

# Storm Water Quality Requirements for Construction Sites

## Summary of Significant Changes to Rule 5

Effective: *November 26, 2003*



**Rule changes affect:** Homebuilders  
Rural Land Owners  
Project Engineers  
Commercial and Residential Land Developers  
Construction Site Contractors



Hendricks County  
Soil & Water Conservation District  
195 Meadow Dr  
Danville, Indiana 46122



# Significant Changes

- ♦ **1 acre or more** of disturbed land requires submission of construction plans to the reviewing agency for approval. Construction plans include the traditional erosion control plan in addition to several other elements required by the new rule, see 327 IAC 15-5-6.5 Requirements for Construction Plans.
- ♦ The reviewing agency has 28 days to conduct a review of construction erosion control plans. The project site owner must submit documentation of adequacy of construction plans from the reviewing agency along with the Notice of Intent (NOI) to IDEM. If the plans are determined deficient by the reviewing agency, correction and resubmission will be necessary, restarting the 28 day review period. If, at the end of the 28 day review period, no notification from the reviewing agency regarding the adequacy or deficiency in the plans is received, the project site owner may proceed to file the NOI to IDEM.
- ♦ NOI information shall be submitted to IDEM at least 48 hours prior to the initiation of land disturbing activities, plus a copy of the NOI must be filed with the reviewing agency.
- ♦ Within 48 hours prior to the start of construction, the project site owner must notify IDEM and the plan reviewer of the actual start date.
- ♦ A reduced plat (no larger than 11" by 17") showing lot numbers, lot boundaries road layout and names for all phases of the project must be submitted with the plan.
- ♦ Provide identification of any state and/or federal water quality permits.
- ♦ Areas inactive for 15 days or more must be stabilized.
- ♦ Provide location of all existing structures.
- ♦ Delineation of all proposed land disturbing activities including off-site activities that will provide services to the project site.
- ♦ Information regarding off-site borrow or stock pile or disposal areas.
- ♦ An estimate of the peak discharge based on a 10 year storm for both pre- and post-construction.
- ♦ A self-monitoring program including plan and procedures
- ♦ A description of potential pollutant sources associated with the project during construction and for the post construction.
- ♦ A post-construction storm water pollution prevention plan

# Hendricks County Soil and Water Conservation District

The Soil and Water Conservation District (SWCD) is here to serve the needs of those living and/or working in Hendricks County. We are available for plan review and pre-construction meetings in order to solve problems before construction starts.

In the upcoming year 327 IAC15-13, Rule 13, will require municipalities (MS4s) to develop and implement their own storm water program. The program is required to include a construction component that must at least meet the requirements of 327 IAC 15-5. The MS4s for Hendricks County are Avon, Brownsburg, Danville, Plainfield, Pittsboro, and portions of eastern Hendricks County. The SWCD will be assisting these MS4s as they implement their own Rule 13 program. It will be your responsibility to stay informed regarding the specific communities' requirements. For more information regarding Rule 13 refer to: <http://www.in.gov/idem/water/npdes/permits/wetwthr/storm>.

This flyer is intended to help make you aware of the major changes approved for Rule 5. It is your responsibility to obtain a complete copy of the rule, understand and digest the new requirements and demonstrate compliance.

We can be reached at (317) 745-2555 ext. 3.

Complete Rule 5 information may be obtained at:

<http://www.gov/legislative/register/Vo127/03Dec/02F32010095.PDF>

## Changes at the Construction Site

- ◆ Within 48 hours of initiating construction activities, the project site owner must notify IDEM of the actual project start date.
- ◆ A copy of the NOI and NPDES permit number, contact information of the site owner or contact person and location of the construction plans must be posted at the entrance to the site
- ◆ Unvegetated areas left inactive more than 15 days must be stabilized with measures to minimize erosion potential. Alternatives are acceptable upon approval of reviewing authority.
- ◆ Spill prevention and cleanup measures shall be implemented to minimize contamination of water or soil.

## Self-Monitoring Program During Construction

Must include:

- ◆ A trained individual shall perform a written evaluation of the project site:
  1. By the end of the next business day following each storm event that exceeds 0.5"
  2. At a minimum of one (1) time per week.
- ◆ The evaluation must address
  1. The maintenance of existing storm water quality measures to ensure they are functioning properly; and
  2. Identify additional measures necessary to remain in compliance with all applicable statutes and rules.
    - ◆ Written evaluation reports must include:
      1. The name of the individual performing the evaluation,
      2. The date of the evaluation,
      3. Problems identified at the project site; and
      4. Details of corrective actions recommended and completed.
    - ◆ All evaluation reports for the project site must be made available to the inspecting authority within forty-eight (48) hours of a request.

