Impacts of Regulation Changes

Presented by:
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Focus on water quality

WHAT IS MS4?

- Polluted storm water run-off is often transported to **municipal separate storm sewer systems (MS4)** and ultimately discharge into local rivers and streams without treatment.

- In 1990 U.S. EPA promulgated rules establishing Phase I of the National Pollutant Discharge Elimination System (NPDES) storm water program. The Phase I rule serves communities with a population of over 100,000. (

- In 2001 coverage was extended to small entities identified as Phase II located in the urbanized area as defined by the census: counties, cities, towns, colleges, universities, and correctional facilities – In Indiana there are 185

Reason for change

Federal NPDES (National Pollutant and Elimination Systems) Permit Program

These permits control direct discharge of pollutants to waters of the State

WHY?

1. Reduce the discharge of pollutants to the “maximum extent practicable”;

2. Protect water quality; and

3. Satisfy the appropriate water quality requirements of the Clean Water Act.

What are the Impacts to Municipalities & Contractors

FROM PERMIT BY RULE TO GENERAL ADMINISTARTIVE PERMITS

RULE 13 - MS4 - Municipal Separate Storm Sewer Systems

A General Administrative Permit that establishes requirements for stormwater discharges from municipal separate storm sewer systems (MS4) conveyances so that the public health, existing water uses, and aquatic biota are protected

RULE 5 Contractors – Stormwater Run-Off Associated with Construction Activity

A General Administrative Permit (GAP) that addresses discharges of stormwater to surface waters of the state associated with construction activities in Indiana

What are the Ongoing Challenges to Stormwater Compliance

* **FEDERAL REGULATION CHANGES – US EPA**

* **NEW STATE PERMITS – IDEM**

* **INDIANA GENERAL ASSEMBLY 2019 & 2020**

  2019 – HOUSE ENROLLED ACT No. 1266 – Construction Activities , Construction Plans

  2020 – HOUSE BILL 1060 – Pre-Emption of Local Regulatory in Construction

IDEM Advisory Group and Stakeholders

Construction General Permit

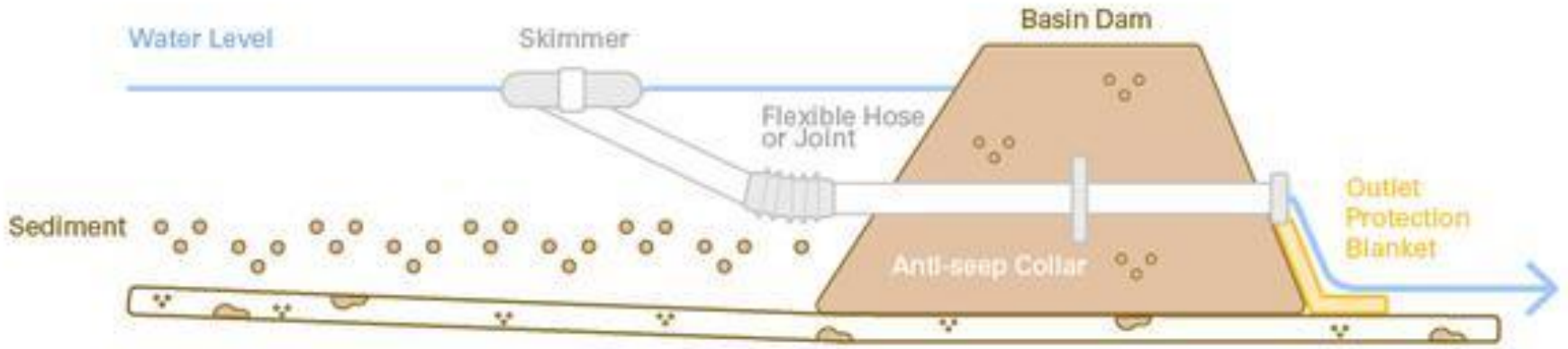
Notable changes

Sediment Basins

3.2 Design Requirements

(a) The selection, design, and implementation of all stormwater quality and management measures must at a minimum take into consideration the following:

(7) Sediment basins, where feasible, must withdraw water from the surface of the water column.



Stormwater Detention

(A) Run-off from the project site must meet local requirements to address storm water quantity as established by ordinance or other regulatory mechanism. When a local requirement does not exist the post-development discharge must not exceed the pre-development discharge based on the two-year, ten-year, and one-hundred year peak events.

