration date of this permit if the permittee has submitted a timely notice of intent for coverage under this permit and IDEM has not, through no fault of the person, 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**MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)****1.0 GENERAL PERMIT COVERAGE****1.1 Permit Area**

This permit authorizes stormwater discharges from designated municipal separate storm sewer system (MS4) entities throughout the State of Indiana.

1.2 Discharges Authorized by this Permit

This permit addresses any new or existing discharges of stormwater run-off associated with designated MS4 entities to waters of the State of Indiana. It authorizes discharges of:

- (a) Stormwater (including snowmelt) to waters of the state from all known outfalls and conveyances that are owned and/or operated by a MS4 entity.
- (b) Stormwater commingled with other discharges either regulated by other NPDES permits or determined by IDEM or the MS4 entity to not be a significant source of pollutants, including, the following without limitation:

(1) Water line and hydrant flushing for maintenance	(2) Irrigation water
(3) Footing, foundation, and crawl space drains (Uncontaminated)	(4) Excess Storm sewer cleaning water not collected by a vacuum truck (Uncontaminated)
(5) Fire suppression activities	(6) Uncontaminated pumped ground water
(7) Springs	(8) Residential car washing
(9) Non-commercial car washing by community organizations that are short term charitable, religious, or community activities.	(10) External building wash down, without detergents
(11) Dechlorinated/debrominated residential swimming pool discharges	(12) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005 (20))
(13) Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used	(14) Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids

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 MS4 entity must submit a notice of intent (NOI) pursuant to Section 6.0 of this permit.

Except as provided in Section 1.3, when a NOI is submitted, a MS4 entity is permitted to discharge stormwater in accordance with the terms of this permit.

This authorization to discharge shall become effective upon receipt of a complete NOI by IDEM. Any discharges of stormwater or allowable non-stormwater not permitted under this general permit or an individual permit are unlawful.

Permittees who are granted 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; or
- (c) Issuance or modification of an individual permit for the discharges covered by this general 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 general 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) or 327 IAC 2-1.5-19(b) when IDEM determines the discharge will significantly lower the water quality as defined under 327 IAC 2-1).

1.4 Fees

Any entity who seeks coverage under this permit is required to remit a fee with the notice of intent (NOI) in accordance with 327 IAC 5-3-17(j)(4). Coverage under this permit may be revoked for nonpayment of applicable fees.

2.0 PERMIT COVERAGE AND DESIGNATION CRITERIA

This permit applies to all areas under the ownership, control, or jurisdiction of a designated municipal separate storm sewer system (MS4) entity.

2.1 Designation of a MS4

- (a) MS4s are designated as defined in 40 CFR 122.26(b) and in accordance with the following:
 - (1) Nationwide designation based on:
 - (A) Location within an urban area (UA) with a population of 50,000 or more as determined by the latest United States Census Bureau census.
 - (B) Case by case designation based on:
 - 1) Discharge to sensitive waters.
 - 2) High population density.
 - 3) High growth or growth potential.
 - 4) Contiguity to an urban area with population of 50,000 or more people.
 - 5) Significant contributor of pollutants to a water of the State.
 - 6) Ineffective protection of water quality concerns related to urbanization, increase in impervious surfaces, pollutant transport, failure of stormwater management measures, and infrastructure deficits.
 - (C) Physically interconnected designation is based on a MS4 of one entity is directly connected to the MS4 of a second entity.
- (b) A county that contains a mapped UA as delineated by political township or section, township, and range boundaries.
- (c) A university or college, with a full-time equivalent enrollment or daily user population, of an occupancy greater than or equal to one thousand (1,000), located within a designated municipality, and having responsibility for a stormwater conveyance.
- (d) A conservancy district or census defined place, located within a designated municipality or mapped UA, and having responsibility for a stormwater conveyance.
- (e) A documented significant contributor of pollutants to waters or a regulated MS4 area.
- (f) A public or private stormwater utility that serves one (1) or more of the MS4 entities designated under this permit.

2.2 Permit Coverage

- (a) Permit coverage applies to an entity that:
 - (1) Submits a notice of intent (NOI) in accordance with Section 6.0 of this permit.
 - (2) Does not have coverage under an individual MS4 permit.
 - (3) Operates, maintains, or otherwise has responsibility for a MS4 conveyance within a designated MS4 area.

- (4) Is designated as a MS4 until the expiration of the permit unless any of the conditions for termination in Section 7.0 of this permit are applicable or a waiver is granted.

3.0 PERMIT STRUCTURE: TIERED SYSTEM

Designated MS4s are required to comply with the requirements of this permit. The MS4GP requires a MS4 to develop a local stormwater program and a Stormwater Quality Management Plan (SWQMP). The SWQMP is comprised of six minimum control measures. Each MS4 must meet the requirements for each minimum control measure in the core permit. In addition, each MS4 complying with this permit is assigned to a Tier which is based on population and/or the type of MS4. Based on the Tier to which the MS4 is assigned there are specific requirements a MS4 must implement in addition to those listed in the core permit. The Tiers are defined as follows:

- (a) Tier A applies to cities or towns that have been designated as a MS4 and with a population up to 35,000.
- (b) Tier B applies to cities or towns with a population of 35,001 to 99,999.
- (c) Tier C applies to cities with a population of 100,000 or more.
- (d) Tier D applies to county designated MS4s.
- (e) Tier E applies to non-traditional MS4s including but not limited to colleges, universities, census defined places, and conservancy districts.

4.0 PERFORMANCE REQUIREMENTS AND PROGRAM IMPLEMENTATION

All permittees must comply with this permit to demonstrate that all discharges authorized under this permit are managed to meet numeric and narrative water quality standards, with compliance required upon beginning such a discharge. For stormwater discharges, implementation of the stormwater quality management plan (SWQMP) and appropriate stormwater management measures and principles is considered compliance with this requirement.

4.1 General Performance Requirements

- (a) A designated MS4 entity is required to administer the program in accordance with items (b) through (j).
- (b) A county designated as a MS4 must:
 - (1) Administer the minimum control measures county wide, excluding incorporated cities, towns, and areas for which the County MS4 entity does not have jurisdiction.
 - (2) Manage all facilities in accordance with the Pollution Prevention and Good Housekeeping minimum control measure (MCM) that are owned and/or operated by the MS4 entity in accordance with this permit.
- (c) Maintain a list of entities/individuals, including contact information, that are responsible for administering each minimum control measure and update as

changes occur. A MS4 entity may elect to administer the program through legal agreements and/or memorandums of understanding. These entities include but are not limited to soil and water conservation districts (SWCDs), co-permitted MS4 entities, other departments within the organizational structure of the MS4 entity, and/or consultants.

- (d) Provide training opportunities for MS4 staff that are directly related to their responsibilities that they perform on behalf of a MS4. At a minimum:
 - (1) Each MS4 staff member responsible for implementing any part of the program must complete a minimum of twelve (12) hours of annual training.
 - (2) At least eight (8) of the twelve (12) hours must focus on the specific minimum control measure(s) for which the staff member is responsible for administering.
 - (3) If the staff member is responsible for multiple minimum control measures the required twelve hours must include training that covers each minimum control measure the staff member oversees.
- (e) Maintain and evaluate potential overall performance improvement annually by implementing the six (6) MCMs.
- (f) A MS4 entity that does not have the legal authority to implement one (1) or more of the six (6) MCMs must do one of the following:
 - (1) Establish written policy and procedures to administer the MCM.
 - (2) Obtain legal authority or develop a regulatory mechanism.
- (g) MS4 entities operating conveyances are responsible for complying with the provisions of this permit. Any MS4 entity causing or contributing to a violation of any provisions of this permit shall be subject to IC 13-30 and IC 13-14-10.
- (h) When a total maximum daily load (TMDL) is approved or issued by the U.S. Environmental Protection Agency for any water of the State into which a MS4 discharge, the MS4 entity must review and modify the SWQMP to address any applicable loading reductions to improve water quality.
- (i) MS4 entities renewing permit coverage must:
 - (1) Review and update as necessary existing ordinances and/or regulatory mechanisms in accordance with this permit no later than three hundred and sixty-five (365) days after submittal of the notice of intent (NOI). Upon written request, an extension may be granted and the MS4 must:
 - (A) Demonstrate the ordinance update is in process.
 - (B) Provide written quarterly updates on completion of this requirement.
 - (2) Review and revise the SWQMP within three hundred sixty-five (365) days of permit coverage in accordance with this permit and the requirements specified in Section 4.2 of this permit.
 - (3) Newly designated MS4 entities must develop a SWQMP within three hundred sixty-five (365) days after submittal of the notice of intent (NOI) in accordance with Section 4.2 of this permit. Upon written request, an extension may be granted and the MS4 must:

- (A) Demonstrate the development of the SWQMP is in process.
 - (B) Provide written quarterly updates on completion of this requirement.
- (j) Conduct an annual review of the SWQMP and as necessary update the plan to ensure the goals of the MS4 program are being met.

4.2 Stormwater Quality Management Plan (SWQMP) General Requirements

The SWQMP must be developed, implemented, and maintained to include provisions that will reduce the discharge of pollutants from the MS4 to protect water quality, human health, and the biotic community.

- (a) The SWQMP must, at a minimum include:
 - (1) The jurisdictional boundaries of the MS4 entity presented in a geographical information system (GIS) compatible format to identify the boundaries. If the SWQMP includes multiple MS4 entities as co-permittees, the boundaries must be identified by each MS4 entity. The boundaries are to be submitted by the end of the first year of permit coverage.
 - (2) Geographical representation that includes:
 - (A) An assessment of land use.
 - (B) An inventory of MS4 owned/operated structural stormwater management measures that are operated for purpose of stormwater management as outlined in Section 4.6 (h)(3).
 - (C) Identification of all receiving waters that receive discharges from outfalls within the MS4, including wetlands and lakes.
 - (D) Any 303d listed impaired water or TMDLs for receiving waters.
 - (E) Identification of known sensitive areas including, but not limited to, public swimming areas, drinking water intakes, habitats associated with threatened or endangered species, and outstanding state and national resource waters.
 - (3) Data from internal and external sources no older than ten (10) years that at a minimum:
 - (A) Describes the chemical and physical information of the receiving waters (i.e. nitrogen, phosphorus, sediment, and E coli, etc.) within the jurisdictional boundaries of the MS4.
 - (B) Identifies areas that have a reasonable potential for or are actually contributing to stormwater quality problems.
 - (C) Evaluates data collected to determine which areas or specific discharge points that may need to be considered for future planning and implementation of new stormwater measures or modification of existing measures. The highest priority should be given to sensitive areas and the prohibition of new or significantly increased MS4 discharges.
 - (4) An evaluation of the stormwater system for the MS4 area of all structural stormwater management measures as identified in Section 4.4 (d), 4.4(e), 4.6, and Section 4.7 (g).

- (5) Program goals that are established and required by this permit and others identified by the MS4 entity to address local stormwater resource issues within their jurisdiction. If a goal listed in this permit is no longer applicable, or if another indicator is used, the MS4 entity must provide rationale to justify its use.
- (6) A detailed program description for each minimum control measure (MCM) referenced in Sections 4.3 through 4.8 including, but not limited to:
 - (A) A timetable for SWQMP implementation for each MCM.
 - (B) A summary of measurable goals for each MCM and a discussion of environmental impact.
 - (C) Identification of Individuals that are responsible for implementing each MCM including their contact information.
- (7) Identification of each MS4 in a co-permitted relationship and their responsibility for administering each MCM including a geographical representation of the area for which the MS4 entity is responsible for implementation.
- (8) The provision of annual updates including changes in priorities, technology, goals, responsibility in administering MCMs, etc.

4.3 SWQMP, Public Education, Outreach, Participation and Involvement MCM

A MS4 operator must develop measurable goals and implement a public education, outreach, and participation and involvement program that must include strategies to inform identified constituent groups about the impacts of stormwater run-off. MS4 entities renewing permit coverage, must assess program requirements and goals from the previous permit, modify as necessary, and implement the requirements of this permit. A MS4 entity, at a minimum, must develop and implement a strategy to achieve the requirements within specific deadlines as outlined in this permit. The MS4 is required to:

- (a) Develop or update and revise a plan to:
 - (1) Administer a public education, outreach, participation and involvement program that at a minimum includes:
 - (A) Annual training for builders, developers, contractors, engineers, etc. related to the construction site run-off and post-construction MCMs. The training may be completed in cooperation with other entities.
 - (B) Requirements as identified in the Tier to which the MS4 is assigned.

- (b) Create, revise or update a stormwater public information web page or links to direct the public to a location that contains the required information. Update the web page at least annually and as necessary to ensure required information is current. At a minimum the web page must include:
 - (1) A location for the public to report stormwater quality issues.
 - (2) Information and resources to educate visitors to the site.
 - (3) MS4 stormwater ordinances.
 - (4) Stormwater fees and rates (if applicable).
 - (5) MS4 program information, including the SWQMP, annual reports, and other information that informs citizens of activities of the MS4 entity.
- (c) Maintain a list of all education materials developed and used throughout the permit cycle, including those resources from existing programs.
- (d) Complete and sign a certification form. Submit the certification form to IDEM once the program has been developed or one hundred and eighty (180) days from the date the initial NOI submittal is received by IDEM, whichever is earlier.
- (e) Implement and assess the program annually and update goals as necessary.
- (f) Report progress in an annual report (Section 8.0) that at a minimum includes:
 - (1) Status of measurable goals, program requirements, compliance schedules, and timetables for this MCM. If objectives are not met for a specific program element, explain the implementation problems encountered, and changes made to resolve problems identified.
 - (2) A list of each public participation and outreach events and activities conducted, a description of the activity, an estimate of the number of attendees or views on electronic media, and an assessment if the goals and objectives were met.
 - (3) The number and types of construction and/or post-construction stormwater training opportunities that were provided to contractors, developers and builders, property owners (commercial, industrial, residential, homeowner associations, and other targeted entities during the reporting period.
 - (4) Documentation that presentations were made to elected officials, boards, or other governing bodies as specified for the Tier to which the MS4 is assigned.
 - (5) Describe each targeted audience selected and how they were reached during the reporting period and describe behavioral changes observed.
 - (6) A list of all public education materials developed and used during the reporting period.