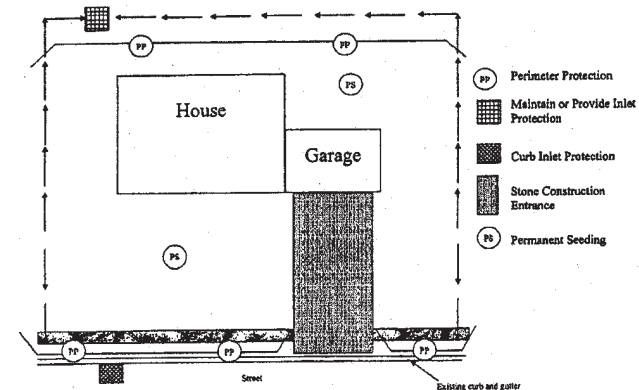


## Home Builder Requirements

All storm water quality measures necessary to comply with the rule, including erosion and sediment control, must be implemented in accordance with the construction plan and include:

- ◆ The individual lot operator is responsible for erosion and sediment control.
- ◆ Install and maintain a stable construction entrance.
- ◆ Install and maintain perimeter erosion and sediment control measures.
- ◆ Sedimentation must be minimized until permanent stabilization has been achieved.
- ◆ Cleanup of sedimentation on roads.
- ◆ Adjacent lots disturbed by an individual lot operator must be repaired and stabilized.
- ◆ For individual residential lots, final stabilization is achieved when the lot operator:
  1. completes stabilization or,
  2. has installed appropriate erosion and sediment control measures for a lot prior to occupation of the home and has informed the homeowner of the requirement for, and benefits of final stabilization.

For individual home sites disturbing less than one (1) acre, Rule 5 does not apply. However, the erosion control requirements or ordinances of local authorities, may still apply to less than one (1) acre sites.



## Responsibilities of Project Site Owners

- For projects disturbing one acre or greater of land, submit construction plans to the reviewing agency in accordance with Section 6 of the rule. The erosion control plan must be approved by the reviewing agency prior to filing a Notice of Intent, and prior to the start of construction.
- Complete a sufficient Notice of Intent (NOI) letter and file with IDEM.
- Ensure compliance with approved plans and Rule 5 during construction.
- Ensure that all persons engaging in construction activities on a permitted project site are aware of and comply with the approved erosion control construction plan and applicable requirements of Rule 5.
- Notify IDEM and the reviewing agency with a Notice of Termination letter when construction activity is complete.

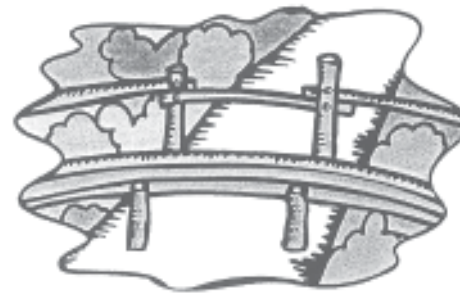
## Possible Exceptions to Responsibilities (Consult with Local SWCD to be Certain)

- If a project will disturb less than one acre, and is not part of a larger common plan of development or sale, the provisions of Rule 5 do not apply. (See 327 IAC 15-5-2(a)(3))
- The rule at 327 IAC 15-5-2 provides for several other applicability exceptions. If questions arise, each situation needs to be evaluated on a case-by-case basis. The Soil and Water Conservation District or DNR Division of Soil Conservation should be contacted for this service.
- Local planning and building authorities should be contacted regarding any additional requirements that may apply.

## Post Construction Storm Water Pollution Prevention Plan

Construction plans must also include:

- ♦ A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to storm water discharges.
- ♦ Location, dimensions, detailed specifications and construction details of all post construction storm water quality measures.
- ♦ A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space and storm water retention and detention ponds.
- ♦ A sequence describing when each post construction storm water quality measure will be installed.
- ♦ Storm water quality measures that will remove or minimize pollutants from storm water runoff.
- ♦ Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
- ♦ A narrative description of the maintenance guidelines for all post construction storm water quality measures to facilitate their



proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post construction storm water quality measures.