



Stormwater Program Updates

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



IDEM Wetlands & Stormwater Program Current Initiatives

Citizens Portal

- Database and interactive permitting system:
 - Applies only to stormwater construction
 - Increase interaction with the regulated community:
 - ♦ Online submittals of SWP3, Notices of Intent, and Notices of Termination
 - ♦ Users will be notified electronically through an online account of permit status, compliance milestones, and will be able to utilize the portal to respond to IDEM
 - ♦ System will allow electronic payment
 - IDEM will meet the U.S. EPA:
 - ♦ Electronic reporting rule
 - ♦ Requirement to migrate all data to the U.S EPA database

Citizens Portal

- Implementation schedule:
 - System is live
 - Timeline will be established to require all applicants seeking permit coverage to utilize the online system

Other IDEM Activities

- Complete and issue stormwater general permits for construction, MS4, and industrial
- Provide additional guidance and training to ensure a smooth transition with the new general permits
- Develop standardized forms for use by MS4s and SWCDs, especially for the construction self-monitoring, plan review, and regulatory program components
- Update the Indiana Stormwater Quality Manual
 - Focus on content that is associated with the new general permit

Other IDEM Activities

- Coordinate activities and program implementation with professional organizations to encourage program implementation consistency
- Promote training opportunities for MS4s and SWCDs
- Provide training to SWCDs and MS4s

Other IDEM Activities

- Continue to audit MS4 programs:
 - Public education and involvement, illicit discharge, and good housekeeping (MS4 Coordinator)
 - Construction and post-construction (Stormwater Specialists)
 - Evaluate process for audits for continuous improvement

Other IDEM Activities

- Annual Reports
 - Reports will truly be annual
 - Streamlined, easier to fill out form
 - Gathering information to better access the impacts of implementation of the Stormwater program in MS4s



Conversion of Indiana Administrative Stormwater General Permits to Master General Permits

Conversion Process

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

Conversion Process

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

Conversion Process

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

Conversion Process

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

Conversion Process

- Status of process:
 - Construction Stormwater General Permit:
 - ♦ Draft submitted to U.S. EPA
 - ♦ Multiple advisory group meetings were held
 - ♦ Individual meetings were held with specific stakeholder groups
 - ♦ U.S. EPA has no objection to the final draft permit
 - MS4 General Permit:
 - ♦ Draft submitted to U.S. EPA
 - ♦ Advisory group currently meeting
 - Industrial Stormwater Permit:
 - ♦ Finalizing draft

Stormwater Construction General Permit Notable Modifications



Notable Modifications: Eligibility

- Eligibility for Coverage:
 - One (1) acre of land disturbance
 - Exclusions:
 - ◆ Agricultural land-disturbing activities
 - ◆ Silvicultural activities (40 CFR 122.27)
 - ◆ Oil and gas exploration production, processing or treatment operations, or transmission facilities (40 CFR 122.26)
 - ◆ Ditch maintenance performed on regulated drains as performed by a county drainage board and defined in IC 36-9-27
 - ◆ Travel lanes associated with utility work on agricultural land

Notable Modifications: Performance Standards

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



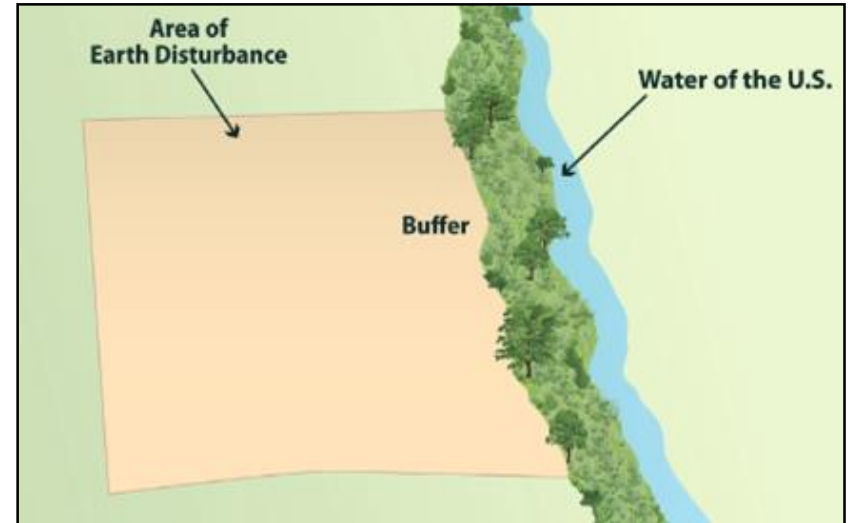
Notable Modifications: Performance Standards

- Natural Buffer Requirement:

- Preserve existing natural buffers adjacent to a water of the state to promote infiltration and provide protection of the water resource, unless infeasible.

