ARTICLE 15. NPDES GENERAL PERMIT RULE PROGRAM

Rule 1. General Provisions

327 IAC 15-1-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this article is to establish NPDES general permit rules for certain classes or categories of point source discharges by prescribing the policies, procedures, and technical criteria to operate and discharge under the requirements of a NPDES general permit rule. Compliance with all requirements of applicable general permit rules may obviate the need for an individual NPDES permit issued under 327 IAC 5. A facility can operate under an individual NPDES permit and one (1) or more applicable general permit rules. *(Water Pollution Control Board; 327 IAC 15-1-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 15; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-1-2 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1, IC 13-1-3-1.5, 327 IAC 1, and 327 IAC 5, as amended, the following definitions apply throughout this article:

(1) "Existing discharge" means any point source discharge of process or storm water which occurs either continuously or intermittently from a property at the time coverage under an individual NPDES permit is being sought.

(2) "General permit rule boundary" means an area based upon existing geographic or political boundaries indicating the area within which a facility affected by this article is located.

(3) "Individual NPDES permit" means a NPDES permit issued to one (1) facility which contains requirements specific to that facility.

(4) "Notice of intent letter" or "NOI" means a written notification indicating a person's intention to comply with the terms of a specified general permit rule in lieu of applying for an individual NPDES permit and includes information as required under 327 IAC 15-3 and the applicable general permit rule.

(5) "Storm water" means water resulting from rain, melting or melted snow, hail, or sleet.

(Water Pollution Control Board; 327 IAC 15-1-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 15; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-1-3 Department request for data

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7-1-17

Sec. 3. (a) Any person, as defined at IC 13-7-1-17, subject to this article shall:

(1) establish and maintain such records;

(2) make such reports;

(3) install, use, and maintain such monitoring equipment or methods (including, where appropriate, biomonitoring methods);

(4) sample such effluents, internal wastestreams where appropriate, or other material; and

(5) provide such other data, including, but not limited to, raw materials, catalysts, intermediate products, byproducts, production rates, and related process information;

at such locations, at such times, and in such a manner, as the commissioner may reasonably prescribe.

(b) Sampling of internal wastestreams under subsection (a)(4) and the provisions of data under subsection (a)(5) shall not be required by the commissioner unless:

(1) such data are reasonably expected to facilitate the identification or quantification of pollutants which may be released to the environment from facilities operated by the person to whom the request is made, and the identification or quantification of such pollutants could not reasonably be made by the commissioner in the absence of the requested information; or

(2) such data are necessary to properly control wastewater treatment processes.

(Water Pollution Control Board; 327 IAC 15-1-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 16; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-1-4 Enforcement
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. This article shall be enforced through the provisions of IC 13-7-10-5, IC 13-7-11, or IC 13-7-12, or any combination thereof, as appropriate. Penalties for violation of this article shall be governed by IC 13-7-13. *(Water Pollution Control Board; 327 IAC 15-1-4; filed Aug 31, 1992, 5:00 p.m.: 16 IR 16; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

Rule 2. Basic NPDES General Permit Rule Requirements

327 IAC 15-2-1 Purpose and scope
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-1-4-1; IC 13-7-1-10

Sec. 1. This rule defines the basic programmatic requirements of the general permit rule program to be administered by the commissioner consistent with NPDES requirements under the Federal Act, as defined at IC 13-1-4-1, IC 13-7-1-10, and 327 IAC 5. *(Water Pollution Control Board; 327 IAC 15-2-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 16)*

327 IAC 15-2-2 NPDES general permit rule requirements
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 2. (a) The commissioner may regulate the following discharges under NPDES general permit rules:
(1) Point source discharges of storm water associated with industrial activity as defined in 40 CFR 122.26(b)(14) as published in the Federal Register on November 16, 1990.
(2) Such other categories of point sources operating within the state that:
(A) involve the same or substantially similar types of operations;
(B) discharge the same types of wastes;
(C) require the same effluent limitations or operating conditions; and
(D) require the same or similar monitoring requirements.
(b) The commissioner may determine that an individual permit must be obtained under section 9 of this rule. Any person to whom this article applies may avoid compliance with this article by obtaining an individual NPDES permit.
(c) Each general permit rule shall be applicable to persons meeting the criteria of subsection (a) existing within specific boundaries designated by the commissioner in accordance with the following:
(1) A general permit rule boundary shall correspond with existing geographic or political boundaries such as:
(A) designated planning areas under the Federal Act;
(B) regional sewer districts or sewer authorities;
(C) city, county, or state political boundaries;
(D) state highway systems;
(E) standard metropolitan statistical areas;
(F) urbanized areas as defined by the Bureau of Census according to the criteria in 39 FR 15202 (May 1, 1974); or
(G) any other appropriate divisions or combinations of the boundaries in this subdivision which will encompass the sources subject to the general permit rule.
(2) Any designation of any general permit rule boundary is subject to reclassification by the commissioner:
(A) upon revision of a general permit rule;
(B) if individual NPDES permits have been issued to all persons in a category of point sources; or
(C) as necessary to address water quality problems effectively.

(Water Pollution Control Board; 327 IAC 15-2-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 16; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65)

327 IAC 15-2-3 NPDES general permit rule applicability requirements
Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. (a) A general permit rule may regulate all designated categories of point sources for which a general permit rule exists except:

(1) as provided under section 6 or 9 of this rule or the applicable general permit rule; and

(2) point source discharges meeting the applicability requirements of a general permit rule, who are already subject to individual NPDES permits prior to the effective date of a general permit rule.

(b) Persons excluded from general permit rule regulation solely because they have an existing individual NPDES permit may request to be regulated under a general permit rule and may request that the individual NPDES permit be revoked or modified to remove the point source from the existing permit. Upon revocation or expiration of the individual NPDES permit, the general permit rule shall apply to such point source discharges regulated under this article. This allowance to change from an individual NPDES permit to a general NPDES permit does not apply to municipal separate storm sewer system permittees who were issued an individual NPDES permit before January 1, 2000.

(c) A person that holds an individual NPDES permit may have discharges regulated under an applicable general permit rule if such discharges are not addressed in the individual permit. *(Water Pollution Control Board; 327 IAC 15-2-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 17; filed Oct 27, 2003, 10:15 a.m.: 27 IR 830)*

327 IAC 15-2-4 Administrative requirement for NPDES general permit rules
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. A general permit rule is a permit-by-rule. Therefore, the statutory requirements for administrative agency rulemaking must be satisfied in the development of a general permit rule. *(Water Pollution Control Board; 327 IAC 15-2-4; filed Aug 31, 1992, 5:00 p.m.: 16 IR 17)*

327 IAC 15-2-5 Notice of intent letter
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) Any person subject to the requirements of this article shall submit a NOI letter that complies with this section, 327 IAC 15-3, and the additional requirements in any applicable general permit rule.

(b) A NOI letter shall be submitted to the commissioner by the time specified under 327 IAC 15-3 or the time indicated in the applicable general permit rule.

(c) The person responsible for the operation of the facility from which a point source discharge of pollutants and/or storm water occurs must submit a NOI letter. *(Water Pollution Control Board; 327 IAC 15-2-5; filed Aug 31, 1992, 5:00 p.m.: 16 IR 17)*

327 IAC 15-2-6 Exclusions
Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 6. (a) Except as provided in subsection (b), an individual NPDES permit issued under 327 IAC 5 is required for a discharge to a receiving stream identified as an outstanding state resource water, an exceptional use water, or an outstanding national resource water as defined under 327 IAC 2-1-2(3), 327 IAC 2-1-11(b), or 327 IAC 2-1.5-4 or which would significantly lower the water quality as defined under 327 IAC 5-2-11.3(b)(1) of such a water downstream of the point source discharge.

(b) A discharge to an outstanding national resource water, outstanding state resource water, or exceptional use water may be

permitted under 327 IAC 15-5, 327 IAC 15-6, or 327 IAC 15-13 if the commissioner determines the discharge will not significantly lower the water quality as defined under 327 IAC 5-2-11.3(b)(1) of such a water downstream of that point source discharge. *(Water Pollution Control Board; 327 IAC 15-2-6; filed Aug 31, 1992, 5:00 p.m.: 16 IR 17; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1476; filed Oct 27, 2003, 10:15 a.m.: 27 IR 830)*

327 IAC 15-2-7 Effect of general permit rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) Compliance with a general permit rule constitutes compliance with all applicable standards and limitations of the Federal Act and state law.

(b) Compliance with an applicable general permit rule does not:

(1) convey any property rights of any sort or any exclusive privileges;

(2) authorize any injury to persons or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or

(3) preempt any duty to obtain state or local assent required by law for the discharge or for construction or operation of the facility from which the discharge is made.

(Water Pollution Control Board; 327 IAC 15-2-7; filed Aug 31, 1992, 5:00 p.m.: 16 IR 17)

327 IAC 15-2-8 Transferability of notification requirements

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 4-22-2; IC 13-11-2; IC 13-18-4

Sec. 8. (a) Unless other requirements are found within specific rules under this article, compliance with the NOI letter submission requirements under this article may be transferred if the following occurs:

(1) The current permittee notifies the commissioner at least thirty (30) days in advance of the proposed transfer date in subdivision (2).

(2) A written agreement containing a specific date for transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date and that the transferee is liable for violations from that date on) is submitted to the commissioner.

(3) The transferee certifies in writing to the commissioner intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged.

(b) The commissioner may require that a new NOI letter be submitted rather than agreeing to the transfer of the NOI letter requirements. *(Water Pollution Control Board; 327 IAC 15-2-8; filed Aug 31, 1992, 5:00 p.m.: 16 IR 18; filed Oct 27, 2003, 10:15 a.m.: 27 IR 831)*

327 IAC 15-2-9 Special requirements for NPDES general permit rule

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 4-21.5; IC 13-11-2; IC 13-18-4

Sec. 9. (a) If a general permit rule is amended, all persons regulated by the affected general permit rule must be notified by first class mail of the amendment by the commissioner. Those persons notified by the commissioner under this subsection shall:

(1) apply for an individual NPDES permit under 327 IAC 5-3; or

(2) submit a complete NOI letter containing the information required in 327 IAC 15-3-2 and the amended rule;

within ninety (90) days after receipt of the notice from the commissioner.

(b) The commissioner may require any person either with an existing discharge subject to the requirements of this article or who is proposing a discharge that would otherwise be subject to the requirements of this article to apply for and obtain an individual NPDES permit if one (1) of the six (6) cases listed in this subsection occurs. Interested persons may petition the commissioner to take action under this subsection. Cases where individual NPDES permits may be required include the following:

(1) The applicable requirements contained in this article are not adequate to ensure compliance with:
(A) water quality standards under 327 IAC 2-1 or 327 IAC 2-1.5; or
(B) the provisions that implement water quality standards contained in 327 IAC 5.
(2) The person is not in compliance with the terms and conditions of the general permit rule.
(3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants from the point source.
(4) Effluent limitations guidelines that are more stringent than the requirements in the general permit rule are subsequently promulgated for point sources regulated by the general permit rule.
(5) A water quality management plan containing more stringent requirements applicable to such point source is approved.
(6) Circumstances have changed since the activity regulated under this article began so that the discharger is no longer appropriately controlled under the general permit rule or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.

(c) If, under subsection (b), the commissioner requires an individual NPDES permit, pursuant to 327 IAC 5-3, the commissioner shall notify the person in writing that an individual NPDES permit application is required. This notice shall be issued pursuant to IC 4-21.5 and shall also include the following:
(1) A brief statement of the reasons for this decision.
(2) An application form.
(3) A statement setting a time for the person to file the application.
(4) A statement that on the effective date of the individual NPDES permit, the general permit rule, as it applies to the individual person, shall no longer apply.

The commissioner may grant additional time upon request of the applicant for completion of the application.

(d) A person having financial responsibility or operational control for a facility, project site, or municipal separate storm sewer system area and the associated storm water discharges, that meets the applicability requirements of the general permit rule and is not covered by an existing individual NPDES permit, must submit an application under 40 CFR 122.26 as published in the Federal Register on November 16, 1990, and 327 IAC 5-3 if the operator seeks to cover the discharge under an individual permit.

(e) On the effective date of an individual NPDES permit that is issued to a person regulated under this article, this article no longer applies to that person.

(f) Persons with a discharge meeting all the applicability criteria of more than one (1) general permit rule shall comply with all applicable general permit rules. *(Water Pollution Control Board; 327 IAC 15-2-9; filed Aug 31, 1992, 5:00 p.m.: 16 IR 18; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 751; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1476; filed Oct 27, 2003, 10:15 a.m.: 27 IR 831)*

327 IAC 15-2-10 Prohibitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 10. No general permit rule shall be promulgated and issued where the terms and conditions of the permit rule do not comply with the applicable guidelines and requirements of the Federal Act or effective regulations promulgated under the Federal Act, 327 IAC 2, 327 IAC 5, or this article. *(Water Pollution Control Board; 327 IAC 15-2-10; filed Aug 31, 1992, 5:00 p.m.: 16 IR 18)*

Rule 3. NOI Letter Requirements

327 IAC 15-3-1 Purpose

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 1. The purpose of this rule is to establish the requirements and procedures for submitting an NOI letter under a general permit rule. Unless otherwise specified under an applicable general permit rule, the NOI letter shall be sent to the following address:
Indiana Department of Environmental Management

Office of Water Quality
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206
Attention: Permits Section, General Permit Desk
(Water Pollution Control Board; 327 IAC 15-3-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 832)

327 IAC 15-3-2 Content requirements of a NOI letter
Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 2. Except for permittees covered under 327 IAC 15-5 and 327 IAC 15-13 and as provided in 327 IAC 15-14-4, the NOI letter shall include the following:

(1) Name, mailing address, and location of the facility for which the notification is submitted.
(2) Standard Industrial Classification (SIC) codes, as defined in 327 IAC 5, up to four (4) digits, that best represent the principal products or activities provided by the facility.
(3) The person's name, address, telephone number, e-mail address (if available), ownership status, and status as federal, state, private, public, or other entity.
(4) The latitude and longitude of the approximate center of the facility to the nearest fifteen (15) seconds, and, if the section, township, and range are provided, the nearest quarter section in which the facility is located.
(5) The name of receiving water, or, if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water.
(6) A description of how the facility complies with the applicability requirements of the general permit rule.
(7) Any additional NOI letter information required by the applicable general permit rule.
(8) The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).

(Water Pollution Control Board; 327 IAC 15-3-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 832; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1563)

327 IAC 15-3-3 Deadline for submittal of a NOI letter; additional requirements
Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. (a) Any person proposing a new discharge that will be subject to a general permit rule, except for construction activity under 327 IAC 15-5 and municipal separate storm sewer system discharges under 327 IAC 15-13, shall submit an NOI letter and additional information as required by the applicable general permit rule at least one hundred eighty (180) days before the date on which the discharge is to commence unless permission for a later date has been granted by the commissioner or is established in the applicable general permit rule. A construction activity NOI letter shall be submitted in accordance with 327 IAC 15-5-6. A municipal separate storm sewer system NOI letter shall be submitted in accordance with 327 IAC 15-13-6 and 327 IAC 15-13-9.

(b) Any person requesting coverage under a general permit rule with an existing discharge shall submit an NOI letter within ninety (90) days of the effective date of the applicable general permit rule unless permission for a later date has been granted by the commissioner or is established in 327 IAC 15-2-9(a) or the applicable general permit rule. *(Water Pollution Control Board; 327 IAC 15-3-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 898; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 832)*

327 IAC 15-3-4 Procedures for exemption from an individual NPDES permit
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. Except as provided for in the applicable general permit rule, the following apply:

(1) A person with an existing NPDES permit will be exempt from the requirement of that permit when he submits the applicable NOI letter and complies with all other applicable requirements of this article.

(2) A person with a new facility to which this article applies must comply with all applicable requirements of this article including the submittal of the appropriate NOI letter.

(Water Pollution Control Board; 327 IAC 15-3-4; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

Rule 4. Standard Conditions for NPDES General Permit Rules

327 IAC 15-4-1 General conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-1-6; IC 13-7-13-3

Sec. 1. (a) The conditions in this section apply to all NPDES general permit rules.

(b) Any violation of this article constitutes a violation of the Federal Act and the Indiana Environmental Management Act and is grounds for enforcement action and/or requirement to obtain an individual NPDES permit.

(c) Under the Indiana Environmental Management Act at IC 13-7-13-3, any person who violates "any rule or standard adopted by one (1) of the boards" is subject to a civil penalty not to exceed twenty-five thousand dollars ($25,000) per day of such violation. Any person who willfully or negligently violates "any rule or standard adopted by one (1) of the boards" is subject to a fine of not less than two thousand five hundred dollars ($2,500) nor more than twenty-five thousand dollars ($25,000) per day of violation, or by imprisonment for not more than one (1) year, or both. If the conviction is for a violation committed after a first conviction of such person under this subsection, punishment shall be a fine of not more than fifty thousand dollars ($50,000) per day of violation, or by imprisonment for not more than two (2) years, or both. Except as provided in applicable general permit rule conditions on bypassing under section 2(c) of this rule, and upsets under section 2(d) of this rule, nothing in this article shall be construed to relieve persons in violation of it from civil or criminal penalties for noncompliance.

(d) Persons in violation of this article shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from their noncompliance.

(e) Persons regulated by this article shall furnish to the commissioner, within a reasonable time, any information which the commissioner may request to determine whether cause exists for revoking and reapproving or terminating the approval to discharge under this article or to determine compliance with this article. Those persons shall also furnish to the commissioner, upon request, copies of records required to be kept by this article.

(f) Notwithstanding the provisions of 327 IAC 15-2-9, if a toxic effluent standard, prohibition, or sediment, wet weather, or biological criteria (including any schedule of compliance specified in such effluent standard or prohibition) is established under the Federal Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in an applicable general permit rule, the rule shall be modified to conform to the toxic effluent standard or prohibition. The person shall comply with effluent standards or prohibitions established under the Federal Act for toxic pollutants injurious to human health within the time provided in the regulations that establish those standards or prohibitions, even if the rule has not yet been modified to incorporate the requirement.

(g) When cyanide or cyanogen compounds are used in any of the processes at a facility regulated under this article, the person responsible for that facility shall provide approved facilities for the containment of any losses of these compounds in accordance with the requirements under 327 IAC 2-2-1.

(h) Persons regulated by this article shall have all wastewater treatment facilities, if any, under the direct supervision of an operator certified by the commissioner as required under IC 13-1-6 and 327 IAC 8-12.

(i) Nothing in this article shall be construed to relieve anyone from any responsibility, liability, or penalty to which they are or may be subject to under the Federal Act.

(j) The applicability of this article does not convey any property rights of any sort or any exclusive privileges.

(k) The provisions of this article are severable and, if any provision of this article or the application of any provision of this article to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this article shall not be affected thereby.

(l) Persons regulated by this article shall allow the commissioner, or an authorized representative, (including an authorized contractor or representative of another governmental agency acting as a representative on behalf of the commissioner), at reasonable times, and in a manner to minimize disruption of the business, upon the presentation of credentials and such other documents as may be required by law, to:

(1) enter upon the premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this article;

(2) have access to and copy, at reasonable times, any records that must be kept under the conditions of this article;

(3) inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this article; and

(4) sample or monitor, at reasonable times, for the purposes of assuring compliance with the applicable general permit rule conditions or as otherwise authorized by the Federal Act, any substances or parameters at any location.

(m) Persons regulated by this article shall not construct, install, or modify any water pollution control facility without a valid construction permit issued by the Indiana department of environmental management under 327 IAC 3-2. *(Water Pollution Control Board; 327 IAC 15-4-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 751; errata, 16 IR 898)*

327 IAC 15-4-2 Management requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 2. (a) Persons regulated by this article shall, at all times, maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the person and which are necessary for achieving compliance with the terms and conditions of this article.

(b) The following definitions, with regard to bypass of treatment facilities, apply throughout this rule:

(1) "Bypass" means the intentional diversion of a wastestream from any portion of a treatment facility normally utilized for treatment of the wastestream.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production at the facility.

(c) Bypass which causes, or is likely to cause, applicable effluent limitations to be exceeded is prohibited unless the following conditions are met:

(1) Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage.

(2) There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal period of equipment downtime.

(3) The person submits notice of an unanticipated bypass to the commissioner within twenty-four (24) hours of becoming aware of the bypass. (If this information is provided orally, a written submission must be provided within five (5) days.) Where the person knows, or should have known, in advance of the need for a bypass, this prior notification shall be submitted for approval to the commissioner, if possible, at least ten (10) days before the date of the bypass.

An anticipated bypass which meets the criteria under this subsection may be allowed under conditions determined to be necessary by the commissioner to minimize any adverse effects.

(d) With regard to upset conditions, as used in this rule, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with the requirements of the applicable general permit rule because of factors beyond the reasonable control of the responsible person. An upset does not include noncompliance to the extent caused by any of the following:

(1) Operational error.