4.4 SWQMP, Illicit Discharge Detection and Elimination MCM

A MS4 operator must develop an Illicit Discharge Detection and Elimination (IDDE) program to detect, address, and eliminate illicit discharges into the MS4 conveyance system. The program does not need to address the categories of non-stormwater discharges or flows as identified in Section 1.2 unless IDEM or the MS4 operator identifies them as significant contributors of pollutants into the MS4 conveyance system.

MS4 entities must implement the requirements in this Section and for the Tier to which the MS4 is assigned. MS4s renewing permit coverage, must assess program requirements and goals from the previous permit, modify as necessary, and implement the requirements of this permit. A MS4 entity, at a minimum, must develop and implement a strategy to achieve the requirements within specific deadlines as outlined in the permit. The MS4 is required to:

- (a) Develop or review and update an ordinance or other regulatory mechanism that prohibits illicit discharges into MS4 conveyances and establishes enforcement policy and procedures. MS4s renewing permit coverage must meet the requirement in Section 4.1 (i).
- (b) Develop and/or update an IDDE plan in the first three hundred sixty- five (365) days of permit coverage. The plan at a minimum must:
 - (1) Target and locate problem areas via dry weather screening or other methods, determine the source of the discharge, remove or otherwise correct illicit connections, and document the actions taken.
 - (2) Include a schedule to screen all stormwater outfalls owned and/or operated by the MS4 entity, as specified in the Tier to which the MS4 is assigned.
 - (3) Include standard operating procedures (SOP). At a minimum, the SOP must include:
 - (A) A requirement to initiate an investigation to identify and locate the source of any continuous or intermittent unauthorized discharge within two (2) business days of being notified of the discharge.
 - (B) Inspection requirements in response to complaints and follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.
 - (C) A written response procedure for internal communication that identifies the procedures for responding to reports of illicit discharges.
 - (D) Methods or alternatives that will be used to eliminate illicit discharges.
 - (E) A clear and systematic procedure for conducting the investigation; including procedures that clearly define what constitutes an illicit discharge and when a discharge is considered eliminated.
 - (F) A prioritization system to investigate an illicit discharge, with the highest priority given to those suspected of being related to sanitary sewage contaminated run-off, and/or direct dumping of pollutants.

- (G) Procedures to report the occurrence of any dry weather flows believed to be an immediate threat to human health or the environment to the local hazardous materials office or IDEM emergency spill line[(888) 233-7745 or (317) 233-7745].
- (H) A tracking system, including documentation of the date(s) the illicit discharge was observed, the results of the investigation, follow-up to the investigation, and the date the investigation was closed.
- (4) Develop or review and update implementation of a program for public reporting of illicit discharges and spills in the first year of permit coverage. The MS4 entity must:
 - (A) Identify a central contact point for complaints, illicit discharges, and spills. This contact information must be made available to appropriate MS4 staff and the public.
 - (B) Utilize a designated hotline, web page, and/or a twenty-four (24) hour emergency phone number with voicemail and/or email account, which is checked at least once each business day.
- (c) Complete and sign a certification form. Submit the certification to IDEM once the ordinance and the IDDE plan have been developed or three hundred sixty-five (365) days from the date the initial NOI submittal was received by IDEM, whichever is earlier.
- (d) Map all stormwater outfalls and conveyance systems according to the following:
 - (1) Newly designated MS4 entities must develop a plan to map outfalls in year one and demonstrate continual mapping progress that will result in 100 percent to be completed by the end of the fifth year of the permit.
 - (2) MS4 entities renewing permit coverage must review and update maps as new collection and discharge systems are added, as changes occur, or at least annually. The MS4 entity must modify existing maps to identify all receiving waters in the MS4.
- (e) Develop a stormwater system map as the requirements of item(d) above are achieved. The map must display the location of all outfalls and conveyances owned and/or operated by the MS4 entity, excluding privately owned or mutual drains, yard swales, curbs and gutters, and agricultural tiles and outfalls. The map must, at a minimum:
 - (1) Identify each outfall with an alphanumeric identifier.
 - (2) Provide the longitude and latitude for each outfall in decimal degrees to 5 decimal place accuracy and a photograph of each discharge point.
 - (3) Identify all waters that receive discharges from MS4 outfalls and indicate if any of the receiving waters are on the current Indiana 303(d) list of impaired waterbodies or included in a U.S. EPA approved TMDL.

- (f) Develop or review and update a map that identifies high-priority areas for administering the IDDE program based on land use, prior history, and frequency of discharges. The map must be completed within the first year of permit coverage.
- (g) Develop or review and update a training program for employees. The program must include:
 - (1) Implementation no later than one hundred eighty (180) days after the initial IDDE certification has been submitted to IDEM for newly designated MS4s and one hundred eighty (180) days following the submittal of an updated SWQMP for existing MS4s.
 - (2) Annual training for all employees and contractors, whose normal job responsibilities include investigation of an illicit discharge or illicit connection to the stormwater conveyance system.
 - (3) Documentation of all employee and contractor education and training activities, including staff names, title, and responsibility.
- (h) Conduct dry weather field screening to detect and eliminate illicit discharges for all mapped stormwater outfalls owned and/or operated by the MS4 entity.
 - (1) All MS4 entities must screen MS4 owned and/or operated outfalls as identified for the Tier to which the MS4 is assigned.
 - (2) When the MS4 entity is made aware of non-stormwater discharges from MS4 owned/operated outfalls, the MS4 must continue screening of the discharge until that discharge is eliminated or is determined to be uncontaminated.
 - (3) If an outfall is determined to be inaccessible, an alternative screening location within the outfall's drainage area may be selected. This may include a manhole, an inlet, or another representative location.
- (i) Review and assess the program annually and update as necessary.
- (j) Review, where applicable, the long-term control plan (LTCP) and the combined sewer operational plan (CSOOP) and make any language modifications to the SWQMP to ensure consistency between the two documents.
- (k) Report progress in an annual report (Section 8.0) that at a minimum includes the information below and any specific reporting requirements outlined for the Tier to which the MS4 is assigned:
 - (1) Status of measurable goals, program requirements, compliance schedules, and timetables for this MCM. If objectives are not being met for a specific program element, explain the implementation problems encountered, and changes made to resolve problems identified.
 - (2) IDDE program updates.
 - (3) A summary of any storm sewer system mapping changes to the stormwater outfall and conveyance maps.
 - (4) Number of new MS4 outfalls mapped.
 - (5) Number and location of dry weather outfalls screened for illicit discharges.
 - (6) Number and location of illicit discharges detected.

- (7) Number and location of illicit discharges eliminated.
- (8) Number of illicit discharges and/or spills reported to the MS4 entity.
- (9) Number of enforcement actions taken by the MS4 entity.

4.5 SWQMP, Construction Site Stormwater Run-off MCM

A MS4 operator must develop and administer an erosion and sediment control program. The SWQMP must include a strategy to manage the program, monitor compliance, and, as necessary, enforce violations of the local ordinance or regulatory mechanism. MS4 entities renewing permit coverage, must assess program requirements and goals from the previous permit, modify as necessary, and implement the requirements of this permit. A MS4 entity must develop and implement a strategy to achieve the requirements within specific deadlines as outlined in this permit. The MS4 is required to:

- (a) Develop or update and revise the program to achieve the requirements of this MCM.
- (b) Administer the requirements identified in this Section, and all requirements for the Tier to which the MS4 has been assigned.
- (c) Develop or update and revise an ordinance or other regulatory mechanism, subject to IC 36-1-3-14. A MS4 renewing permit coverage must meet the requirement in Section 4.1(i). The ordinance or regulatory mechanism must:
 - (1) Regulate projects with a land disturbance greater than or equal to one (1) acre, or disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale when the larger common plan will ultimately disturb one (1) or more acres of land.
 - (2) Contain the requirements of the Construction Stormwater General Permit with the exception of state permitting process references and fees, submittal deadlines for construction plans and permit applications.
 - (3) Establish a requirement that any project within the MS4 area that meets the applicability of the Construction Stormwater General Permit must submit a Notice of Intent (NOI) to obtain NPDES permit coverage from IDEM in addition to any procedural requirements for submittal to the MS4 entity or MS4 designated entity.
- (d) Establish permitting procedures, internal processes, and timetables for submittal and review of construction/stormwater pollution prevention plans (SWP3) and local permit applications. At a minimum, the MS4 entity must:
 - (1) Establish written procedures in accordance with applicable laws to review and determine compliance with the local ordinance or regulatory mechanism for construction plans submitted to the MS4 entity for privately owned (non-MS4 owned and/or operated) projects before construction activities commence.
 - (2) Utilize a form, checklist, or an alternative document based on the local ordinance, regulatory mechanism, and/or procedures to document the review of a construction/stormwater pollution prevention plan (SWP3) submitted to the MS4 entity. The documentation must include, but is not limited to:

- (A) Reference(s) to the local ordinance or regulatory mechanism in accordance with Section 4.5 (c).
 - (B) A method to notify responsible individuals of the status of the plan.
 - (C) Identification of the MS4 or MS4(s) for which the plan review is being conducted.
 - (D) The individual that reviewed the plan, including the plan reviewer name, affiliation, address, telephone number, and email address.
- (e) Establish written procedures and internal processes to inspect construction sites regulated by the MS4 to ensure that stormwater quality measures are properly installed and are maintained, to verify compliance with applicable local requirements and to ensure construction activities are protective of water quality. At a minimum, the MS4 entity must:
- (1) Utilize a form, checklist, or an alternative, which meets the requirements of the local ordinance or regulatory mechanism to document regulatory inspections and a method to notify responsible individuals of compliance status. The documentation must include, but is not limited to:
 - (A) Reference to the local ordinance or other regulatory mechanism in accordance with Section 4.5 (c).
 - (B) Name of the individual performing the inspection.
 - (C) Date of the inspection.
 - (D) Status of compliance with the local ordinance or regulatory mechanism.
 - (E) Status of pollutant discharges.
 - (F) Assessment of the functionality and maintenance of existing temporary and permanent stormwater measures associated with construction/land-disturbing activities.
 - (G) Corrective action(s) recommended and/or required, including compliance action dates in accordance with the local ordinance or regulatory mechanism.
 - (2) Identify priority sites for inspection based on the nature and extent of the construction activity, topography, threat to the degradation of water quality, characteristics of soils, complaints, and other factors as determined by MS4 priorities.
 - (3) Inspect active construction sites. Project sites that are out of compliance must include follow-up inspections and/or action as identified in the MS4's policy and procedures to enforce the local ordinance or regulatory mechanism. Project sites must be inspected based on the following minimum frequency.
 - (A) One hundred (100) percent of all new construction sites must be inspected at least once during the initial phase of construction that includes land disturbance and installation of infrastructure (grading, roads, and utilities) followed by:

- 1) One hundred (100) percent of all active construction sites with land-disturbing activities of five (5) acres or more and priority sites as identified by the MS4 must be inspected biannually (twice per calendar year).
- 2) One hundred (100) percent of active construction sites with land-disturbing activities of less than five (5) acres, but at least one (1) acre must be inspected at least annually (once per calendar year).
- (B) Investigate one hundred (100) percent of all complaints that are received to determine if the complaint falls within MS4 jurisdiction. If the MS4 has authority, document any violations of the local ordinance or regulatory mechanism.
- (C) Follow-up inspections are required to resolve violations. The frequency of follow-up inspections may be determined by the MS4 based on the nature and severity of the documented violation.
- (4) Conduct termination verification inspections as outlined in Section 6.2 (a)(9) of the Construction Stormwater General Permit and Section 6.4 of the Construction Stormwater General Permit. Verification inspections may be conducted as part of regulatory inspections or upon request by a permittee.
- (5) Submit monthly reports to IDEM summarizing the MS4's regulatory construction site inspection activities for the previous month.
 - (A) Monthly reports must include the following information about regulatory inspections of MS4 regulated sites with permit coverage under the CSGP that were completed by the MS4 representative(s) in the previous month:
 - 1) Project name.
 - 2) NPDES authorization number.
 - 3) Date(s) that a regulatory construction site inspection was performed.

Note: It is not required to submit either completed inspection reports/forms or checklists or an entire construction site inventory to meet the monthly reporting requirement.
 - (B) If no regulatory inspections were completed in the previous month, the monthly report must state that no regulatory inspections were completed by the MS4 representative(s).
 - (C) The monthly reports must be submitted to IDEM:
 - 1) No later than the last working day of the current month for regulatory inspections that were conducted in the previous month
 - 2) Via the program email account (Stormwat@idem.IN.gov), unless otherwise directed to use an alternative method. The email must contain the following information in the subject Line:
"Construction Monthly Inspection Report, MS4 Name".
- (f) Establish written policy and procedures to enforce the local ordinance or regulatory mechanism including, but not limited to:

- (1) Legal authority to enforce the ordinance/regulatory mechanism or take appropriate compliance action.
 - (2) Procedural steps and actions that will be used to address violations, including compliance and escalating enforcement.
- (g) Develop and/or adopt written standards and specifications for the implementation of stormwater quality measures on construction sites.
- (h) Develop written standard operating procedures for receipt, resolution, and tracking of public inquiries, complaints, and other information submitted regarding local construction projects.
- (i) Complete and sign a certification. Submit the certification to IDEM once the ordinance or other regulatory mechanism and the program has been developed or three hundred sixty-five (365) days from the date the NOI submittal was received by IDEM, whichever is earlier. Prior to the development of the program and submittal of the certification:
 - (1) MS4 entities that have renewed permit coverage will continue to administer the program.
 - (2) MS4s designated and submitting an initial Notice of Intent to obtain permit coverage are not authorized to review construction/stormwater pollution prevention plans (SWP3) until the MS4 completes and signs a certification for the Construction Site Stormwater MCM and submits the certification to IDEM. Prior to IDEM receiving the certification, the SWP3 must be submitted in accordance with the Construction Stormwater General Permit directly to IDEM or the SWCD when designated by IDEM.
- (j) Perform an evaluation and an assessment of the effectiveness of the program annually and update as necessary.
 - (1) Evaluate and assess the following:
 - (A) Regulatory mechanism(s) (i.e. ordinance).
 - (B) Plan review process, policy, and procedures.
 - (C) Site Inspection process, policy, and procedures.
 - (D) Standards and specification manual and/or guidance documents.
 - (E) Policy and procedures related to management and compliance of MS4 owned and/or operated projects.
 - (F) Coordination with other departments within the MS4.
 - (2) Develop and implement a plan and schedule to address program deficiencies, improvements, and modifications to the program.
- (k) Document annual training attended by MS4 staff and/or contractual staff that are specific to the responsibility (i.e. plan review, inspection, compliance, and enforcement) the individual performs for the MS4 entity. The documentation must include:
 - (1) Responsibility of staff member.
 - (2) Dates, length (in hours), and types of training attended.

