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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: **December 18, 2026**

This permit expires on: **December 17, 2031**

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.

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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, ~~included~~ including~~without limitation~~, 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

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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). ~~3-3-11(db)~~ when IDEM determines the discharge will significantly lower the water quality as defined under 327 IAC 2-1~~.3-2(50~~).

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). ~~IC 13-18-20-12.~~ Coverage under this permit may be revoked for nonpayment of applicable fees. ~~as set forth in IC 13-18-20.~~

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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)~~(16)~~ and in accordance with the following:

(1) Nationwide designation based on:

(A) Location within an urban area with a population of 50,000 or more as determined by the latest United States Census Bureau census. ~~Located within, or contiguous to the most recent mapped United States Census Bureau urbanized area (UA) and is:~~

~~(A) A municipality, regardless of its United States Census Bureau population; or~~

~~(B) A university, college, military base, hospital, or correctional facility with a full-time equivalent enrollment, daily user population, or bed count occupancy (based on the most recent enrollment count or population data) greater than or equal to one thousand (1,000).~~

~~(A)~~(B) Case by case designation based on: ~~A municipality with a population density, according to the most recent United States Census Bureau data, of five hundred (500) people per square mile or greater and United States Census Bureau population of:~~

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. ~~by other programs~~

(C) Physically interconnected designation is based on a MS4 of one entity is directly connected to the MS4 of a second entity.

~~(B)~~

~~(A) Ten thousand (10,000) or more.~~

~~(B) Greater than seven thousand (7,000) and less than ten thousand (10,000), and having a positive, ten (10) year population growth percentage greater than or equal to ten percent (10%).~~

~~(C) Greater than seven thousand (7,000) and less than ten thousand (10,000), and having a university or college full-time equivalent~~

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~~enrollment, military base population, or hospital bed count occupancy that places the total population greater than or equal to ten thousand (10,000).~~

(b) A county that contains a mapped UA as delineated by political township or section, township, and range boundaries.

(c) A university~~,~~ or college, ~~military base, or hospital~~ with a full-time equivalent enrollment~~,~~ or daily user population, ~~or bed count~~ 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 ~~homeowner's association~~census defined place ~~with a population within their service area of greater than or equal to one thousand (1,000) people~~, 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 outlined 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 ~~10~~099,~~009~~990.

(c) Tier C applies to cities with a population of 100,000 or more.

(d) Tier D applies to county designated MS4s.

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(c) Tier E applies to non-traditional MS4s including but not limited to colleges, universities, census defined places, and conservancy districts.

~~**WATER QUALITY CHARACTERIZATION**~~

~~A MS4 entity must characterize the water quality of all known waters that receive stormwater outfall discharges from the MS4 area. The characterization must begin with the receiving waters identified in the notice of intent (NOI) submittal, and, as additional receiving waters are identified, the characterization may be expanded to further develop program goals.~~

~~3.1 Water Quality Characterization Report~~

~~(a) The water quality characterization report (WQCR) shall use the most current data available but may also consider additional data that describes the chemical, biological, and/or physical condition of the receiving waters of the MS4 jurisdictional area.~~

~~(b) If monitoring is conducted as part of the characterization, the monitoring of receiving waters shall be either at, or in proximity to stormwater outfalls.~~

~~(c) The WQCR must include:~~

~~(1) An assessment of land use.~~

~~(2) An inventory of MS4 owned/operated structural stormwater management measures that are operated for purpose of stormwater quality, stormwater management, and flood control, including an identification number, geographic coordinate, and structural condition.~~

~~(3) Identification of all receiving waters that receive discharges from outfalls within the MS4, including wetlands and lakes.~~

~~(4) Any 303d listed impaired waters or TMDLs for receiving waters need to be identified.~~

~~(5) 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.~~

~~(6) A review and summary of existing and available monitoring data of the MS4 receiving waters, including, as applicable, data that can be correlated from stream reach characterization and evaluation reports (SRCER).~~

~~(7) Identification of areas that have a reasonable potential for or are actually contributing to stormwater quality problems based on available land use and complaint information and relevant chemical, biological, and physical data.~~