(2) Improperly designed treatment facilities.

(3) Inadequate treatment facilities.

(4) Lack of preventive maintenance.

(5) Careless or improper operation.

(e) An upset shall constitute an affirmative defense to an action brought for noncompliance with such effluent limitations if

the requirements under subsection (d) are met.

(f) A person regulated under this article who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:

(1) An upset occurred and the regulated person has identified the specific cause of the upset, if possible.

(2) The facility was, at the time being operated, in compliance with proper operation and maintenance procedures.

(3) The regulated person complied with any remedial measures required under section 1(d) of this rule.

(g) Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters and to be in compliance with all Indiana statutes and rules relative to liquid and/or solid waste disposal. *(Water Pollution Control Board; 327 IAC 15-4-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 21)*

327 IAC 15-4-3 Reporting requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7-13-3; IC 35-50-3-3

Sec. 3. (a) Any change in the information submitted in the NOI letter should be reported as soon as practicable to the commissioner. Changes which are reasonably expected to alter the characteristics of the discharge regulated under a general permit rule must be reported prior to the change. Following such notice, the commissioner may request the person to submit an application for an individual NPDES permit.

(b) Monitoring results shall be reported at the intervals and in the form specified in the appropriate general permit rule.

(c) The following are requirements for twenty-four (24) hour reporting:

(1) Persons regulated by this article shall orally report information to the office of enforcement at (317) 232-8603 on the following types of noncompliance within one (1) business day from the time the person becomes aware of such noncompliance:

(A) Any unanticipated bypass which exceeds any effluent limitation in the applicable general permit rule.

(B) Violation of a maximum daily discharge limitation for any of the pollutants listed by the commissioner in the rule to be reported within one (1) business day.

(C) Any noncompliance which may pose a significant danger to human health or the environment.

(2) A written submission shall also be provided to the office of enforcement within five (5) business days of the time the person becomes aware of the circumstances. The written submission shall contain the following:

(A) A description of the noncompliance and its cause.

(B) The period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue.

(C) Steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence.

The commissioner may waive the written report on a case-by-case basis if the oral report has been received within one (1) business day.

(d) Persons regulated under this article shall report any instance of noncompliance not reported under subsection (c) at the time the pertinent discharge monitoring report is submitted. The report shall contain the information specified under subsection (c)(2).

(e) Where the person becomes aware that he failed to submit any relevant facts, or submitted incorrect information in a NOI letter, or in any report to the commissioner, the person shall promptly submit such facts or corrected information.

(f) Persons regulated under this article shall notify the commissioner as soon as they know, or have reason to believe, the following:

(1) That any activity has occurred, or will occur, which would result in the discharge of any pollutant identified as toxic, under the Federal Act which is not limited in the applicable general permit rule, if that discharge will exceed the highest of the following notification levels:

(A) One hundred (100) micrograms per liter.

(B) Two hundred (200) micrograms per liter for acrolein and acrylonitrile; five hundred (500) micrograms per liter for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one (1) milligram per liter for antimony.

(C) A level established elsewhere in the rule by the commissioner.

(2) That it has begun, or expects to begin, to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NOI letter.

(g) Signatory requirements shall be as follows:

(1) All reports required by this article and other information requested by the commissioner shall be signed by a person described as follows, or by a duly authorized representative of that person:

(A) For a corporation, by a responsible corporate officer. As used in this section, "responsible corporate officer" means:

(i) a president, secretary, treasurer, any vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(ii) the manager of one (1) or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(B) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.

(C) For a municipality, state, federal, or other public agency or political subdivision thereof, by either a principal executive officer or ranking elected official.

(2) A person is a duly authorized representative only if:

(A) the authorization is made in writing by a person described under subdivision (1);

(B) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(C) the written authorization is submitted to the commissioner.

(3) Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.".

(h) Except for data determined to be confidential under 327 IAC 12 *[327 IAC 12 was repealed filed Mar 9, 2000, 7:47 a.m.: 23 IR 1637. See 327 IAC 12.1.]*, all reports prepared in accordance with the terms of the applicable general permit rule shall be available for public inspection at the offices of the Indiana department of environmental management and the U.S. Environmental Protection Agency Regional Administrator. As required by the Federal Act, information contained in the NOI letter and effluent data shall not be considered confidential.

(i) The Indiana Environmental Management Act at IC 13-7-13-3(b) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under the applicable general permit rule, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000) per violation, or by imprisonment for not more than six (6) months per violation, or by both. The Federal Act, as well as IC 13-7-13-3 and IC 35-50-3-3, provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000) per violation, or by imprisonment for not more than one hundred eighty (180) days per violation, or by both. *(Water Pollution Control Board; 327 IAC 15-4-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 21)*

Rule 5. Storm Water Run-Off Associated with Construction Activity

327 IAC 15-5-1 Purpose

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 1. The purpose of this rule is to establish requirements for storm water discharges from construction activities of one (1) acre or more so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-5-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 23; errata, 16 IR 898; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 833)*

327 IAC 15-5-2 Applicability of general permit rules

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4; IC 14-34

Sec. 2. (a) The requirements under this rule apply to all persons who:

(1) do not obtain an individual NPDES permit under 327 IAC 15-2-6;

(2) meet the general permit rule applicability requirements under 327 IAC 15-2-3; and

(3) are involved in construction activity, except operations that result in the land disturbance of less than one (1) acre of total land area as determined under subsection (h) and are not part of a larger common plan of development or sale.

(b) The requirements under this rule do not apply to persons who are involved in:

(1) agricultural land disturbing activities; or

(2) forest harvesting activities.

(c) The requirements under this rule do not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:

(1) Landfills that have been issued a certification of closure under 329 IAC 10.

(2) Coal mining activities permitted under IC 14-34.

(3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the department under 329 IAC 10 that contains equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(d) The project site owner has the following responsibilities:

(1) Complete a sufficient notice of intent letter.

(2) Ensure that a sufficient construction plan is completed and submitted in accordance with section 6 of this rule.

(3) Ensure compliance with this rule during:

(A) the construction activity; and

(B) implementation of the construction plan.

(4) Notify the department with a sufficient notice of termination letter.

(5) Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this rule and the approved construction plan.

(e) For off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site, these off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.

(f) For an individual lot where land disturbance is expected to be one (1) acre or more and the lot lies within a project site permitted under this rule, the individual lot owner shall:

(1) complete his or her own notice of intent letter; and

(2) ensure that a sufficient construction plan is completed and submitted in accordance with section 6 of this rule.

(g) For an individual lot where the land disturbance is less than one (1) acre and the lot lies within a project site permitted under this rule, the individual lot operator shall be in accordance with the following:

(1) Comply with:

(A) the provisions and requirements of the plan developed by the project site owner; and

(B) section 7.5 of this rule.

(2) Does not need to submit a notice of intent letter and construction plans.

(h) Multilot project sites are regulated by this rule in accordance with the following:

(1) A determination of the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:

(A) For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.

(B) For a single-family residential project site where the lots are less than one-half (0.5) acre in size, the total lot must be calculated as being disturbed.

(C) To calculate lot disturbance on all other types of project sites, such as industrial and commercial project sites, the following apply:

(i) Where lots are one (1) acre or greater in size, a minimum of one (1) acre of land disturbance must be calculated as the expected lot disturbance.

(ii) Where the lots are less than one (1) acre in size, the total lot must be calculated as being disturbed.

(2) For purposes of this rule, strip developments:

(A) are considered as one (1) project site; and

(B) must comply with this rule;

unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.

(i) Submittal of a notice of intent and construction plans is not required for construction activities associated with a single-family residential dwelling disturbing less than five (5) acres when the dwelling is not part of a larger common plan of development or sale. Provisions in section 7(b)(1) through 7(b)(5), 7(b)(10) through 7(b)(17), 7(b)(19), and 7(b)(20) of this rule shall be complied with throughout construction activities and until the areas are permanently stabilized.

(j) The department may waive the permit requirements under this rule for construction activities that disturb less than five (5) acres where the waiver applicant determined by the commissioner certifies that:

(1) a total maximum daily load (TMDL) for the pollutants of concern from storm water discharges associated with construction activity indicates that controls on construction site discharges are not needed to protect water quality; or

(2) in receiving waters that do not require a TMDL study, an equivalent analysis demonstrates water quality is not threatened by storm water discharges, and it has been determined that allocations for the pollutants of concern from the construction site discharges are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety.

(Water Pollution Control Board; 327 IAC 15-5-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 23; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 833)

327 IAC 15-5-3 General permit rule boundary

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. This general permit covers all lands within Indiana. *(Water Pollution Control Board; 327 IAC 15-5-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 23; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 834)*

327 IAC 15-5-4 Definitions

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 14-32; IC 14-34

Sec. 4. In addition to the definitions contained in IC 13-11-2, 327 IAC 1, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Agricultural conservation practices" means practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation. These practices include grass waterways, sediment basins, terraces, and grade stabilization structures.

(2) "Agricultural land disturbing activity" means tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as:

(A) barns;

(B) buildings to house livestock;
(C) roads associated with infrastructure;
(D) agricultural waste lagoons and facilities;
(E) lakes and ponds;
(F) wetlands; and
(G) other infrastructure.

(3) "Commissioner" refers to the commissioner of the department.
(4) "Construction activity" means land disturbing activities and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.
(5) "Construction plan" means a representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A storm water pollution prevention plan is a part of the construction plan.
(6) "Construction site access" means a stabilized stone surface at all points of ingress or egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.
(7) "Contractor" or "subcontractor" means an individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.
(8) "Department" refers to the department of environmental management.
(9) "Developer" means:
(A) any person financially responsible for construction activity; or
(B) an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.
(10) "DNR-DSC" means the division of soil conservation of the department of natural resources.
(11) "Erosion" means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
(12) "Erosion and sediment control measure" means a practice, or a combination of practices, to control erosion and resulting sedimentation.
(13) "Erosion and sediment control system" means the use of appropriate erosion and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged from or within a project site.
(14) "Final stabilization" means the establishment of permanent vegetative cover or the application of a permanent nonerosive material to areas where all land disturbing activities have been completed and no additional land disturbing activities are planned under the current permit.
(15) "Grading"means the cutting and filling of the land surface to a desired slope or elevation.
(16) "Impervious surface" means surfaces, such as pavement and rooftops, that prevent the infiltration of storm water into the soil.
(17) "Individual building lot" means a single parcel of land within a multiparcel development.
(18) "Individual lot operator" means a contractor or subcontractor working on an individual lot.
(19) "Individual lot owner" means a person who has financial control of construction activities for an individual lot.
(20) "Land disturbing activity" means any manmade change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading.
(21) "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.
(22) "Measurable storm event" means a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.
(23) "MS4 area" means a land area comprising one (1) or more places that receives coverage under one (1) NPDES storm water permit regulated by 327 IAC 15-13 or 327 IAC 5-4-6(a)(4) and 327 IAC 5-4-6(a)(5).
(24) "MS4 operator" means the person responsible for development, implementation, or enforcement of the minimum control measures for a designated MS4 area regulated under 327 IAC 15-13.
(25) "Municipal separate storm sewer system" or "MS4" has the same meaning set forth at 327 IAC 15-13-5(42).

(26) "Peak discharge" means the maximum rate of flow during a storm, usually in reference to a specific design storm event.
(27) "Permanent stabilization" means the establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent nonerosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.
(28) "Phasing of construction" means sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.
(29) "Project site" means the entire area on which construction activity is to be performed.
(30) "Project site owner" means the person required to submit the NOI letter under this article and required to comply with the terms of this rule, including either of the following:
(A) A developer.
(B) A person who has financial and operational control of construction activities and project plans and specifications, including the ability to make modifications to those plans and specifications.
(31) "Sediment" means solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.
(32) "Sedimentation" means the settling and accumulation of unconsolidated sediment carried by storm water run-off.
(33) "Soil" means the unconsolidated mineral and organic material on the surface of the earth that serves as the natural medium for the growth of plants.
(34) "Soil and Water Conservation District" or "SWCD" means a political subdivision established under IC 14-32.
(35) "Storm water pollution prevention plan" means a plan developed to minimize the impact of storm water pollutants resulting from construction activities.
(36) "Storm water quality measure" means a practice, or a combination of practices, to control or minimize pollutants associated with storm water run-off.
(37) "Strip development" means a multilot project where building lots front on an existing road.
(38) "Subdivision" means any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.
(39) "Temporary stabilization" means the covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other nonerosive material applied at a uniform density of seventy percent (70%) across the disturbed area.
(40) "Tracking" means the deposition of soil that is transported from one (1) location to another by tires, tracks of vehicles, or other equipment.
(41) "Trained individual" means an individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

(Water Pollution Control Board; 327 IAC 15-5-4; filed Aug 31, 1992, 5:00 p.m.: 16 IR 23; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 834; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2284)

327 IAC 15-5-5 Notice of intent letter requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 5. (a) The following information must be submitted by the project site owner with a complete NOI letter under this rule:
(1) Name, mailing address, and location of the project site for which the notification is submitted.
(2) The project site owner's name, address, telephone number, e-mail address (if available), ownership status as federal, state, public, private, or other entity.
(3) Contact person (if different than project site owner), person's name, company name, address, e-mail address (if available), and telephone number.
(4) A brief description of the construction project, including a statement of the total acreage of the project site. Total acreage claimed in the NOI letter shall be consistent with the acreage covered in the construction plan.
(5) Estimated dates for initiation and completion of construction activities. Within forty-eight (48) hours of the initiation of

construction activity, the project site owner must notify the commissioner and the appropriate plan reviewing agency of the actual project start date.
(6) The latitude and longitude of the approximate center of the project site to the nearest fifteen (15) seconds, and the nearest quarter section, township, range, and civil township in which the project site is located.
(7) Total impervious surface area, in square feet, of the final project site including structures, roads, parking lots, and other similar improvements.
(8) The number of acres to be involved in the construction activities.
(9) Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence, that states, "(Company name, address) is submitting an NOI letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-5 to discharge storm water from construction activities for the following project: (name of the construction project, address of the location of the construction project). Run-off from the project site will discharge to (stream(s) receiving the discharge(s)).".
(10) As applicable, a list of all MS4 areas designated under 327 IAC 15-13 within which the project site lies.
(11) A written certification by the operator that:
(A) the storm water quality measures included in the construction plan comply with the requirements under sections 6.5, 7, and 7.5 of this rule and that the storm water pollution prevention plan complies with all applicable federal, state, and local storm water requirements;
(B) the measures required by section 7 of this rule will be implemented in accordance with the storm water pollution prevention plan;
(C) if the projected land disturbance is one (1) acre or more, the applicable soil and water conservation district or other entity designated by the department has been sent a copy of the construction plan for review;
(D) storm water quality measures beyond those specified in the storm water pollution prevention plan will be implemented during the life of the permit if necessary to comply with section 7 of this rule; and
(E) implementation of storm water quality measures will be inspected by trained individuals.
(12) The name of receiving water or, if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water.
(13) The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).
(14) A notification from the SWCD, DNR-DSC, or other entity designated by the department as the reviewing agency indicating that the constructions plans are sufficient to comply with this rule. This requirement may be waived if the project site owner has not received notification from the reviewing agency within the time frame specified in 327 IAC 15-5-6(b)(3).
(b) Send NOI letters to:
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.

(Water Pollution Control Board; 327 IAC 15-5-5; filed Aug 31, 1992, 5:00 p.m.: 16 IR 24; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 836)

327 IAC 15-5-6 Submittal of an NOI letter and construction plans
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 6. (a) After the project site owner has received notification from the reviewing agency that the construction plans meet the requirements of the rule or the review period outlined in subsection (b)(3) has expired, all NOI letter information required under section 5 of this rule shall be submitted to the commissioner at least forty-eight (48) hours prior to the initiation of land disturbing activities at the site. A copy of the completed NOI letter must also be submitted to all SWCDs, or other entity designated by the department, where the land disturbing activities are to occur. If the NOI letter is determined to be deficient, the project site owner must address the deficient items and submit an amended NOI letter to the commissioner at the address specified in section 5 of this

rule.

(b) For a project site where the proposed land disturbance is one (1) acre or more as determined under section 2 of this rule, the following requirements must be met:

(1) A construction plan must be submitted according to the following:

(A) Prior to the initiation of any land disturbing activities.

(B) Sent to the appropriate SWCD or other entity designated by the department for:

(i) review and verification that the plan meets the requirements of the rule; or

(ii) a single coordinated review in accordance with subsection (d)(3) if:

(AA) the construction activity will occur in more than one (1) SWCD; and

(BB) the project site owner has made a request for a single coordinated review.

(2) If the construction plan required by subdivision (1) is determined to be deficient, the SWCD, DNR-DSC, or other entity designated by the department as the reviewing agency may require modifications, terms, and conditions as necessary to meet the requirements of the rule. The initiation of construction activity following notification by the reviewing agency that the plan does not meet the requirements of the rule is a violation and subject to enforcement action. If notification of a deficient plan is received after the review period outlined in subdivision (3) and following commencement of construction activities, the plans must be modified to meet the requirements of the rule and resubmitted within fourteen (14) days of receipt of the notification of deficient plans.

(3) If the project site owner does not receive notification within twenty-eight (28) days after the plan is received by the reviewing agency stating that the reviewing agency finds the plan is deficient, the project site owner may submit the NOI letter information.

(c) The following apply for a project where construction activity occurs inside a single MS4 area regulated under 327 IAC 15-13:

(1) A copy of the completed NOI letter must be submitted to the appropriate MS4 operators.

(2) The project site owner must comply with all appropriate ordinances and regulations within the MS4 area related to storm water discharges. The MS4 operator ordinance as required by 327 IAC 15-13-15(b) and 327 IAC 15-13-16(b) will be considered to have the same authority as this rule within the regulated MS4 area.

(d) For a project that will occur in more than one (1) jurisdiction, such as an SWCD or regulated MS4 area, the following must be met:

(1) Project site owners of project sites occurring in multiple MS4 areas, but not in nondesignated areas, shall submit the information required in subsection (c) to each appropriate MS4 operator.

(2) Project site owners of project sites occurring in one (1) or more MS4 areas and nondesignated areas shall submit the information required in subsections (a) through (c) to all appropriate MS4 operators, and the SWCD or other entity designated by the department.

(3) Project site owners of project sites occurring in multiple nondesignated areas, but not occurring within an MS4 area, may request a single coordinated review through the DNR-DSC office at the following address:

402 West Washington Street
Room W265
Indianapolis, Indiana 46204.

Upon acceptance of the request, the DNR-DSC will coordinate the plan review with appropriate SWCDs and other entities designated by the department. *(Water Pollution Control Board; 327 IAC 15-5-6; filed Aug 31, 1992, 5:00 p.m.: 16 IR 24; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 837; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2284)*

327 IAC 15-5-6.5 Requirements for construction plans

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 6.5. (a) For project sites that do not meet the criteria in subsection (b), the project site owner shall develop a set of construction plans. Storm water quality measures included in the plan must achieve the minimum project site requirements specified in section 7 of this rule. The construction plans must include the following:

(1) Project narrative and supporting documents, including the following information:

(A) An index indicating the location, in the construction plans, of all information required by this subsection.

(B) Description of the nature and purpose of the project.

(C) Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township.

(D) Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.

(E) General construction sequence of how the project site will be built, including phases of construction.

(F) Hydrologic Unit Code (14 Digit) available from the United States Geological Survey (USGS).

(G) A reduced plat or project site map showing the lot numbers, lot boundaries, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site.

(H) Identification of any other state or federal water quality permits that are required for construction activities associated with the owner's project site.

(2) Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map or county or municipal road map.

(3) An existing project site layout that must include the following information:

(A) Location and name of all wetlands, lakes, and water courses on or adjacent to the project site.

(B) Location of all existing structures on the project site.

(C) One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.

(D) Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map.

(E) Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site.

(F) Land use of all adjacent properties.

(G) Existing topography at a contour interval appropriate to indicate drainage patterns.

(4) Final project site layout, including the following information:

(A) Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.

(B) One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.

(C) Proposed final topography at a contour interval appropriate to indicate drainage patterns.

(5) A grading plan, including the following information:

(A) Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.

(B) Location of all soil stockpiles and borrow areas.

(C) Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site and under the control of the project site owner.

(D) Existing and proposed topographic information.

(6) A drainage plan, including the following information:

(A) An estimate of the peak discharge, based on the ten (10) year storm event, of the project site for both preconstruction and postconstruction conditions.

(B) Location, size, and dimensions of all storm water drainage systems, such as culverts, storm sewers, and conveyance channels.

(C) Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exists.

(D) Locations of specific points where storm water discharge will leave the project site.

(E) Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.

(F) Location, size, and dimensions of features, such as permanent retention or detention facilities, including existing or manmade wetlands, used for the purpose of storm water management.

(7) A storm water pollution prevention plan associated with construction activities. The plan must be designed to, at least, meet the requirements of sections 7 and 7.5 of this rule and must include the following:

(A) Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures.