The buffer is required to be:

- ♦ Maintained at a minimum width of fifty (50) foot where the existing buffer is fifty (50) foot or more
- ♦ Maintained in its entirety where the buffer is less than fifty (50) foot
- ♦ Shall not be used as treatment measure



Notable Modifications: Performance Standards

- Standards for Individual Stormwater Measures:
 - Sediment basins, where feasible, must be designed to withdraw from the surface of the water column (IDEM will develop a standard)
 - Stabilize basin slopes
 - Stabilize basin outfalls within 24 hours of installation
 - Pipes discharging from the project site must be stabilized within 24 hours of installation
 - Allow for the use of polymers (IDEM will develop guidance)



Notable Modifications: Performance Standards

- Vegetation Establishment:
 - In discussion with U.S. EPA, IDEM has modified the draft permit to include one standard and eliminate the requirement to:
 - ♦ Initiate stabilization within seven (7) days for sites discharging to a water on the current 303(d) List of Impaired Waters or with a U.S. EPA-approved TMDL
 - ♦ **Standard proposed in draft permit:** Initiate stabilization within seven (7) days for those areas of the site that are idle or planned to be left idle



Notable Modifications: Performance Standards

- Final Stabilization:
 - Standard of 70% density remains
 - Provision to exclude activities from the requirement to achieve 70% density when the activity is associated with:
 - ♦ Another permit such as DNR, 401 Water Quality Certification, etc. (Monitoring)
 - ♦ A post-construction measure that utilizes special plantings (Warm season grasses, bio retention areas, etc.)
 - Projects, due to function/operation, may leave disturbed areas. These include off-road recreational businesses.



Notable Modifications: Performance Standards

- Final Stabilization - Agricultural Land:
 - Stabilization for these projects must meet the requirements of the permit as required by U.S. EPA
 - Disturbed areas previously used for specific agricultural purposes, such as a filter strip, must be returned to their pre-land disturbance use
 - Stabilization requirements may be waived if the project site conditions do not pose a threat of discharging sediment
 - ♦ Time period for planting of agriculture crop
 - ♦ Location of disturbed area(s)

Notable Modifications: Performance Standards

- Post-construction Requirement:

- Stormwater discharges must be managed to control both quantity and quality based on local requirements
- If local requirements are not available, the project design must include a standard that:

- ♦ The discharge will not exceed the pre-development discharge
- ♦ Will treat the water quality volume or water quality flow rate



Notable Modifications: Performance Standards

- Post-construction Requirement:
 - Utilize at least one and, as necessary, two or more post-construction measures
 - Promotes the use of low impact development strategies and infiltration
 - Infiltration requires pretreatment to protect groundwater resources when warranted based on land use
 - ♦ Wellhead protection areas
 - ♦ Other sensitive areas (Karst)

Notable Modifications: Performance Standards

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

Notable Modifications: Performance Standards

- Project Management and Self-monitoring:

- Perform a written evaluation of the project site:
 - ♦ Name of the individual performing the evaluation
 - ♦ Date of evaluation
 - ♦ Precipitation amount prior to the evaluation
 - ♦ Corrective action taken from the previous self-monitoring report and/or a regulatory inspection



Notable Modifications: Performance Standards

- Project Management and Self-monitoring:
 - Perform a written evaluation of the project site:
 - ♦ Observations of performance in relation to:
 - Implementation of the stormwater pollution prevention plan (SWP3)
 - Functionality of existing measures
 - Implementation of additional measures in the event a measure fails or is necessary to maintain compliance
 - Sediment discharges, erosion, discharges that result in bank erosion, operational activities, etc.

Notable Modifications: Performance Standards

- Project Management and Self-monitoring:
 - Perform a written evaluation of the project site:
 - ♦ Documentation of an actual discharge that is observed:
 - Location of the discharge
 - Visual description of the discharge including, but is not limited to, color, odor, floatables, settled/suspended solids, foam, oil sheen, any other visible sign that may be attributed to operations on the project site

Notable Modifications: Performance Standards

- Project Management and Self-monitoring:
 - Perform a written evaluation of the project site:
 - ◆ Corrective actions recommended and completed:
 - Repairs, modifications, or replacement of measures
 - Cleanup/proper disposal of spills, releases, or other deposits
 - Remediation, minimization, or prevention of discharges until a permanent corrective solution is initiated
 - Restoration of an impacted area and/or removing accumulated sediment
 - Other permits/authorizations for clean-up and restoration

Notable Modifications: Performance Standards

- Project Management and Self-monitoring:
 - Perform a written evaluation of the project site:
 - ◆ Establish a timeline for which the corrective action will occur. At a minimum:
 - On the day the deficiency was discovered or when it is not practical, no later than the following workday. This timeline is associated with a repair
 - Within seven days of discovery for the installation of a new measure or replacement of an existing measure unless a shorter time frame is required as part of a regulatory inspection
- Note:** The inspecting authority may also allow additional time to take corrective action



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Questions?