~~(8) An evaluation of 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.~~

Commented [SWPrgm1]: NOTE: Moved (c) to be part of the SWQMP

~~3.2 Water Quality Characterization Report: Submittal~~

~~(a) A WQCR addressing the requirements of this Section must be submitted to IDEM no later than one hundred eighty (180) days from the date an initial NOI submittal is received by IDEM by a newly designated MS4.~~

~~(b) An update to the WQCR must be included for existing MS4s:~~

~~(1) In the annual report.~~

~~(2) When permit coverage is renewed.~~

~~3.3 Water Quality Characterization Report: Certification~~

~~(a) 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 WQCR.~~

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 ~~to the Maximum Extent Practicable (MEP)~~, 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 (~~k~~i).

(b) A county designated as a MS4 ~~may elect to administer specific program components, to the extent of its authority, to any additional portion of the county. However, a county MS4 entity, at minimum~~ must:

~~(1) Identify the area that it will administer the program as delineated to the nearest political township or section.~~

~~(2) Identify the program component(s), if applicable, that will be administered beyond the mapped UA.~~

~~(3)~~(1) Administer the minimum control measures ~~construction and post-construction ordinances or other regulatory mechanism required by this permit~~ county wide, excluding incorporated cities, towns, and areas for which the County MS4 entity does not have jurisdiction.

~~(4)~~(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., ~~regardless of whether the facility is within the mapped UA.~~

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(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, ~~and~~ other departments within the organizational structure of the MS4 entity, and/or consultants.

(d) Provide training opportunities for MS4 staff that are directly related ~~implementing the program that is specifically targeted~~ to their responsibilities that they perform on behalf of the MS4. At a minimum:

(1) Each MS4 ~~employee~~ staff member responsible for implementing ~~the~~ any part of the program must ~~receive~~ complete a minimum of twelve (12) hours of annual training.

(2) ~~with a~~At least eight (8) of the twelve (12) hours ~~of training distributed amongst the~~must focus on the specific minimum control measure(s) for which the~~y~~ staff member is ~~are~~ 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 program~~overall performance improvement ~~opportunities~~ annually in 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 ~~the~~ 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 ~~waterbody~~ Water of the State into which a MS4 discharge~~s~~, the MS4 entity must review and modify the SWQMP to address any applicable loading reductions to improve water quality~~outlined in the TMDL and water quality characterization report (WQCR), as necessary~~.

(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 ~~730~~ three hundred and sixty-five (365) days after submittal of the notice of intent (NOI). Upon written request, an extension ~~beyond 730 days~~ may be granted and the~~. The~~ MS4 must:

(A) Demonstrate the ordinance update is in process.

(B) Provide written quarterly updates on completion of this requirement.

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(2) Review and revise the SWQMP within ~~the six months~~ 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. ~~and the deadlines established by this permit and for each of the minimum control measures.~~ 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 ~~it reflects~~ 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 ~~of the MS4 by the end of the first year of permit coverage~~. If the SWQMP includes ~~several~~ multiple MS4 entities as ~~a~~ 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 ~~quality, stormwater~~ management as outlined in Section 4.6 (h)(3).~~, and flood control, including an identification number, geographic coordinate, and structural condition~~.

(C) Identification of all receiving waters that receive discharges from outfalls within the MS4, including ~~known~~ wetlands and lakes.

(D) Any 303d listed impaired waters or TMDLs for receiving waters. ~~need to be identified.~~

(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 ~~(nitrogen, phosphorus, sediment, and E coli for~~ receiving waters (i.e. nitrogen,

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phosphorus, sediment, and E coli, etc.) within the jurisdictional boundaries of the MS4.

~~(B) Provide a summary of existing and available monitoring data of the MS4 receiving waters., including, as applicable, data that can be correlated from stream reach characterization and evaluation reports (SRCER).~~

~~(C)~~(B) ~~Identification~~ Identify ~~of~~ areas that have a reasonable potential for or are actually contributing to stormwater quality problems.

~~(D)~~(C) ~~An e~~Evaluat~~ione of~~ 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 (d) through (f) 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 4.7 including, but not limited to:

(A) A timetable for SWQMP implementation for each MCM. ~~and the WQCR.~~

(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 ~~the~~ each MS4 ~~entity of the each~~in a co-permitted relationship and their ~~responsible~~ 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 ~~based on~~ changes in priorities, technology, goals, responsibility in administering MCMs, etc.