(B) Temporary stabilization plans and sequence of implementation.

(C) Permanent stabilization plans and sequence of implementation.

(D) Temporary and permanent stabilization plans shall include the following:

(i) Specifications and application rates for soil amendments and seed mixtures.

(ii) The type and application rate for anchored mulch.

(E) Construction sequence describing the relationship between implementation of storm water quality measures and stages of construction activities.

(F) Self-monitoring program including plan and procedures.

(G) A description of potential pollutant sources associated with the construction activities, that may reasonably be expected to add a significant amount of pollutants to storm water discharges.

(H) Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1.

(8) The postconstruction storm water pollution prevention plan. The plan must include the following information:

(A) A description of potential pollutant sources from the proposed land use, that may reasonably be expected to add a significant amount of pollutants to storm water discharges.

(B) Location, dimensions, detailed specifications, and construction details of all postconstruction storm water quality measures.

(C) 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 run-off, 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.

(D) A sequence describing when each postconstruction storm water quality measure will be installed.

(E) Storm water quality measures that will remove or minimize pollutants from storm water run-off.

(F) Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.

(G) A narrative description of the maintenance guidelines for all postconstruction 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 postconstruction storm water quality measures.

(b) For a single-family residential development consisting of four (4) or fewer lots or a single-family residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a larger common plan of development or sale, the project site owner shall develop a set of construction plans containing storm water quality measures that achieve the minimum project site requirements specified in section 7 of this rule. The construction plan must include the following:

(1) Project narrative and supporting documents, including the following information:

(A) An index indicating the location, in the construction plans, of all required items in this subsection.

(B) Description of the nature and purpose of the project.

(C) Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township.

(D) Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.

(E) Hydrologic Unit Code (14 Digit) available from the United States Geological Survey (USGS).

(F) Identification of any other state or federal permits that are required for construction activities associated with the project site owner's project site.

(2) Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map or county or municipal road map.

(3) A project site layout that must include the following information:

(A) Location and name of all wetlands, lakes, and water courses on or adjacent to the project site.

(B) Location of all existing structures on the project site (if applicable).

(C) One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.

(D) Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map.

(E) Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site.

(F) Land use of all adjacent properties.

(G) Existing and proposed topography at a contour interval appropriate to indicate drainage patterns.

(H) Location of all proposed site improvements, including roads, utilities, lot delineation and identification, and proposed structures.

(4) A storm water pollution prevention plan associated with construction activities. The plan must be designed to, at least, meet the requirements of sections 7 and 7.5 of this rule and must include the following:

(A) Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.

(B) Location of all soil stockpiles and borrow areas.

(C) Location, size, and dimensions of all storm water drainage systems, such as culverts, storm sewers, and conveyance channels.

(D) Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exist.

(E) Locations of specific points where storm water discharge will leave the project site.

(F) Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.

(G) Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures.

(H) Temporary stabilization plans and sequence of implementation of storm water quality measures.

(I) Temporary and permanent stabilization plans shall include the following:

(i) Specifications and application rates for soil amendments and seed mixtures.

(ii) The type and application rate for anchored mulch.

(J) Self-monitoring program plan and procedures.

(c) The SWCD or the DNR-DSC representative or other designated entity may upon finding reasonable cause require modification to the construction plan if it is determined that changes are necessary due to site conditions or project design changes. Revised plans, if requested, must be submitted to the appropriate entity within twenty-one (21) calendar days of a request for a modification. *(Water Pollution Control Board; 327 IAC 15-5-6.5; filed Oct 27, 2003, 10:15 a.m.: 27 IR 838; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2284)*

327 IAC 15-5-7 General requirements for storm water quality control

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7. (a) All storm water quality measures and erosion and sediment controls necessary to comply with this rule must be implemented in accordance with the construction plan and sufficient to satisfy subsection (b).

(b) A project site owner shall, at least, meet the following requirements:

(1) Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation.

(2) Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all

applicable statutes and regulations.
(3) A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.
(4) Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
(5) Storm water run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.
(6) The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:
(A) Copy of the completed NOI letter and the NPDES permit number, where applicable.
(B) Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person.
(C) Location of the construction plan if the project site does not have an on-site location to store the plan.
(7) This permit and posting of the notice under subdivision (6) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.
(8) The storm water pollution prevention plan shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this rule, all measures necessary to adequately prevent polluted storm water run-off.
(9) The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this rule and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation.
(10) Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.
(11) Appropriate measures shall be planned and installed as part of an erosion and sediment control system.
(12) All storm water quality measures must be designed and installed under the guidance of a trained individual.
(13) Collected run-off leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
(14) Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.
(15) Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water run-off.
(16) Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) shall be restabilized using appropriate methods to minimize the erosion potential.
(17) During the period of construction activities, all storm water quality measures necessary to meet the requirements of this rule shall be maintained in working order.
(18) A self-monitoring program that includes the following must be implemented:
(A) A trained individual shall perform a written evaluation of the project site:
(i) by the end of the next business day following each measurable storm event; and
(ii) at a minimum of one (1) time per week.
(B) The evaluation must:
(i) address the maintenance of existing storm water quality measures to ensure they are functioning properly; and
(ii) identify additional measures necessary to remain in compliance with all applicable statutes and rules.
(C) Written evaluation reports must include:
(i) the name of the individual performing the evaluation;
(ii) the date of the evaluation;

(iii) problems identified at the project site; and
(iv) details of corrective actions recommended and completed.
(D) All evaluation reports for the project site must be made available to the inspecting authority within forty-eight (48) hours of a request.
(19) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
(20) Final stabilization of a project site is achieved when:
(A) all land disturbing activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and
(B) construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements in clause (A).
(Water Pollution Control Board; 327 IAC 15-5-7; filed Aug 31, 1992, 5:00 p.m.:16 IR 24; readopted filed Jan 10, 2001, 3:23 p.m.:24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 840; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2284)

327 IAC 15-5-7.5 General requirements for individual building lots within a permitted project
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7.5. (a) All storm water quality measures, including erosion and sediment control, necessary to comply with this rule must be implemented in accordance with the plan and sufficient to satisfy subsection (b).
(b) Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:
(1) The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots.
(2) Installation and maintenance of a stable construction site access.
(3) Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
(4) Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been achieved.
(5) Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
(6) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
(7) For individual residential lots, final stabilization meeting the criteria in section 7(b)(20) of this rule will be achieved when the individual lot operator:
(A) completes final stabilization; or
(B) has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.
(Water Pollution Control Board; 327 IAC 15-5-7.5; filed Oct 27, 2003, 10:15 a.m.: 27 IR 843)

327 IAC 15-5-8 Project termination
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 8. (a) The project site owner shall plan an orderly and timely termination of the construction activities, including the implementation of storm water quality measures that are to remain on the project site.
(b) The project site owner shall submit a notice of termination (NOT) letter to the commissioner and a copy to the appropriate

SWCD or other designated entity in accordance with the following:

(1) Except as provided in subdivision (2), the project site owner shall submit an NOT letter when the following conditions have been met:

(A) All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.

(B) All temporary erosion and sediment control measures have been removed.

The NOT letter must contain a verified statement that each of the conditions in this subdivision has been met.

(2) The project site owner may submit an NOT letter to obtain early release from compliance with this rule if the following conditions are met:

(A) The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.

(B) A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.

(C) All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.

(D) The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.

(E) All permanent storm water quality measures have been implemented and are operational.

(c) Following acceptance of the NOT letter and written approval from the department for early release under subsection (b), the project site owner shall notify all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with section 7.5 of this rule. The remaining individual lot owners do not need to submit an NOI letter or NOT letter. The notice must contain a verified statement that each of the conditions in subsection (b)(2) have been met. The notice must also inform the individual lot owners of the requirements to:

(1) install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and

(2) maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.

(d) The SWCD, DNR-DSC, other entity designated by the department or a regulated MS4 entity, or the department may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter requirements. If the inspecting entity finds that the project site owner has sufficiently filed an NOT letter, the entity shall forward notification to the department. Upon receipt of the verified NOT letter by the department and receipt of written approval from the department, the project site owner shall no longer be responsible for compliance with this rule.

(e) After a verified NOT letter has been submitted for a project site, maintenance of the remaining storm water quality measures shall be the responsibility of the individual lot owner or occupier of the property. *(Water Pollution Control Board; 327 IAC 15-5-8; filed Aug 31, 1992, 5:00 p.m.: 16 IR 25; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 843)*

327 IAC 15-5-9 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. The standard conditions for NPDES general permit rules under 327 IAC 15-4 shall apply to this rule. *(Water Pollution Control Board; 327 IAC 15-5-9; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-5-10 Inspection and enforcement

Authority: IC 13-13-5-2; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-3-13; IC 13-18-4-1; IC 13-18-4-3
Affected: IC 13-14-10; IC 13-15-7; IC 13-18-3; IC 13-18-4; IC 13-30

Sec. 10. (a) The department or its designated representative may inspect any project site involved in construction activities

regulated by this rule at reasonable times. The department or its designated representatives may make recommendations to the project site owner or their representative to install appropriate measures beyond those specified in the storm water pollution prevention plan to achieve compliance.

(b) All persons engaging in construction activities on a project site shall be responsible for complying with the storm water pollution prevention plan and the provisions of this rule.

(c) The department shall investigate potential violations of this rule to determine which person may be responsible for the violation. The department shall, if appropriate, consider public records of ownership, building permits issued by local units of government, and other relevant information, which may include site inspections, storm water pollution prevention plans, notices of intent, and other information related to the specific facts and circumstances of the potential violation. Any person causing or contributing to a violation of any provisions of this rule shall be subject to enforcement and penalty under IC 13-14-10, IC 13-15-7, and IC 13-30.

(d) If remaining storm water quality measures are not properly maintained by the person occupying or owning the property, the department may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4.

(e) Construction plans and supporting documentation associated with the quality assurance plan must be made available to the department or its designated representatives within forty-eight (48) hours of such a request. *(Water Pollution Control Board; 327 IAC 15-5-10; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26; filed Mar 23, 2000, 4:15 p.m.: 23 IR 1912; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 844)*

327 IAC 15-5-11 Notification of completion (Repealed)

Sec. 11. *(Repealed by Water Pollution Control Board; filed Oct 27, 2003, 10:15 a.m.: 27 IR 863)*

327 IAC 15-5-12 Duration of coverage

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 12. (a) A permit issued under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences.

(b) Once the five (5) year permit term duration is reached, a general permit issued under this rule will be considered expired, and, as necessary for construction activity continuation, a new NOI letter would need to be submitted in accordance with subsection (c).

(c) To obtain renewal of coverage under this rule, the information required under sections 5 and 6 of this rule must be submitted to the commissioner ninety (90) days prior to the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. Coverage under renewal NOI letters will begin on the date of expiration from the previous five (5) year permit term. *(Water Pollution Control Board; 327 IAC 15-5-12; filed Oct 27, 2003, 10:15 a.m.: 27 IR 844)*

Rule 6. Storm Water Discharges Exposed to Industrial Activity

327 IAC 15-6-1 Purpose

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 1. The purpose of this rule is to establish requirements for storm water discharges exposed to industrial activity that are composed entirely of storm water and allowable nonstorm water so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-6-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 845)*

327 IAC 15-6-2 Applicability of the general permit rule for storm water discharges exposed to industrial activity
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 4-21.5; IC 13-12-3-1; IC 13-18-1

Sec. 2. (a) Except as provided in subsections (c) through (j), the requirements under this rule apply to all facilities that meet the following requirements:

(1) Are not prohibited from regulation under a NPDES general permit rule under 327 IAC 15-2-6.

(2) Meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3.

(3) Have not received a conditional no exposure exclusion from storm water permitting under section 12 of this rule.

(4) Have a new or existing point source discharge composed entirely of storm water and the following allowable nonstorm water discharges exposed to industrial activity:

(A) Discharges from firefighting activities.

(B) Fire hydrant flushings.

(C) Potable water sources, including waterline flushings.

(D) Irrigation drainage.

(E) Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions.

(F) Routine external building washdown that does not use detergents.

(G) Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed, and where detergents are not used.

(H) Uncontaminated ground water or spring water.

(I) Foundation or footing drains where flows are not contaminated with process materials, such as solvents.

(J) Uncontaminated air conditioning or compressor condensate.

(K) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (for example, piped cooling tower blowdown or drains).

(L) Vehicle washwaters where uncontaminated water, without detergents or solvents, is utilized.

(M) Run-off from the use of dust suppressants approved for use by other program areas within the department.

Allowable nonstorm water discharges described under this subdivision may be allowed under this rule provided they have not been identified by the permittee or commissioner as a significant contributor of pollutants to a water of the state. If an allowable nonstorm water discharge is determined to be a significant contributor of pollutants to a water of the state an individual wastewater permit may be required for the discharge.

(5) Have industrial activities classified by one (1) or more of the following categories:

(A) Facilities classified under the following SIC codes:

(i) 20 (food and kindred products).

(ii) 21 (tobacco products).

(iii) 22 (textile mill products).

(iv) 23 (apparel and other textile products).

(v) 24 (lumber and wood products).

(vi) 25 (furniture and fixtures).

(vii) 26 (paper and allied products).

(viii) 27 (printing and publishing).

(ix) 28 (chemicals and allied products).

(x) 29 (petroleum and coal products).

(xi) 30 (rubber and miscellaneous plastic products).

(xii) 31 (leather and leather products).

(xiii) 32 (stone, clay, and glass products).

(xiv) 33 (primary metal industries).

(xv) 34 (fabricated metal products).

(xvi) 35 (industrial machinery and equipment).

(xvii) 36 (electronic and other electric equipment).

(xviii) 37 (transportation equipment).
(xix) 38 (instruments and related products).
(xx) 39 (miscellaneous manufacturing industries).

(B) Except for those facilities identified in subsection (e), mining operations classified under the following SIC codes:
(i) 10 (metal mining).
(ii) 13 (oil and gas extraction).
(iii) 14 (nonmetallic minerals, except fuels).

(C) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA), (42 U.S.C. 6921)**.

(D) Except for those facilities identified in subsection (f), landfills, land application sites, open dumps, and transfer stations that receive, or have received, industrial process wastes, as defined in rules of the solid waste management board at 329 IAC 10-2-95, from any of the types of facilities described under this subdivision.

(E) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including those classified under the following SIC codes:
(i) 5015 (motor vehicles parts, used).
(ii) 5093 (scrap and waste materials).

(F) Steam electric power generating facilities except for those facilities identified in subsection (g).

(G) Transportation facilities that have vehicle or aircraft maintenance (including vehicle or aircraft rehabilitation, mechanical repairs, painting, fueling, and lubrication), airport runway or aircraft deicing operations, or industrial equipment cleaning areas and are classified under the following SIC codes:
(i) 40 (railroad transportation).
(ii) 41 (local and interurban passenger transit).
(iii) 42 (trucking and warehousing).
(iv) 43 (United States Postal Service).
(v) 44 (water transportation).
(vi) 45 (transportation by air).

(H) Except for those facilities identified in subsections (i) and (j), treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one million (1,000,000) gallons per day or more, or that are required to have an approved pretreatment program under 40 CFR 403***.

(I) Distribution facilities limited to the portions of the facility that are involved in the material handling of agricultural chemicals (chemical fertilizers and pesticides) or are otherwise identified under this clause shall comply with the requirements of this rule if the following conditions are met:
(i) Have been notified by the department of a determination that the facility is subject to this rule because review of available information shows that:
(AA) the facility had a discharge of a pollutant; or
(BB) there is a likelihood of a discharge of a pollutant to waters of the state.
A facility that has been notified by the department according to this item that the facility is subject to this rule may exercise its right granted under IC 4-21.5.

(ii) Are involved in the processing, transfer, or storage of agricultural chemicals (chemical fertilizers and pesticides), which meet any of the following storage capacity criteria:
(AA) Fluid bulk fertilizer in undivided quantities in excess of either two thousand five hundred (2,500) gallons for one (1) vessel or seven thousand five hundred (7,500) gallons total for multiple vessels (3 × 2,500 gallon vessels) at a facility.
(BB) Dry bulk fertilizer in undivided quantities exceeding twelve (12) tons.
(CC) Liquid pesticide in undivided quantities in excess of four hundred (400) gallons.
(DD) Dry pesticide in undivided quantities in excess of one hundred (100) pounds and that is in solid form prior to any application or mixing for application and includes formulations, such as dusts, wettable powders, dry flowable powders, and granules.

(J) Facilities engaged in selling fuel or lubricating oils to the trucking industry, where the facility has on-site vehicle maintenance activities, serves as a truck stop or plaza, and are classified as SIC code 5541 (gasoline service stations). Truck stops and plazas that do not have vehicle maintenance activities and gasoline dispensing facilities, such as automotive service stations, convenience stores, and marinas, are not required to comply with this rule.

(b) When a facility, meeting the applicability requirements of subsection (a), is owned by one (1) person but the regulated industrial activity is conducted by another person, it is the duty of the person conducting the regulated industrial activity to apply for a permit under this rule.

(c) A facility classified in one (1) of the following subcategories of facilities that has storm water effluent guidelines for at least one (1) of its subcategories, in effect on February 12, 1992, shall apply for an individual NPDES storm water permit:

(1) Cement manufacturing (40 CFR 411).

(2) Feedlots (40 CFR 412).

(3) Fertilizer manufacturing (40 CFR 418).

(4) Petroleum refining (40 CFR 419).

(5) Phosphate manufacturing (40 CFR 422).

(6) Steam electric power generation (40 CFR 423).

(7) Coal mining (40 CFR 434).

(8) Mineral mining and processing (40 CFR 436).

(9) Ore mining and dressing (40 CFR 440).

(10) Asphalt (40 CFR 443).

(d) A facility subject to storm water effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Chapter I, Subchapter N* shall apply for an individual NPDES storm water permit.

(e) A sand, gravel, or dimension stone facility classified under SIC code 14 is not subject to this rule if:

(1) it is regulated under a general permit issued under 327 IAC 15-12; and

(2) all the regulated facility's storm water discharges are addressed by the general permit issued under 327 IAC 15-12.

(f) A landfill is not subject to this rule if it has satisfied one (1) or more of the following conditions:

(1) Has completed landfill closure approved by the department.

(2) Is regulated under an individual municipal solid waste landfill permit that:

(A) is issued according to 329 IAC 10; and

(B) includes requirements for addressing the quality of storm water run-off.

(g) Steam electric power generating facilities that are involved in the processing, handling, or storage of coal and associated byproducts are not subject to this rule and must apply for an individual NPDES storm water permit.

(h) Transportation facilities identified by SIC code 5171 (petroleum bulk stations and terminals) are not subject to this rule and shall, if facility conditions meet the rule applicability requirements, obtain permit coverage under 327 IAC 15-9.

(i) Municipal treatment works are not subject to this rule if the treatment works meet the following conditions:

(1) Treat domestic sewage or any other sewage sludge or wastewater.

(2) Have a design flow equal to or greater than one million (1,000,000) gallons per day.

(3) Are considered part of a municipality regulated under 327 IAC 15-13.

(4) Are adequately covered under the requirements of 327 IAC 15-13-17.

(j) Farmland, domestic gardens, or land used for sludge management is not subject to this rule if the following conditions are met:

(1) Sludge is beneficially reused.

(2) The land is not physically located within:

(A) the confines of a municipal treatment works facility; or

(B) areas that are in compliance with Section 405 of the Clean Water Act (33 U.S.C. 1345)****.

*Copies of the Code of Federal Regulations (CFR) 40 CFR Chapter I, Subchapter N referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**Copies of the Subtitle C of the Resource Conservation and Recovery Act (RCRA), (42 U.S.C. 6921) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

***Copies of the Code of Federal Regulations (CFR) 40 CFR 403 referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

****Copies of Section 405 of the Clean Water Act (33 U.S.C. 1345) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Water Pollution Control Board; 327 IAC 15-6-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26; errata, 16 IR 751; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 845; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2284)*

327 IAC 15-6-3 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 3. Facilities existing within the boundaries of the state of Indiana affected by this rule are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-6-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-6-4 Definitions

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18-1

Sec. 4. In addition to the definitions contained in IC 13-11-2, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Best management practices" or "BMPs" means any of the following measures to prevent or reduce the pollution of waters of the state:
- (A) Schedules of activities.
- (B) Prohibitions of practice.
- (C) Treatment requirements.
- (D) Operation and maintenance procedures.
- (E) Use of containment facilities.
- (F) Other management practices.

BMPs may be employed, for example, to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage, resulting from regulated industrial activities.

(2) "Commissioner" refers to the commissioner of the department.

(3) "Concentration" means the mass of any given material present in a unit volume of liquid. Unless otherwise indicated under this rule, concentration values must be expressed in milligrams per liter.

(4) "Deicing operations" means the use of urea, glycol, or other deicing substances to remove ice from aircraft or runways.