- (3) Professional stormwater certifications MS4 staff have obtained or maintain.
- (l) Comply with the requirements of the Construction Stormwater General Permit for projects that are owned and/or operated by the MS4 and in addition:
 - (1) Submit construction/stormwater pollution prevention plans (SWP3) to IDEM or if directed to the SWCD that IDEM has designated to perform reviews on behalf of the agency for review and a determination that the plan meets the minimum requirements of the Construction Stormwater General Permit.
 - (2) Comply with the provisions of the local ordinance.
 - (3) Develop written policy and procedures to ensure compliance with the Construction Stormwater General Permit that addresses coordination across departments within the MS4 entity's organizational structure. The written policy and procedures must include:
 - (A) Roles and responsibilities by Department(s).
 - (B) Interdepartmental coordination framework for:
 - 1) Plan development and submittal to IDEM/SWCD.
 - 2) Application (Notice of Intent) submittal to IDEM.
 - 3) Internal notification and coordination.
 - 4) Implementation of project self-monitoring.
 - 5) Notice of Termination submittal to IDEM.
- (m) Maintain an inventory of all construction site projects that are subject to the Construction Stormwater General Permit and the MS4 ordinance. The MS4 entity is required to:
 - (1) Track project information, including:
 - (A) Project name.
 - (B) Latitude and longitude of the project.
 - (C) Project start date.
 - (D) NPDES authorization number (once assigned by IDEM).
 - (E) Date(s) that regulatory construction site inspections have been performed.
 - (F) Status of the project (i.e. active, terminated).
 - (2) Produce a comprehensive report during a MS4 Audit or within 48 hours of a request.
- (n) Report progress in an annual report (Section 8.0) that at a minimum includes:
 - (1) Status of measurable goals, program requirements, compliance schedules, and timetables. If objectives are not being met for a specific program element, explain the implementation problems encountered, and changes made to resolve problems identified.
 - (2) The number of construction projects, subject to the Construction Stormwater General Permit (CSGP) that are owned and/or operated by the MS4 entity that are active at the time of submittal.

- (3) The number of construction sites, subject to the CSGP and were issued a MS4 entity stormwater run-off permit or authorization to discharge.
- (4) The number of completed regulatory construction site inspections.
- (5) The number and type of enforcement actions taken.
- (6) The number of public information requests and/or complaints received.

4.6 SWQMP, Post-construction Stormwater Run-off MCM

A MS4 operator must develop and administer a comprehensive program to address discharges of post-construction stormwater run-off from new development and redevelopment. The program must include a strategy to manage the program, monitor compliance, and, as necessary, enforce violations of the local ordinance or regulatory mechanism. MS4 entities renewing permit coverage must assess program requirements and goals from the previous permit, modify as necessary, and implement the requirements of this permit. A MS4 entity, at a minimum, must develop and implement a strategy to achieve the requirements within specific deadlines as outlined in this permit. The MS4 is required to:

- (a) Develop or update and revise a program to achieve the requirements of this MCM.
- (b) Administer the requirements identified in this Section, and the requirements for the Tier to which the MS4 has been assigned.
- (c) Develop or update and revise an ordinance or other regulatory mechanism. A MS4 renewing permit coverage must meet the requirements in Section 4.1 (i). The ordinance or regulatory mechanism must address post-construction stormwater run-off for projects including:
 - (1) A requirement for post-construction on all new development and redevelopment with land-disturbing activities of one (1) or more acres of land or disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale when the larger common plan will ultimately disturb one (1) or more acres. The following project types are exempt from post-construction water quality requirements covered under this permit:
 - (A) Land-disturbing activities where there will be no additional impervious surfaces and no changes in the type of land use associated with the final completed project, including ditch construction/reconstruction and utility installation/maintenance activities
 - (B) Single-family residential strip development offered for sale or lease without land improvements and the project is not part of a larger common plan of development or sale.
 - (C) Individual residential building lots within a permitted project site.
 - (D) Single family residences and private ponds that are not part of a larger common plan of development or sale.
 - (E) Foot and bike trails where automobile traffic will be restricted.

- (2) New retail gasoline outlets and new MS4 owned and/or operated fueling areas, regardless of size, are required to install appropriate post-construction measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater run-off.

Note: Permit coverage under the local construction site ordinance and the CSGP may not be applicable based on the disturbed acreage associated with this activity.

- (d) Incorporate performance standards into an ordinance or regulatory mechanism, and/or other resource documents. The MS4, at a minimum, must:
 - (1) Develop a program that targets the management of stormwater run-off to improve water quality and manage stormwater. The MS4 must:
 - (A) Apply the requirements of their post-construction ordinance to MS4 owned and/or operated projects.
 - (2) Establish design criteria to reduce pollutants and manage stormwater run-off.
 - (3) Develop a list of stormwater management measures and standards that are appropriate for improving water quality. The measures may include structural and non-structural practices, and low impact/green infrastructure principles.

Note: A MS4 may adopt and/or reference other resources to meet this requirement.

- (4) Include post-construction stormwater management measures that will be implemented to manage the discharge of stormwater run-off to address stormwater quality. Measures must be selected, designed and engineered in accordance with the following standards and at a minimum:
 - (A) Run-off from the project site must be managed to minimize pollutants that are expected to be associated with the final land use. To achieve pollutant minimization goals, measures must be selected and meet the requirements as established by ordinance or other regulatory mechanism. The post-construction measures must at a minimum be selected based on correct sizing to address the Water Quality Volume (WQv) or water quality flow rate to comply with 327 IAC 2-1-6(a)(1)(A-D) and 327 IAC 2-1.5-8(a) and (b)(1)(A-D)).
 - (B) Utilize one (1) or more post-construction measures working in tandem or series to treat stormwater run-off and increase the overall efficiency of individual and specialized measures.
 - (C) Utilize any combination of practices or control measures that promote volume reduction, infiltration, filtering, harvesting, evapotranspiration, vegetative practices or alternative treatment systems.
 - (D) Discharges directed into karst features without appropriate pre-treatment are not authorized.

- (E) Consider where site conditions are suitable, the use of post-construction measures that promote infiltration. Infiltration measures when implemented must consider the following:
 - 1) Evaluate the pollutants associated with run-off directed to an infiltration measure and the potential to contaminate ground water resources. When there is a potential for contamination, choose alternative measures or measures that pre-treat run-off to eliminate or reduce the pollutants of concern.
 - 2) Infiltration measures will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originates in the drainage area of the measure.
- (5) Register with U.S. EPA all MS4 owned and/or operated stormwater measures that are defined as a Class V injection well. When a MS4 requires or accepts the installation of a Class V injection well as a post-construction measure, the MS4 should direct the entity installing the measure to register the well with the U.S. EPA. Refer to the U.S. EPA Underground Injection Well Program for the definitions and complete registration process.
- (e) Require operational and maintenance plans for post-construction measures to ensure long-term functionality and operation. The MS4 must:
 - (1) Require submittal of operational and maintenance plans for privately owned post-construction structural measures as part of project planning.
 - (2) Develop and implement a written operational and maintenance plan for all stormwater structural measures that are owned and/or operated by the MS4 entity.
- (f) The operational and maintenance plan must be enforceable and include one or more of the following options, or other effective options adopted by the MS4:
 - (1) A signed statement from the owner/operator accepting responsibility for maintenance when the property is legally transferred to another party.
 - (2) Written conditions in a sales or lease agreement that require the recipient to assume responsibility for maintenance.
 - (3) Written conditions for residential properties operated by a homeowner's association or other entity.
 - (4) A legal agreement or other option that assigns permanent responsibility for maintenance of structural stormwater management measures.
- (g) Administer an inspection program to ensure that all post-construction measures are maintained and operational for those owned and/or operated by the MS4 entity and as appropriate for those measures operated by private entities that were installed to meet local post-construction requirements (refer to (h) below). The MS4 must:
 - (1) Develop written policies and procedures including internal processes to inspect post-construction measures. At a minimum, the MS4 must:

- (A) Develop and utilize a form, checklist, or an alternative method to document inspections and ensure:
 - 1) MS4 owned and/or operated post-construction measures remain functional. Where necessary, coordinate with other departments in the MS4 entity's organizational structure by performing maintenance or taking corrective action(s).
 - 2) Privately owned and operated post-construction measures installed at the direction of the MS4 entity remain functional. For private measures, the MS4 post-construction inspection program must include a process to notify responsible individuals of compliance and required corrective action.
- (2) Perform inspections of:
 - (A) One hundred (100) percent of all post-construction measures owned and/or operated by the MS4:
 - 1) In accordance with the MS4 inventory requirements identified in (h) below.
 - 2) By the end of the five (5) year permit cycle.
 - (B) Privately owned and operated post-construction measures
 - 1) In accordance with the MS4 inventory requirements in(h) below.
 - 2) All privately owned measures are to be inspected at a frequency to ensure that 100 percent of the measures are inspected within the five (5) year permit cycle or a MS4 may elect to cap the number of inspections at 250. Measures that are not inspected during the current permit cycle must be documented, prioritized, and inspected in the next permit cycle.
 - (C) Measures for which complaints are received. Take corrective action or as necessary enforcement action for measures that are not functioning or where compliance issues have been identified.
- (h) Maintain an inventory of known post-construction measures utilized to manage stormwater run-off. The inventory must be administered as outlined below:
 - (1) Privately owned post-construction measures must be included in the inventory as follows:
 - (A) MS4s designated for the permit cycle beginning in December of 2021 or after must include all measures that were installed upon adoption of the local ordinance or regulatory mechanism.
 - (B) The inventory for MS4s designated in 2003 must at a minimum include:
 - 1) Measures dating back to 2013 that were installed pursuant the local ordinance or regulatory mechanism as required by the MS4GP or 327 IAC 15-13.
 - 2) Measures dating back to the original adoption of the post-construction ordinance (in the first permit cycle beginning in 2003) for which the

MS4 is made aware of through a complaint or inquiry, or as a result of monitoring.

- (2) MS4 owned/operated post-construction measures must be included in the inventory based on the date the MS4 initially certified their post-construction program.
- (3) The inventory of known post-construction measures must include information about the measure that is relevant to the administration of the post-construction inspection program, including but not limited to:
 - (A) Type of measure.
 - (B) Identification number
 - (C) Latitude and longitude.
 - (D) Receiving water(s).
 - (E) Implementation year.
- (4) Measures inspected during the permit cycle including the following:
 - (A) Number inspected for the reporting year.
 - (B) Number that required modification/maintenance; including documentation of the corrective action.
 - (C) Number of compliance/enforcement actions that were initiated for privately owned and operated measures, (does not apply to measures owned and/or operated by the MS4 entity).
- (i) Complete and sign a certification. Submit the certification once the ordinance or other regulatory mechanism and the program has been developed or three hundred sixty-five (365) days from the date the NOI submittal is received by IDEM or, whichever is earlier. Prior to the development of the program and submittal of the certification:
 - (1) MS4 entities that have renewed permit coverage will continue to administer the program.
 - (2) MS4s designated and submitting an initial Notice of Intent to obtain permit coverage are not authorized to review construction/stormwater pollution prevention plans (SWP3). SWP3 submittals must be made directly to IDEM in accordance with the Construction Stormwater General Permit.
- (j) Review and assess the program annually and update as necessary.
 - (1) Evaluate and assess the following:
 - (A) Regulatory mechanism(s) (i.e. ordinance).
 - (B) Plan review process, policy, and procedures.
 - (C) Measure inventory and inspection process, policy, and procedures.
 - (D) Standards and specification manual and/or guidance documents.
 - (E) Policy and procedures related to management of MS4 owned and/or operated measures.
 - (F) Assess coordination with other MS4 departments.

- (2) Develop and implement a plan and schedule to address program deficiencies, improvements, and modifications to the program.
- (k) Document annual training attended by MS4 staff and/or contractual staff that is specific to the responsibility (i.e. plan review, inspection, compliance, and enforcement) the individual performs for the MS4. The documentation must, at a minimum, include:
 - (1) Responsibility of staff member.
 - (2) Dates, length (in hours), and types of training attended.
 - (3) Professional certifications MS4 staff have obtained or maintain.
- (l) Report progress in an annual report (Section 8.0) that at a minimum includes:
 - (1) Status of measurable goals, program requirements, compliance schedules, and timetables. If objectives are not being met for a specific program element, explain the implementation problems encountered, and changes made to resolve problems identified.
 - (2) Updates to the post-construction ordinance or regulatory mechanism.
 - (3) Number of sites that required post-construction measures.
 - (4) Number, type, and location of structural measures installed.
 - (5) Number, type, and location of structural measures modified to function properly or improve water quality benefits.
 - (6) Number, type, and location of structural measures inspected to ensure each meets design requirements and/or are being maintained.