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Commented [SWPrgm4]: NOTE: Moved from WQCR Section (3.0)

Commented [SWPrgm5]: Moved NOTE: Moved from WQCR Section (3.0)

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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) ~~Provide 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.

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(B) Requirements as identified in the Tier to which the MS4 is assigned.

~~(1) Identify target constituents and develop and/or update a plan for public education and involvement.~~

~~(2) Identify at least three (3) community wide stormwater quality issues in the first year of permit coverage targeting at least one event during the permit cycle to each of the following groups:~~

~~(A) Construction.~~

~~(B) Residential.~~

~~(C) Commercial and industrial.~~

~~(3) Conduct a minimum of two (2) public events annually or work collaboratively with other entities to achieve this requirement.~~

~~(4) Develop educational materials for distribution and outreach opportunities for constituents.~~

(2) ~~Provide 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~~.

~~(a) Develop and implement a program for educating public employees, schools, businesses, and the general public about illicit discharges and proper disposal of waste. The educational effort must include, but is not limited to:~~

~~(1) Informational brochures and guidance documents that target specific audiences.~~

~~(2) An outreach plan for distribution of educational materials.~~

(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.

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(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 ~~public~~ education materials developed and used throughout the permit cycle, including those resources from existing programs.

(d) ~~Report stormwater program updates to elected officials or an advisory board annually~~.

(e) Complete and sign a certification form ~~as a newly designated MS4~~. 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.

(f) Implement and assess the program annually and update goals as necessary. ~~Describe changes in public awareness resulting from implementation of the program.~~

(g) 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 ~~being~~ 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 social 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, ~~or~~ 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.

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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 (hi).

(b) Develop ~~or review~~ and/or update an IDDE plan in the first ~~year~~ three hundred sixty-five (365) days of permit coverage. The plan at a minimum must:

(1) Target ~~Include standard operating procedures (SOP) to~~ 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 ~~that are~~ owned and/or operated by the MS4 entity, as specified in the Tier to which the MS4 is assigned.

(3) ~~Identify and map all active industrial facilities within the MS4 area that discharge into a MS4 conveyance. Identification must include the facility name, address, telephone number, and type of industrial activity~~.

(4) ~~Participate and/or coordinate activities that are used to keep commonly dumped wastes out of the collection system, including, but not limited to household hazardous waste, motor oil, antifreeze, and pesticides~~.

(5) Include standard operating procedures (SOP). ~~that provides investigators with guidance and forms to ensure that consistent investigations occur for every known illicit discharge.~~ 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 to achieve and maintain compliance.

(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 defines 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.

(6) 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. ~~as a newly designated MS4.~~ 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~~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 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 ~~in accordance with the following schedule~~.

(1) All MS4 entities must screen MS4 owned and/or operated outfalls ~~and demonstrate continual screening~~ as identified for the Tier to which the MS4 is assigned. ~~that will result in 100 percent to be completed by the end of the fifth year of the permit.~~

(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 the 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.

~~(2)~~

(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.

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(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, ~~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 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(hi). The ordinance or regulatory mechanism ~~at a minimum~~ 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

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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, ~~and~~ regulatory mechanism, and/or procedures to document the review of a construction/stormwater pollution prevention plan (SWP3) submitted to the MS4 entity. The documentation ~~that at a minimum~~ must include, but is not limited to~~s~~:

(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~~ 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. ~~to achieve the objectives of the ordinance or regulatory mechanism.~~ At a minimum, the MS4 entity must:

(1) Utilize a form, checklist, or an ~~a written~~ alternative, which ~~at a minimum~~ meets the requirements of the ~~MS4~~ 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 ~~to manage sediment and non-sediment pollutants~~ associated with construction/land-disturbing activities.

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(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 ~~the~~ 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~~Fifty~~ (~~50~~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 ~~and conduct follow-up inspections for sites~~ to determine if the complaint falls within MS4 jurisdiction. ~~that have~~ If the MS4 has authority, document any violations of the local ordinance or regulatory mechanism.