(5) "Department" refers to the department of environmental management.

(6) "Discharge of a pollutant" has the meaning set forth in 327 IAC 5-1.5-11.

(7) "Drainage" means the flow patterns of storm water run-off.

(8) "Drainage area" means the surface area draining storm water run-off.

(9) "Facility" means a parcel of land or site, together with all buildings, equipment, structures, and other stationary items that are:
- (A) located on a single site or on contiguous or adjacent sites; and
- (B) owned or operated by:
  - (i) the same person; or
  - (ii) any person that controls, is controlled by, or is under common control with the same person.

(10) "Good housekeeping" means maintaining a clean work environment to reduce or eliminate the potential mobilization of pollutants by storm water.

(11) "Impervious surface" means any surface that prevents storm water from readily infiltrating into the soils.

(12) "Individual NPDES permit" means a NPDES permit issued by the commissioner under 327 IAC 5 to a single facility that contains requirements specific to that individual facility.
(13) "Injection well" means any hole that is deeper than it is wide and through which fluids can enter the ground water. Injection wells are regulated under 40 CFR 145 and 40 CFR 144.
(14) "Material handling activity" means the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct, or waste product.
(15) "Measurable storm event" means a precipitation event which results in a total measured precipitation accumulation equal to, or greater than, one-tenth (0.1) inch of rainfall.
(16) "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains that is:

(A) owned or operated by a federal entity or state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over storm water, including special districts under state law, such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288)* that discharges into waters of the state;
(B) designed or used for collecting or conveying storm water;
(C) not a combined sewer; and
(D) not part of a publicly owned treatment works (POTW) as defined in 40 CFR 122.2**.

(17) "No exposure" means a condition of a facility that exists when all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to precipitation or run-off.
(18) "Nonstructural control measure" means the use of nonphysical best management practices to reduce or eliminate mobilization of pollutants by storm water (for example, sweeping, inspections, training, and preventative maintenance).
(19) "Notice of intent letter" or "NOI letter" means a written notification indicating a facility's intention to comply with the terms of this rule in lieu of applying for an individual NPDES permit. An NOI letter includes information required under section 5 of this rule.
(20) "Notice of termination letter" or "NOT letter" means a written notification indicating that facility has met the conditions to terminate its permit coverage under this rule.
(21) "Outfall" means the point of discharge from a point source.
(22) "Pervious surface" means a ground surface that readily allows storm water to infiltrate or percolate into the soils.
(23) "Point source" has the meaning set forth in 327 IAC 5-1.5-40.
(24) "Qualified professional" means an individual who is trained and experienced in storm water treatment techniques and related fields as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make sound, professional judgments regarding storm water control or treatment and monitoring, pollutant fate and transport, and drainage planning.
(25) "Qualified storm event" means a discharge resulting from a measurable storm event at least seventy-two (72) hours after the previous measurable storm event. The term does not include discharges of snowmelt.
(26) "Risk identification" means a nonstatistical assessment to determine the potential for storm water to be exposed to pollutants and the facility's subsequent need for additional protection practices and measures.
(27) "Secondary containment structure" means a structure or a part of a structure that prevents or impedes a hazardous material that is released accidentally from entering surface water or ground water.
(28) "SIC code" means the four (4) digit standard industrial classification code applicable to a particular industrial activity in accordance with the Standard Industrial Classification Manual published by the Office of Management and Budget of the Executive Office of the President of the United States.
(29) "Storm water discharge" means the release or flow of storm water from a point source, which enters a water of the state.
(30) "Storm water discharge exposed to industrial activity" means storm water discharge that has been exposed to the manufacturing and processing activities, or raw materials or intermediate products storage areas at an industrial facility. For the categories of industries identified in section 2(a)(5) of this rule, the term includes the following:

(A) Storm water discharges from industrial plant yards.
(B) Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the facility.

(C) Material handling sites.
(D) Refuse sites.
(E) Sites used for the application or disposal of process wastewaters (as defined in 40 CFR 401).
(F) Sites used for the storage and maintenance of material handling equipment.
(G) Sites used for residual treatment, storage, or disposal.
(H) Shipping and receiving areas.
(I) Manufacturing buildings.
(J) Storage areas (including tank farms) for raw materials and intermediate and finished products.
(K) Areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

(31) "Storm water pollution prevention plan" or "SWP3" means a written document that addresses storm water run-off pollution prevention for a specific industrial facility.

(32) "Structural control measure" means a physical structure designed to reduce or eliminate the mobilization of pollutants by storm water, for example, detention structures, berming, and vegetated swales.

*Copies of Section 208 of the Clean Water Act (33 U.S.C. 1288) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**Copies of the Code of Federal Regulations (CFR) 40 CFR 122.2 referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Water Pollution Control Board; 327 IAC 15-6-4; filed Aug 31, 1992, 5:00 p.m.: 16 IR 27; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 751; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 848; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2284)*

327 IAC 15-6-5 Additional NOI letter requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 5. In addition to the NOI letter requirements under 327 IAC 15-3, the following information must be submitted with the NOI letter under this rule:

(1) Name of responsible corporate officer or written authorization for an alternate individual or position to act as the duly authorized representative for that individual, if appropriate, who will be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3(g).

(2) Name and contact information of the individual who can provide assistance with information pertaining to the facility's permit.

(3) A brief narrative description of the industrial processes performed at the facility.

(4) Identification of the number and location of each outfall where storm water exposed to industrial activity discharges to a water of the state, including a narrative description of the industrial activity associated with the drainage area of each identified outfall.

(5) Identification of substantially similar outfalls of storm water identified in subdivision (4) and the outfall to be monitored as representative of all such discharges. Include an explanation of the rationale used to identify why certain outfalls are similar.

(6) The identification of past and present NPDES permits, if applicable.

(7) The identification of the regulated MS4 entity receiving the storm water discharge, if applicable.

(8) Proof of publication of the following statement in the newspaper of largest circulation in the area of the discharge: "(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.".

(Water Pollution Control Board; 327 IAC 15-6-5; filed Aug 31, 1992, 5:00 p.m.: 16 IR 28; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 851)

327 IAC 15-6-6 Deadline for submittal of an NOI letter; additional information
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 6. All information required under 327 IAC 15-3 and section 5 of this rule shall be submitted to the commissioner in accordance with 327 IAC 15-3-3. For newly constructed industrial facilities, the NOI letter shall be submitted ninety (90) days prior to start up of industrial operations. For existing industrial facilities regulated by this rule, the NOI letter must be submitted in accordance with 327 IAC 15-2-9. For existing industrial facilities that have not been regulated by this rule but now meet the applicability requirements of this rule, the NOI letter must be submitted within ninety (90) days of the effective date of this rule unless permission for a later date has been granted by the commissioner. *(Water Pollution Control Board; 327 IAC 15-6-6; filed Aug 31, 1992, 5:00 p.m.: 16 IR 28; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 851)*

327 IAC 15-6-7 General requirements for a storm water pollution prevention plan (SWP3)
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7. (a) The person having financial responsibility or operational control for a facility regulated under this rule shall develop implement, update, and maintain a SWP3 that:

(1) identifies potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges exposed to industrial activity from the facility;
(2) describes practices and measures to be used in reducing the potential for pollutants to be exposed to storm water;
(3) assures compliance with the terms and conditions of this rule;
(4) lists, by position title, the member or members of a facility storm water pollution prevention team, who will be responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision; and
(5) clearly identifies the responsibilities of each storm water pollution prevention team member.

(b) The SWP3 must include a map and description of all areas of the facility that generate storm water discharges exposed to industrial activity and have a reasonable potential for storm water to be exposed to pollutants. At a minimum, the plan shall contain the following:

(1) A copy of the complete NOI letter.
(2) A soils map indicating the types of soils found on the facility property and showing the boundaries of the facility property outlined in a contrasting color. If a facility's property only has impervious surfaces, the soils map requirement can be omitted.
(3) A graphical representation, such as aerial photographs or site layout maps, drawn to an appropriate scale, which contains a legend and compass coordinates, indicating, at a minimum, the following:
    (A) All on-site storm water drainage and discharge conveyances, which may include pipes, ditches, swales, and erosion channels, related to a storm water discharge.
    (B) Known adjacent property drainage and discharge conveyances, if directly associated with run-off from the facility.
    (C) All on-site and known adjacent property waterbodies, including wetlands and springs.
    (D) An outline of the drainage area for each storm water outfall.
    (E) An outline of the facility property indicating directional flows, via arrows, of surface drainage patterns.
    (F) An outline of impervious surfaces, which includes pavement and buildings, and an estimate of the impervious and pervious surface square footage for each drainage area placed in a map legend.
    (G) On-site injection wells, as applicable.
    (H) On-site wells used as potable water sources, as applicable.
    (I) All existing structural control measures to reduce pollutants in storm water run-off.
    (J) All existing and historical underground or aboveground storage tank locations, as applicable.
    (K) All permanently designated plowed or dumped snow storage locations.
    (L) All loading and unloading areas for solid and liquid bulk materials.
    (M) All existing and historical outdoor storage areas for raw materials, intermediary products, final products, and waste materials.

(N) All existing or historical outdoor storage areas for fuels, processing equipment, and other containerized materials, for example, in drums and totes.
(O) Outdoor processing areas.
(P) Dust or particulate generating process areas.
(Q) Outdoor waste storage or disposal areas.
(R) Pesticide or herbicide application areas.
(S) Vehicular access roads.

The on-site mapping of items listed in clauses (J) through (S) is required only in those areas that generate storm water discharges exposed to industrial activity and have a reasonable potential for storm water exposure to pollutants. The mapping of historical locations is only required if the historical locations have a reasonable potential for storm water exposure to historical pollutants.

(4) An area map that indicates:
(A) the topographic relief or similar elevations to determine surface drainage patterns;
(B) the facility boundaries outlined in a contrasting color;
(C) all receiving waters; and
(D) all known drinking water wells;

and includes, at a minimum, the features in clauses (A), (C), and (D) within a one-fourth (¼) mile radius beyond the property boundaries of the facility. This map must be to scale and include legend and compass coordinates.

(5) A narrative description of areas that generate storm water discharges exposed to industrial activity and have a reasonable potential for storm water exposure to pollutants, including descriptions for any existing or historical areas listed in subdivision (3)(J) through (3)(S), and any other areas thought to generate storm water discharges exposed to industrial activity and be a reasonable potential source of storm water exposure to pollutants. The narrative descriptions for each identified area must include the following:
(A) Type and typical quantity of materials present in the area.
(B) Methods of storage, including presence of any secondary containment measures.
(C) Any remedial actions undertaken in the area to eliminate pollutant sources or exposure of storm water to those sources. If a corrective action plan was developed, the type of remedial action and plan date shall be referenced.
(D) Any significant release or spill history dating back a period of three (3) years from the date of the initial NOI letter, in the identified area, for materials spilled outside of secondary containment structures and impervious surfaces in excess of their reportable quantity, including the following:
(i) The date and type of material released or spilled.
(ii) The estimated volume released or spilled.
(iii) A description of the remedial actions undertaken, including disposal or treatment.

Depending on the adequacy or completeness of the remedial actions, the spill history shall be used to determine additional pollutant sources that may be exposed to storm water. In subsequent permit terms, the history shall date back for a period of five (5) years from the date of the NOI letter.

(E) Where the chemicals or materials have the potential to be exposed to storm water discharges, the descriptions for each identified area must include a risk identification analysis of chemicals or materials stored or used within the area. The analysis must include the following:
(i) Toxicity data of chemicals or materials used within the area, referencing appropriate material safety data sheet information locations.
(ii) The frequency and typical quantity of listed chemicals or materials to be stored within the area.
(iii) Potential ways in which storm water discharges may be exposed to listed chemicals and materials.
(iv) The likelihood of the listed chemicals and materials to come into contact with storm water.

(6) A narrative description of existing and planned management practices and measures to improve the quality of storm water run-off entering a water of the state. Descriptions must be created for existing or historical areas listed in subdivision (3)(J) through (3)(S) and any other areas thought to generate storm water discharges exposed to industrial activity and be a potential source of storm water exposure to pollutants. The description must include the following:
(A) Any existing or planned structural and nonstructural control practices and measures.
(B) Any treatment the storm water receives prior to leaving the facility property or entering a water of the state.

(C) The ultimate disposal of any solid or fluid wastes collected in structural control measures other than by discharge.

(7) If applicable, the specific control practices and measures for potential pollutant source areas must include the following:

(A) Identification of areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion and identify and implement measures to limit erosion.

(B) A plan to cover, or otherwise reduce the potential for pollutants in storm water discharge from, deicing salt and sand or other commercial or industrial material storage piles, except for exposure resulting from the addition or removal of materials from the pile. For piles that do not have the potential for polluting storm water run-off, the plan needs to provide the basis for determining no exposure potential. The plan must be included in the SWP3.

(C) Storage piles of sand and salt or other commercial or industrial materials must be stored in a manner to reduce the potential for polluted storm water run-off and in accordance with the plan required under clause (B).

(8) Information or other documentation required under subsection (d).

(9) The results of monitoring required in section 7.3 of this rule. The monitoring data must include completed field data sheets, chain-of-custody forms, and laboratory results. If the monitoring data is not placed into the facility's SWP3, the on-site location for storage of the information must be referenced in the SWP3. As two (2) or more sample monitoring events are completed, the laboratory results must be compared to indicate water quality improvements in the run-off from the facility. If the parameters and sample type are identical, historical storm water monitoring data at each discharge outfall identified in section 5(4) of this rule, or representative discharge outfall identified in section 5(5) of this rule, can be used in the comparison to provide data that is more reflective of initial water quality conditions.

(10) A mapped or narrative description of any such management practice or measure pursuant to subsection (c)(4) must be added to the SWP3.

(c) For areas of the facility that generate storm water discharges and have a reasonable potential for storm water exposure to pollutants, storm water exposure to pollutants must be minimized. To ensure this reduction, the following practices and measures must be planned and implemented:

(1) A written preventative maintenance program, including the following:

(A) Implementation of good housekeeping practices to ensure the facility will be operated in a clean and orderly manner and that pollutants will not have the potential to be exposed to storm water via vehicular tracking or other means.

(B) Maintenance of storm water management measures, for example, catch basins or the cleaning of oil or water separators. All maintenance must be documented and either contained in, or have the on-site record keeping location referenced in, the SWP3.

(C) Inspection and testing of facility equipment and systems that are in areas of the facility that generate storm water discharges and have a reasonable potential for storm water exposure to pollutants to ensure appropriate maintenance of such equipment and systems and to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

(D) At a minimum, quarterly inspections of the storm water management measures and storm water run-off conveyances. Inspections must be documented and either contained in, or have the on-site record keeping location referenced in, the SWP3.

(E) An employee training program to inform personnel at all levels of responsibility that have the potential to engage in industrial activities that impact storm water quality of the components and goals of the SWP3. Training must occur at a minimum annually and should address topics such as spill response, good housekeeping, and material management practices. All employee training sessions, including relevant storm water topics discussed and a roster of attendees, must be documented and either contained in, or have the on-site record keeping location referenced in, the SWP3.

(2) A written spill response program, including the following:

(A) Location, description, and quantity of all response materials and equipment.

(B) Response procedures for facility personnel to respond to a release.

(C) Contact information for reporting spills, both for facility staff and external emergency response entities.

(3) A written nonstorm water assessment, including the following:

(A) A certification letter stating that storm water discharges entering a water of the state have been evaluated for the presence of illicit discharges and nonstorm water contributions.

(B) Detergent or solvent-based washing of equipment or vehicles that would allow washwater additives to enter any storm drainage system or receiving water shall not be allowed at the facility.

(C) All interior maintenance area floor drains with the potential for maintenance fluids or other materials to enter storm sewers must be either sealed, connected to a sanitary sewer with prior authorization, or appropriately permitted under the NPDES wastewater program pursuant to 327 IAC 5. The sealing, sanitary sewer connecting, or permitting of drains under this clause must be documented in the written nonstorm water assessment program.

(D) The certification shall include a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during the test.

(4) If parameter reductions are not indicated in the comparison conducted under subsection (b)(9) and they cannot be attributed to laboratory error or significant variability in the rainfall events, the source of the pollutant parameter must be investigated and either eliminated or reduced via a management practice or measure to the extent technologically practicable and cost beneficial. A lack of reduction does not, in and of itself, constitute a violation of this permit. However, insufficient reductions may be used to identify facilities that would be more appropriately covered under an individual storm water NPDES permit. If parameter concentrations are at, or below, laboratory detection limitations, further reductions are not necessary.

(d) The SWP3 must meet the following general requirements:

(1) The plan shall be certified by a qualified professional.

(2) The plan must be retained at the facility and be available for review by a representative of the commissioner upon request or, in the case of a storm water discharge exposed to industrial activity that discharges through a regulated municipal separate storm sewer system conveyance, by the operator or operators of the regulated municipal system.

(3) The plan must be completed and implemented on or before three hundred sixty-five (365) days after submission of a timely-submitted initial NOI letter or the expiration date of the previous five (5) year permit term. The commissioner may grant an extension of this time frame based on a request by the person showing reasonable cause.

(4) The person having financial responsibility or operational control for a facility shall complete and submit to the commissioner a storm water pollution prevention plan certification checklist form within thirty (30) days of the plan completion date, but no later than three hundred sixty-five (365) days after the submission of a timely-submitted initial NOI letter or the expiration date of the previous five (5) year permit term. This checklist must also be signed by a qualified professional.

(5) A permittee regulated under this rule shall amend the plan by either of the following:

(A) Whenever there is a change in design, construction, operation, or maintenance at the facility, which may have a significant effect on the potential for the discharge of pollutants to surface waters of the state.

(B) Upon written notice by the commissioner that the SWP3 proves to be ineffective in controlling pollutants in storm water discharges exposed to industrial activity. Within sixty (60) days of such notification from the commissioner, the permittee shall make the required changes to the SWP3 and shall submit the amended plan to the commissioner for review.

(6) If a permittee has other written plans, required under applicable federal or state law, such as operation and maintenance, spill prevention control and countermeasures, or risk contingency plans, which fulfill certain requirements of a SWP3, these plans may be referenced, at the permittee's discretion, in the appropriate sections of the SWP3 to meet those section requirements.

(7) A permittee may combine the requirements of the SWP3 with another written plan if:

(A) the plan is retained at the facility and available for review;

(B) all the requirements of the SWP3 are contained within the plan; and

(C) a separate, labeled section is utilized in the plan for the SWP3 requirements.

(Water Pollution Control Board; 327 IAC 15-6-7; filed Aug 31, 1992, 5:00 p.m.: 16 IR 28; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 898; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 851; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2284)

327 IAC 15-6-7.3 Monitoring requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7.3. (a) Monitoring requirements shall be as follows:

(1) Each discharge outfall identified in section 5(4) of this rule, or representative discharge outfall identified in section 5(5) of this rule, composed entirely of storm water and allowable nonstorm water run-off, shall be monitored as follows:

Parameter	Units	Sample Type	Frequency
Oil and grease	mg/l	grab	Annual
$CBOD_5$ (Carbonaceous biochemical oxygen demand)	mg/l	grab	Annual
COD (Chemical oxygen demand)	mg/l	grab	Annual
TSS (Total suspended solids)	mg/l	grab	Annual
TKN (Total Kjeldahl nitrogen)	mg/l	grab	Annual
Total phosphorous	mg/l	grab	Annual
pH	s.u.	grab	Annual
Nitrate plus nitrite nitrogen	mg/l	grab	Annual

(2) Each discharge outfall subject to subdivision (1) shall be monitored for any pollutant attributable to a facility's industrial activity that is reasonably expected to be present in the discharge, as well as for any other pollutant that has the potential to be present in a storm water discharge as requested by the commissioner.

(3) Within one (1) year of the original or renewal NOI letter submittal and prior to implementation of the SWP3, a permittee regulated under this rule shall sample and analyze the discharge from the outfall identified in the approved NOI letter. The monitoring data taken from this first year event shall be used by the permittee as an aid in developing and implementing the SWP3. Subsequent annual sampling data shall be used to verify the effectiveness of the SWP3 and will aid the permittee with revising the SWP3 and implementation of additional BMPs, as necessary.

(4) The commissioner may require a permittee to sample additional storm events beyond the required five (5) annual events upon finding reasonable cause. The commissioner shall notify the facility in writing that additional sampling is required.

(5) A grab sample must be collected during the first thirty (30) minutes of discharge at the storm water outfalls identified in the NOI letter or as soon thereafter as practicable.

(6) The pH measurement must be taken at the time the grab sample is collected and by using a pH meter that has been properly calibrated according to manufacturer's specifications and provides results displayed in numeric units. A color comparison analysis for pH is not acceptable.

(7) There shall be a minimum of three (3) months between reported sampling events.

(8) Samples must be taken at a point representative of the discharge but prior to entry into surface waters of the state or a municipal separate storm sewer conveyance unless an alternative location has been granted by the commissioner. For discharges that flow through on-site detention basins, samples shall be taken at a point representative of the discharge from the basin.