4.7 SWQMP, Municipal Operations Pollution Prevention and Good Housekeeping MCM

A MS4 operator must develop and administer a comprehensive pollution prevention and good housekeeping program including the requirements in this Section and for the Tier to which MS4 is assigned. The program must include a commitment to prevent or reduce pollutant run-off from MS4 owned and/or operated facilities. MS4 entities renewing permit coverage must assess program requirements and goals from the previous permit, modify as necessary, and implement the requirements of this permit. A MS4 entity, at a minimum, must develop and implement a strategy to achieve the requirements within specific deadlines as outlined in this permit. The MS4 is required to:

- (a) Develop or update and revise a program to achieve the requirements of this MCM.
- (b) Develop and/or maintain an inventory of MS4 owned and/or operated facilities. The inventory must, at a minimum include:
 - (1) A facility location map.
 - (2) The facility name or description of the facility and the street address or if an address is not available the latitude and longitude of each facility to a five (5) decimal degree accuracy at the entrance to the facility.
 - (3) A list of NPDES stormwater and wastewater permits issued to the facility, including the permit number.
 - (4) Identification of facilities that have the greatest potential to generate stormwater pollution.

- (5) The manager and an alternate contact person for each facility; including contact information.
- (c) Complete an annual assessment of all MS4 owned and/or operated facilities that use, store, or discharge pollutants that may degrade water quality. The assessment should be based on the pollutants that are associated with the facility. The assessment, at a minimum, must:
 - (1) Identify the potential pollutants that are stored and used at each facility.
 - (2) Assess the existing operations at each facility. This must include, but is not limited to material storage, housekeeping practices, erosional features, vehicle washing, proximity of activities to drains and outfalls.
 - (3) Identify and map existing structural and non-structural stormwater management measures that have been implemented to address each type of pollutant and/or sources of pollutants.
- (d) Develop or update and revise a stormwater pollution prevention plan (SWPPP) for each MS4 owned and/or operated facility that uses, stores, or discharges pollutants that may degrade water quality. The SWPPP may be combined by facility type. At a minimum the SWPPP must include:
 - (1) The most current facility inspection report.
 - (2) A map that locates all stormwater management measures, stormwater conveyance systems and outfalls, and the receiving waters to which each discharges. The map must be maintained and updated as conditions at the facility change.
 - (3) Procedures to review the SWPPP annually and update as needed.
 - (4) Procedures to take corrective action upon identification of an issue at the facility.
 - (5) Written documentation of maintenance activities performed, maintenance schedules, and long-term inspection procedures for all stormwater management measures implemented at the facility.
 - (6) Operational procedures to achieve performance objectives for stormwater management including, but not limited to:
 - (A) Maintaining each facility, minimizing pollutant sources through eliminating exposure, administering good housekeeping procedures, and utilizing proper storage.
 - (B) Prohibiting the discharge of wash water associated with pavement, external building, and equipment or vehicle cleaning when the activity includes the use of soaps, solvents, or detergents.
 - (C) Managing stormwater run-off from stored salt and other de-icing materials by:
 - 1) Minimizing run-off and run-on.
 - 2) Utilizing and maintaining permanent structures and/or coverings, thereby reducing the discharge of polluted stormwater run-off.

- 3) Managing operations to address tracking and spillage.
- (D) Developing and implementing written spill prevention standard operating procedures (SOP). The SOP, at a minimum, must include:
 - 1) Requirements for the location of spill kits that are easily accessible and properly sized in areas where spills are likely to occur.
 - 2) Spill prevention procedures and contact information in case of a spill, including the location the information will be displayed.
 - 3) Protocol and procedures to perform inspections of the facility.
 - 4) General maintenance procedures and disposal requirements at the facility.
 - 5) Compliance with Spill Prevention Control and Countermeasures (SPCC) planning as required by 40 CFR 112.
- (e) Maintain a copy of the SWPPP at each facility.
- (f) Perform facility inspections.
 - (1) Document quarterly inspections to ensure materials and equipment are clean and orderly and to minimize the potential for pollutant discharge for all facilities.
 - (2) Records must be kept with the SWPPP.
 - (3) The inspection report must, at a minimum, include any identified deficiencies and the corrective actions taken or planned to address the deficiencies.
 - (4) At least one of the quarterly inspections is to be completed by the MS4 Coordinator or a designated individual.
- (g) Develop a written operation and maintenance plan for MS4 owned and/or operated stormwater infrastructure. The plan, at a minimum, must include:
 - (1) Procedures for the proper documented disposal of waste or materials removed from storm sewer systems and operational areas. All materials removed, including dredge spoil, accumulated sediments, floatables, and debris, must be reused, recycled, or disposed of in accordance with applicable solid waste and other applicable regulations.
 - (2) Written documentation of maintenance activities, maintenance schedules, and long-term inspection procedures for stormwater management measures to reduce floatables and other pollutants discharged from MS4 conveyance systems. Maintenance activities must include:
 - (A) Periodic litter pick up.
 - (B) Periodic structure cleaning.
 - (C) Roadside shoulder and ditch stabilization.
 - (D) Planting and proper care of roadside vegetation.
 - (E) Remediation of outfall scouring conditions.
 - (3) A surface visual inspection of all catch basins, outfalls, and conveyance systems. The inspection to assess the system:
 - (A) Must be completed annually.

- (B) May be performed by MS4 employees, including but not limited to the street department, parks department, sanitation department, or street sweeping crews while performing their regular duties. To achieve these responsibilities may require annual staff training. Visual inspections are limited to the system that is accessible above ground; therefore, the resulting documentation represents an estimation of the system condition.
- (C) Must follow the maintenance and corrective action outlined in (4) below.
- (4) A program to maintain MS4 conveyances and structures including, but not limited to, outfalls, open channels, ditches, and other drainage structures. The program, at a minimum must include:
 - (A) Utilization of the inspection program identified in (3) above to assess maintenance requirements and an ongoing visual assessment of the conveyance systems for accumulated debris and stability. The MS4 entity will target problem areas by:
 - 1) Developing a corrective action plan, including a schedule to address erosion occurring in a conveyance or at an outfall.
 - 2) Increasing visual monitoring to at least three (3) times per year for those areas with reoccurring issues until such time that the problem is eliminated.
 - (B) Procedures for the removal and disposal of trash and debris.
 - (C) Documentation that catch basin cleaning and maintenance has been completed.
 - (D) Procedures to ensure water extracted during catch basin cleaning does not reenter the MS4 storm system without pre-treatment.
 - (E) Documentation that the conveyance system maintenance has been completed.
- (5) Procedures to manage run-off from MS4 owned and/or operated streets and parking lots. The procedures at a minimum must include:
 - (A) Prioritization of streets, road segments, and parking lots that are to receive the highest priority for maintenance.
 - (B) A map of the streets, roads, and public parking lots.
 - (C) Identification of community special events (e.g. fireworks, parades) that generate trash and a schedule to perform cleanup for these events.
 - (D) Procedures to properly dispose of waste, including dewatering methods if applicable.
- (h) Complete and sign a certification form. Submit the certification to IDEM once the program has been developed or three hundred sixty-five (365) days from the date the initial NOI submittal was received by IDEM, whichever is earlier.
- (i) Review and assess the good housekeeping program annually and update as necessary.

- (j) Establish procedures to ensure contractors or third-party entities hired by the MS4 entity to perform maintenance or other operational activities associated with the stormwater system are required to comply with stormwater good housekeeping practices and facility-specific stormwater management policies and procedures.
- (k) Evaluate existing flood control structures owned and/or operated by the MS4 for feasibility to modify the structure to improve water quality.
- (l) Develop, document and implement an annual training program for employees directly involved in implementing good housekeeping for MS4 owned and/or operated infrastructure and facilities. The program, at a minimum must include:
 - (1) Topics that are directly related to an employee's responsibilities and that covers new technology, operations, fueling spill prevention and clean-up, other responsibilities that arise during the year, site specific stormwater run-off issues, permit requirements that apply to the staff being trained, and review of the SWPPP.
 - (2) Training must be provided to:
 - (A) New full-time and part-time hires within the first two (2) months of their hire date.
 - (B) Seasonal employees within the first 30 days.
 - (3) Documentation that employees have been properly trained on issues directly related to their responsibilities. The documentation, at a minimum, must include:
 - (A) Employee name and position.
 - (B) Dates, length (in hours) of the training attended.
 - (C) Description of the training provided.
- (m) Report progress in an annual report (Section 8.0) that, at a minimum, includes:
 - (1) Status of measurable goals, program requirements, compliance schedules, and timetables. If objectives are not being met for a specific element, explain the implementation problems encountered, and changes made to resolve problems identified.
 - (2) Number and location of stormwater outfalls and conveyance systems that have been repaired.
 - (3) Estimated amount of material collected from stormwater drainage system cleaning including the disposal methods utilized.
 - (4) Estimated amount of material collected from street sweeping, if applicable, including the disposal methods utilized.
 - (5) Number and location of de-icing salt and sand storage areas and methods used to minimize stormwater exposure.

4.8 Tier Assignment - Minimum Control Measure Requirements

Each MS4 is assigned to a specific Tier for the purpose of complying with the MS4GP. MS4s are required to comply with specific requirements listed in the core permit but are also expected to meet the specific requirements outlined in this Section based on the Tier to which the MS4 is assigned.

- (a) **Tier A:** Applies to cities or towns with that have been designated as a MS4 and a population up to 35,000:
- (1) Public Education, Outreach, Public Involvement MCM:
 - (A) Identify high-priority topics and develop public education materials related to these topics.
 - (B) Identify main commercial (gas retail, restaurants, food trucks, mechanic shops) activities within the MS4 that may have an impact on stormwater.
 - 1) Develop educational materials related to targeted commercial activities.
 - 2) Distribute information as part of community outreach.
 - (C) Develop a list of industrial facilities and evaluate partnering possibilities.
 - (D) Conduct at least one (1) meeting with stormwater board or highest elected official annually to share MS4 program updates.
 - (E) Have an electronic media presence on at least one (1) platform and post a public education topic quarterly.
 - (2) Illicit Discharge Detection and Elimination MCM:
 - (A) Complete screening of all outfalls owned and/or operated by the MS4 twice per permit cycle for MS4s with less than 100 outfalls.
 - (B) MS4s with more than 100 outfalls must:
 - 1) Screen all outfalls once per permit cycle.
 - 2) Identify high-priority areas within the MS4 based on land use and develop a screening plan to do a second screening during the permit cycle. The plan must include:
 - a) Criteria defining high-priority areas for the following land use types:
 1. Residential
 2. Commercial
 3. Industrial
 - b) A map for each land use type including representative MS4 owned and/or operated outfalls for each land use.
 - c) An inspection program that targets a screening at each MS4 owned and/or operated outfall two (2) times per permit cycle.
 - (3) Construction Site Stormwater Run-off:

No additional requirements have been assigned to MS4s within Tier A.
 - (4) Post-construction Stormwater Run-off:

No additional requirements have been assigned to MS4s within Tier A.

- (5) Municipal Operations Pollution Prevention and Good Housekeeping
No additional requirements have been assigned to MS4s within Tier A.

(b) **Tier B:** Applies to cities or towns with a population of 35,001 to 99,999:

(1) Public Education, Outreach, Public Involvement MCM:

- (A) Identify high-priority topics for the public and commercial businesses and develop an education program.
- (B) Provide educational opportunities for commercial facilities and outreach opportunities for different types of commercial facilities based on high-priority topics. At least one educational (training) material or outreach event must be held annually.
- (C) Identify industrial facilities and develop priority areas based on water quality concerns.
 - 1) Conduct outreach on stormwater topics related to the identified priority area(s) during the permit cycle.
- (D) Conduct at least two (2) meetings with stormwater board or highest elected official annually to share program updates.
- (E) Have an electronic media presence on at least two (2) platforms and post a public education topic monthly.

(2) Illicit Discharge Detection and Elimination MCM:

- (A) Develop and complete a citizen Qualitative Habitat Evaluation Index (QHEI) or equivalent stream screening process at each outfall once during the permit cycle. Areas that have multiple outfalls within a 50-meter stretch may complete one QHEI for substantially similar outfalls.
- (B) Assess available water quality information for pollutant sources, including hot spots that may contribute to impairment.
 - 1) Identify and document outfall locations that discharge to:
 - a) All impaired waters
 - b) All TMDLs
 - 2) Develop a written screening plan or SOP based on collected information at each of the outfalls identified in 1) above.
- (C) Complete screening at all MS4 owned and/or operated outfalls:
 - 1) Twice per permit cycle for MS4s with less than 100 identified outfalls.
 - 2) MS4s with 100 outfalls or more must:
 - a) Screen all outfalls once per permit cycle.
 - b) Identify high-priority areas within the MS4 based on land use and develop a screening plan. Complete a second screening during the permit cycle as indicated below:
 - 1. Criteria defining high-priority areas for the following land use types:
 - a. Residential

- b. Commercial
 - c. Industrial
 - 2. A map for each land use type including representative MS4 owned and/or operated outfalls for each land use.
 - 3. An inspection program that targets a screening at each MS4 owned and/or operated outfall two (2) times per permit cycle.
 - (3) Construction Site Stormwater Run-off MCM:
No additional requirements have been assigned to MS4s within Tier B.
 - (4) Post-construction Stormwater Run-off MCM:
No additional requirements have been assigned to MS4s within Tier B.
 - (5) Municipal Operations Pollution Prevention and Good Housekeeping MCM:
No additional requirements have been assigned to MS4s within Tier B.
- (c) **Tier C:** Applies to cities with a population of 100,000 or more:
- (1) Public Education, Outreach, Public Involvement MCM:
 - (A) Develop and document high-priority topics for an education program. The program must focus on the public, commercial businesses, and industrial facilities.
 - (B) Develop a detailed plan for commercial businesses. The plan must include strategies for outreach to commercial businesses based on the type of business. The plan must be implemented within the permit cycle and at a minimum include outreach to two (2) types of commercial businesses.
 - (C) Develop a detailed outreach plan for industrial facilities. Develop a map that is updated with industrial facilities that do not require an NPDES permit.
 - (D) Conduct at least two (2) meetings with stormwater board or highest elected official annually to share program updates.
 - (E) Have an electronic media presence on at least two (2) platforms and post a public education topic monthly.
 - (F) Conduct an interactive social media event annually to encourage public participation.
 - (2) Illicit Discharge Detection and Elimination MCM:
 - (A) Develop and complete a citizen Qualitative Habitat Evaluation Index (QHEI) or equivalent stream screening process once during the permit cycle at each outfall. Areas that have multiple outfalls within a 50-meter stretch may complete one QHEI for substantially similar outfalls.
 - (B) Assess available water quality information for pollutant sources, including hot spots that may contribute to impairment.
 - 1) Identify and document outfall locations that discharge to:
 - a) Impaired waters