(C) Follow-up inspections are required ~~until~~ to resolve violations. ~~are resolved.~~ 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.

Commented [SWP7]: NOTE: Based on feedback, IDEM has moved (from 4.5 (m)(2)) this requirement to the Section of the permit that is specific to inspections. In addition, the language has been clarified to ensure the expectation for content of this report is clear.

This information is being requested by US EPA. Information collected will be submitted to US EPA with IDEM inspection information. IDEM currently reports this same inforamtion to US EPA

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Note: It is not required to submit either completed inspection reports/forms or checklists or an entire construction site inventory.

(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. ~~form as a newly designated MS4.~~ 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 ~~initial~~ NOI submittal was received by IDEM, whichever is earlier. Prior to the development of the ~~ordinance~~ 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).

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(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 ~~at a minimum~~ include:
(1) Responsibility of staff member.
(2) Dates, length (in hours), and types of training attended.
(3) ~~List p~~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 ~~entity~~ 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 ~~or if directed to IDEM~~ 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 ~~MS4~~ 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 ~~at a minimum~~ 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~~, and those that are owned and/or operated by the MS4 entity~~. The MS4 entity is required to:
(1) Track project information, including:
(A) Project name.
(B) Latitude and longitude of the project~~, and where applicable the address.~~

~~(C) Receiving water(s).~~
(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).
(G) ~~An indication of compliance status, including enforcement actions undertaken (does not apply to projects owned and/or operated by the MS4 entity~~.

~~(2) Upon notification by IDEM, submit an inventory report:Submit monthly reports to IDEM that include, at a minimum, the information in (1) above. The reports must be submitted:~~
~~(B) No later than the last working day of the current month for regulatory inspections conducted in the previous month.~~
~~(C) To 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:~~
~~1) Construction Monthly Inspection Report.~~
~~2) MS4 Name.~~
~~(D) Within 48 hours of notification.~~
~~(E) On a regular schedule as designated by IDEM, but no more frequently than monthly.~~

~~(3)~~(2) Produce a comprehensive report during a MS4 Audit or within 48 hours of a request.

Commented [SWPrgm8]: NOTE: U.S. EPA has requested that IDEM track MS4 inspections on a monthly basis for federal reporting purposes.

(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, ~~obtaining~~ subject to the CSGP and were issued a MS4 entity ~~issued~~ stormwater run-off permit or authorization to discharge.
(4) The number of completed regulatory construction site~~s~~ ~~inspected~~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

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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(h). The ordinance or regulatory mechanism must ~~at a minimum,~~ address post-construction stormwater run-off for projects including~~, but not limited to~~:

(1) A requirement for post-construction on a~~A~~ll 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 ~~of land~~. 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, ~~or those that replace their existing tank systems~~, regardless of size ~~(permit coverage under the local ordinance or the CSGP may not be applicable based on the disturbed acreage associated with this activity)~~, 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.

Commented [SWP9]: NOTE: These provisions were moved from the CSGP. These types of activities are considered exempt from Post-construction stormwater quality requirements.

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(d) Incorporate performance standards into an ordinance or regulatory mechanism, and/or other resource documents. The ~~program~~MS4, at a minimum, must:

(1) Develop a program that targets the management of stormwater run-off to improve water quality and manage stormwater ~~volume~~. The MS4 must:

(A) ~~Must require post-construction stormwater measures on all projects that result in an increase of 10 percent or more of impervious surfaces~~.

(B) Apply the requirements ~~in (A) above~~of their post-construction ordinance to MS4 owned and/or operated projects.

~~(C) May develop a program that takes into consideration a project that cannot feasibly meet the applicable standards for post-construction stormwater management. At a minimum, the MS4 may consider:~~

~~1) Waiving the requirements where the incorporation of stormwater measures is infeasible due to physical constraints after considering alternatives to achieve the post-construction standard. The determination must be supported by a site-specific analysis demonstrating why it is infeasible.~~

~~2) Implementing comparable measures elsewhere within the property when the incorporation of measures is infeasible in the immediate project area.~~

~~3)~~1) ~~Implementing measures at off-site locations designated by the MS4 where additional stormwater measures will improve water quality.~~

(2) Establish design criteria to reduce pollutants and manage stormwater ~~quantity~~ run-off. ~~that at a minimum meets or exceeds the post-construction requirements as identified in the Construction Stormwater General Permit.~~

(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.