(9) All samples must be collected from a discharge resulting from a measurable storm event at least seventy-two (72) hours from the previous measurable storm event. Documentation of weather conditions that prevent sampling as described in this subsection must be provided to the commissioner.

(10) The analytical and sampling methods used must meet the requirements of 327 IAC 5-2-13(d)(1) and 327 IAC 5-2-13(d)(2) for quality assurance and quality control.

(11) Run-off events resulting from snow or ice melt should not be sampled and shall not be used to meet the minimum annual monitoring requirements.

(b) Reporting requirements shall be as follows:

(1) All samples must be reported as a value of concentration or loading.

(2) For each measurement or sample taken under this rule, the permittee shall record and submit the following information to the commissioner:

(A) The exact place, date, and time of the start of the discharge, the duration of the storm event sampled, a measurement of the rainfall in inches, and time of sampling.

(B) The duration between the storm event sampled and the end of the previous measurable storm event.

(C) The individual who performed the sampling or measurements.

(D) The dates the analyses were performed.

(E) The individual who performed the analyses.

(F) The analytical techniques or methods used.
(G) The results of all required analyses and measurements.
(H) A complete copy of the laboratory report, including chain-of-custody.

(3) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation, must be retained for a minimum of either one (1) year following the date on an NOT letter, three (3) years following the expiration of the facility's permit, or longer if requested by the commissioner. As applicable, the records for calibration and maintenance of instrumentation can be maintained at an off-site laboratory but must be available to the commissioner upon request. All calibration and maintenance records for on-site instruments, such as pH meters, used by a facility for compliance with this rule must be documented and either contained in, or have the on-site record keeping location referenced in, the SWP3.

(4) A permittee regulated under this rule shall submit sampling data results to the commissioner at the address specified in section 8.5 of this rule within thirty (30) days after laboratory analyses have been completed.

(5) A permittee regulated under this rule that has a discharge that enters a regulated municipal separate storm sewer conveyance shall also submit a copy of the sampling data results to the operator of the regulated municipal system conveyance upon request.

(6) If a permittee regulated under this rule monitors a pollutant more frequently than required under this rule, using analytical methods referenced in subsection (a)(10), the results of such monitoring must be reported as additional information in the annual report. Such increased frequency must also be indicated in the report.

(Water Pollution Control Board; 327 IAC 15-6-7.3; filed Oct 27, 2003, 10:15 a.m.: 27 IR 857; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2285)

327 IAC 15-6-7.5 Annual reports

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7.5. A permittee regulated under this rule shall submit an annual report to the commissioner that contains the following information:

(1) Any changes to the original NOI letter.
(2) Any changes to the facility, the facility's operations or industrial activities.
(3) During the second through fifth years of permit coverage, a copy of the comparison of all sampling data results included in the facility's SWP3 and required under section 7(b)(9) of this rule.
(4) Any additional BMPs implemented, or corrective measures taken, as a result of sampling data results.

The annual report must contain information obtained during the previous year of regulation and be submitted initially no later than three hundred sixty-five (365) days from the initial NOI submittal date or the expiration date of the previous five (5) year permit term. Subsequent annual report submittals shall be provided no later than three hundred sixty-five (365) days from the previous report in years two (2) through five (5). *(Water Pollution Control Board; 327 IAC 15-6-7.5; filed Oct 27, 2003, 10:15 a.m.: 27 IR 858)*

327 IAC 15-6-8 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. *(Water Pollution Control Board; 327 IAC 15-6-8; filed Aug 31, 1992, 5:00 p.m.: 16 IR 32; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-6-8.5 Permit compliance schedule

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 8.5. The following compliance schedule must be followed:

Permit Compliance Schedule

To apply for coverage	Submit a completed NOI letter
1st year of permit coverage	Submit results of sampling data
	Develop and implement the SWP3
	Submit SWP3 certification checklist
	Submit annual report
2nd year of permit coverage	Submit results of sampling data
	Submit annual report
3rd year of permit coverage	Submit results of sampling data
	Submit annual report
4th year of permit coverage	Submit results of sampling data
	Submit annual report
5th year of permit coverage	Submit results of sampling data
	Submit annual report
90 days before permit expires	Resubmit a completed NOI letter
Permit renewals	Repeat annual sampling schedule
	Submit SWP3 certification checklist during the first year of renewal coverage only if substantial changes have been made on site or to the plan since its inception
	Submit annual reports

The compliance schedule begins from the date on the initial NOI letter submittal or the expiration date of the previous five (5) year permit term. All submittals to the commissioner must be sent to:

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.

(Water Pollution Control Board; 327 IAC 15-6-8.5; filed Oct 27, 2003, 10:15 a.m.: 27 IR 859)

327 IAC 15-6-9 Inspection and enforcement

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-14-10; IC 13-15-7; IC 13-18-1; IC 13-30

Sec. 9. (a) The commissioner or designated representative may inspect any facility regulated under this rule at any time. The storm water pollution prevention plan as required by section 7 of this rule and monitoring records as required by section 7.3 of this rule must be available on-site for review by the commissioner. The department or its designated representatives may make recommendations to the facility owner or its representative to install appropriate measures beyond those specified in the storm water pollution prevention plan to achieve compliance.

(b) The department shall investigate potential violations of this rule to determine which person may be responsible for the violation. The department shall, if appropriate, consider public records of ownership and other relevant information, which may include site inspections, storm water pollution prevention plans, notices of intent, contracts, and other information, related to the specific facts and circumstances of the potential violation.

(c) Any person causing or contributing to a violation of any provision of this rule shall be subject to enforcement and penalty as set forth under IC 13-14-10, IC 13-15-7, and IC 13-30. *(Water Pollution Control Board; 327 IAC 15-6-9; filed Aug 31, 1992,*

5:00 p.m.: 16 IR 32; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 859)

327 IAC 15-6-10 Duration of coverage and renewal

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 10. A permit issued under this rule is valid for a period of five (5) years from the date that the commissioner receives an original NOI letter. To obtain renewal of coverage under this rule, the information required under 327 IAC 15-3 and section 5 of this rule must be submitted to the commissioner ninety (90) days prior to the expiration of coverage under this rule unless the commissioner determines that a later date is acceptable. Coverage under renewal NOI letters will begin on the date of expiration from the previous five (5) year permit. *(Water Pollution Control Board; 327 IAC 15-6-10; filed Oct 27, 2003, 10:15 a.m.: 27 IR 859)*

327 IAC 15-6-11 Termination of coverage; permit not transferable

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 11. (a) A complete, state-issued NOT letter request form shall be submitted by a permittee regulated under this rule to the commissioner for any of the following:

(1) Closure of the facility.
(2) Transfer of ownership or operator.
(3) No exposure of all facility industrial activities to storm water.
(4) All storm water run-off from the facility flows into a combined sewer system.
(5) Storm water does not have the potential to impact a water of the state.

(b) A permittee regulated under this rule shall submit a complete, state-issued NOT letter request form to the commissioner upon closure of the facility or upon transfer of ownership or operator as defined in 327 IAC 15-2-8 within thirty (30) days of the date of closure or transfer. The new owner or operator must submit a new NOI letter within sixty (60) days of the date of closure or transfer.

(c) For a permittee to claim termination based on no exposure to industrial activities, a complete "No Exposure Certification" form referenced in section 12 of this rule must be submitted with the NOT letter request form.

(d) For a permittee to claim termination based on all storm water run-off flowing into a combined sewer system, a certification letter from the responsible party of the combined sewer system, on responsible party letterhead, shall be submitted with the NOT letter request form.

(e) The completed NOT request form will be reviewed by the commissioner within sixty (60) days of the submittal date. During this sixty (60) day review period, the permit shall remain effective. Once the review is complete, one (1) of the following may occur:

(1) An NOT letter will be mailed to the requester.
(2) An on-site verification inspection will be requested.
(3) The NOT request will be denied.

If the permittee does not receive any of the above notifications within sixty (60) days of the NOT request submittal, the NOT request will be considered adequate.

(f) An NOT letter may be issued by the commissioner if:

(1) effluent standards and limitations are promulgated for discharges subject to this rule; or
(2) it is determined that a general permit is not adequate to protect water quality.

When a general permit is not adequate, an individual NPDES storm water permit will be issued. *(Water Pollution Control Board; 327 IAC 15-6-11; filed Oct 27, 2003, 10:15 a.m.: 27 IR 860)*

327 IAC 15-6-12 Conditional no exposure exclusion

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18-1

Sec. 12. (a) In addition to the definitions contained in IC 13-11-2, 327 IAC 5, 327 IAC 15-1-2, and section 4 of this rule, the following definitions apply throughout this section:

(1) "Adequately maintained vehicle" means a vehicle (truck, automobile, forklift, trailer, or other general purpose vehicle) found on facility property that is not industrial machinery and not leaking or otherwise a potential source of contaminants.

(2) "Final product" means a product that is not used in producing other products and is built and intended for use outdoors, provided the final product has not deteriorated or has otherwise become a potential source of contaminants.

(3) "Industrial materials and activities" means:

(A) material handling equipment or activities;

(B) industrial machinery;

(C) raw materials, intermediate products, byproducts, and final products; or

(D) waste products.

(4) "Intermediate product" means a product that is used in the composition of yet another product.

(5) "Material handling activity" means the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct, or waste product. The term does not include activities conducted on facility property separate from the facility's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the included areas.

(6) "Sealed container" means a container that has been banded or otherwise secured, without operational taps or valves, provided the container is not deteriorated and does not leak.

(7) "Storm-resistant shelter" means a completely roofed and walled building or structure, as well as a structure with only a top cover but no side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent run-off of storm water.

(b) A facility regulated under this rule may request an exclusion from permit coverage by:

(1) submitting a complete United States Environmental Protection Agency "No Exposure Certification" form 3510-11 (10-99) to the commissioner;

(2) allowing the commissioner to inspect the facility to determine compliance with the "no exposure" conditions;

(3) allowing the commissioner to make any "no exposure" inspection reports available to the public upon request; and

(4) for facilities that discharge through a regulated MS4 conveyance, upon request, submitting a copy of the certification of "no exposure" to the MS4 operator, as well as allowing inspection and public reporting by the MS4 operator.

(c) New or existing facilities that were not previously required to obtain a permit under this rule, but are subject to it, must either obtain permit coverage in accordance with sections 5 and 6 of this rule or comply with the procedures in subsection (b).

(d) Facilities that have an existing permit under this rule must also submit an NOT letter with the "No Exposure Certification" form.

(e) To determine if a facility can apply for the no exposure certification, the following must be considered:

(1) A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and run-off.

(2) The conditional no exposure exclusion is available on a facility-wide basis only, not for individual outfalls, and a no exposure certification must be provided for each facility qualifying for the no exposure exclusion.

(3) The no exposure certification requirement applies to all industrial facilities regulated under this rule, including light industrial facilities that were previously not required to submit documentation to be excluded from storm water permitting requirements.

(4) A storm-resistant shelter is not required for the following industrial materials and activities:

(A) Drums, barrels, tanks, and similar containers that are tightly sealed, provided these containers are not deteriorated and do not leak.

(B) Adequately maintained vehicles used in material handling.

(C) Final products, except those products that would be mobilized in storm water discharges (for example, rock salt), products that may, when exposed to storm water, oxidize, deteriorate, leak, or otherwise be a potential source of contaminants, or final products that are in actuality intermediate products.

(5) Particulate matter emissions from roof stacks and vents that are regulated by, and in compliance with, other environmental protection programs (for example, air quality control programs) and do not cause storm water contamination are considered not exposed. Particulate matter or visible deposits of residuals from roof stacks and vents not otherwise regulated (for

example, under an air quality control program) and evident in storm water discharges are considered exposed. Likewise, visible "track out" (pollutants carried on the tires of vehicles) and windblown raw materials are considered exposed.

(6) General and industrial refuse and trash are not considered exposed as long as the containers are completely covered and nothing can drain out holes in their bottoms, or is lost in loading onto a garbage truck. General and industrial refuse and trash that are left uncovered, however, are considered exposed.

(7) Storm water run-off from separate office buildings and their associated parking lots do not need to be considered when determining no exposure at an industrial facility.

(8) Temporary covers may be used to shelter materials and activities until permanent enclosure can be achieved. The temporary sheltering of industrial materials and activities is only allowed during facility renovation or construction.

(9) Aboveground storage tanks (ASTs) are generally considered not exposed and may be exempt from the prohibition against adding or withdrawing materials to or from external containers. For an AST to be operational and qualify for no exposure:

(A) it must be physically separated from, and not associated with, vehicle maintenance operations;

(B) there must be no piping, pumps, or other equipment leaking contaminants that could contact storm water; and

(C) it must be surrounded by some type of physical containment to prevent run-off in the event of a structural failure or leaking transfer valve.

(f) The no exposure certification must require the submission of the following information, at a minimum, to aid the department in determining if the facility qualifies for the no exposure exclusion:

(1) The person's name, address, and phone number.

(2) The facility name and address, the county name, and the latitude and longitude where the facility is located.

(3) The certification must indicate that none of the following materials or activities are, or will be in the foreseeable future, exposed to precipitation:

(A) Using, storing, or cleaning industrial machinery or equipment, and areas where residuals from using, storing, or cleaning industrial machinery or equipment remain and are exposed to storm water.

(B) Materials or residuals on the ground or in storm water inlets from spills or leaks.

(C) Materials or products from past industrial activity.

(D) Material handling equipment (except adequately maintained vehicles).

(E) Materials or products during loading and unloading or transporting activities.

(F) Materials or products stored outdoors (except final products intended for outside use, for example, new cars, where exposure to storm water does not result in the discharge of pollutants).

(G) Materials contained in open, deteriorated, or leaking storage drums, barrels, tanks, and similar containers.

(H) Materials or products handled or stored on roads or railways owned or maintained by the facility.

(I) Waste material (except waste in covered, nonleaking containers, for example, dumpsters).

(J) Application or disposal of process wastewater (unless otherwise permitted).

(K) Particulate matter or visible deposits of residuals from roof stacks or vents not otherwise regulated, that is, under an air quality control permit, and evident in the storm water outflow.

(4) All no exposure certifications must include the following certification statement and be signed in accordance with 327 IAC 15-4-3(g): "I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from NPDES storm water permitting; and that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under subsection (e)(4)). I understand that I am obligated to submit a no exposure certification form once every five (5) years to the department and, if requested, to the operator of the local regulated MS4 into which this facility discharges (where applicable). I understand that I must allow the department, or MS4 operator where the discharge is into the local regulated MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES permit prior to any point source discharge of storm water from the facility. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.".

(g) Information contained in the "No Exposure Certification" form 3510-11 (10-99)* and the United States Environmental Protection Agency's "Guidance Manual for Conditional Exclusion from Storm Water Permitting Based on "No Exposure" of Industrial Activities to Storm Water"(EPA 833-B-00-001 June 2000)** shall be used by the commissioner to determine whether a facility is eligible for the exclusion. Definitions of terms provided in these documents shall apply to the commissioner's interpretation of the no exposure exclusion.

(h) A facility excluded under this section shall meet the following requirements:

(1) A copy of the "No Exposure Certification" form must be retained on site at the facility for a period of five (5) years following the date that the commissioner received the original form in order for the no exposure exclusion to remain applicable.

(2) The "No Exposure Certification" form must be submitted once every five (5) years to the commissioner.

(3) The certification for no exposure is nontransferable. If a new operator or owner takes over a facility, the new operator shall immediately complete and submit a new certification form in order to claim the exclusion.

(4) If changes at a facility result in industrial activities or materials becoming exposed to storm water, the no exposure exclusion ceases to apply. The person with financial responsibility or operational control for the facility must submit an NOI letter in accordance with sections 5 and 6 of this rule at least two (2) days before the foreseen changes happen that cause the condition of exposure.

(5) If unforseen events, such as spills, equipment malfunctions, or acts of nature, cause industrial activities or materials to become exposed to storm water, the no exposure exclusion may still apply provided notification is given to the commissioner within twenty-four (24) hours of facility personnel becoming aware of the exposure and corrective measures are taken to reestablish a condition of no exposure prior to the next storm water discharge event.

(i) If the commissioner finds that, during a compliance inspection or at a later time, the facility has a reasonable potential to cause a violation or nonattainment of a water quality standard or does not meet the conditions for the no exposure exclusion, the commissioner may, upon notifying the facility in writing, deny or revoke the exclusion and require the facility to obtain permit coverage within thirty (30) days of the date on the notification letter.

(j) Failure to maintain the condition of no exposure or obtain coverage under an NPDES permit may lead to the unauthorized discharge of pollutants to waters of the state.

*Copies of the No Exposure Certification Form referenced in this section are available from the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

**Copies of the Guidance Manual for Conditional Exclusion from Storm Water Permitting Based on "No Exposure" of Industrial Activities to Storm Water referenced in this section are available from the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015. *(Water Pollution Control Board; 327 IAC 15-6-12; filed Oct 27, 2003, 10:15 a.m.: 27 IR 860; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2285)*

Rule 7. Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities

327 IAC 15-7-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-7-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2284; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-7-2 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 2. The following definitions apply throughout this rule:
(1) "1-year, 2-year, and 10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in one (1), two (2), and ten (10) years, respectively, as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.", May 1961, or equivalent regional or rainfall probability information developed therefrom.
(2) "4 × yearly sample frequency" means the performance of the associated monitoring once any time during each of the four (4) annual quarters:
(A) January-February-March;
(B) April-May-June;
(C) July-August-September; and
(D) October-November-December.
(3) "Acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than six (6.0) or a total iron concentration equal to or greater than ten (10) milligrams per liter.
(4) "Active mining area" means the area, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas, and post mining areas.
(5) "Alkaline mine drainage" means mine drainage which, before any treatment, has a pH equal to or greater than six (6.0) and a total iron concentration of less than ten (10) milligrams per liter.
(6) "Bond release" means the time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed.
(7) "Coal preparation plant" means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and thereafter is loaded for transit to a consuming facility.
(8) "Coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.
(9) "Coal refuse disposal pile" means any coal refuse deposited on the earth and intended as a permanent disposal or long term storage (greater than one hundred eighty (180) days) of such material but does not include coal refuse deposited within the active mining area or coal refuse that is never removed from the active mining area.
(10) "Concentration" means the mass of any given material present in a unit volume of liquid. Unless otherwise indicated in this rule, concentration values shall be expressed in milligrams per liter (mg/l).
(11) "Controlled surface mine discharge" means any surface mine drainage that is pumped or siphoned from the active mining area.
(12) "Dry weather base flow" means the normal base flow coming from an area or treatment facility which is not immediately affected by run-off caused by rainfall. This flow is a result of ground water interference or a build-up of rainwater over a long period of time. Alternate limitations apply when this dry weather flow increases due to a precipitation event and continues until the flow again returns to the dry weather rate.
(13) "Mine drainage" means any drainage, and any water pumped or siphoned, from an active mining area or a post mining area.
(14) "ml/l" means milliliters per liter.
(15) "Post mining area" means either of the following:
(A) A reclamation area.
(B) The underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.
(16) "Precipitation event" means a rainfall, snow melt, or ice melt which causes a discharge or an increase in the volume of a discharge.
(17) "Reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.
(18) "Settleable solids" means that matter measured by the volumetric method specified in 40 CFR 434.64, which is: Fill an Imhoff cone to the one (1) liter mark with a thoroughly mixed sample. Allow to settle undisturbed for forty-five (45) minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for fifteen (15) minutes longer.

Record the volume of settled material in the cone as milliliters per liter (ml/l). Where a separation of settleable and floating materials occurs, do not include the floating material in the reading. The method detection limit for measuring settleable solids shall be four-tenths (0.4) ml/l.

(19) "TSS" or "total suspended solids" means the mass of suspended matter in wastewater retained on a standard glass fiber filter after filtration of a well-mixed sample after drying for one (1) hour at one hundred three degrees Celsius (103°C).

(Water Pollution Control Board; 327 IAC 15-7-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2284; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-7-3 Applicability

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. This rule applies to all persons who:

(1) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3; or

(2) have an existing point source discharge of wastewater controlled by a valid individual NPDES permit.

(Water Pollution Control Board; 327 IAC 15-7-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2285; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1477; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-7-4 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. Facilities existing within the boundaries of Indiana affected by this rule are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-7-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2285; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-7-5 NOI letter requirements under this rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) In addition to the NOI letter requirements contained in 327 IAC 15-3, a person regulated under this rule must submit with the NOI letter requirements under this rule the following information:

(1) The discharge location of each outfall, including each outfall regulated under section 7(b)(6) of this rule and its associated receiving stream.

(2) An identifying outfall number. The numbering shall start at 001 for the first outfall, 002 for the second outfall, and continue in that manner until all outfalls are numbered. The sequential number assigned to any outfall identified under section 7(b)(6) of this rule shall be preceded by an "S".

