



## **IDEM NPDES General Permit Rule Program (327 IAC 15) Revision Summary**

On December 1, 2003, the Indiana Department of Environmental Management (IDEM) published the revised NPDES General Permit Rule Program in Vol. 27, No. 3 of the *Indiana Register*. To assist our clients in preparing for possible changes in their storm water pollution prevention programs, AVANT developed a brief summary of major program revisions. We recommend that you wait for the notification from the Commissioner about the revisions before modifying your facility's storm water pollution prevention program. IDEM anticipates the letters from the Commissioner will be mailed within two to three weeks. The following documents are available for download from the AVANT website at [www.avantgrp.com](http://www.avantgrp.com).

- "NPDES General Permit Rule Program (327 IAC 15)"
- "Redline Version of the Revised Program"
- "Rule 5 Notice of Intent (NOI) Letter form"
- "Rule 5 Notice of Termination (NOT) Letter form"
- "Rule 6 Notice of Intent (NOI) Letter form"
- "Rule 6 Storm Water Pollution Prevention Plan (SWP3) Certification Checklist"
- "Sample Storm Water Sampling Results Report"
- "Sample Annual Report" (not yet available)
- "Rule 6 Notice of Termination (NOT) Letter form" (not yet available)
- "No Exposure Certification form"

### **Summary of Major Revisions**

#### **Rule 2 – Basic NPDES General Permit Rule Requirements**

- Municipal separate storm sewer system (MS4) permittees who were issued an individual NPDES permit before January 2001 are not allowed to change to a general permit.
- A discharge to an outstanding water may be permitted under Rule 5, 6 or 13 if the Commissioner determines the discharge will not significantly lower the water quality.
- Compliance with the Notice of Intent (NOI) letter submission requirements may be transferred if the instructions listed in 327 IAC 15-2-8 are followed. The Commissioner may require the submittal of a new NOI letter.
- The Commissioner will notify affected facilities by first class mail when a general permit rule is amended. Upon the receipt of notification a facility will either have to apply for an individual NPDES permit or submit a complete NOI letter containing the information required by the amended rule within 90 days.



### **Rule 3 – NOI Letter Requirements**

- The general address for NOI letter submittal has been revised.  
***Indiana Department of Environmental Management  
Office of Water Quality  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015***

### **Rule 5 – Storm Water Run-Off Associated with Construction Activity**

- The scope of the Rule 5 now includes land disturbances one (1) acre or more.
- The Rule 5 applicability section has been completely revised to include off-site construction activities (road extensions, sewer, water etc.), individual lots within permitted project sites, multi-lot project sites, strip developments, subdivisions and single-family residential dwellings.
- A “measurable storm event” under Rule 5 is now equal to or greater than one-half (0.5) inches of rainfall.
- The requirements for the Rule 5 NOI letter have been expanded. The submittal address has been revised.  
***Attention: Rule 5 Storm Water Coordinator  
Indiana Department of Environmental Management  
Office of Water Quality, Urban Wet Weather Section  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015***
- A “Rule 5 Notice of Intent (NOI) Letter form”, State Form 47487 is available for download from the AVANT website at [www.avantgrp.com](http://www.avantgrp.com).
- If construction activity occurs within a MS4, a copy of the completed NOI letter must be submitted to the MS4 operator and the project site owner must comply with all appropriate ordinances and regulations within the MS4 area.
- Section 6.5, “Requirements for construction plans”, has been added to the rule.
- Section 7 has been expanded and renamed “General requirements for storm water quality control”, and includes requirements for a self-monitoring program, which includes written evaluation of the project site at least once per week and after each measurable storm event by a trained individual.
- Section 7.5, “General requirements for individual building lots within a permitted project”, has been added to the rule.
- Project termination requires the submittal of a notice of termination (NOT) letter to the Commissioner and a copy to the designated reviewing authority. Section 8 lists the requirements for the NOT letter.
- A “Rule 5 Notice of Termination (NOT) Letter form”, State Form 51514 is available for download from the AVANT website at [www.avantgrp.com](http://www.avantgrp.com).
- Section 12, “Duration of coverage”, has been added to the rule. Permits issued under this rule are granted for a period of 5 years. If construction activities exceed 5 years, a NOI letter must be submitted 90 days prior to the permit expiration to renew coverage under the NPDES general permit rule.