- b) TMDLs
- 2) Develop a written screening plan based on collected information at each of the outfalls identified in 1) above.
- (C) Complete screening at all MS4 owned and/or operated outfalls:
 - 1) Twice per permit cycle for MS4s with less than 100 identified outfalls.
 - 2) MS4s with 100 outfalls or more must:
 - a) Screen all outfalls once per permit cycle.
 - b) Identify high-priority areas within the MS4 based on land use and develop a screening plan to do a second screening during the permit cycle:
 - 1. Criteria defining high-priority areas for the following land use types:
 - a. Residential
 - b. Commercial
 - c. Industrial
 - 2. A map for each land use type including representative MS4 owned and/or operated outfalls for each land.
 - 3. An inspection program that targets a screening at each MS4 owned and/or operated outfall two (2) times per permit cycle.
- (D) Identify businesses and industrial facilities as indicated below and develop an inspection program. A MS4 is required to inspect:
 - 1) Restaurants:
 - a) MS4 during the permit cycle shall inspect restaurants within their jurisdiction to confirm that stormwater measures are being effectively implemented in compliance with state law and local County and municipal ordinances. Restaurants include facilities with a local permit (i.e. health department) that prepare and serve food to customers, but which is not a temporary or seasonal facility or have a risk index of 180, 270 or 360.
 - b) At each restaurant, the inspector must determine if the restaurant:
 - 1. Has received educational materials on stormwater pollution prevention practices.
 - 2. Does not pour oil and grease or oil and grease residue onto a parking lot, street, or catch basin.
 - 3. Keeps the trash bin area clean, trash bin lids closed, and does not fill trash bins with washout water or any other liquid.
 - 4. Does not allow illicit discharges, such as discharge of wash water from floor mats, floors, porches, parking lots, alleys, sidewalks, and street areas in the immediate vicinity of the establishment, filters, or garbage/trash containers.

5. Removes food waste, rubbish or other materials from parking lot areas in a sanitary manner that does not create a nuisance or discharge to the storm drain.
- 2) Automotive Service Facilities:
 - a) The MS4 must inspect a minimum of twenty-five (25) automotive service facilities annually and provide educational materials.
 - b) At each facility inspections will be conducted, and the results documented. The Inspections must be reported with each annual report.
 - c) Inspection results that indicate the automotive service facilities require additional employee education, will require the MS4 to develop a revised education strategy. Status will be provided to IDEM with the annual report.
 - 3) Retail Gasoline Outlets:
 - a) The MS4 must inspect a minimum of twenty-five (25) retail gasoline outlets annually and provide educational materials.
 - b) At each retail outlet the MS4 must conduct Inspections and document the results in time to report the inspections with each annual report.
 - c) If the inspection results indicate that retail gasoline outlets require additional employee education will require a MS4 to develop a revised educational strategy. Status will be provided to IDEM in the annual report.
- (E) Monitoring Requirements:
- Sampling of ambient receiving water conditions shall be conducted to provide data to characterize stormwater discharge quality, assess the effectiveness and adequacy of stormwater management measures implemented under the SWQMP, identify and prioritize areas that may be contributing excessive levels of pollutants and will therefore require additional stormwater management measures, estimate pollutant loadings and mean concentrations for each identified location and identify water quality improvements or degradation. A MS4 is required to develop and implement a monitoring plan in accordance with the following:
- 1) Developed to provide data on all types of land use within the MS4 and provide an overview of the MS4 area.
 - 2) Developed to include a proposed list of ambient receiving waters that will be sampled. The sampling locations must be downstream of the MS4 outfalls and must be identified by latitude and longitude with no more than a four-digit alphanumeric identification number.

- 3) Submitted within twelve (12) months of the effective day of the permit. for the first year of permit coverage. The monitoring plan will be approved by IDEM prior to implementation.
- 4) Reviewed annually and as necessary revised using water quality data collected during the five (5) year permit cycle. Revisions to the monitoring plan must be submitted with the annual report and approved by IDEM.
- 5) Modifications to the sampling location must be requested in writing and approved by IDEM prior to moving the sampling location.
- 6) Analyze collected samples for the pollutants listed in the Table below. Analysis and collection of samples shall be completed in accordance with the methods specified at 40 CFR Part 136.
- 7) Sample in accordance with the following:

- a) A grab sample shall be taken at each of the locations identified on a quarterly basis to determine ambient conditions of the MS4 area receiving waters. During each year of the permit term, at least three (3) of the four (4) quarterly sample collections for ambient receiving water shall be reflective of wet weather discharges into the receiving waters. For wet weather samples, one (1) sample shall be collected during each quarter of the year.

If a qualifying wet weather event does not occur during a given quarter, or if sampling cannot be conducted safely, the permittee shall document its good-faith sampling attempts in the DMR. Such documentation shall constitute compliance with this requirement for that quarter.

- b) Samples shall be collected after a storm event that is greater than one-tenth (0.1) inches of rainfall and at least seventy-two (72) hours from the previously measurable (greater than one-tenth (0.1) inches) storm event. The required seventy-two (72) hour storm event interval is waived where the preceding measurable storm event did not result in a measurable stormwater discharge into the receiving water, or where the permittee documents that less than a seventy-two (72) hour interval is representative for local storm events during the season when sampling is being conducted.
- c) Record Keeping:
 1. The MS4 shall record the date and time of sample collection, and the duration (in hours) between the sample collection and the end of the previous measurable (greater than one-tenth (0.1) inch rainfall) storm event. The permittee shall also maintain records

of the storm events: date and duration (in hours), and rainfall measurements or estimates (in inches).

2. The rainfall (inches), duration (hours), and dry days preceding precipitation event information can be recorded on the DMR (monitoring report) form and note the sampling date in the "comments" or in an attached letter.
3. Loadings and Mean Concentrations: All necessary sampling data shall be collected to provide estimates of pollutant loadings and mean concentrations for the parameters listed in the Table below. Other sources of data may also be used to provide these estimates. Estimates of the pollutant loadings and mean concentrations and a description of the procedures used for calculating these values shall be included in the annual report.

8) Stormwater Monitoring Requirements:

The following parameters are required to be sampled at each outfall.

Parameter	Concentration Limit	Units	Measurement Frequency	Sample Type	Detection Limit
Flow	Report	Gallons	Quarterly	Estimated Total	None
Temperature	Report	Degrees (Fahrenheit)	Quarterly	Grab	None
Conductivity	Report	µSiem	Quarterly	Grab	1.0 µSiem
Dissolved Oxygen	Report	mg/L	Quarterly	Grab	1.0mg/L
Total Suspended Solids	Report	mg/L	Quarterly	Grab	4.0mg/L
Total Dissolved Solids	Report	mg/L	Quarterly	Grab	6.0mg/L
pH	Report	S.U.	Quarterly	Grab	None
Oil & Grease [1]	Report	mg/L	Quarterly	Grab	5.0 mg/L
Total Kjeldahl Nitrogen	Report	mg/L	Quarterly	Grab	0.05 mg/L
Nitrate plus Nitrite Nitrogen	Report	mg/L	Quarterly	Grab	0.01 mg/L
Total Phosphorus	Report	mg/L	Quarterly	Grab	0.01 mg/L
Ammonia Nitrogen	Report	mg/L	Quarterly	Grab	0.03 mg/L
E.coli	Report	CFU/100mL	Quarterly	Grab	ICFU/100 ml
Hardness as CaCQ3	Report	mg/L	Quarterly	Grab	1.0mg/L

[1] Oil and grease analysis is only required for samples obtained during wet weather and, for samples collected during dry weather, when a noticeable sheen is present during the sample collection.

9) Test Procedures:

- a) With the exception of dry weather screening, the analytical and sampling methods used shall conform to the current version of 40 CFR 136. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods; however, 40 CFR Part 136 should be checked to ascertain if a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the Department and the U.S. EPA.
 - b) Standard Methods for the Examination of Water and Wastewater 18th, 19th, or 20th Editions, 1992, 1995, or 1998 American Public Health Association, Washington, D.C. 20005.
 - c) A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis 1972 American Society for Testing and Materials, Philadelphia, PA 19103.
 - d) Methods for Chemical Analysis of Water and Wastes June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.
- 10) Recording results for each measurement or sample taken pursuant to the requirements of this permit, a MS4 shall record the following information:
- a) The exact place, date, and time of sampling;
 - b) The person(s) who performed the sampling or measurements;
 - c) The date(s) of the analysis was performed;
 - d) The person(s) who performed the analyses;
 - e) The analytical techniques or methods used; and
 - f) The results of all required analyses and measurements.
- 11) If a MS4 monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, then the results of this monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report. Such increased frequency shall also be indicated. Other monitoring data not specifically required in this permit which is collected by or for the MS4 does not need to be submitted unless requested by the Commissioner.

12) Reporting Requirements:

- a) A MS4 is required to conduct quarterly monitoring (quarters begin on January 1, April 1, July 1, and October 1) at designated outfalls and report the results of the monitoring. The United States Environmental Protection Agency (U.S. EPA) Regional Administrator may request the MS4 to submit monitoring reports to the U.S. EPA if it is deemed necessary to assure compliance with the permit.
- b) The permittee will be required to enroll in the NetDMR program for the electronic submittal of the DMR in lieu of submitting the DMR via U.S. Mail. If the permittee is awaiting approval to submit within NetDMR, they may mail in their DMR until they are able to submit electronically. If the permittee does not have the ability to submit reports electronically, the permittee may request an exemption from the requirement which must include the justification of the inability to utilize an electronic filing system.
- c) Report data for each sampling parameter in the units required by this permit.
- d) Submit the DMR by the 28th day of the month (January 28, April 28, July 28, and October 28) following the end of the sampling period. The analytical techniques and results of all required analyses and measurements must be submitted in concurrence with the DMR, including a chain-of-custody.
- e) Amend the DMR upon discovery by a MS4 or notification by the department that the permittee has submitted an incomplete or incorrect report. The amended report shall contain the missing or corrected data along with an explanation of the circumstances of the incomplete or incorrect report.
- f) Electronically Sign and certify the DMR.

13) Reporting Requirements:

- a) A MS4 is required to conduct quarterly monitoring (quarters begin on January 1, April 1, July 1, and October 1) at designated outfalls and report the results of the monitoring.
- b) The United States Environmental Protection Agency (U.S. EPA) Regional Administrator may request the MS4 to submit monitoring reports to the U.S. EPA if it is deemed necessary to assure compliance with the permit.

- (F) Annual Report: In addition to the reporting requirements identified in Section 4.0, the MS4 must report the following information:
- 1) Based on analytical sampling:
 - a) A summary of the SWQMP, including identification of water quality improvements or degradation, areas of accomplishment, areas needing improvement and the future direction of the program.
 - b) Proposed revisions to the SWQMP or the monitoring program.
 - c) A summary of the assessment of methodologies.
 - d) A summary and analysis of the data, including monitoring data that is generated throughout the reporting year.
 - e) Estimates of pollutant loadings and mean concentrations.
 - 2) Number of restaurants, automotive service facilities and retail gasoline outlet inspection conducted. Inspection reports may be requested and must be provided within two (2) business days of a request.
- (3) Construction Site Stormwater Run-off MCM:
No additional requirements have been assigned to MS4s within Tier C.
- (4) Post-construction Stormwater Run-off MCM:
No additional requirements have been assigned to MS4s within Tier C.
- (5) Municipal Operations Pollution Prevention and Good Housekeeping
No additional requirements have been assigned to MS4s within Tier C.
- (d) **Tier D:** Applies to county designated MS4s:
- (1) Public Education, Outreach, Public Involvement MCM:
 - (A) Conduct at least one (1) meeting with stormwater board or highest elected official(s) annually to share MS4 program updates.
 - (B) Have an electronic media presence on at least one (1) platform and post a public education topic quarterly.
- Note:** Tier D MS4s may utilize events in urban areas to complete the requirements outlined in Section 4.1 and this subsection.
- (2) Illicit Discharge Detection and Elimination MCM:
 - (A) Outfalls in urban areas must be screened twice during the permit cycle.
 - 1) Outfall screenings must meet the dry weather screening requirements or
 - 2) A MS4 may propose an alternative to IDEM to satisfy the requirements in a) above. An alternative plan must be proposed, developed, and approved by IDEM.

- (B) Outfalls outside the urban area must be screened twice per permit cycle.
MS4s:
 - 1) May utilize other MS4 departments to achieve this screening requirement.
 - 2) Must have a written plan that shows all outfalls are maintained and illicit discharges are not visibly evident. The plan and documentation must address remediation/corrective action of any stability issues or illicit discharges identified.
- (C) Update outfall maps within twelve (12) months of the completion of construction.
- (D) Develop a written plan for storm system maintenance, including a maintenance component. The MS4 may utilize other government inspection processes to meet maintenance requirements.
- (3) Construction Site Stormwater Run-off MCM:
No additional requirements have been assigned to MS4s within Tier D.
- (4) Post-construction Stormwater Run-off MCM:
No additional requirements have been assigned to MS4s within Tier D.
- (5) Municipal Operations Pollution Prevention and Good Housekeeping MCM:
No additional requirements have been assigned to MS4s within Tier D.
- (e) **Tier E:** Applies to non-traditional MS4s including but not limited to colleges, universities, census defined place, conservancy districts:
 - (1) Public Education, Outreach, Public Involvement MCM:
 - (A) Conduct at least one (1) meeting with stormwater board, university leadership, or governing officials annually to share MS4 program updates.
 - (B) Have an electronic media presence on at least one (1) platform and post a public education topic quarterly. An alternative notification system (i.e. student notification system) may be used to meet this requirement.
 - (2) Illicit Discharge Detection and Elimination MCM:
 - (A) Screen all MS4 owned and/or operated outfalls annually.
 - (B) Develop a process to document IDDE occurrences.
 - (C) Develop a process to report and remediate any IDDE occurrences.
 - (D) Develop policies and/or procedures that are enforceable if the MS4 assigned to this tier does not have the legal authority to develop an ordinance.
 - (3) Construction Site Stormwater Run-off MCM:
No additional requirements have been assigned to MS4s within Tier E.
 - (4) Post-construction Stormwater Run-off:
No additional requirements have been assigned to MS4s within Tier E.
 - (5) Municipal Operations Pollution Prevention and Good Housekeeping MCM:
No additional requirements have been assigned to MS4s within Tier E.