(4) Include p~~P~~ost-construction stormwater management measures ~~must be~~that will be implemented to manage the discharge of stormwater run-off to address stormwater quality ~~and quantity~~. Measures must be selected, designed and engineered in accordance with the following standards and at a minimum:

(A) ~~The run-off rate of stormwater run-off and/or volume from the project site must meet local requirements to address stormwater quantity as established by ordinance or other regulatory mechanism. The post-development run-off discharge from the project site must at a minimum not exceed the pre-development discharge based on the two-year, ten-year, and one-hundred-year peak storm events.~~

(B) 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.

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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)).

(C) 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.

(D) ~~Select and u~~Utilize any combination of practices or control measures that promote volume reduction, infiltration, filtering, harvesting, evapotranspiration, vegetative practices or alternative treatment systems.

Commented [SWPrgm10]: NOTE: Moved from Item (5) below

(E) Discharges directed ~~from new development and redevelopment sites will not be allowed directly~~ into karst features without appropriate pre-treatment are not authorized.

Commented [SWPrgm11]: NOTE: Moved from Item (5) below

(F) ~~In combination with proper~~Consider where site conditions are suitable, the use of post-construction measures that promote infiltration. ~~selection, design and development strategies may be selected and incorporated into the plan to minimize the discharge of pollutants~~. Infiltration measures when implemented must consider~~, but are not limited to~~ the following:

~~1) Low Impact Development (LID) and green infrastructure.~~

1) ~~Infiltration measures, when selected, must take into c~~Consideration ~~of~~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 ~~practices~~ 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.~~.~~

Commented [SWPrgm12]: NOTE: Moved from Item (5) below

(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.

~~(6) Select and utilize any combination of practices or controls that promote volume reduction, infiltration, filtering, harvesting, evapotranspiration, vegetative practices or alternative treatment systems. The following standards are required and must be utilized in the decision-making process:~~

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~~(A) Infiltration practices 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 originate in the drainage area of the measure.~~

~~(B) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.~~

Commented [SWPrgm13]: NOTE: Deleted and content and moved to (D) above

(e) Require operational and maintenance plans for post-construction measures to ensure long-~~-~~term functionality and ~~opewration~~operation. The MS4 must:

(1) Require submittal of ~~plans~~ 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 ~~or requirement~~ for all stormwater structural measures that are owned and/or operated by the MS4 entity ~~and those within private development to ensure the long-term operation and maintenance of the measures~~.

(f) The operational and maintenance plan ~~requirements~~ must be enforceable and include one or more of the following options:

(1) The owner/operator signed statement 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) ~~Any other l~~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 ~~at the direction of the MS4~~to meet local post-construction requirements (refer to Section (h) below). The MS4 must:

(1) Develop written policies and procedures including ~~and~~ internal processes to inspect post-construction measures. ~~to ensure the measures are maintained and operational for those owned and/or operated by the MS4 entity and as appropriate for those measures required to be installed at the direction of the MS4 entity and operated by private entities.~~ At a minimum, the MS4 ~~entity~~ must:

(A) Develop and utilize a form, checklist, or an alternative method to document inspections ~~and a method to notify responsible individuals of compliance~~ 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 ~~entity~~:

1) In accordance with the MS4 inventory requirements identified in (h)~~(3)~~ below.

2) By the end of the five (5) year permit cycle.

(B) ~~Inspect~~ Privately owned and operated post-construction measures ~~that were implemented~~

1) In accordance with the MS4 inventory requirements in (~~3~~h) below.

2) ~~eginning at the time of adoption of the MS4 post-construction ordinance~~. 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) ~~Inspect all m~~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.

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(2) MS4 owned/operated post-construction measures must be included in the inventory based on the date the MS4 ~~was designated regardless of implementation date~~ 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.