## **Rule 6 – Storm Water Discharges Exposed to Industrial Activity**

- Rule 6 has been revised to apply to storm water discharges exposed to industrial activity that are composed entirely of storm water and allowable non-storm water.
- Section 2 has been revised and expanded to include the full range of the rule’s applicability that was previously located in Section 4, “Definitions”.
- New types of facilities fall within the rules applicability including: distribution facilities that are involved in the material handling, processing, transfer or storage of agricultural chemicals and truck stops or plazas that have on-site vehicle maintenance and are classified under SIC Code 5541.
- Facilities subject to storm water effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Chapter I, Subchapter N are required to apply for an individual NPDES storm water permit.
- The abbreviation for storm water pollution prevention plan has been changed from SWPPP to SWP3.
- The additional NOI letter requirements now include: a brief narrative description of the industrial processes performed at the facility, identification of past and present NPDES permits, identification of regulated MS4 receiving storm water discharge, if applicable and proof of publication of the following statement in the area newspaper with the largest circulation “(Facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting an NOI letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-6 to discharge storm water exposed to industrial activities.”
- A “Rule 6 Notice of Intent (NOI) Letter form”, State Form 51286 is available for download from the AVANT website at [www.avantgrp.com](http://www.avantgrp.com).
- New industrial facilities must submit a NOI letter 90 days prior to start up of industrial operations.
- Existing industrial facilities regulated by this rule will receive notification from the Commissioner of the amendments. Upon the receipt of notification a facility will either have to apply for an individual NPDES permit or submit a complete NOI letter containing the information required by the amended rule within 90 days.
- Existing industrial facilities that have not been regulated by this rule but now fall within the revised applicability must submit a NOI letter within 90 days of the effective date of this rule.
- The general requirements for a SWP3 have been expanded.
- The SWP3 must list the members of the facility storm water pollution prevention team and clearly identify the responsibilities of each team member.
- The SWP3 must address reduction of potential pollutants in the storm water discharge from salt, sand or other commercial or industrial material storage piles.
- An employee training program is required. Training must occur annually at a minimum and must be documented.
- The requirements of the non-storm water assessment have been expanded to include the following: detergent or solvent based washing of equipment or vehicles that would impact the storm water discharge shall not be allowed and interior floor drains that could impact the discharge are sealed or legally connected a sanitary sewer.



- The SWP3 must be developed and implemented within 365 days after submission of the NOI letter. A SWP3 certification checklist form must be completed and submitted to the Commissioner within 30 days after the completion of the Plan.
- A “Rule 6 Storm Water Pollution Prevention Plan (SWP3) Certification Checklist form”, State Form 51287 is available for download from the AVANT website at [www.avantgrp.com](http://www.avantgrp.com).
- The SWP3 may be combined with other plans if the combined plan is retained at the facility, all requirements are contained within the plan and a separate, labeled section is utilized for the SWP3 requirements.
- Section 7.3, “Monitoring requirements”, has been added to the rule.
- The monitoring requirements have been revised from grab and composite sampling along with visual observations to annual grab sampling during the 5 year permit period.
- The pH must be monitored at the time of the grab sampling, and color comparison analysis is not acceptable. Meter calibration and maintenance records must be kept or have their location referenced in the SWP3.
- Monitoring results should be submitted to IDEM within 30 days after lab analyses have been completed. A copy of the results must be sent to the MS4 if applicable upon request. A “Sample Storm Water Sampling Results Report” is available for download from the AVANT website at [www.avantgrp.com](http://www.avantgrp.com).
- Section 7.5, “Annual reports”, has been added to the rule.
- The annual report should include the following information: changes to the original NOI letter, facility changes, a copy of the comparison of the monitoring results for the second through fifth years of permit coverage and any additional BMPs implemented or corrective actions taken. A “Sample Annual Report” will be available for download from the AVANT website at [www.avantgrp.com](http://www.avantgrp.com) when it becomes available.
- Section 8.5, “Permit compliance schedule”, has been added to the rule.
- All submittals to IDEM under Rule 6 shall be sent to the following address.  
***Attention: Rule 6 Storm Water Coordinator  
Indiana Department of Environmental Management  
Office of Water Quality  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015***
- Section 10, “Duration of coverage and renewal”, has been added to the rule.
- The 5 year permit term begins from the date on the initial NOI letter. A NOI letter must be resubmitted 90 days before permit expiration.
- Section 11, “Termination of coverage; permit not transferable”, has been added to the rule.
- A complete state-issued Notice of Termination (NOT) letter request form shall be submitted for any of the following: facility closure, transfer of ownership, no exposure of industrial activities to storm water or storm water run-off flows into combined sewer. A “Rule 6 Notice of Termination (NOT) Letter form” will be available for download from the AVANT website at [www.avantgrp.com](http://www.avantgrp.com) when it becomes available.
- A no exposure NOT letter request form must include a “No Exposure Certification” form. A “No Exposure Certification form”, USEPA Form 3510-11 (10-99), is available for download from the AVANT website at [www.avantgrp.com](http://www.avantgrp.com).



- Section 12, “Conditional no exposure certification”, has been added to the rule and lists the requirements for submitting a USEPA “No Exposure Certification” form 3510-11 (10-99).
- A facility must submit the form every 5 years.
- The no exposure certification is nontransferable.
- If planned facility changes results in industrial activities becoming exposed to storm water, a NOI letter must be submitted at least two (2) days before the changes occur.
- If unplanned events, such as spills, cause industrial activities or materials to become exposed to storm water the facility must notify the Commissioner within 24 hours of facility personnel becoming aware of the exposure and corrective actions must be taken prior to the next storm water discharge event.

For questions about the revisions to the storm water rules, contact AVANT’s Joe Hendrickson (260.497.9620)