(3) For each numbered outfall, identify the mine drainage status regulated under section 7(a)(1) through 7(a)(4) of this rule. For numbered outfalls regulated under section 7(b)(6) of this rule, identify the outfall as discharging storm water.

(4) The dry weather base flow value for each numbered outfall regulated under section 7(a)(1) through 7(a)(4) of this rule.

(5) A topographical map identifying the location of the coal mining operation, the receiving streams, and the location of each numbered outfall.

(b) The NOI letter must also include proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge:

"(Your facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing, and/or reclamation activities. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;
(B) identify the interest of the person making the request;
(C) identify any persons represented by the person making the request;
(D) state with particularity the reasons for the request;
(E) state with particularity the issues proposed for consideration at the hearing; and
(F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(c) Following submittal of a NOI letter to IDEM and publication in the newspaper by the person requesting coverage under subsection (b), IDEM shall do the following:

(1) Review the NOI for applicability pursuant to section 3 of this rule and for compliance with the requirements of subsection (a).

(2) List this facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This monthly publication shall be issued by IDEM on the fifteenth day of every month and shall identify all facilities which met both the NOI and newspaper publication requirements in the preceding month. Requests to be placed on the NPDES general permit rule notification list shall be mailed or delivered to the address at 327 IAC 15-3-1. IDEM's monthly publication will also contain the following instructions:

"Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the publication date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;
(B) identify the interest of the person making the request;
(C) identify any persons represented by the person making the request;
(D) state with particularity the reasons for the request;
(E) state with particularity the issues proposed for consideration at the hearing; and
(F) identify the NPDES general permit rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES general permit rule. If any person filing such objections desires any part of this NPDES general permit rule to be stayed pending the outcome of the appeal, a specific request for such must be included in the request identifying those parts of the rule to be stayed.

Any such request shall be mailed or delivered to:
Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(d) An amended NOI letter containing the information required in 327 IAC 15-3 and subsection (a) shall be submitted for active or post mining areas and coal preparation plants and associated areas prior to initiating one (1) of the following events:

(1) A point source discharge is added or deleted.

(2) A change is made in mine drainage status to a point source discharge.

(3) The point source discharge location is changed to a different receiving stream.

(e) A copy of the NOI letter and the amended NOI letter required under this section shall also be sent to the following address:
Indiana Department of Natural Resources
Division of Reclamation
R.R. #2, Box 129

P.O. Box 147
Jasonville, Indiana 47438-0147
(Water Pollution Control Board; 327 IAC 15-7-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2285; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-7-6 Deadline for submittal of NOI letter; additional information
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. (a) For any person operating under an existing individual NPDES permit, that regulates a wastewater discharge affected by this NPDES general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner any time between the effective date of the existing individual NPDES permit and one hundred eighty (180) days prior to the expiration date of the existing individual NPDES permit, unless the commissioner determines that a later date is acceptable. For any person operating under an individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule and that has expired and has been administratively extended, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the effective date of this NPDES general permit rule, unless the commissioner determines that a later date is acceptable.

(b) For a person proposing a new discharge, the information required under 327 IAC 15-3 shall be submitted to the commissioner fifteen (15) days before the date on which the discharge is to commence as allowed in 327 IAC 15-3-3. *(Water Pollution Control Board; 327 IAC 15-7-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2287; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-7-7 General conditions
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) A person regulated under this rule is authorized to discharge through the outfalls identified in the NOI letter in accordance with this rule. Such discharges shall be limited and monitored as follows:

(1) Discharges through outfalls identified as active mining areas, coal preparation plants, and/or coal preparation plant associated areas designated as new source undetermined mine drainage status shall be limited and monitored as follows:

Parameter	Daily Minimum	Daily Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	–	Report	Report	MGD	2XMonthly	Instantaneous
TSS	–	35	70	mg/l	2XMonthly	Grab
pH	6.0	–	9.0	s.u.	2XMonthly	Grab
Total iron	–	3.0	6.0	mg/l	2XMonthly	Grab
Influent pH	–	Report	Report	Std.	Monthly	Grab
Influent total iron	–	Report	Report	mg/l	Monthly	Grab

(2) Discharges through outfalls identified as active mining areas, coal preparation plants, and/or coal preparation plant associated areas designated as new source alkaline mine drainage status shall be limited and monitored as follows:

Parameter	Daily Minimum	Daily Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	–	Report	Report	MGD	2XMonthly	Instantaneous
TSS	–	35	70	mg/l	2XMonthly	Grab
pH	6.0	–	9.0	s.u.	2XMonthly	Grab
Total iron	–	3.0	6.0	mg/l	2XMonthly	Grab

(3) Discharges through outfalls identified as active mining areas, coal preparation plants, and/or coal preparation plant associated areas designated as new source acid mine drainage status shall be limited and monitored as follows:

Parameter	Daily Minimum	Daily Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	–	Report	Report	MGD	Weekly	Instantaneous
TSS	–	35	70	mg/l	Weekly	Grab
pH	6.0	–	9.0	s.u.	Weekly	Grab

Total iron	–	3.0	6.0	mg/l	Weekly	Grab
Total manganese	–	2.0	4.0	mg/l	Weekly	Grab
Total aluminum	–	Report	Report	mg/l	Monthly	Grab
Total copper	–	Report	Report	mg/l	Monthly	Grab
Total zinc	–	Report	Report	mg/l	Monthly	Grab
Total nickel	–	Report	Report	mg/l	Monthly	Grab

(4) Discharges through outfalls identified as post mining areas shall be limited and monitored as follows:

Parameter	Daily Minimum	Daily Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	–	–	–	–	4XYearly	Instantaneous
Settleable solids	–	Report	0.5	ml/l	4XYearly	Grab
pH	6.0	–	9.0	s.u.	Once every reporting period	Grab

(b) A person regulated under this rule shall comply with the following additional discharge requirements:

(1) The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are:

(A) sodium hydroxide;

(B) hydrated lime;

(C) calcined (unslaked or quick) lime;

(D) soda ash;

(E) lime;

(F) sodium bicarbonate; or

(G) other water treatment additive approved by the Indiana department of environmental management.

(2) The discharge shall not cause excessive foam in the receiving waters.

(3) The discharge shall be essentially free of floating and settleable solids.

(4) The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.

(5) The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.

(6) For discharges of storm water run-off composed entirely of flows from conveyances used for collecting and conveying precipitation run-off which are contaminated by contact with overburden, coal product, coal byproduct, or coal waste located on the site and do not otherwise report to a NPDES discharge point regulated under this rule, the permittee shall use best management practices including, but not limited to, secondary sedimentation control structures such as rip rap, straw dikes, check dams, mulch, dugouts, or other measures that reduce overload flow velocity, reduce run-off volume, or trap sediment to control run-off from such areas. Compliance with this subdivision obviates the need to comply with 327 IAC 15-6.

(c) A person regulated under subsection (a)(1) through (a)(3) may choose to apply the following alternate effluent limitations to a discharge when the discharge flow rate exceeds the dry weather base flow based on the precipitation events identified as follows:

(1) If a precipitation event is less than or equal to the 10-year, 24-hour storm event, the following limitations may apply instead of the limitations listed in subsection (a):

(A) pH is limited to the range of six (6.0) to nine (9.0).

(B) Settleable solids are limited to a maximum concentration of five-tenths (0.5) ml/l.

(2) If a precipitation event is greater than the 10-year, 24-hour storm event, only pH is limited to the range of six (6.0) to nine (9.0).

These alternate limits are not applicable to discharges which occur during dry weather base flow.

(d) A person regulated under this rule shall comply with the following sampling requirements:

(1) When possible, grab samples shall be taken two (2) times per month with one (1) sample representative of the dry weather base flow and one (1) sample representative of a precipitation event. In the event that only one (1) discharge event or no discharge occurred during a monthly reporting period, the monthly discharge monitoring report shall so state.

(2) Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of Indiana.

(3) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC

5-2-13(d)(1).
(4) Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge.
(e) A person regulated under this rule shall comply with the following reporting requirements:
(1) Under subsection (c), for reporting purposes, a person regulated under this rule shall report on the monthly discharge monitoring report all analytical results and identify on an attachment to this report the analytical results that were reported under subsection (c) and state the duration and volume of the precipitation event. Failure to submit the necessary information with the monthly discharge monitoring report will disqualify the discharge from the alternate effluent limitations and may lead to a violation of this rule.
(2) For areas designated as new source undetermined mine drainage status, influent pH and influent total iron are to be monitored for a six (6) month period to determine whether they are present in significant quantities. At the end of this sampling period, a person regulated under this rule may request, in writing, to the permits section at the address listed in 327 IAC 15-3-1, a review of these requirements. Upon review and approval by the Indiana department of environmental management, monitoring for influent pH and influent iron may cease, if appropriate, without public notice or comment.
(3) For areas designated as new source acid mine drainage status, total aluminum, total copper, total zinc, and total nickel are to be monitored for one (1) year to determine whether they are present in significant quantities. At the end of this sampling period, a person regulated under this rule may request, in writing, to the permits section at the address listed in 327 IAC 15-3-1, a review of these requirements. Upon review and approval by the Indiana department of environmental management, monitoring for total aluminum, total copper, total zinc, and total nickel may cease, if appropriate, without public notice or comment.
(4) Monthly discharge monitoring reports shall be submitted to the data management section at the address listed in 327 IAC 15-3-1, containing results obtained during the previous month and shall be postmarked no later than the twenty-eighth day of the month following each completed monitoring period. During a month in which no discharge occurs, the person regulated under this rule shall submit the report stating that no discharge occurred.
(5) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:
(A) The exact place, date, and time of sampling.
(B) The person(s) who performed the sampling or measurements.
(C) The dates the analyses were performed.
(D) The person(s) who performed the analyses.
(E) The analytical techniques or methods used.
(F) The results of all required analyses.
(6) Monitoring of any pollutant at the location(s) identified in the NOI letter more frequently than required under this rule, using approved analytical methods, the results of such monitoring shall be included in the calculation and reporting of the values required in monthly discharge monitoring report. Such increased frequency shall also be indicated in this report.
(7) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation, shall be retained for a minimum of three (3) years. When the original records are kept at another location, a copy of all such records shall be kept at the facility. The three (3) year period shall be extended:
(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or regarding promulgated effluent guidelines applicable to the facility; or
(B) when requested by the regional administrator or the Indiana department of environmental management.
(Water Pollution Control Board; 327 IAC 15-7-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2287; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-7-8 Standard conditions
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under

327 IAC 15-4 shall apply also to this rule. *(Water Pollution Control Board; 327 IAC 15-7-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2289; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-7-9 Inspection and enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) In accordance with 327 IAC 5-1-3(c), the commissioner and/or designated representative may inspect any facility regulated under this rule at any time.

(b) Any person violating any provision of this rule shall be subject to enforcement and penalties as set forth under 327 IAC 15-1-4. *(Water Pollution Control Board; 327 IAC 15-7-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2289; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-7-10 Duration of coverage

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 10. Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences. To obtain renewal of coverage under this general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-7-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2289; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

Rule 8. Facilities Discharging Noncontact Cooling Water

327 IAC 15-8-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to regulate the discharge of once through noncontact cooling water which is free from wastewater generated by manufacturing processes and other types of wastewater discharges so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-8-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2289; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-8-2 Definitions

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 2. In addition to the definitions contained in IC 13-11-2, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Concentration" means the mass of any given material present in a unit volume of liquid. Unless otherwise indicated in this rule, concentration values shall be expressed in milligrams per liter (mg/l).

(2) "Once through noncontact cooling water" means cooling water that is:

(A) used for the sole purpose of removing unwanted heat from a process;

(B) only makes one (1) pass through a unit that exchanges heat between the process and the cooling water (generally a heat exchanger); and

(C) does not come into contact with any raw material or manufactured product.

In the context of this rule, the term excludes discharges from steam electric power generation facilities defined under 40 CFR 423.

(3) "Settleable solids" means that matter measured by the volumetric method specified in 40 CFR 434.64, which is as follows:

(A) Fill an Imhoff cone to the one (1) liter mark with a thoroughly mixed sample.
(B) Allow to settle undisturbed for forty-five (45) minutes.
(C) Gently stir along the inside surface of the cone with a stirring rod.
(D) Allow to settle undisturbed for fifteen (15) minutes longer.
(E) Record the volume of settled material in the cone as milliliters per liter (ml/l). Where a separation of settleable and floating materials occurs, do not include the floating material in the reading.

The method detection limit for measuring settleable solids shall be four-tenths (0.4) ml/l.

(Water Pollution Control Board; 327 IAC 15-8-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2289; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1477; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-8-3 Applicability

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. This rule applies to all persons who:
(1) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3 or have an existing point source discharge of wastewater controlled by a valid NPDES permit; and
(2) is not a steam electric power generating station as defined under 40 CFR 423.

(Water Pollution Control Board; 327 IAC 15-8-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2290; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1477; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-8-4 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. Facilities existing within the boundaries of Indiana affected by this rule are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-8-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2290; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-8-5 NOI letter requirements under this rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) In addition to the NOI letter requirements under 327 IAC 15-3, a person regulated under this rule must identify in the NOI letter each point source discharge of noncontact cooling water. This identification of point source discharge shall include the following:
(1) The discharge location of each outfall and its associated receiving stream.
(2) The type of wastewater discharged through each outfall.
(3) An identifying outfall number. The numbering shall start at 001 for the first outfall, 002 for the second outfall, and continue in that manner until all outfalls are numbered.
(4) A listing of all water treatment additives approved for use by the Indiana department of environmental management and in use at the time of this submittal.
(b) The NOI letter must also contain proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge:
"(Your facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-8 to discharge wastewater associated with noncontact cooling water. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;
(B) identify the interest of the person making the request;
(C) identify any persons represented by the person making the request;
(D) state with particularity the reasons for the request;
(E) state with particularity the issues proposed for consideration at the hearing; and
(F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(c) Following submittal of a NOI letter to IDEM and publication in the newspaper by the person requesting coverage under subsection (b), IDEM shall do the following:

(1) Review the NOI for applicability pursuant to section 3 of this rule and for compliance with the requirements of subsection (a).

(2) List this facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This monthly publication shall be issued by IDEM on the fifteenth day of every month and shall identify all facilities which met both the NOI and newspaper publication requirements in the preceding month.

Requests to be placed on the NPDES general permit rule notification list shall be mailed or delivered to the address at 327 IAC 15-3-1.

(d) IDEM's monthly publication will also contain the following instructions:

"Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the publication date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;
(B) identify the interest of the person making the request;
(C) identify any persons represented by the person making the request;
(D) state with particularity the reasons for the request;
(E) state with particularity the issues proposed for consideration at the hearing; and
(F) identify the NPDES general permit rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES general permit rule. If any person filing such objections desires any part of this NPDES general permit rule to be stayed pending the outcome of the appeal, a specific request for such must be included in the request, identifying those parts of the rule to be stayed.

Any such request shall be mailed or delivered to:
Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(Water Pollution Control Board; 327 IAC 15-8-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2290; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-8-6 Deadline for submittal of NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. (a) For any person operating under an existing individual NPDES permit, that regulates a wastewater discharge affected by this NPDES general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner any time

between the effective date of the existing individual NPDES permit and one hundred eighty (180) days prior to the expiration date of the existing individual NPDES permit, unless the commissioner determines that a later date is acceptable. For any person operating under an individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule and that has expired and has been administratively extended, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the effective date of this NPDES general permit rule, unless the commissioner determines that a later date is acceptable.

(b) For a person proposing a new discharge, the information required under 327 IAC 15-3 shall be submitted to the commissioner fifteen (15) days before the date on which the discharge is to commence as allowed in 327 IAC 15-3-3. *(Water Pollution Control Board; 327 IAC 15-8-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2291; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-8-7 General conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) A person regulated under this rule is authorized to discharge noncontact cooling water through the outfalls identified in the NOI letter in accordance with this rule. Such discharge shall be limited and monitored as follows:

Parameter	Daily Minimum	Daily Maximum	Monthly Average	Units	Measurement Frequency	Sample Type
Flow	–	–	–	–	2XMonthly	Instantaneous
Oil and grease	–	Report	Report	mg/l	2XMonthly	Grab
Temperature	–	Report	Report	°F	2XMonthly	Grab
pH	6.0	9.0	–	s.u.	2XMonthly	Grab

(b) A person regulated under this rule shall comply with the following additional discharge requirements:

(1) If oil and grease is measured in the effluent in detectable quantities, the source of such discharge is to be investigated and eliminated and the findings submitted to the permits section at the address listed in 327 IAC 15-3-1.

(2) The effluent temperature or mixed receiving stream temperature (when there is receiving stream flow) shall not exceed the maximum limits in the following table more than one percent (1%) of the hours in a twelve (12) month period ending with any month:

	January	February	March	April	May	June
Maximum Temperature (°F)	50	50	60	70	80	90
	July	August	September	October	November	December
	90	90	90	78	70	57

At no time shall the water temperature exceed the maximum limits in the table by more than three degrees Fahrenheit (3°F).

(3) The discharge shall not cause excessive foam in the receiving waters.

(4) The discharge shall be essentially free of floating and settleable solids.

(5) The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.

(c) A person regulated under this rule shall comply with the following sampling requirements:

(1) Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of Indiana.

(2) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1).

(3) Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge.

(d) A person regulated under this rule shall comply with the following reporting requirements:

(1) Monthly discharge monitoring reports shall be submitted to the data management section at the address listed in 327 IAC 15-3-1, containing results obtained during the previous month and shall be postmarked no later than the twenty-eighth day of the month following each completed monitoring period. During a month in which no discharge occurs, the person regulated under this rule shall submit the report stating that no discharge occurred.

(2) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:

(A) The exact place, date, and time of sampling.
(B) The person(s) who performed the sampling or measurements.
(C) The dates the analyses were performed.
(D) The person(s) who performed the analyses.
(E) The analytical techniques or methods used.
(F) The results of all required analyses and measurements.

(3) Monitoring of any pollutant at the location(s) identified in the NOI letter more frequently than required under this rule, using approved analytical methods, the results of such monitoring shall be reported as additional information on a monthly discharge monitoring report. Such increased frequency shall also be indicated.

(4) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation, shall be retained for a minimum of three (3) years. When the original records are kept at another location, a copy of all such records shall be kept at the facility. The three (3) year period shall be extended:

(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or regarding promulgated effluent guidelines applicable to the facility; or
(B) when requested by the regional administrator or the Indiana department of environmental management.

(5) Prior approval must be obtained from the Indiana department of environmental management before using any water treatment additive that was not reported in the NOI letter under section 5(a)(4) of this rule. The request for approval shall be submitted, as required in 327 IAC 15-4-3, to the permits section at the address listed in 327 IAC 15-3-1. The request must contain all acute and chronic toxicity data available concerning the additives.

(Water Pollution Control Board; 327 IAC 15-8-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2291; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-8-8 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. *(Water Pollution Control Board; 327 IAC 15-8-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2292; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-8-9 Inspection and enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) The commissioner and/or designated representative may inspect any facility regulated under this rule at any time.

(b) Any person violating any provision of this rule shall be subject to enforcement and penalty as set forth under 327 IAC 15-1-4. *(Water Pollution Control Board; 327 IAC 15-8-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2292; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-8-10 Duration of coverage

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 10. Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences. To obtain renewal of coverage under this general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-8-10; filed May 25, 1994,*

11:00 a.m.: 17 IR 2292; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

Rule 9. Wastewater Discharge Associated with Petroleum Products Terminals

327 IAC 15-9-1 Purpose
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to establish discharge requirements for point source discharges for wastewater associated petroleum products terminals so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-9-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2292; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-9-2 Definitions
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1 and IC 13-1-3-1.5 and in 327 IAC 5 and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Concentration" means the weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this rule, concentration values shall be expressed in milligrams per liter (mg/l).

(2) "Daily maximum concentration" means the daily determination of concentration for any calendar day.

(3) "Monthly average concentration" means the arithmetic average (proportional to flow) of all daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.

(4) "Petroleum products terminals" means an area where petroleum products are supplied by pipeline or barge; where petroleum products are stored in aboveground tanks; where petroleum products are transferred to trucks for transport to other locations; or where petroleum products are stored in aboveground tanks and are transferred to trucks for transport to other locations.

(5) "Wastewater discharge associated with petroleum products terminal" means the discharge from any conveyance, used for collecting and conveying wastewater which is directly related to the storage area of the petroleum products terminal. This includes storm water run-off, tank bottom water, and water used for hydrostatically testing the storage tanks.

(Water Pollution Control Board; 327 IAC 15-9-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2293; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-9-3 Applicability
Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. This rule applies to all persons who:

(1) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3; or

(2) have an existing point source discharge of treated wastewater controlled by a valid individual NPDES permit.