4.9 SWQMP Submittal

- (a) A SWQMP and a certification form must be submitted to IDEM according to the following schedule.
 - (1) A new MS4 entity is required to submit the SWQMP and the certification within three hundred sixty-five (365) days from the date the initial NOI submittal is received by IDEM.
 - (2) MS4 entities renewing permit coverage, must submit the SWQMP and the certification no later than three hundred sixty-five (365) days after the NOI submittal.

4.10 SWQMP Certification

A qualified professional and the MS4 operator or designee (individual who has the appropriate signatory authority as required by 40 CFR 122.22) must certify the SWQMP.

5.0 WATER QUALITY- BASED EFFLUENT LIMITATIONS

Compliance with the conditions in this permit constitutes compliance with the MS4 entity's obligations under the Clean Water Act and the corresponding federal and state regulations.

If at any time, conditions associated with a discharge from a MS4 are observed that indicate a discharge that does not meet the applicable water quality standards, corrective action is required.

IDEM may also impose additional water quality-based limitations on a site-specific basis or require an individual permit. This may include the requirement to install additional measures to comply with a waste load allocation in a U.S. EPA established or approved TMDL.

5.1 Discharge Limitations for Impaired Waters and TMDL implementation

- (a) When a MS4 entity determines that stormwater discharges from any part of its MS4 flows to a waterbody with a U.S. EPA approved TMDL, the MS4 must determine if the discharges have any pollutants(s) of concern relative to the TMDL. The MS4 entity may review the U.S. EPA approved TMDL at:
<https://www.in.gov/idem/nps/2652.htm>.
- (b) The TMDL will identify entities subject to any applicable waste load allocations (WLAs). When the TMDL identifies that MS4 discharges are contributing pollutants of concern and a WLA(s) is established for MS4 discharges, the MS4 entity is subject to the applicable WLA.

- (c) When the MS4 entity determines that it is subject to an applicable new approved TMDL WLA or a TMDL approved prior to the effective date of this permit, the following requirements apply:
- (1) In the first year of the permit, the MS4 must identify the waterbody the TMDL is written for and the parameters that a WLA applies to the MS4.
 - (2) In year two, the MS4 entity must implement a program and update its SWQMP to incorporate appropriate stormwater management measures that will be implemented to reduce loadings of the pollutant(s) of concern and achieve the applicable WLA. This may include, but is not limited to:
 - (A) Strengthening or expanding the illicit discharge detection and elimination (IDDE) program to increase the focus on the pollutant(s) of concern.
 - (B) Strengthening or expanding pollution prevention and good housekeeping for municipal operations to more effectively control the pollutant(s) of concern.
 - (C) Implementing additional stormwater management measures to reduce loadings for the pollutant(s) of concern.
 - (D) Retrofitting MS4 owned and/or operated structural stormwater management measures to reduce loadings of pollutants of concern.
 - (3) The SWQMP must:
 - (A) Identify additional or modified stormwater management measures the MS4 will use or has used to help reduce pollutant loading for the pollutant(s) of concern.
 - (B) Document/summarize the information used to determine that the identified stormwater management measures will reduce loadings of the pollutant(s) of concern.
 - (C) Define a schedule for implementing the stormwater management measures being implemented to meet needed reductions. Targets should be established to facilitate assessment of progress towards meeting the water quality standards.
 - (4) Every year following the creation of the implementation plan for the TMDL, the MS4 must continue to implement the plan and provide documentation in the annual report of installation and maintenance of stormwater management measures and principles that have been implemented.

6.0 NOTICE OF INTENT (NOI) REQUIREMENTS

6.1 NOI Requirement

A MS4 entity seeking coverage under this permit must:

- (a) Submit the appropriate notice of intent (NOI) as provided by IDEM according to Sections 6.2 through 6.6. The NOI form must be signed by an individual who has the signatory authority as required by 40 CFR 122.22.

- (b) Notify the public of the intent of the MS4 to submit an application to IDEM to obtain permit coverage as a MS4.
 - (1) Notification may be achieved through either options (A) or (B) below.
 - (A) Place a notification on the MS4 entity or municipality web page or community calendar. The notice must be posted for a minimum of 30 days prior to submitting the NOI.
 - (B) Place notification in the newspaper with the greatest circulation in the affected MS4 area. The notice must be posted for a minimum of one day.
 - (2) The notification must include:
 - (A) A list of all entities intended to obtain permit coverage under this permit.
 - (B) A statement which reads: "(MS4 entity name and address) intends to discharge stormwater run-off from its stormwater collection and conveyance system and is submitting a Notice of Intent to notify the Indiana Department of Environmental Management of the MS4 entity's obligation and intent to comply with the requirements of the MS4 General Permit.
 - (C) Contact information for the MS4 where questions or inquiries may be directed related to the MS4 application.

6.2 NOI Content

- (a) The NOI must include:
 - (1) The name of the MS4 entity or a list of MS4 entities for a co-permit with a primary MS4 entity designated.
 - (2) Contact information, including name, title, address, telephone, and e-mail address for the following individuals:
 - (A) MS4 operator(s).
 - (B) Contact person or MS4 coordinator (if different from the MS4 operator).
 - (C) Application preparer and/or consultant, where applicable.
 - (3) An estimate of the coverage area of the MS4 in acres or when a co-permit, the acreage of each.
 - (4) A list of 12-digit hydrologic unit codes, including one designated as the primary.
 - (5) The population of the MS4 entity or when a co-permit, the estimated population of each.
 - (6) A list of all known receiving waters or, when the discharge is to another MS4, the name of the receiving MS4 entity and its receiving water(s).
 - (7) The primary receiving water to which the majority of the MS4 conveyances discharge or when there are co-permits identify primary receiving water for each.
 - (8) Identification of any of the receiving water(s) that is included in a U.S. EPA approved TMDL and the name of the TMDL.

- (9) Identification of any receiving water(s) included in the current 303d list of impaired waters and the impairments.
- (10) Proof that a notice was posted to the MS4 web page/community calendar or in a newspaper with the greatest circulation in the affected MS4 area.
- (11) Funding sources.
- (12) Existence of stormwater fees, including the criteria on which the fee is calculated.
- (13) Responsibilities that will be shared and certification by responsible entities that any applicable, legally binding agreements between entities have been obtained concerning individual responsibilities for implementation of this permit.

6.3 Deadlines for NOI Submittal

- (a) An entity that is designated as a new MS4 entity must submit a NOI no later than ninety (90) days from the effective date of this permit unless:
 - (1) Written permission for a later date has been granted by IDEM. When written permission is given, the NOI must be submitted by the date established in the notification.
 - (2) The MS4 entity was not notified as being designated in writing at least one hundred eighty (180) days prior to the effective date of this permit.
 - (3) An entity that meets the criteria to be designated as a MS4 entity and is notified by IDEM after the effective date of this permit must submit the required information under Section 6.2 of this permit within three hundred sixty-five (365) days of being notified.
- (b) For an existing MS4 entity, with coverage under the MS4GP (12/18/2021 through 12/17/2026), on the effective date of this general permit, the existing coverage shall automatically be extended provided that the MS4 entity takes one of the following actions identified in (1) or (2) below:
 - (1) The MS4 entity submits an NOI in accordance with Section 6.0 either 90 days prior to the expiration of the current MS4GP or 90 days after IDEM makes the NOI available to affirm it intends to comply with the requirements of this permit.
 - (2) Within 90 days prior to the expiration of the current MS4GP:
 - (A) The MS4 entity notifies IDEM in writing of its intent to terminate permit coverage in accordance with Section 7.0 of this permit; or
 - (B) The MS4 entity submits an individual NPDES application or modification to IDEM for the existing discharge covered 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) IDEM may, upon good cause shown in writing by the applicant, extend any of the submission deadlines.

6.4 Submittal of a NOI - Options to co-permit

- (a) A MS4 entity may elect to co-permit with other MS4 entities provided:
 - (1) The MS4 entities seeking coverage are within a local urbanized area.
 - (2) The MS4 entities agree to coordinate responsibilities and program implementation.
 - (3) The MS4 entities develop legally binding agreements concerning individual responsibilities for implementation of this permit.
 - (4) The MS4 entities seeking coverage submit a single NOI.
 - (5) The MS4 entities seeking co-permit status, identify one MS4 entity as the primary operator.
 - (6) Each co-permittee is individually responsible for:
 - (A) Compliance for discharges from those areas of the MS4 where the co-permittee is the operator.
 - (B) Ensuring that the six (6) minimum control measures are implemented for those areas of the MS4 where the co-permittee is the operator.
 - (C) Any permit conditions that are established for specific areas of the MS4 owned and/or operated by that co-permittee.
 - (D) The applicable fee.

6.5 Submitting the NOI and Processing Fee

The NOI and fee must be submitted according to the following:

Submit hard copies to this address:

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

IDEM continues to develop means of electronic submittals for notice of intent (NOI) and annual reporting. Upon availability and notification by IDEM of an electronic application process, a MS4 entity is required to utilize this process to file the NOI and other submission requirements. If the electronic application process does become a requirement and the MS4 entity does not have the ability to submit NOIs or other required documents electronically, the permittee may request an exemption from the requirement which must include the justification of the inability to utilize an electronic filing system.

6.6 NOI Amendment

- (a) Submit a letter to IDEM within 30 days when:
 - (1) The MS4 operator and/or MS4 Coordinator changes. If no other conditions change except for the name of a MS4 operator or coordinator, a written letter

describing the name change and a statement that no other conditions have changed will be sufficient notification to IDEM.

- (2) A MS4 entity enters into or dissolves co-permittee status.

7.0 TERMINATION OF COVERAGE OR WAIVER

If eligible, a MS4 entity may terminate permit coverage or obtain a waiver. In order to terminate coverage, the MS4 entity must complete and submit a notice of termination (NOT) including a signature as required by 40 CFR 122.22.

7.1 NOT and Waiver Criteria

- (a) A MS4 entity within a mapped urban area (UA) and a conveyance system that serves a population of less than one thousand (1,000) is granted a waiver, unless the conveyance system contributes to the pollutant loadings of a regulated, physically interconnected MS4 entity or IDEM determines that stormwater quality measures are required to address discharges from the MS4.
- (b) A MS4 entity may request IDEM terminate permit coverage based on:
 - (1) Documentation that physical changes in the MS4 area have taken place and the current conditions no longer warrant permit coverage.
 - (2) Reductions in population, population density, occupancy, or enrollment that result in numbers below minimum designation criteria. Requests will only be considered on a case-by-case basis.
 - (3) Co-permittees that are no longer effective in administering the program in a cooperative manner. If granted by IDEM, each MS4 entity must individually obtain permit coverage.
- (c) IDEM may terminate permit coverage and require a MS4 entity to apply for an individual permit if one or more of the criteria referenced in 327 IAC 15-2-9(b) is applicable.

7.2 NOT and Waiver Review

- (a) A MS4 entity will continue to be responsible for compliance with this permit until IDEM accepts and approves a request for a waiver or NOT.
- (b) A permit waiver may be re-evaluated by IDEM at any time.

8.0 REPORTING REQUIREMENTS

8.1 Annual Report Content

- (a) An annual report must include:
 - (1) Relevant sections of the SWQMP that have been modified.
 - (2) Updates of measurable goals for each minimum control measure (MCM) and Tier to which the MS4 is assigned.
 - (3) Progress towards development, implementation, and enforcement of all MCMs. Report on all items identified in the annual report section associated with each MCM.

- (4) Status of ordinance development and/or modification.
- (5) Updated list of receiving waters.
- (6) A description of progress to meet a TMDL WLA or improve water quality in the 303d listed impairments.
- (7) Implementation problems encountered, including program changes made to address ineffectiveness or infeasibility.
- (8) New funding sources and expenditures.
- (9) MS4 jurisdictional boundaries as required by Section 4.2 (a)(1). Identify land areas removed or added to the jurisdictional area of the MS4.
- (10) Stormwater system map as required by 4.4 (e)(1) through (3).
- (11) A final program assessment, including a comprehensive review of all goals and objectives, program achievements, and areas identified to improve and enhance program effectiveness.
- (12) All required elements of the annual report must be completed or use of not applicable must have an explanation.

8.2 Annual Report Submittal

- (a) Annual reports will be submitted within the first quarter (before April 1) of the calendar year and cover the previous calendar year.

8.3 Certification of Annual Report

- (a) The MS4 operator (person who has the appropriate signatory authority as required by 40 CFR 122.22) must certify the annual report.

9.0 ADDITIONAL REQUIREMENTS

9.1 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)

9.2 Other Information

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

9.3 Effect of Noncompliance

All discharges shall 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, requiring an individual permit, and/or denial of permit coverage renewal.

When IDEM or the U.S. EPA determines that the performance requirements in Section 4.0 of this general permit are not being met consistently, or that the discharge is causing or contributing to noncompliance or a violation of any applicable water quality standard, the permittee may be notified by IDEM in writing that an individual permit application is necessary.

