

Compliance with 327 IAC 15-5 General Permit for Construction Activities

Applicability

This Rule applies to all construction activities (includes clearing, grading, and excavating) that results in the disturbance of one (1) acre or more of land area.

Projects that are smaller than one acre may also be regulated by this Rule if it is determined that the project is part of a “larger common plan of development or sale. A “larger common plan of development or sale means a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

Step by Step Process for Staying in Compliance with 327 IAC 15-5

If it is determined that the project is subject to 327 IAC 15-5, the project site owner is required to submit specific items to comply with the general permit. Following are a list of steps that should be followed to ensure compliance.

Step 1:

Develop a Construction Plan for the project site. A key element of the construction plan includes the Storm Water Pollution Prevention Plan.

Construction Plan development should include thorough site evaluation and assessment. Each project is unique and therefore requires careful planning to ensure the plan is developed to address the impact of the activities that are planned for the project and the characteristics of the project site.

327 IAC 15-5 requires specific information to be included in a construction plan. This information is contained within 327 IAC 15-5-6.5 and in the attached guidance document entitled “Guidance Document for Plan Content”. The guidance document not only includes the required elements, but a brief description of each element and what is expected to be in the plan.

Also available to assist with the development of the construction plan is the Indiana Handbook for Erosion Control in Developing Areas. By the end of 2006, the Indiana Handbook for Erosion Control will be replaced by the Indiana Storm Water Quality Manual.

Step 2:

Submit the Construction Plan to the plan reviewing authority. In most situations, the plans are to be submitted to the Soil and Water Conservation District (SWCD) in which the activity is to occur.

The reviewing authority has up to 28 days from the date of submittal to review the plan.

The project site owner should receive notification from the reviewing agency that the plan has been approved, plan is deficient, or a written notice that the plan will not be reviewed. If a notice is not received, the project site owner or his/her representative should contact the reviewing agency to determine the status of the plan submittal.

If notice of a deficient plan is received, the plans must be revised to satisfy the deficiencies and resubmitted to the reviewing authority, at which time the 28-day review period starts over.

If the plan is deemed sufficient or a letter is received indicating that a formal plan review will not be completed for the project, the project site owner may proceed with submittal of the Notice of Intent.

IDEM has also designated several communities (municipalities and/or counties) that are required to develop their own local program. If the project lies within one on these jurisdictions, plan content will be required to meet local criteria in addition to the items required by 327 IAC 15-5. The plan submittal should be directed to the local entity. For more information on which communities have been designated contact Randy Braun at 317-234-3980.

Step 3:

Receive Construction Plan approval from reviewing authority (Modifications to the plan may be requested by the reviewing authority before approval is granted).

Step 4:

Submit Notice of Intent (form located on IDEM's website) to the Indiana Department of Environmental Management (IDEM) a minimum of 48 hours prior to initiation of land disturbing activities. A copy of the Notice of Intent letter should also be submitted to the plan reviewing authority.

A separate Notice of Intent letter is required for each submitted construction plan. The project site acreage identified in the construction plan must directly correspond to the acreage figures provided in the Notice of Intent letter.

The Notice of Intent submittal must include:

- Proof of Publication in a newspaper of general circulation in the area the project is to occur (sample on IDEM website).
- \$100 general permit filing fee
- Written verification from the plan review authority that the plan was acceptable/approved or the 28-day review period has expired.

Step 5:

Construction activities may commence forty eight (48) hours following submittal of the Notice of Intent.

Construction activities may not begin prior to Construction Plan approval and submittal of NOI letter. The project site owner must also notify IDEM and the reviewing authority of the actual start date within 48 hours of starting land disturbing activities.

Step 6:

Implement the approved Construction Plan throughout the life of the project.

It is the responsibility of the project site owner to implement the storm water pollution prevention plan. In addition, it is critical that the site is monitored during the construction process and in field modifications are made to address the discharge of sediment or other pollutants from the project

site. This may require modification of the plan and/or field modification of storm water quality measures to prevent pollutants, including sediment, from leaving the project site. Communicate with the reviewing/inspecting authority, especially when significant changes are made.

Step 7:

Submit a Notice of Termination (form located on IDEM's website).

The project site owner must:

- Prepare a complete Notice of Termination, with all required supporting documentation
- Submit the Notice of Termination to IDEM
- IDEM will receive verification from the local reviewing authority (SWCD or other entity designated by IDEM) that the project meets the termination requirements as specified in 327 IAC 15-5.
- Once verified by the local reviewing authority, IDEM will issue final approval.

In an effort to expedite project Termination, the project site owner may include verification from the local plan review authority with the submittal of the Notice of Termination.

Eligibility to terminate a Rule 5 permit is based on the following criteria:

In order to terminate coverage of the General Permit, the following must be met:

- All land disturbing activities, including construction on all building lots have been completed and the entire site has been stabilized.
- All temporary erosion and sediment control measures have been removed.

Agency Information and Contacts

- Storm Water Construction Program Website:
<http://www.in.gov/idem/permits/water/wastewater/wetwthr/storm/rule5.html>

- **Contact Information:**

David Carr
Rule 5 Coordinator
IDEM, Office of Water Quality
100 North Senate Avenue
MC 65-42 IGCN 1255
Indianapolis, Indiana 46204

Phone: 317-233-1864
FAX: 317-232-8637

dacarr@idem.IN.gov

Randy J. Braun, CPESC
Storm Water Program Manager
IDEM, Office of Water Quality
100 North Senate Avenue
MC 65-42 IGCN 1255
Indianapolis, Indiana 46204

Phone: 317-234-3980
FAX: 317-232-8637

rbraun@idem.in.gov