(F) ~~An indication of the operational functionality of a measure based on an inspection or other information obtained by the MS4.~~

(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 ~~form as a newly designated MS4~~. Submit the certification once the ordinance or other regulatory mechanism and the program has been developed or ~~five hundred forty-eight~~three hundred sixty-five (~~548~~365) days from the date the ~~initial~~ NOI submittal is received by IDEM or, whichever is earlier. Prior to the development of the ~~ordinance~~ 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) ~~Site~~ Measure inventory and 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~~ measures.

(F) Assess coordination with other MS4 departments.

Commented [SWP14]: NOTE: This item was moved from the SWQMP in Section 4.2 (a)(2)(B) as the requirement duplicated requirements.

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(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) ~~List p~~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 requiring post-construction ~~control s~~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 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.

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(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 use, store, or discharge 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) ~~Properly disposing of animal waste from dog parks~~.
    (D) ~~Establishing designated snow disposal areas that have minimal potential for the discharge of run-off to receiving waters~~.

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(E) Managing stormwater run-off from ~~the facility to prevent run-off from and storing~~ stored salt and other de-icing materials ~~to minimize the discharge of stormwater run-off from the facility~~ 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.

(F) 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.

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(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 ~~prioritized in year one and visual inspections for the entire system~~ completed ~~by the end of year five (5) with at least a minimum of 15 percent 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. As a result, the documentation will represent an estimation of the system condition. ~~Must be documented to include any issues that may contribute pollutants or may affect operation of the system or potential failure.~~
(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 ~~to reduce the discharge of pollutants~~ 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.

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(C) ~~A schedule to implement street sweeping or other equivalent stormwater measures for streets, road segments, and public parking lots that are effective in addressing the discharge of pollutants~~.

(D) Identification of community special events (e.g. fireworks, parades) that generate trash and a schedule to perform cleanup for these events.

(E) Procedures to properly dispose of waste, including dewatering methods if applicable.

(h) Complete and sign a certification form. ~~for a newly designated MS4.~~ 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) Provide written documentation that new flood control structures are assessed for their impacts on water quality and quantity during the planning and design phase~~

~~(l)~~(k) Evaluate existing flood control structures owned and/or operated by the MS4 for feasibility ~~with the purpose~~ to modify the structure to improve water quality ~~within the MS4~~.

~~(m)~~(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~~ 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) Date of the training

(C) Description of the training provided.

~~(n)~~(m) Report progress in an annual report (Section 8.0) that, at a minimum, includes:

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(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.

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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 ~~fliers or pamphlets~~ related to targeted commercial activities.
      2) Distribute information as part of community outreach.
    (C) ~~Utilize~~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 ~~social~~ media presence on at least one (1) platform and post a public education topic quarterly.
  (2) Illicit Discharge Detection and Elimination MCM:
    ~~(A) Develop and complete a citizen Qualitative Habitat Evaluation Index (QHEI) at each outfall as they are screened~~
    (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/operated outfall two (2) times per permit cycle.

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(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 ~~10~~099,~~000~~999:
(1) Public Education, Outreach, Public Involvement MCM:
(A) Identify high-priority topics for the ~~general~~ public and commercial businesses and develop an educationa~~l outreach~~ 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 ~~and~~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 a ~~social~~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 ~~as they are screened~~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 i~~I~~mpaired 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 ~~more than~~ 100 outfalls or more must:
a) Screen all outfalls once per permit cycle.

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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. ~~identified in a) above.~~
   3. An inspection program that targets a screening at each MS4 owned and/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.

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(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 ~~general~~ 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 ~~have~~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 a ~~social~~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 ~~as they are screened~~. 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 ~~more than~~ 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:

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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 identified in a) above~~.
3. An inspection program that targets a screening at each MS4 owned and/operated outfall two (2) times per permit cycle.

Commented [SWP15]: Staci why did we remove this?

(D) Identify businesses and industrial facilities as indicated below and develop an inspection program. The 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 prepares and serves food to customers, but which is not a temporary or seasonal facility or have a risk index of 180, 270 or 360.

Commented [SWPrgm16]: NOTE:
Definition added to Appendix A

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 ~~fifty (50)~~ twenty-five (25) automotive service facilities annually and provide educational materials.

b) At each facility inspections will be conducted, and the results documented. ~~evaluated, in time to report.~~ 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

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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 ~~fifty (50)~~ 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 the 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. The 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 ~~outfalls~~ambient receiving waters that will be sampled. The ~~outfalls~~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. ~~The monitoring plan will be approved by IDEM.~~
3) Submitted within ~~six~~twelve (12~~6~~) 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.