9.4 Reporting Spills and Noncompliance

When it is caused by the MS4 entity, 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. When the MS4 permittee observes or is otherwise made aware of any permit noncompliance or any adverse incident that may have resulted from a discharge from the MS4, the permittee must notify IDEM by telephone **at (888) 233-7745**:

- (a) Immediately for bypasses, adverse incidents or noncompliance which pose a significant danger to human health or the environment, and
- (b) As soon as possible, but within two (2) hours of discovery for any bypasses, adverse incidents, or noncompliance resulting in death or acute injury or illness to animals or humans (see "Spill Response and Reporting Requirements" in 327 IAC 2-6.1).

The permittee must report any noncompliance and other information that is subject to the reporting requirements of 40 CFR 122.41(l)-(m) and 40 CFR 122.42(a) of this general permit within 24 hours of the person becoming aware of the permit noncompliance if it does not meet either of the conditions listed above. The permittee must make the oral reports to IDEM by calling (317) 232-8670 during regular business hours or by calling (317) 233-7745 ((888) 233-7745 toll free in Indiana) during non-business hours. Written reports must be submitted to IDEM within five (5) days of the time the permittee becomes aware of the circumstances and may be submitted by U.S. Mail, by hand delivery, or via email.

The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The mailing address for the written report is:

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

Any written reports which are sent to IDEM via email shall be sent to wwreports@idem.IN.gov.

9.5 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.

9.6 Records Retention

All records and information must be retained for a minimum of three (3) years after the expiration date of permit coverage. All records must be kept by the MS4 entity in such a manner that the reports will be readily available for IDEM compliance staff review. The three (3) year retention requirement must 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 IDEM.

9.7 Reopening Clause

This general permit may be modified or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C), (D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- (a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (b) Controls any pollutant not limited in the permit.

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:

- (a) Submit a complete NOI containing the information required under the modified or reissued permit; or
- (b) Apply for an individual NPDES permit; or
- (c) Submit a Notice of Termination (NOT) of discharge.

9.8 State and Local Laws

Coverage under this permit does not preempt any duty to obtain any other state or local assent 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 must 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 – Definitions

- (1) “Buffer strip” means an existing, variable width strip of vegetated land intended to protect water quality and terrestrial and aquatic habitat in an adjacent resource or area.
- (2) “Census Designated Place” means statistical counterpart of incorporated places, delineated to provide data for settled concentrations of population identifiable by name but not legally incorporated under the laws of the state in which they are located. CDPs are delineated cooperatively by state and local officials and the Census Bureau, following Census Bureau guidelines.
- (3) “Class V injection well” means a type of well, which typically has a depth greater than its largest surface dimension, emplaces fluids into the subsurface, and does not meet the definitions of Class I through Class IV wells as defined under 40 CFR 146.5. While the term includes the specific examples described in 40 CFR 144.81, septic systems that serve more than one (1) single-family dwelling or provide service for nondomestic waste, dug wells, bored wells, improved sinkholes, french drains, infiltration sumps, and infiltration galleries, it does not include surface impoundments, trenches, or ditches that are wider than they are deep.
- (4) “Combined sewer” means a sewer that is designed, constructed, and used to receive and transport combined sewage.
- (5) “Combined sewer operational plan” or “CSOOP” means a plan that contains the minimum technology controls applicable to, and requirements for operation and maintenance of, a combined sewer system:
 - (a) before;
 - (b) during; and
 - (c) upon completion of; the implementation of a long-term control plan.
- (6) “Commercial facility” means facilities that are not residential including, but not limited to, a restaurant, retail facility, office, manufacturing or industrial facility, markets, office buildings, hotels, motels, boarding and lodging houses, tourist cabins, hostels, shopping centers, theaters, government facilities and schools, multi-family dwellings and hospitals,
- (7) “Commissioner” refers to the commissioner of the department of environmental management.
- (8) “Constructed wetland” means a manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.
- (9) “Construction plan” means a representation of an overall project, including infrastructure, project layout, and the stormwater pollution prevention plan.
- (10) “Conveyance” means any structural process for transferring stormwater between at least two (2) points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

- (11) "Disposal" means the discharge; deposit; injection; spilling; leaking; or placing; of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.
- (12) "Dog Park" means a designated public location where dogs are confined, and animal waste may accumulate. For the purposes of this rule, the term does not include kennels, municipal dog impoundments, or humane society buildings
- (13) "Dry well" means a type of infiltration practice that allows stormwater run-off to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.
- (14) "Dry weather flow" means a flow that is present within the storm system in absence of a precipitation event.
- (15) "Dry weather screening" refers to field observations and field screening monitoring done to determine if there are sources of illicit discharges into a MS4 conveyance. Dry weather is defined as a time period where there has not been a precipitation event for three days.
- (16) "Electronic Media" means any type of device that stores and allows the distribution or use of electronic information. This includes television, radio, audio, video, online content, and digital platforms.
- (17) "Facility" means any real property including, but not limited to buildings, parks, or other improvements owned and/or operated by a MS4.
- (18) "Floatable" means any solid waste that, due to its physical characteristics, will float on the surface of water. For the purposes of this rule, the term does not include naturally occurring floatables, such as leaves or tree limbs.
- (19) "Flood control structure" means a structure(s) used to control flooding including but not limited to impoundments and infiltration measures. For purposes of this permit the term does not include levees.
- (20) "Ground water" means such accumulations of underground water, natural or artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state. The term does not include manmade underground storage or conveyance structures.
- (21) "Illicit discharge" means any discharge to a MS4 conveyance that is not composed entirely of stormwater, except naturally introduced floatables, such as leaves or tree limbs. Sources of illicit discharges include but is not limited to sanitary wastewater, septic tank effluent, commercial car wash wastewater, oil spills or disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, pollutant run-off, and household hazardous wastes.
- (22) "Impervious surface" means any surface that prevents or significantly reduces stormwater to readily infiltrate into the underlying natural soil.
- (23) "Individual NPDES permit" means an NPDES permit issued to one (1) MS4 operator that contains requirements specific to that MS4 conveyance.

- (24) "Industrial facility" means land utilized in connection with manufacturing, processing, or raw material storage at facilities or an activity that is subject to regulation under the National Pollutant Discharge Elimination System (NPDES) program.
- (25) "Infiltration basin or trench" means a type of infiltration practice used to filter stormwater run-off into soils via the use of installed structures with porous material.
- (26) "Infiltration gallery" means a type of infiltration practice used to filter stormwater run-off into soils that utilizes one (1) or more vertical pipes leading to a horizontal, perforated pipe laid within a trench, often backfilled with gravel or some other permeable material.
- (27) "Infiltration practices" means any structural system designed to facilitate the percolation of run-off through the soil to ground water. Examples include infiltration basins or trenches, dry wells, and porous pavement.
- (28) "Larger common plan of development or sale" means a plan, undertaken by a single developer or a group of developers acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designed, purchased, or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased construction by a single entity for its own use.
- (29) "Legally binding agreement" means a written, enforceable legal document used to describe responsibilities between joint permittees or other entities.
- (30) "Load allocation" means the portion of a receiving waterbody's loading capacity that is attributed either to one (1) of its existing or future nonpoint sources of pollution or to natural background sources.
- (31) "Long term control plan" or "LTCP" means a plan that is:
 - (a) consistent with the federal Combined Sewer Overflow Control Policy (59 FR 18688); and
 - (b) developed in accordance with the recommendations set forth in Combined Sewer Overflows Guidance for Long-Term Control Plan (EPA 832B95002).
- (32) "Municipal separate storm sewer system Coordinator" or "MS4 Coordinator" means individual designated by a local MS4 or group of MS4s to administer and provide oversight of the MS4 program which includes program coordination, development, and implementation.
- (33) "Municipal separate storm sewer system entity" means a public or private body that owns, operates, or maintains a stormwater conveyance system, including a transportation agency operated by that body. The term can also include federal, state, city, town, county, district, association, or township public bodies and privately owned universities, colleges, or stormwater utilities. For the purposes of this permit, the term does not include non-MS4 entity-owned shopping malls, office parks, apartment complexes, golf courses, churches, or hotels.
- (34) "Municipal separate storm sewer system operator" means the person responsible for development and implementation of this permit.

- (35) "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, that is:
- (a) Owned or operated by a federal, state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over stormwater, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges into waters of the state; or privately owned stormwater utility, hospital, university, or college having jurisdiction over stormwater that discharges into waters of the state;
 - (b) designed or used for collecting or conveying stormwater;
 - (c) not a combined sewer; and
 - (d) not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.
- (36) "Mutual drain" means a drain that:
- (a) is located on two (2) or more tracts of land that are under different ownership;
 - (b) was established by the mutual consent of all the owners; and
 - (c) was not established under or made subject to any drainage statute.
- (37) "Open space" means any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.
- (38) "Outfall" means a point source discharge of stormwater run-off into a receiving stream or other body of water. For purposes of this permit, it does not include open conveyances connecting two municipal separate storm sewer or pipes, tunnels, or other man-made conveyances which connect segments of the same stream.
- (39) "Outfall scouring" means the deterioration of a stream bed or lakebed from an outfall discharge to an extent that the excessive settling of solid material results and aquatic habitat is diminished.
- (40) "Point source" means any discernible, confined, and discrete conveyance, including a pipe, ditch, channel, tunnel, conduit, well, or discrete fissure.
- (41) "Pollutant of concern" means any pollutant that has been documented via analytical data as a cause of impairment in any waterbody, or to another MS4, to which the MS4 discharges.
- (42) "Private drain" means a drainage system that:
- (a) is located on land owned by one (1) person or by two (2) or more persons jointly; and
 - (b) was not established under or made subject to any drainage statute.
- (43) "Qualified professional" means an individual who is trained and experienced in stormwater treatment techniques and related fields as may be demonstrated by state registration, professional certification, or completion of annual training that enable the individual to make sound, professional judgments regarding stormwater control or treatment and monitoring, pollutant fate and transport, and drainage planning.

- (44) "Qualitative Habitat Evaluation Index" means the quantitative or multimeric scientific score used to measure the structural quality, integrity, and natural condition of an aquatic environment - such as a stream, river or lake - based on its physical and geomorphological features. Key components measured include substrate type and size, instream complexity and cover, flow and channel diversity, riparian vegetation, and channel riparian interaction
- (45) "Receiving stream" or "receiving water" means a waterbody that receives a discharge from an outfall. The term does not include private drains, retention and detention basins, or constructed wetlands used as treatment.
- (46) "Redevelopment" means alterations of a property that was previously developed with the objective of improvement of an area previously developed, typically addressing physical deficiencies (such as blight or environmental contamination) or obsolete land uses. The term does not include such activities as exterior remodeling.
- (47) "Representative outfall" means a specific location that is representative of multiple outfalls that share similar characteristics taking into consideration the types of pollutants and/or similar land uses.
- (48) "Residential car wash" means washing a vehicle or vehicles at a place of residence for non-commercial purposes only.
- (49) "Retail gasoline outlets" means an operating gasoline or diesel fueling facility whose primary function is the resale of fuels.
- (50) "Risk index" (or risk level) means a standardized classification system used by health departments to determine how likely a facility (retail food establishment) is to cause a foodborne illness.
- (51) "Sensitive area" means a waterbody identified as needing priority protection or remediation based on:
 - (a) having threatened or endangered species or their habitat;
 - (b) usage as a public surface water supply intake;
 - (c) usage for full body contact recreation, such as bathing beaches; or
 - (d) outstanding state resource water classification as found in 327 IAC 2-1.3-3(d) and 327 IAC 2-1.5-19(b).
- (52) "Significant contributor of pollutants" means a MS4 entity or industrial facility that contributes pollutants into a MS4 conveyance in such a quantity or quality and to such a degree that it impacts the receiving MS4 operator's ability to comply with applicable state or federal law.
- (53) "Soil and water conservation district" or "SWCD" means a political subdivision established under IC 14-32.
- (54) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term does not include:

- (a) solid or dissolved material in:
 - 1. domestic sewage; or
 - 2. irrigation return flows or industrial discharges; that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);
 - (b) source, special nuclear, or byproduct material (as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);
 - (c) manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or
 - (d) vegetative matter at composting facilities registered under IC 13-20-10.
- (55) "Spill" means the unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.
- (56) "Standard Industrial Classification code" or "SIC code" means the four (4) digit code applicable to a particular industrial activity in accordance with the Standard Industrial Classification Manual published by the Office of Management and Budget of the Executive Office of the President of the United States.
- (57) "Stormwater Pollution Prevention Plan" means a site-specific, written document that (1) identifies all of the activities and conditions at a site or facility that could result in water pollution, and (2) details the steps the entity will take to prevent the discharge of any unpermitted pollutant.
- (58) "Stormwater Quality Management Plan" means a comprehensive written document that outlines the activities that will be implemented and administered by a MS4 entity to address stormwater run-off to improve water quality.
- (59) "Stream reach characterization and evaluation report" or "SRCER" means a written report that characterizes and evaluates the pollutant sources on receiving waters from a combined sewer system discharge.
- (60) "Structural stormwater management measures" means measures designed with the purpose of stormwater quality, stormwater management, and flood control.
- (61) "Substantially similar outfall" means an outfall that discharges run-off from a drainage area that has a similar location, operations, activities, and pollutants as other outfalls in the area (monitoring one of the outfalls is representative for the others).
- (62) "Total maximum daily load" or "TMDL" means the sum of the daily individual waste load allocations for point sources and load allocations for nonpoint sources and natural background minus the sum of a specified margin of safety and any capacity reserved for growth. A TMDL sets and allocates the maximum daily amount of a pollutant that may be introduced into a waterbody and still assure attainment and maintenance of water quality standards.

