



**Indiana Department  
of Environmental Management  
Office of Water Quality  
Wetlands and Storm Water Section**

**Storm Water Regulation:  
State and National Perspective**

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## Storm Water Regulation

### Construction/Land Disturbance (Rules 5 and 13):

#### 327 IAC 15-5 (Rule 5)

- Construction/Land Disturbing Activity (1992)
- Administered
  - IDEM
  - Local SWCDs



#### 327 IAC 15-13

- Municipal Separate Storm Sewer Systems (MS4)
  - Designated by IDEM to Administer a Local Storm Water Program
  - Ordinance

## Storm Water Regulation

### 327 IAC 15-5 (Rule 5)

- One Acre or More of Land Disturbance
- Projects Where Land Disturbance is Less than 1 Acre that are Part of a “Larger Common Plan of Development or Sale”

### MS4 Ordinance

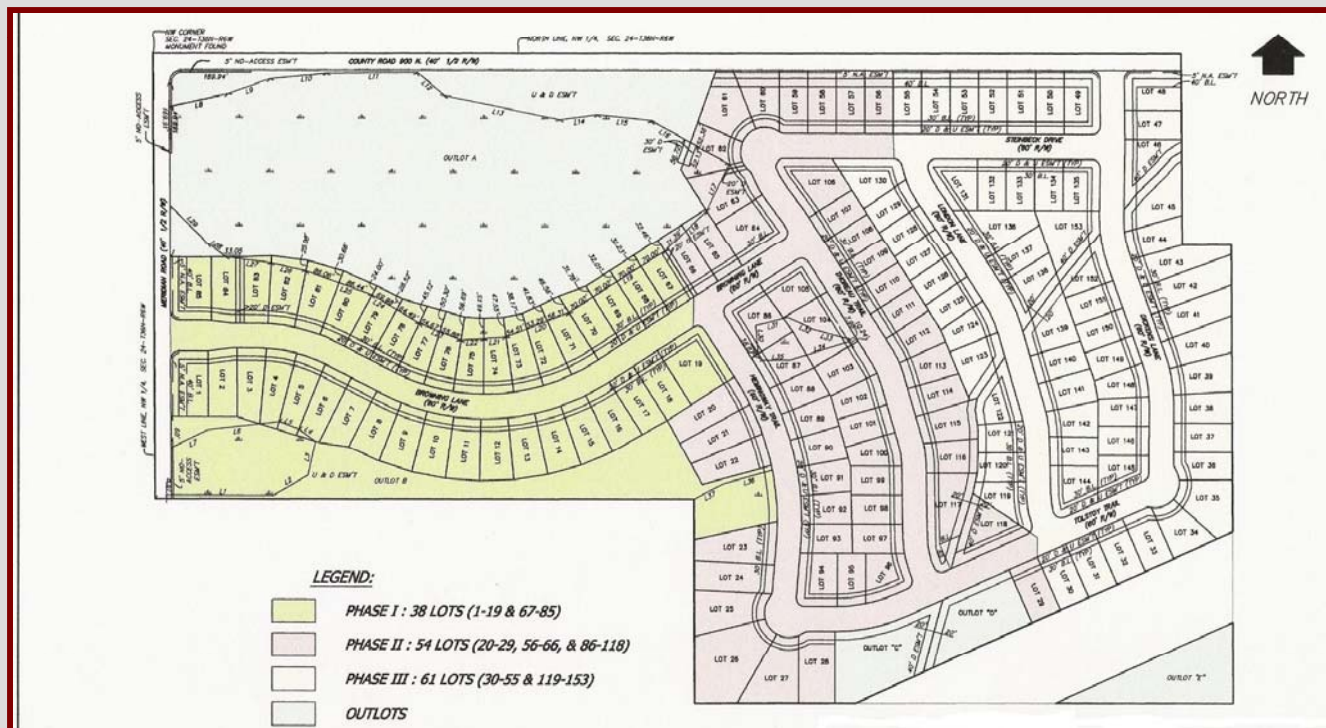
- Meet the Minimum Requirements of Rule 5
- May be More Strict
  - Less than One Acre
  - Additional Requirements



# What Constitutes a Violation of 327 IAC 15-5?

## Paper Work Violation - Failure to Submit:

- Notice of Intent
- Construction/SWPPP



## What Constitutes a Violation of 327 IAC 15-5?

### Performance Violation - Failure to:

- Implement Appropriate Storm Water Quality Measures – Results:
  - Discharge
  - Potential for Discharge



## What Constitutes a Violation of 327 IAC 15-5?

### Discharge or an Impact:

- Adjacent Property
  - Private Property
  - Ponds
  - Roads
- Roadways -Tracked Soil
- Discharge to a Resource
  - Creek, Stream, River
  - Lake
  - Wetland
  - Other Natural Features (Karst)



## What Constitutes a Violation of 327 IAC 15-5?

### Performance Violation - Failure to:

- Minimize the Discharge of Pollutants
  - ➔ Sediment



## What Constitutes a Violation of 327 IAC 15-5?

### Performance Violation - Failure to:

- Minimize the Discharge/Impact of:
  - Pollutants Associated w/  
Operations & Management
    - ➔ Fueling & Maintenance
    - ➔ Solid Waste Disposal
    - ➔ Concrete Washout
    - ➔ Wind Blown Sediments



## What Constitutes a Violation of 327 IAC 15-5?

### Commons Issues that Result in Violations

- Failure to Utilize and Follow the SWPPP
- Failure to Implement Storm Water Quality Measures
  - Sequence (Installed in Relation to Land Disturbance)
  - Appropriate Location
  - According to Specifications
- Failure to Inspect Maintain Measures
- Failure to Make Field Modifications



## Storm Water Regulation

### Project Site Owner Responsibilities:

- Comply with Regulation
- Develop a Construction Plan/SWPPP
- Post Project Information
- Implement the Plan
- Implement a Quality Assurance Plan
- Implement Measures Beyond the Plan (Field Conditions)
- Contractor Notification
  - Terms and Conditions of Rule
  - Conditions & Standards of the SWPPP



## Storm Water Regulation

### Responsibility of Others (Not Holding a Permit):

(Contractors, Subcontractors, Trades, Material Delivery, Builders, Utilities, Etc.) <sup>1</sup>

- Operating Under the Permit of the Owner
- Become Familiar w/ the Plan
- Know Your Responsibility, Contract?
- Do Your Part, take Responsibility for Your Actions

<sup>1</sup> MS4s may issue permits to other operators on a site



# Storm Water Regulation

## Inspection Authority

- Outside Designated MS4s
  - IDEM and/or SWCD  
(Authority Based on Rule 5)
- Inside an MS4
  - MS4 Staff or Designated Agent  
(Authority Based on Local Ordinance)
- IDEM and/or EPA
  - Do not Delegate Authority
  - May Still Regulate Projects Statewide



## Storm Water Program

### Enforcement Action May be Initiated Against:

- Project Site Owner, but also
- Other Operating on a Site
  - Contractors
  - Subcontractors
  - Trades
  - Material Delivery
  - Builders
  - Utilities
  - Etc.



**Do Your Part,  
Take Responsibility for Your Actions**

## Wetlands & Storm Water Section

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**[www.in.gov/idem/4896.htm](http://www.in.gov/idem/4896.htm)**