Commented [SWP17]: Staci I think we need to keep this

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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. ~~Where a qualifying wet weather event does not occur or cannot safely be sampled during a quarter, the permittee shall document its good faith events in the DMR and such documentation shall satisfy this requirement for that quarter.~~
   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 precipitationevent information can be recorded on the DMR (monitoring report) form and note the sampling date in the "comments" or in an attached letter.

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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.

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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	~~Grab~~Estimated Total	None
~~Flow~~ 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/IO0mL	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.

a) Test Procedures:

1. 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.
2. 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.
3. A.S.T.M. Standards, Part 23, Water; Atmospheric

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Analysis 1972 American Society for Testing and Materials, Philadelphia, PA 19103.

4. 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.

b) Recording results for each measurement or sample taken pursuant to the requirements of this permit, the MS4 shall record the following information:
   1. The exact place, date, and time of sampling;
   2. The person(s) who performed the sampling or measurements;
   3. The date(s) of the analysis was performed;
   4. The person(s) who performed the analyses;
   5. The analytical techniques or methods used; and
   6. The results of all required analyses and measurements.

c) If the 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.

d) Reporting Requirements:
   1. The 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.
   2. 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

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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.

3. Report data for each sampling parameter in the units required by this permit.
4. 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.
5. Amend the DMR upon discovery by the 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.
6. Electronically Sign and certify the DMR.

e) Reporting Requirements:

1. The 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.
2. 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, 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.

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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 48 hours 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.

~~(1)~~(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 ~~two~~one (~~2~~1) meeting~~s~~ with stormwater board or highest elected official(s) annually to share MS4 program updates.

(B) Have a social media presence on at least one (1) platform and post a public education topic quarterly.

Note: Tier D MS4s may utilize events in urbanized area to complete the requirements outline in Section 4.1 and this subsection.

(2) Illicit Discharge Detection and Elimination MCM:

(A) ~~Develop and complete a citizen Qualitative Habitat Evaluation Index (QHEI) at each outfall as they are screened~~.

1) Outfalls in urbani~~zed~~ areas must be screened twice during the permit cycle.
a) Outfall screenings must meet the dry weather screening requirements or
b) The 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.

2) Outfalls outside the urbani~~ze~~d area must be screened twice per ~~year~~permit cycle. MS4s:
a) May utilize other MS4 departments to achieve this screening requirement.
b) Must have a written plan ~~and documentation~~ that shows all outfalls are ~~stable~~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.

(B) Update outfall maps within 12 months of the completion of construction.

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(C) 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 a ~~social~~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 ~~one~~ three hundred ~~and eighty~~ sixty-five (~~180~~365) days after the NOI submittal.

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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 an 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.

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(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 ~~enhanced~~ 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 appropriate 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 ~~submittal of~~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 ~~be covered~~ obtain permit coverage under this ~~the~~ permit.

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(B) A statement which reads: "(MS4 entity name and address) intends to discharge stormwater run-off ~~into the (text name and numeric code of all 12-digit Hydrologic Unit Code area and watershed(s))~~ from its stormwater collection and conveyance system ~~into Waters of the State~~ 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. ~~to discharge stormwater run-off".~~

(C) Contact information for the MS4 where questions or inquiries may be directed ~~to address questions~~ 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

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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 6.0 of this permit within three hundred sixty-five (365) days of being notified.

(b) For an existing MS4 entity, with coverage under the ~~former general permit rule (327 IAC 15-13)~~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~~within ninety (90) days following the date that IDEM makes the NOI form available to the permittee~~:
  (1) The MS4 entity submits an ~~new~~ 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 ~~of this permit~~ 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) ~~For subsequent renewals of general permit coverage under this general permit, a NOI must be submitted not less than ninety (90) days before the permit expires.~~

(d) 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.

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(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, ~~Room 1255~~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.

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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 urbanized 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 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).
  (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) New and on-going water quality characterization data.~~
  ~~(6)~~(5) Updated list of receiving waters.