- (63) "Urban area" or "UA" means one (1) or more places (central place) and the adjacent densely settled surrounding territory (urban fringe) that together have a minimum population of at least fifty thousand (50,000) and an overall population density of at least five hundred (500) people per square mile.
- (64) "Vegetative practices" utilizes various forms of vegetation to enhance pollutant removal, maintain and improve natural site hydrology, promote healthier habitats, and increase aesthetic appeal. Examples include but are not limited to grass swales, filter strips, buffer strips, constructed wetlands, and rain gardens.
- (65) "Waste Load Allocation (WLA)" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. Wasteload allocations constitute a type of water quality-based effluent limitation. (40 CFR 130.2)
- (66) "Water Quality Flow (WQF)" means the peak flow associated with the water quality volume calculated using the Natural Resources Conservation Service graphical peak discharge method.
- (67) "Water Quality Volume (WQV)" means the volume of run-off generated by one inch of rainfall on a site.
- (68) "Wellhead protection area" has the meaning set forth at 327 IAC 8-4.1-1(27).



**National Pollutant Discharge Elimination System
GENERAL PERMIT FACT SHEET for
NPDES Phase II Municipal Separate Storm Sewer System
NPDES Permit Number INR040000**

October 27, 2026

Indiana Department of Environmental Management

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

Existing Permit Information:	Permit Number: Existing municipalities and entities currently permitted under the Municipal Separate Storm Sewer System General Permit (MS4GP (12/18/2021 through 12/17/2026) are assigned general permit tracking numbers using the following format INR040xxx. Where a MS4 is co-permitted with another MS4, each co-permitted MS4 will have a specific number based on the primary or lead MS4.
	Expiration Date: The current MS4GP will expire on December 17, 2026. Under the administrative general permit, all permitted MS4s have the same expiration date.
Source Location:	Statewide
Receiving Stream(s):	All waters of the state of Indiana.
Proposed Action:	The administrative NPDES general permit will replace the existing NPDES general permit issued to MS4s beginning December 18, 2021.
Source Category:	NPDES – Stormwater Municipal Separate Storm Sewer Systems (MS4)
Permit Writer(s):	Mr. Randy J. Braun, Section Chief, Stormwater and Wetlands (317-234-3980, rbraun@idem.IN.gov) Ms. Staci Goodwin, MS4 Program Coordinator (317-234-1601, sgoodwin@idem.IN.gov)

The Federal Water Pollution Control Act (also referred to as The Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), 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 is ensuring that the discharges from all designated municipal separate storm sewer system (MS4) outfalls consists of only stormwater and allowable non-stormwater. Dischargers who meet the eligibility requirements must obtain coverage under this NPDES general permit, instead of applying for coverage under an individual NPDES permit.

General Permit Fact Sheet
NPDES MS4 Stormwater General 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.

This fact sheet was prepared to document the factors considered in the development of NPDES General Stormwater Permit.

This fact sheet specifies minimum practices, measures, and controls that IDEM determined appropriate for complying with pollutant reduction and operational requirements for each MS4. The fact sheet identifies minimum control measures needed to achieve water quality standards that must be incorporated into a Stormwater Quality Management Plan (SWQMP). The implementation of the SWQMP will provide adequate protection to achieve Indiana water quality standards.

A. Description of General Permit Category:

The purpose of the general permit is to regulate discharges from small municipal separate storm sewer systems (MS4s). A MS4 is an entity that has been designated by the agency based on population and population density based on the most recent census data. Each MS4, once designated, is required to develop a comprehensive stormwater program that addresses stormwater run-off discharges from outfalls that the MS4 owns and/or operates. The general permit is a performance-based regulation to reduce pollutants that are associated with run-off from the MS4 jurisdictional area.

The dischargers covered under this general permit are required to administer the same principles and performance standards to manage stormwater. This permit specifies minimum practices, measures, and controls that IDEM determined appropriate for complying with pollutant reduction control requirements. In addition, each MS4 is required to develop a Stormwater Quality Management Plan (SWQMP) that requires the MS4 to establish goals and objectives of how they will achieve specific requirements for each minimum control measure (MCM). The MS4 must also evaluate local resource issues and establish goals and objectives to address stormwater run-off issues.

The designated MS4 permittees are not exempt from compliance with state water quality standards. Discharges from MS4 conveyances must achieve state water quality standards. Implementation of the Stormwater Quality Management Plan (SWQMP) will provide adequate protection to achieve Indiana water quality standards. However, if the SWQMP is not adequate, this permit requires the permittee to modify the SWQMP to meet Indiana water quality standards.

Indiana currently has 206 MS4s and effective with this permit has designated an additional 29 MS4s. Since the permit requirements for discharges from MS4s are similar, 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.

B. Geographic Area Covered:

This general permit is intended to cover discharges from designated MS4s within the boundaries of the state of Indiana. This permit applies to MS4 conveyances under the ownership, control or jurisdiction of the permittee that contributes to discharges from a MS4.

C. Receiving Waters:

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

D. Eligibility:

Discharges authorized by this permit will include MS4s that are currently permitted. In addition, IDEM will identify and designate new MS4 entities based on the most recent criteria as established by U.S. EPA. Once designated, these MS4s will be required to obtain permit coverage under this general permit.

This permit authorizes the discharge of stormwater to waters of the state from all outfalls owned and/or operated by a MS4. MS4 as defined in 40 CFR 122.26(b)(8) means, in part, a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains. New areas (and their associated outfalls) shall be added to the MS4 area mapping and identified in the annual report.

This permit also authorizes the discharge of stormwater combined with flows from process wastewater, non-process wastewater, stormwater associated with industrial activity, or other non-stormwater discharges, to waters of the state from outfalls of the MS4 owned and/or operated conveyances, provided the discharges are regulated by other NPDES permits or are otherwise authorized.

The following non-stormwater discharges or flows are authorized by this permit provided they are not identified by either the MS4 Operator or IDEM as significant sources of pollutants to waters of the state. The MS4 Operator shall incorporate appropriate control measures in the SWQMP if any of these discharges are identified as a significant source of pollutants.

- Water line and hydrant flushing for maintenance.
- Irrigation water Footing, foundation, and crawl space drains (Uncontaminated).
- Excess Storm sewer cleaning water not collected by a vacuum truck (Uncontaminated).
- Fire suppression activities.
- Uncontaminated pumped ground water.
- Springs.
- Residential car washing.
- Non-commercial car washing by community organizations that are short term charitable, religious, or community activities.
- External building wash down, without detergents.
- Dechlorinated/debrominated residential swimming pool discharges.

- Uncontaminated ground water infiltration (as defined at 40 CFR35.2005 (20).
- Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
- Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids.

The following discharges are not authorized by this permit:

- 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 construction activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.

E. Application for Coverage:

This general permit proposes to provide coverage for any MS4 permittee which meets the criteria under the terms of the general permit. All designated municipal separate storm sewer system (MS4) must comply with this general permit.

Each MS4 applying for 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:

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 MS4s 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 from MS4 entities and allowable non-stormwater discharges. Development and implementation of a Stormwater Quality Management Plan (SWQMP) that requires the MS4 to implement specific permit requirements and assess stormwater run-off and land use within their jurisdictional area and develop specific goals and objectives for the six minimum control measures (Public Education, Public Involvement, Illicit Discharge Detection and Elimination, Construction Site Run-off, Post-construction Run-off, and

Good Housekeeping) 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) for this specific general permit which will be provided by the commissioner. The NOI 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 this general permit and the NOI shall be submitted to IDEM according to the method set forth in Section 6.0 of this general permit.

H. Permit Conditions:

The permit requires compliance with:

- (1) Water Quality Criteria: numeric or narrative in form and protect the designated uses. Numeric criteria are allowable concentrations of specific pollutants in a water body while narrative criteria are statements of unacceptable conditions in and on the water.
- (2) General performance requirements applicable to all MS4s obtaining permit coverage:
 - (a) Develop a Stormwater Quality Management Plan (SWQMP) that must include operational procedures and stormwater management measures based on sound planning and design principles that will reduce the discharge of pollutants from MS4 conveyance systems to meet the Indiana narrative water quality standards listed in the permit. The SWQMP must address specific requirements for six (6) minimum control measures (MCM). The MCMs include (1) public education and outreach, (2) public participation and involvement, (3) illicit discharge detection and elimination, (4) construction site storm water run-off control, (5) post-construction stormwater run-off control, (6) municipal operations/pollution prevention and good housekeeping.

The MS4 Operator is required to implement, and as necessary modify the SWQMP. In addition, the MS4 is required to enforce specific minimum control measures through the development of ordinances or regulatory methods. The SWQMP must include the measures necessary to reduce the discharge of pollutants from the MS4 conveyances to meet Indiana water quality standards. These standards shall be met using controls which may consist of storm water management measures, control techniques and systems, design and engineering methods, public participation and education, and other appropriate provisions. The MS4 may work with other agencies or organizations to satisfy program elements of the SWQMP.

- (b) For each MCM, there are specific goals and objectives required by the permit that must be met. In addition, the MS4 must evaluate local resource issues and as necessary develop goals and objectives as part of their local program.
- (c) The MS4 Operator is required to submit signed certifications for each minimum control measure to verify program elements are in effect and are being or will be administered in accordance with the permit. The certifications will be submitted in accordance with the permit based on whether a MS4 is renewing permit coverage or submitting an initial Notice of Intent.
- (d) The MS4 Operator must conduct an annual assessment of the effectiveness of their MS4 program and as appropriate modify and/or update the SWQMP.
- (e) The MS4 Operator must submit an annual report each year that includes a program assessment including areas that have been identified to improve and enhance program effectiveness.

Key Changes Proposed in the 2026 Draft MS4 General Permit:

- Creation of Tiers and Tier-based requirements, adding clearer expectations based on size and type of MS4 (Tier A–E):
 - Tier A applies to cities or towns that have been designated as a MS4 with a population up to 35,000.
 - Tier B applies to cities or towns with a population of 35,001 to 99,999.
 - Tier C applies to cities with a population of 100,000 or more.
 - Tier D applies to county designated MS4s.
 - Tier E applies to non-traditional MS4s including but not limited to colleges, universities, census defined place, and conservancy districts.

Stormwater Quality Management Plan (SWQMP) Changes:

- SWQMP submission timeline standardized to 365 days for both new and renewing MS4s.
- Consolidation and relocation of several requirements from the old Water Quality Characterization Report (WQCR) into the SWQMP (e.g., land use assessment, receiving waters, sensitive areas, existing data sources).

Public Education, Outreach & Involvement (MCM 1)

- New Tier-specific requirements for outreach, number of events, use of social media, and engagement with elected officials.
- Clearer requirements for educational material development, documentation, and annual updates.
- Electronic media outreach is required for most MS4 tiers.

Illicit Discharge Detection & Elimination (IDDE) (MCM 2):

- Tier-based screening frequencies for outfalls and added inspection targeting.
- Inclusion of QHEI assessments are required for Tiers B and C.

- Tier-based requirements for assessing available water quality information, impaired waters, and TMDLs.
- Specific inspection and reporting requirements for Restaurants, Automotive Service Facilities, and Retail Gasoline Outlets for Tier C.
- Additional monitoring, documentation and annual reporting requirements for Tier C.

Construction Site Stormwater Runoff (MCM 3):

- More prescriptive requirements for:
 - Plan review documentation.
 - Tracking of project details, complaints, and enforcement actions.
- New requirement to submit monthly inspection reporting to IDEM for federal reporting consistency.
- Clarification that newly designated MS4s cannot review plans until certification for the Construction Site Stormwater MCM is submitted
- No tier-based requirements.

Post-Construction Stormwater Management (MCM 4):

- Removal of design criteria and measures to manage stormwater quantity to align with EPA requirements.
- Expansion of inventory and inspection requirements for private and MS4-owned practices.
- No tier-based requirements.

Municipal Operations / Good Housekeeping (MCM 5):

- Minor changes to the information required for SWPPP development and updates.
- The frequency of visual inspections of stormwater infrastructure has been changed to an annual requirement.

Monitoring and Data Requirements (Tier C only):

- Monitoring requirements for Tier C including:
 - Quarterly ambient water quality sampling.
 - Wet weather sampling standards.
 - Detailed recording, chain-of-custody, and analytical method requirements.
 - Pollutant load calculation and reporting.
- Required enrollment in EPA's NetDMR system for electronic reporting.

Notice of Intent (NOI) and Administrative Updates:

- Clarified NOI requirements.
- Clarification of deadlines for NOI submission under various designation scenarios.

I. Legal Authority:

The MS4 Operator shall operate pursuant to its legal authority to control discharges to and from those portions of the MS4 owned and/or operated conveyances. This legal

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authority may be a combination of statute, ordinance, permit, contract, order, or similar means. When existing legal authority is not sufficient, the permittee shall seek the additional authority needed to enable the MS4 Operator to implement the permit.

When existing legal authority is not sufficient to meet the above listed criteria and the MS4 Operator is in the process of seeking authority to meet stated criteria, reasonable extension of a schedule shall be granted to allow the effective legal process to be completed.

The MS4 Operator is allowed to enter into legal contracts or agreements with other MS4s or other entities to manage program activities and discharges from the MS4 area. This action may be a combination of contract, order, or similar means enabling entities to meet the criteria stated in the permit.

The MS4 Operator shall require compliance with conditions in ordinances, permits issued by the MS4, contracts, or orders. The MS4 Operator will ensure inspections, surveillance, and monitoring procedures required to determine compliance with the permit conditions are carried out.

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 discharged in the normal course of operation from construction and/or land-disturbing activity.

K. Fees:

In accordance with 327 IAC 5-3-17(j)(4), any application for a new permit or renewal must be accompanied by an application fee, which is currently \$85.00 for this type of general permit. There are no annual operating fees related to this permit.

L. Re-opening Clause:

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

M. Permit Term:

This general permit is proposed to be in effect for a five-year term.

N. Duty to Comply

The MS4 Operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Indiana Code and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

O. Forms, References, and Guidance Documents

The IDEM website will contain information related to each MS4 stormwater general permit, including but not limited to the permit number and contacts. The website will also include applicable forms including the Notice of Intent, Certifications, SWQMP, and annual report. Reference documents will also be available to assist the regulated community and the general public. IDEM is actively pursuing an electronic process that will allow MS4s to submit NOIs, NOTs, Annual Reports and other information through a regulatory online portal.