Stormwater Quality Treatment

(B) Run-off from the project site must be treated to reduce pollutants that are expected to be associated with the final land use. To achieve pollutant reduction goals, measures must be selected and meet the requirements as established by ordinance or other regulatory mechanism. When a local requirement does not exist the post-construction measures must be selected based on correct sizing to treat the Water Quality Volume (WQv) or water quality flow rate to ensure compliance with 327 IAC 2-1-6(a)(1)(A-D) and 327 IAC 2-1.5-8(a) and (b)(1)(A-D)).

Indiana Code Reference

327 IAC 2-1-6 Minimum surface water quality standards

Sec. 6. (a) The following are minimum surface water quality conditions:

(1) All surface waters at all times and at all places, including waters within the mixing zone, shall meet the minimum conditions of being free from substances, materials, floating debris, oil, or scum attributable to municipal, industrial, agricultural, and other land use practices, or other discharges that do any of the following:

(A) Will settle to form putrescent or otherwise objectionable deposits.

(B) Are in amounts sufficient to be unsightly or deleterious.

(C) Produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance.

(D) Are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

Outfall stabilization

(2) The outfall of a basin must be stabilized and non-erosive within 24 hours of installation of the basin outlet.

(3) Pipe outlets discharging from the project site must be provided with temporary or permanent energy dissipation within 24-hours of discharging run-off.

Cover Dumpsters

(10) Construction and domestic waste must be managed to prevent the discharge of pollutants and windblown debris. When disposed of in waste containers (trash receptacles) the receptacle must be covered when not in use and at the end of the day. Waste that is not disposed of in trash receptacles must be removed at the end of the day from the site and disposed of properly.

7-day Stabilization Requirements

(1) Temporary and/or permanent soil stabilization must be initiated by the end of the next business day upon temporarily or permanently ceasing land-disturbing activities on any portion of the project site that is, or is planned to be left idle for a period of seven (7) days. Initiation of stabilization includes, but is not limited to, the seeding and/or planting of the exposed area and applying mulch or other temporary surface stabilization methods where appropriate. Areas that are not accessible due to an unexpected and disruptive event that prevents construction activities are not considered idle.

Concrete Washout - Definition

(7) "Concrete washout" means the rinsing of chutes, hoppers, wheelbarrows and hand tools that are used to handle concrete, mortar, stucco, grout or other mixtures of cement. Concrete washout water is a wastewater slurry containing metals and is caustic or corrosive, having a high pH.

Trained Individual for Inspection

(60) "Trained individual" means an individual who is trained and experienced in the principles of stormwater management, including erosion and sediment control as is demonstrated by completion of coursework, state registration, professional certification, or annual training that enable the individual to make judgments regarding stormwater management, treatment, and monitoring.

INDIANA MS4 PARTNERSHIP

Keeping Water in Your Life And Life in Your Water

STORMWATER SERVICES MONROE COUNTY PUBLIC WORKS

CITY OF BLOOMINGTON

Written Evaluations and Documentation

SMP – Self Monitoring Program

Project management log

- Offsite work, staging areas, disposal areas, SMP reports, enforcement, SWP3 modifications.

Corrective actions documentation and timeline

- The day of the discovery - existing BMPs
- Within 7 days - for installation of new BMPs

NOI submittal

5 year permit term

Open permits must obtain new coverage

Update activity-based requirements

Design components will not require retrofit

House Bill 1266
House Enrolled Act 1266

Title: Erosion and Sediment Control in Construction Projects

Effective July 1, 2019

Is an Indiana law not a permit condition

Plan Review

Review authority has

- 10 working days for plan review of small projects
- 14 working days for large projects
- Current Rule 5 allows 28 days for review

If no review

- Submit NOI and begin work after 48 hours

It is unclear how other local permit approvals will be affected

- Building permits, plan commission approval, tech committee reviews

Qualifications of a Plan Reviewer

Trained Individual

- Mimics current Rule 5 definition
- Completion of course work
- State registration
- Professional certification
- Annual training

Stop Work Orders

May not stop work on the grounds of erosion and sediment control measures unless the site owner is given 72 hours of written notice

Does not apply to “a public hazard or safety hazard”

No More Stringent

MS4s shall not impose erosion and sediment control measures on a construction site that is more stringent than erosion and sediment control measures established by the general permit.

Questions?

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