(Water Pollution Control Board; 327 IAC 15-9-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2293; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1478; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-9-4 General permit rule boundary
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. Facilities existing within the boundaries of Indiana affected by this rule are regulated under this rule. *(Water Pollution*

Control Board; 327 IAC 15-9-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2293; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-9-5 Notice of intent letter requirements under this rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) In addition to the NOI letter requirements contained in 327 IAC 15-3, a person regulated under this rule must identify in the NOI letter each point source discharge of storm water run-off, tank bottom water, and hydrostatic test water. This identification of point source discharge shall include the following:

(1) The discharge location of each outfall and its associated receiving stream.

(2) The type of wastewater discharged through each outfall.

(3) An identifying outfall number. The numbering shall start at 001 for the first outfall, 002 for the second outfall, and continue in that manner until all outfalls are numbered.

(b) The NOI letter must also include proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge:

"(Your facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-9 to discharge wastewater associated with petroleum products terminals. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;

(B) identify the interest of the person making the request;

(C) identify any persons represented by the person making the request;

(D) state with particularity the reasons for the request;

(E) state with particularity the issues proposed for consideration at the hearing; and

(F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(c) Following submittal of a NOI letter to IDEM and publication in the newspaper by the person requesting coverage under subsection (b), IDEM shall do the following:

(1) Review the NOI for applicability pursuant to section 3 of this rule and for compliance with the requirements of subsection (a).

(2) List this facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This monthly publication shall be issued by IDEM on the 15th day of every month and shall identify all facilities which met both the NOI and newspaper publication requirements in the preceding month.

Requests to be placed on the NPDES general permit rule notification list shall be mailed or delivered to the address at 327 IAC 15-3-1.

(d) IDEM's monthly publication will also contain the following instructions:

"Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the publication date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request:

(B) identify the interest of the person making the request;
(C) identify any persons represented by the person making the request;
(D) state with particularity the reasons for the request;
(E) state with particularity the issues proposed for consideration at the hearing; and
(F) identify the NPDES general permit rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES general permit rule. If any person filing such objections desires any part of this NPDES general permit rule to be stayed pending the outcome of the appeal, a specific request for such must be included in the request, identifying those parts of the rule to be stayed.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(Water Pollution Control Board; 327 IAC 15-9-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2293; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-9-6 Deadline for submittal of NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. (a) For any person operating under an existing individual NPDES permit, that regulates a wastewater discharge affected by this NPDES general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner any time between the effective date of the existing individual NPDES permit and one hundred eighty (180) days prior to the expiration date of the existing individual NPDES permit, unless the commissioner determines that a later date is acceptable. For any person operating under an individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule and that has expired and has been administratively extended, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the effective date of this NPDES general permit rule, unless the commissioner determines that a later date is acceptable.

(b) For a person proposing a new discharge, the information required under 327 IAC 15-3 shall be submitted to the commissioner fifteen (15) days before the date on which the discharge is to commence as allowed in 327 IAC 15-3-3. *(Water Pollution Control Board; 327 IAC 15-9-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2294; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-9-7 General conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) A person regulated under this rule is authorized to discharge storm water run-off, tank bottom water, and hydrostatic test water through the outfalls identified in the NOI letter in accordance with this rule. Such discharge shall be limited and monitored as follows:

				Monitoring Requirements	
Parameter	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	Report	Report	MGD	2XMonthly	Instantaneous
Oil & grease	10	15	mg/l	2XMonthly	See subsection (c)(2)
Total VOC	Report	Report	mg/l	See subsection (c)(3)	Grab
TOC	Report	Report	mg/l	See subsection (c)(3)	Grab
Ammonia (as N)	Report	Report	mg/l	See subsection (c)(3)	See subsection (c)(4)
Benzene	Report	Report	mg/l	See subsection (c)(3)	Grab
Total cyanide	Report	Report	mg/l	See subsection (c)(3)	See subsection (c)(4)
Lead	Report	Report	mg/l	See subsection (c)(3)	See subsection (c)(4)

TSS	30	45	mg/l	2XMonthly	See subsection (c)(4)

(b) A person regulated under this rule shall comply with the following additional discharge requirements:
(1) Tank bottom water shall not be discharged to any diked areas. Tank bottom water may be discharged directly through any outfall regulated under this rule.
(2) The pH shall not be less than six (6.0) or greater than nine (9.0) standard units. The pH shall be monitored by a monthly grab sample.
(3) The discharge shall not cause excessive foam in the receiving waters.
(4) The discharge shall be essentially free of floating and settleable solids.
(5) The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
(6) The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious, or which produce color, odor, or other conditions in such a degree as to create a nuisance.
(c) A person regulated under this rule shall comply with the following sampling requirements:
(1) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1).
(2) A minimum of four (4) grab samples shall be collected at equally spaced time intervals during a forty-five (45) minute period. Each sample shall be analyzed individually, and the arithmetic mean of the measured concentrations shall be reported as the value for the twenty-four (24) hour period.
(3) On days when tank bottom water is discharged or tanks are hydrostatically tested, a person regulated under this rule shall monitor for these parameters DAILY. This sampling must occur during the time of discharge.
(4) A minimum of four (4) equal volume grab samples shall be taken at equally spaced intervals during the period in which tank bottom water is being discharged, or during a forty-five (45) minute period if tank bottom water is not being discharged. The four (4) grab samples shall be composited prior to analysis.
(5) Total volatile organic compounds (VOCs) shall be characterized by an organic chemical scan. Wastewater samples shall be prepared and analyzed in accordance with U.S. EPA Analytical Method 624 (40 CFR 136, Appendix A), as referenced in 327 IAC 5-2-13(d)(1). During the quantitative analysis for total VOCs, the additional organic compounds that are not listed as priority pollutants in Method 624 shall be identified and quantified. This identification and quantification shall be made when these additional organic compounds are indicated to be present in the extracts by peaks on the reconstructed gas chromatograms (total ion plots) in magnitudes of more than ten (10) times higher than the peak-to-peak background noise. Identification shall be by reference to the EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be an order of magnitude estimate based upon comparison with an internal standard.
(6) Lead is intended to be analyzed by a test method which will measure the quantity of acid-soluble metal present; however, an approved analytical method for acid-soluble is not yet available. A person shall measure and report lead as total recoverable metal until such a test method is approved which measures acid-soluble metal.
(7) Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of the state as defined in 327 IAC 2-1-9.
(8) Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge.
(d) A person regulated under this rule shall comply with the following reporting requirements:
(1) Monthly discharge monitoring reports shall be submitted to the data management section at the address listed in 327 IAC 15-3-1, containing results obtained during the previous month and shall be postmarked no later than the twenty-eighth day of the month following each completed monitoring period. During a month in which no discharge occurs, the person regulated under this rule shall submit the report stating that no discharge occurred.
(2) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:
(A) The exact place, date, and time of sampling.
(B) The person(s) who performed the sampling or measurement.
(C) The dates the analyses were performed.
(D) The person(s) who performed the analyses.
(E) The analytical techniques or methods used.

(F) The results of all required analyses.

(3) Monitoring of any pollutant at the location(s) identified in the NOI letter more frequently than required under this rule, using approved analytical methods, the results of such monitoring shall be included in the calculation and reporting of the values required in the monthly discharge monitoring report. Such increased frequency shall also be indicated.

(4) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation, shall be retained for a minimum of three (3) years. When the original records are kept at another location, a copy of such records shall be kept at the facility. The three (3) year period shall be extended:

(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or as regarding promulgated effluent guidelines applicable to the facility; or

(B) when requested by the regional administrator or the Indiana department of environmental management.

(Water Pollution Control Board; 327 IAC 15-9-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2294; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-9-8 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. *(Water Pollution Control Board; 327 IAC 15-9-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2296; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-9-9 Inspection and enforcement

Authority: IC 13-1-3-3; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) In accordance with 327 IAC 5-1-3(c), the commissioner and/or designated representative may inspect any facility regulated under this rule at any time.

(b) Any person violating any provision of this rule shall be subject to enforcement and penalties as set forth under 327 IAC 15-1-4. *(Water Pollution Control Board; 327 IAC 15-9-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2296; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-9-10 Duration of coverage

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 10. Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences. To obtain renewal of coverage under this general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-9-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2296; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

Rule 10. Wastewater Discharge Associated with Ground Water Petroleum Remediation Systems

327 IAC 15-10-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to establish discharge requirements for point source discharges of wastewater associated with ground water remediation systems so that the public health, existing water uses, and aquatic biota are protected. *(Water*

Pollution Control Board; 327 IAC 15-10-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2296; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-10-2 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1 and IC 13-1-3-1.5 and in 327 IAC 5 and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Concentration" means the weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this rule, concentration values shall be expressed in micrograms per liter (µg/l).

(2) "Daily maximum concentration" means the daily determination of concentration for any calendar day.

(3) "Monthly average concentration" means the arithmetic average (proportional to flow) of all daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.

(4) "Wastewater discharge associated with ground water remediation system" means the discharge from any conveyance which is used for collecting and conveying wastewater which is directly related to the ground water remediation system.

(Water Pollution Control Board; 327 IAC 15-10-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2296; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-10-3 Applicability

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. This rule applies to all persons who:

(1) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3;

(2) have a point source discharge of treated wastewater controlled by a valid individual NPDES permit; or

(3) discharge treated ground water back into the ground immediately upgradient of the contaminated site, and the subsequent movement of this water downgradient to the treatment site causes further contaminants to be flushed from the site and enhances the remediation.

(Water Pollution Control Board; 327 IAC 15-10-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2297; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1478; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-10-4 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. Facilities existing within the boundaries of Indiana affected by this rule are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-10-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2297; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-10-5 Notice of intent letter requirements under this rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) In addition to the NOI letter requirements contained in 327 IAC 15-3, a person regulated under this rule must identify in the NOI letter each point source discharge of wastewater associated with ground water petroleum remediation systems. This identification of point source discharge shall include the following:

(1) The discharge location of each outfall and its associated receiving stream.

(2) The type of wastewater discharged through each outfall.

(3) An identifying outfall number. The numbering shall start at 001 for the first outfall, 002 for the second outfall, and continue in that manner until all outfalls are numbered.

(b) The NOI letter must also include proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge:

"(Your facility name, address, address of the location of the discharge, and the stream(s) receiving the discharge(s)) is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-10 to discharge wastewater associated with ground water petroleum remediation systems. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;
(B) identify the interest of the person making the request;
(C) identify any persons represented by the person making the request;
(D) state with particularity the reasons for the request;
(E) state with particularity the issues proposed for consideration at the hearing; and
(F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(c) Following submittal of a NOI letter to IDEM and publication in the newspaper by the person requesting coverage under subsection (b), IDEM shall do the following:

(1) Review the NOI for applicability pursuant to section 3 of this rule and for compliance with the requirements of subsection (a).

(2) List this facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This monthly publication shall be issued by IDEM on the fifteenth day of every month and shall identify all facilities which met both the NOI and newspaper publication requirements in the preceding month.

Requests to be placed on the NPDES general permit rule notification list shall be mailed or delivered to the address at 327 IAC 15-3-1.

(d) IDEM's monthly publication will also contain the following instructions:

"Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the publication date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request:
(B) identify the interest of the person making the request;
(C) identify any persons represented by the person making the request;
(D) state with particularity the reasons for the request;
(E) state with particularity the issues proposed for consideration at the hearing; and
(F) identify the NPDES general permit rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES general permit rule. If any person filing such objections desires any part of this NPDES general permit rule to be stayed pending the outcome of the appeal, a specific request for such must be included in the request, identifying those parts of the rule to be stayed.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board

P.O. Box 6167
Indianapolis, Indiana 46206-6167".
(Water Pollution Control Board; 327 IAC 15-10-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2297; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-10-6 Deadline for submittal of NOI letter; additional information
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. (a) For any person operating under an existing individual NPDES permit, that regulates a wastewater discharge affected by this NPDES general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner any time between the effective date of the existing individual NPDES permit and one hundred eighty (180) days prior to the expiration date of the existing individual NPDES permit, unless the commissioner determines that a later date is acceptable. For any person operating under an individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule and that has expired and has been administratively extended, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the effective date of this NPDES general permit rule, unless the commissioner determines that a later date is acceptable.

(b) For a person proposing a new discharge, the information required under 327 IAC 15-3 shall be submitted to the commissioner fifteen (15) days before the date on which the discharge is to commence as allowed in 327 IAC 15-3-3. *(Water Pollution Control Board; 327 IAC 15-10-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2298; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-10-7 General conditions
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) A person regulated under this rule is authorized to discharge wastewater associated with ground water remediation systems through outfalls identified in the NOI letter in accordance with this rule. Such discharge shall be limited and monitored as follows:

				Monitoring Requirements	
Parameter	Monthly Average	Weekly Average	Units	Measurement Frequency	Sample Type
Flow	Report	Report	MGD	1XMonthly	24-hr. total
Benzene	Report	5.0	µg/l	1XMonthly	Grab

(b) A person regulated under this rule shall comply with the following additional discharge requirements:
(1) The flow may be estimated using the pump rate and the length of pumping time.
(2) The pH shall not be less than six (6.0) or greater than nine (9.0) standard units. The pH shall be monitored by a monthly grab sample.
(3) The discharge shall not cause excessive foam in the receiving waters.
(4) The discharge shall be essentially free of floating and settleable solids.
(5) The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
(6) The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious, or which produce color, odor, or other conditions in such a degree as to create a nuisance.
(c) A person regulated under this rule shall comply with the following sampling requirements:
(1) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1).
(2) Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of the state as defined in 327 IAC 2-1-9.
(3) Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge.

(d) A person regulated under this rule shall comply with the following reporting requirements:
(1) Monthly discharge monitoring reports shall be submitted to the data management section at the address listed in 327 IAC 15-3-1, containing results obtained during the previous month and shall be postmarked no later than the twenty-eighth day of the month following each completed monitoring period. During a month in which no discharge occurs, the person regulated under this rule shall submit the report stating that no discharge occurred.
(2) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:
(A) The exact place, date, and time of sampling.
(B) The person(s) who performed the sampling or measurement.
(C) The dates the analyses were performed.
(D) The person(s) who performed the analyses.
(E) The analytical techniques or methods used.
(F) The results of all required analyses.
(3) Monitoring of any pollutant at the location(s) identified in the NOI letter more frequently than required under this rule, using approved analytical methods, the results of such monitoring shall be included in the calculation and reporting of the values required in the monthly discharge monitoring report. Such increased frequency shall also be indicated.
(4) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation, shall be retained for a minimum of three (3) years. When the original records are kept at another location, a copy of such records shall be kept at the facility. The three (3) year period shall be extended:
(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or as regarding promulgated effluent guidelines applicable to the facility; or
(B) when requested by the regional administrator or the Indiana department of environmental management.
(Water Pollution Control Board; 327 IAC 15-10-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2298; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2658; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-10-8 Standard conditions
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. *(Water Pollution Control Board; 327 IAC 15-10-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2299; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-10-9 Inspection and enforcement
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. In accordance with 327 IAC 5-1-3(c), the commissioner and/or designated representative may inspect any facility regulated under this rule at any time. *(Water Pollution Control Board; 327 IAC 15-10-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2299; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-10-10 Duration of coverage
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 10. Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences. To obtain renewal of coverage under this general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-10-10; filed May 25, 1994,*

11:00 a.m.: 17 IR 2299; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

Rule 11. Wastewater Discharge Associated with Hydrostatic Testing of Commercial Pipelines

327 IAC 15-11-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to establish requirements for point source discharges of wastewater associated with hydrostatic testing of commercial pipelines so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-11-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2299; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-11-2 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1 and IC 13-1-3-1.5 and in 327 IAC 5 and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Commercial pipeline" means a pipeline, generally underground, that transports petroleum or natural gas.

(2) "Concentration" means the weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this rule, concentration values shall be expressed in milligrams per liter (mg/l).

(3) "Daily maximum concentration" means the daily determination of concentration for any calendar day.

(4) "Monthly average concentration" means the arithmetic average (proportional to flow) of all daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.

(5) "Wastewater discharge associated with hydrostatic testing of commercial pipelines" means the discharge from conveyance, used for collecting and conveying wastewater which is directly related to commercial pipelines. This includes discharge of water used for hydrostatically testing new or existing pipelines.

(Water Pollution Control Board; 327 IAC 15-11-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2299; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-11-3 Applicability

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. This rule applies to all persons who:

(1) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3; or

(2) have a point source discharge of wastewater controlled by a valid individual NPDES permit.

(Water Pollution Control Board; 327 IAC 15-11-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2300; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1478; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-11-4 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. Facilities existing within the boundaries of Indiana affected by this rule are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-11-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2300; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-11-5 NOI letter requirements under this rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) In addition to the NOI letter requirements contained in 327 IAC 15-3, a person regulated under this rule must identify in the NOI letter each point source discharge of wastewater associated with the hydrostatic testing of new or existing commercial pipelines. This identification of point source discharge shall include the following:

(1) The discharge location of each outfall and its associated receiving stream.

(2) The type of wastewater discharged through each outfall.

(3) An identifying outfall number. The numbering shall start at 001 for the first outfall, 002 for the second outfall, and continue in that manner until all outfalls are numbered.

(b) The NOI letter must also include proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge:

"(Your facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-11 to discharge wastewater associated with hydrostatic testing of commercial pipelines. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;

(B) identify the interest of the person making the request;

(C) identify any persons represented by the person making the request;

(D) state with particularity the reasons for the request;

(E) state with particularity the issues proposed for consideration at the hearing; and

(F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(c) Following submittal of a NOI letter to IDEM and publication in the newspaper by the person requesting coverage under subsection (b), IDEM shall do the following:

(1) Review the NOI for applicability pursuant to section 3 of this rule and for compliance with the requirements of subsection (a).

(2) List this facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This monthly publication shall be issued by IDEM on the fifteenth day of every month and shall identify all facilities which met both the NOI and newspaper publication requirements in the preceding month.

Requests to be placed on the NPDES general permit rule notification list shall be mailed or delivered to the address at 327 IAC 15-3-1.

(d) IDEM's monthly publication will also contain the following instructions:

"Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the publication date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;

(B) identify the interest of the person making the request;

(C) identify any persons represented by the person making the request;

(D) state with particularity the reasons for the request;
(E) state with particularity the issues proposed for consideration at the hearing; and
(F) identify the NPDES general permit rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES general permit rule. If any person filing such objections desires any part of this NPDES general permit rule to be stayed pending the outcome of the appeal, a specific request for such must be included in the request, identifying those parts of the rule to be stayed.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(Water Pollution Control Board; 327 IAC 15-11-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2300; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2658; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-11-6 Deadline for submittal of NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. (a) For any person operating under an existing individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner any time between the effective date of the existing individual NPDES permit and one hundred eighty (180) days prior to the expiration date of the existing individual NPDES permit, unless the commissioner determines that a later date is acceptable. For any person operating under an individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule and that has expired and has been administratively extended, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the effective date of this NPDES general permit rule, unless the commissioner determines that a later date is acceptable.

(b) For a person proposing a new discharge, the information required under 327 IAC 15-3 shall be submitted to the commissioner fifteen (15) days before the date on which the discharge is to commence as allowed in 327 IAC 15-3-3. *(Water Pollution Control Board; 327 IAC 15-11-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2301; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-11-7 General conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) A person regulated under this rule is authorized to discharge wastewater associated with hydrostatic testing of new or existing commercial pipelines through the outfalls identified in the NOI letter in accordance with this rule. Such discharge shall be limited and monitored as follows:

				Monitoring Requirements	
Parameter	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	Report	Report	MGD	Daily	24-hr. total
Oil and grease	–	15	mg/l	Daily	Grab
TSS	–	45	mg/l	Daily	Grab

(b) A person regulated under this rule shall comply with the following additional discharge requirements:
(1) The discharge volume may be estimated by calculating the volume of water which can be contained in the section of pipeline being tested.
(2) The pH shall not be less than six (6.0) or greater than nine (9.0) standard units. The pH shall be monitored by daily grab sample.
(3) The discharge shall not cause excessive foam in the receiving waters.
(4) The discharge shall be essentially free of floating and settleable solids.