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~~(7)~~(6) A description of progress to meet a TMDL WLA or improve water quality in the 303d listed impairments.

~~(8)~~(7) Implementation problems encountered, including program changes made to address ineffectiveness or infeasibility.

~~(9)~~(8) New funding sources and expenditures.

~~(10)~~(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.

~~(11)~~(10) Stormwater system map as required by 4.4 (f)(1) through (4).

~~(12)~~(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.

~~(13)~~(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)

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(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).

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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 ~~Room 1255~~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.

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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.

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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.

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(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.

~~(16)~~(17) "Facility" means any real property including, but not limited to buildings, parks, or other improvements owned and/or operated by a MS4.

~~(17)~~(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.

~~(18)~~(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.

~~(19)~~(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.

~~(20)~~(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.

~~(21)~~(22) "Impervious surface" means any surface that prevents or significantly reduces stormwater to readily infiltrate into the underlying natural soil.

~~(22)~~(23) "Individual NPDES permit" means an NPDES permit issued to one (1) MS4 operator that contains requirements specific to that MS4 conveyance.

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~~(23)~~(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.

~~(24)~~(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.

~~(25)~~(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.

~~(26)~~(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.

~~(27)~~(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.

~~(28)~~(29) "Legally binding agreement" means a written, enforceable legal document used to describe responsibilities between joint permittees or other entities.

~~(29)~~(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.

~~(30)~~(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).

~~(31) "Maximum Extent Practicable" means a performance standard or requirement within a permit to reduce the discharge of pollutants from a MS4 to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act; which is achieved through planning and implementation of specific measures that are identified in the Stormwater Quality Management Plan.~~

~~The term applies to a MS4 that demonstrates to IDEMs satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. The MS4 must document that all reasonable and economical options have been evaluated, considered and/or implemented to comply and achieve the requirements of the permit except those where it can demonstrate that they are not technically feasible in the locality, or whose cost would exceed any water quality benefit.~~

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(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 ~~via a conveyance~~ 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.

Commented [GS18]: This should work but we would need to add waters of the state rather than US because Indiana is protective of water quality standards with waters of the state and should therefore regulate to those which I think is where we are getting the disconnect.

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(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

~~(44)~~(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.

~~(45)~~(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. ~~change a site or building in such a way that there is disturbance of one (1) acre or more of land.~~ The term does not include such activities as exterior remodeling.

Commented [SWP19]: NOTE: The definition has been changed. However the reference to one acre disturbance is not applicable in the definition. For purposes of the MS4GP, MS4s must administer a post-construction program in accordance with Section 4.6 (c)

~~(46)~~(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.

~~(47)~~(48) "Residential car wash" means washing a vehicle or vehicles at a place of residence for non-commercial purposes only.

~~(48)~~(49) "Retail gasoline outlets" means an operating gasoline or diesel fueling facility whose primary function is the resale of fuels.

~~(49)~~(50) "Risk index" (or risk level) means ~~(or risk level)~~ a standardized classification system used by health departments to determine how likely a facility (retail food establishment) is to cause a foodborne illness.

~~(50)~~(51) "Sensitive area" means a waterbody identified as needing priority protection or remediation based on:
(a) having threatened or endangered species or their habitat;

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(b) usage as a public surface water supply intake;
(c) usage for full body contact recreation, such as bathing beaches; or
(d) ~~exceptional use classification as found in 327 IAC 2-1-11(b),~~ outstanding state resource water classification as found in 327 IAC 2-1.3(d) ~~2(3)~~ and 327 IAC 2-1.5-19(b).

~~(51)~~(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.

~~(52)~~(53) "Soil and water conservation district" or "SWCD" means a political subdivision established under IC 14-32.

~~(53)~~(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.

~~(54)~~(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.

~~(55)~~(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.

~~(56)~~(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.

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~~(57)~~(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.

~~(58)~~(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.

~~(59)~~(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).

~~(60)~~(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.

~~(61)~~(63) "Urban~~ized~~ 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.

~~(62)~~(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.

~~(63)~~(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.

~~(64)~~(68) "Wellhead protection area" has the meaning set forth at 327 IAC 8-4.1-1(27).

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