(5) The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
(6) The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.
(7) There shall be no impingement and entrainment of fish when drawing water from a surface water body.
(8) Wastes generated by cleaning the interior of a pipeline shall be disposed of in accordance with all applicable statutes and rules.
(c) A person regulated under this rule shall comply with the following sampling requirements:
(1) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1).
(2) Grab samples shall be taken of the hydrostatic test water being discharged as it leaves the pipeline being tested or after receiving treatment at the beginning and at the end of the discharge and two (2) times during the discharge at evenly spaced time intervals. All of the grab samples shall be combined into one (1) composite sample at the end of the test period for analysis.
(3) Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into the waters of the state as defined in 327 IAC 2-1-9.
(4) Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge.
(d) A person regulated under this rule shall comply with the following reporting requirements:
(1) A discharge monitoring report shall be submitted to the data management section at the address listed in 327 IAC 15-3-1, containing results for the discharge event covered by this rule. The report shall be postmarked no later than the twenty-eighth day of the month following the discharge event.
(2) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:
(A) The exact place, date, and time of sampling.
(B) The person(s) who performed the sampling or measurements.
(C) The dates the analyses were performed.
(D) The person(s) who performed the analyses.
(E) The analytical techniques or methods used.
(F) The results of all required analyses.
(3) Monitoring of any pollutant at the location(s) identified in the NOI letter more frequently than required under this rule, using approved analytical methods, the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report. Such increase in frequency shall also be indicated.
(4) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. When the original records are kept at another location, a copy of all such records shall be kept at the facility. The three (3) year period shall be extended:
(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or as regarding promulgated effluent guidelines applicable to the facility; or
(B) when requested by the regional administrator or the Indiana department of environmental management.
(Water Pollution Control Board; 327 IAC 15-11-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2301; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2658; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-11-8 Standard conditions
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. *(Water Pollution Control Board; 327 IAC 15-11-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2302; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-11-9 Inspection and enforcement
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) In accordance with 327 IAC 5-1-3(c), the commissioner and/or designated representative may inspect any facility regulated under this rule at any time.

(b) Any person violating any provision of this rule shall be subject to enforcement and penalties as set forth under 327 IAC 15-1-4. *(Water Pollution Control Board; 327 IAC 15-11-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2302; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-11-10 Duration of coverage
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 10. Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences. To obtain renewal of coverage under this general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-11-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2302; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

Rule 12. Facilities Engaged in Sand, Gravel, Dimension Stone, or Crushed Stone Operations

327 IAC 15-12-1 Purpose
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to regulate wastewater discharges from sand, gravel, dimension stone, and crushed stone operations which utilize sedimentation basin treatment for:

(1) pit dewatering;
(2) channel machines;
(3) broaching;
(4) jet piercing;
(5) scrubber water from wet scrubbers used for air pollution control;
(6) dust suppression spray water;
(7) wash water from spray bars for final screening operations; and
(8) noncontact cooling water for cooling of:
    (A) crusher bearings;
    (B) drills;
    (C) saws;
    (D) dryers;
    (E) pumps; and
    (F) air compressors;

so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-12-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2303; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-12-2 Definitions
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1 and IC 13-1-3-1.5 and in 327 IAC 5 and 327 IAC 15-1-2, the

following definitions apply throughout this rule:

(1) "4 × yearly sample frequency" means the performance of the associated monitoring once any time during each of the four (4) annual quarters:

(A) January-February-March;

(B) April-May-June;

(C) July-August-September; and

(D) October-November-December.

(2) "Broaching" means a drilling method whereupon successively larger and deeper holes are cut into the stone until the stone is removed between the holes. Water is used to control dust, wash away stone chips, and cool the drill.

(3) "Channel machine" means a long, semi-automated, multiple-head chisel machine used primarily to quarry limestone. Stone chips created during chiseling must be washed constantly away with water.

(4) "Concentration" means the mass of any given material present in a unit volume of liquid. Unless otherwise indicated in this rule, concentration values shall be expressed in milligrams per liter (mg/l).

(5) "Feldspar" means any of a group of crystalline minerals that consists of aluminum silicates with either potassium, sodium, calcium, or barium.

(6) "Feldspathic" means relating to or containing feldspar.

(7) "Ilmenite" means an iron black mineral composed of iron, titanium, and oxygen.

(8) "Jet piercing" means fuel oil forced under pressure through a nozzle producing a high velocity jet flame which is combined with a stream of water to cut a channel by disintegration.

(9) "Pit dewatering" means any water that is impounded or that collects in the pit and is pumped, drained, or otherwise removed from the pit through the efforts of the pit operator. This term shall also include wet pit overflows caused solely by direct rainfall and/or ground water seepage.

(10) "Settleable solids" means that matter measured by the volumetric method specified in 40 CFR 434.64, which is: Fill an Imhoff cone to the one (1) liter mark with a thoroughly mixed sample. Allow to settle undisturbed for forty-five (45) minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for fifteen (15) minutes longer. Record the volume of settled material in the cone as milliliters per liter (ml/l). Where a separation of settleable and floating materials occurs, do not include the floating material in the reading. The method detection limit for measuring settleable solids shall be four-tenths (0.4) ml/l.

(11) "TSS" or "total suspended solids" means the mass of suspended matter in wastewater retained on a standard glass fiber filter after filtration of a well-mixed sample and after drying for one (1) hour at one hundred three degrees Celsius (103°C).

(Water Pollution Control Board; 327 IAC 15-12-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2303; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2658; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-12-3 Applicability

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3

Affected: IC 13-11-2; IC 13-18-4

Sec. 3. (a) This rule applies to all persons who:

(1) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3; or

(2) have an existing point source discharge of wastewater controlled by a valid individual NPDES permit.

(b) Facilities not authorized to discharge by this NPDES general permit rule and are required to obtain an individual NPDES permit are as follows:

(1) Crushed stone operations utilizing flotation agents to remove impurities from marble or other carbonaceous rock. The flotation agents utilized include:

(A) organic amines;

(B) fatty acids; and

(C) pine oils.

(2) Industrial sand operations utilizing:

(A) acid flotation to effect removal of iron oxide and ilmenite impurities;

(B) alkaline flotation to remove aluminate bearing materials; or

(C) hydrofluoric acid flotation for removal of feldspar.

(3) Industrial sand operations utilizing the acid leaching process. The acid leaching process pertains to the removal of iron from feldspathic sand for use in glass manufacturing. A strong hydrochloric or sulfuric acid is used.

The types of process wastewater identified in this subsection can contain varying concentrations of substances that may require water quality based effluent limits or best professional judgment limits. *(Water Pollution Control Board; 327 IAC 15-12-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2303; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2658; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1478; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-12-4 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. Facilities existing within the boundaries of Indiana affected by this rule are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-12-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2304; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-12-5 Notice of intent letter requirements under this rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) In addition to the NOI letter requirements contained in 327 IAC 15-3, a person regulated under this rule must identify in the NOI letter each point source discharge regulated under this rule. This identification of point source discharge shall include the following:

(1) The discharge location of each outfall and its associated receiving stream.

(2) The type of wastewater discharged through each outfall.

(3) An identifying outfall number. The numbering shall start at 001 for the first outfall, 002 for the second outfall, and continue in that manner until all outfalls are numbered.

(4) A topographical map identifying the location of the operation, the receiving stream(s), and the location of each numbered outfall.

(b) The NOI letter must also include proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge:

"(Your facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-12 to discharge wastewater associated with sand, gravel, dimension stone, or crushed stone operations. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;

(B) identify the interest of the person making the request;

(C) identify any persons represented by the person making the request;

(D) state with particularity the reasons for the request;

(E) state with particularity the issues proposed for consideration at the hearing; and

(F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(c) Following submittal of a NOI letter to IDEM and publication in the newspaper by the person requesting coverage under

subsection (b), IDEM shall do the following:

(1) Review the NOI for applicability pursuant to section 3 of this rule and for compliance with the requirements of subsection (a).

(2) List this facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This monthly publication shall be issued by IDEM on the fifteenth day of every month and shall identify all facilities which met both the NOI and newspaper publication requirements in the preceding month.

Requests to be placed on the NPDES general permit rule notification list shall be mailed or delivered to the address at 327 IAC 15-3-1.

(d) IDEM's monthly publication will also contain the following instructions:

"Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the publication date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;

(B) identify the interest of the person making the request;

(C) identify any persons represented by the person making the request;

(D) state with particularity the reasons for the request;

(E) state with particularity the issues proposed for consideration at the hearing; and

(F) identify the NPDES general permit rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES general permit rule. If any person filing such objections desires any part of this NPDES general permit rule to be stayed pending the outcome of the appeal, a specific request for such must be included in the request, identifying those parts of the rule to be stayed.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(Water Pollution Control Board; 327 IAC 15-12-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2304; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2658; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-12-6 Deadline for submittal of NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. (a) For any person operating under an existing individual NPDES permit, that regulates a wastewater discharge affected by this NPDES general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner any time between the effective date of the existing individual NPDES permit and one hundred eighty (180) days prior to the expiration date of the existing individual NPDES permit, unless the commissioner determines that a later date is acceptable. For any person operating under an individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule and that has expired and has been administratively extended, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the effective date of this NPDES general permit rule, unless the commissioner determines that a later date is acceptable.

(b) For a person proposing a new discharge, the information required under 327 IAC 15-3 shall be submitted to the commissioner fifteen (15) days before the date on which the discharge is to commence as allowed in 327 IAC 15-3-3. *(Water Pollution Control Board; 327 IAC 15-12-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2305; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-12-7 General conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) A person regulated under this rule is authorized to discharge all wastewaters regulated under this rule through the outfalls identified in the NOI letter in accordance with this rule. Such discharge shall be limited and monitored as specified below:

Parameter	Daily Minimum	Daily Maximum	Weekly Average	Units	Measurement Frequency	Sample Type
Flow	–	Report	–	MGD	4XYearly	Instantaneous
TSS	–	–	30	mg/l	4XYearly	Grab
pH	6.0	9.0	–	s.u.	4XYearly	Grab

(b) A person regulated under this rule shall comply with the following additional discharge requirements:
(1) The discharge shall not cause excessive foam in the receiving waters.
(2) The discharge shall be essentially free of floating and settleable solids.
(3) The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
(4) The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.
(c) A person regulated under this rule shall comply with the following sampling requirements:
(1) Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of Indiana.
(2) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1).
(3) Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge.
(d) A person regulated under this rule shall comply with the following reporting requirements:
(1) Monthly discharge monitoring reports shall be submitted to the data management section at the address listed in 327 IAC 15-3-1, containing results obtained during the previous month and shall be postmarked no later than the twenty-eighth day of the month following each completed monitoring period. During a month in which no discharge occurs, a person regulated under this rule shall submit the report stating that no discharge occurred.
(2) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:
(A) The exact place, date, and time of sampling.
(B) The person(s) who performed the sampling or measurements.
(C) The dates the analyses were performed.
(D) The person(s) who performed the analyses.
(E) The analytical techniques or methods used.
(F) The results of all required analyses and measurements.
(3) Monitoring of any pollutant at the location(s) identified in the NOI letter more frequently than required under this rule, using approved analytical methods, the results of such monitoring shall be included in the calculation and reporting of the values required in the monthly discharge monitoring report. Such increased frequency shall also be indicated in this report.
(4) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. When the original records are kept at another location, a copy of all such records shall be kept at the facility. The three (3) year period shall be extended:
(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or regarding promulgated effluent guidelines applicable to the facility; or
(B) as requested by the regional administrator or the Indiana department of environmental management.

(Water Pollution Control Board; 327 IAC 15-12-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2305; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

327 IAC 15-12-8 Standard conditions
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. *(Water Pollution Control Board; 327 IAC 15-12-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2306; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-12-9 Inspection and enforcement
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) The commissioner and/or designated representative may inspect any facility regulated under this rule at any time.
(b) Any person violating any provision of this rule shall be subject to enforcement and penalty as set forth under 327 IAC 15-1-4. *(Water Pollution Control Board; 327 IAC 15-12-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2306; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

327 IAC 15-12-10 Duration of coverage
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 10. Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences. To obtain renewal of coverage under this general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-12-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2306; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

Rule 13. Storm Water Run-Off Associated with Municipal Separate Storm Sewer System Conveyances

327 IAC 15-13-1 Purpose
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 1. The purpose of this rule is to establish requirements for storm water discharges from municipal separate storm sewer system (MS4) conveyances so that public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-13-1; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3577)*

327 IAC 15-13-2 Applicability
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 2. This rule applies to an MS4 entity that:
(1) is not required to obtain an individual NPDES permit under 327 IAC 5-4-6(a)(4), 327 IAC 5-4-6(a)(5), or 327 IAC 15-2-9(b);
(2) meets the general permit rule applicability requirements under 327 IAC 15-2-3;
(3) does not have coverage under an individual MS4 permit; and
(4) operates, maintains, or otherwise has responsibility for an MS4 conveyance within a designated MS4 area.
(Water Pollution Control Board; 327 IAC 15-13-2; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3577)

327 IAC 15-13-3 MS4 area designation criteria

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 3. (a) An MS4 entity that meets one (1) of the following is designated for permit coverage under this rule:

(1) Located within, or contiguous to, a mapped 2000 United States Census Bureau urbanized area (UA) and is:

(A) a municipality, regardless of its United States Census Bureau population; or

(B) a university, college, military base, hospital, or correctional facility with a full-time equivalent enrollment, daily user population, or bed count occupancy (based on the most recent enrollment count or population data) greater than or equal to one thousand (1,000).

(2) A county that contains a mapped UA. Only the portion of the county that contains the mapped UA, as delineated by political township or section, township, and range boundaries, must be regulated. If only a portion of the county contains a mapped UA, the MS4 entity may elect to regulate, to the extent of its authority, any additional portion of the county, as delineated by political township or section, township, and range boundaries, under this rule.

(3) A documented significant contributor of pollutants to waters or a regulated MS4 area.

(4) A municipality with a population density, according to 2000 United States Census Bureau data, of five hundred (500) people per square mile or greater and United States Census Bureau population of ten thousand (10,000) or more.

(5) A municipality with a population density, according to 2000 United States Census Bureau data, of five hundred (500) people per square mile or greater, United States Census Bureau population greater than seven thousand (7,000) and less than ten thousand (10,000), and having a positive, ten (10) year population growth percentage greater than or equal to ten percent (10%).

(6) A municipality with a population density, according to 2000 United States Census Bureau data, of five hundred (500) people per square mile or greater, United States Census Bureau population greater than seven thousand (7,000) and less than ten thousand (10,000), and having a university or college full-time equivalent enrollment, military base population, hospital bed count occupancy, or correctional facility daily user population (based on the most recent enrollment, count, or population data) that places the total population greater than or equal to ten thousand (10,000).

(7) A university, college, military base, hospital, or correctional facility with a full-time equivalent enrollment, daily user population, or bed count occupancy greater than or equal to one thousand (1,000), located within a designated municipality, and having responsibility for a storm water conveyance.

(8) A conservancy district or homeowner's association with a population within their service area of greater than or equal to one thousand (1,000) people, located within a designated municipality or mapped UA, and having responsibility for a storm water conveyance.

(9) A public or private storm water utility that serves one (1) or more of the MS4 entities designated under subdivisions (1) through (8).

(b) An MS4 entity not already designated under subsection (a) may be designated for permit coverage if its discharge is to a sensitive area or if other environmental programs are not adequately protecting water quality.

(c) Once an MS4 entity is designated under this section, it remains designated until the expiration of its permit unless any of the conditions for termination in section 20 of this rule are applicable or a waiver is granted in accordance with subsection (f).

(d) The department shall notify MS4 entities meeting the designation criteria of this section in writing. If the department does not notify an MS4 entity in writing, an MS4 entity meeting the designation criteria of this section must comply with the requirements of section 9(e) of this rule.

(e) A designated MS4 entity subject to this rule is also subject to the requirements of 327 IAC 15-2-9(b) and may be required to obtain an individual NPDES permit.

(f) A designated MS4 entity may request a waiver from permit coverage under this rule. Unless an MS4 entity's conveyance system is substantially contributing to the pollutant loadings of a regulated, physically interconnected MS4 entity or a department determination is made that requires storm water controls, MS4 entities within a mapped UA that have a conveyance system serving a population of less than one thousand (1,000) are conditionally granted a waiver. For all other MS4 entities, this waiver will only be granted under the following conditions:

(1) The MS4 entity's conveyance system serves a population of less than ten thousand (10,000).

(2) The MS4 entity's conveyance system is not contributing substantially to the pollutant loadings of a physically

interconnected MS4 entity that is regulated by this rule.
(3) An evaluation of all waters that receive a discharge from the MS4 entity's conveyance system has been conducted by the department or another approved entity.
(4) For all evaluated waters, the department has determined that storm water controls are not needed based on wasteload allocations that are part of a United States Environmental Protection Agency approved or established total maximum daily load or equivalent process and are reflective of pollutants identified as sources of impairment.
(5) The department has determined that future discharges from the MS4 entity's conveyance system do not have the potential to result in exceedances of water quality standards, including impairment of designated uses or other significant water quality impacts, including habitat and biological impacts.
(Water Pollution Control Board; 327 IAC 15-13-3; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3577; errata filed Sep 8, 2003, 3:15 p.m.: 27 IR 191)

327 IAC 15-13-4 General permit boundary
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 4. (a) This general permit covers Indiana.
(b) For each MS4 entity, the permit covers all storm water discharges from conveyance systems for which it has jurisdiction or, in the case of designated counties, the portion of the county jurisdictional area depicted in a mapped UA, as specified under section 3(a)(2) of this rule, unless appropriate written, enforceable, legal documentation has been obtained to allow another entity to have permit responsibilities for systems and areas within another entity's jurisdiction. *(Water Pollution Control Board; 327 IAC 15-13-4; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3578)*

327 IAC 15-13-5 Definitions
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-11-2; IC 13-18-4; IC 13-20-10; IC 14-32

Sec. 5. For purposes of this rule, the following definitions apply:
(1) "Best management practice" or "BMP" means any structural or nonstructural control measure utilized to improve the quality and, as appropriate, reduce the quantity of storm water run-off. The term includes schedules of activities, prohibitions of practice, treatment requirements, operation and maintenance procedures, use of containment facilities, land use planning, policy techniques, and other management practices.
(2) "Buffer strip" means an existing, variable width strip of vegetated land intended to protect water quality and terrestrial and aquatic habitat in an adjacent resource or area.
(3) "Canine park" means a designated public location where dogs are restricted and animal waste may accumulate. For the purposes of this rule, the term does not include kennels, municipal dog impoundments, or humane society buildings.
(4) "Class V injection well" means a type of well, which typically has a depth greater than its largest surface dimension, emplaces fluids into the subsurface, and does not meet the definitions of Class I through Class IV wells as defined under 40 CFR 146.5. While the term includes the specific examples described in 40 CFR 144.81, septic systems that serve more than one (1) single-family dwelling or provide service for nondomestic waste, dug wells, bored wells, improved sinkholes, french drains, infiltration sumps, and infiltration galleries, it does not include surface impoundments, trenches, or ditches that are wider than they are deep.
(5) "Combined sewer" means a sewer that is designed, constructed, and used to receive and transport combined sewage.
(6) "Combined sewer operational plan" or "CSOOP" means a plan that contains the minimum technology controls applicable to, and requirements for operation and maintenance of, a combined sewer system:
(A) before;
(B) during; and
(C) upon completion of;
the implementation of a long term control plan.
(7) "Commissioner" refers to the commissioner of the department of environmental management.

(8) "Constructed wetland" means a manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.
(9) "Contiguity" means an entity's proximity to a designated MS4 area in such a way that it allows for direct discharges of storm water run-off into the regulated MS4 conveyance.
(10) "Conveyance" means any structural process for transferring storm water between at least two (2) points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.
(11) "Daily user population" means a population for an entity that is present at that location on a daily basis.
(12) "Dechlorinated swimming pool discharge" means chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to the MS4 conveyance or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.
(13) "Department" refers to the department of environmental management.
(14) "Detention basin" means a type of storage practice used to detain or slow storm water run-off and then release it through a positive outlet.
(15) "Disposal" means the:
(A) discharge;
(B) deposit;
(C) injection;
(D) spilling;
(E) leaking; or
(F) placing;
of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.
(16) "Dry well" means a type of infiltration practice that allows storm water run-off to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.
(17) "Filter strip" means a type of vegetative practice used to filter storm water run-off through the use of planted or existing vegetation near disturbed or impervious surfaces.
(18) "Floatable" means any solid waste that, due to its physical characteristics, will float on the surface of water. For the purposes of this rule, the term does not include naturally occurring floatables, such as leaves or tree limbs.
(19) "Flood plain" means the area adjoining a river, stream, or lake that is inundated by the base flood as determined by 312 IAC 10.
(20) "Floodway" means the channel of a river or stream and those portions of the flood plain adjoining the channel that are reasonably required to efficiently carry and discharge the peak flow from the base flood as determined by 312 IAC 10.
(21) "Full-time equivalent enrollment" means a college or university enrollment of undergraduate students currently taking fifteen (15) credit hours of course work and graduate or professional students currently taking twelve (12) credit hours of course work. Each respective fifteen (15) or twelve (12) credit hours of course work equals one (1) full-time equivalent.
(22) "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the:
(A) processing;
(B) handling;
(C) preparation;
(D) cooking;
(E) serving; or
(F) consumption;
of food or food materials.
(23) "General permit rule boundary" means an area based upon existing geographic or political boundaries indicating the area within which an MS4 conveyance affected by this rule is located.
(24) "Grass swale" means a type of vegetative practice used to filter storm water run-off via a vegetated, shallow-channel conveyance.
(25) "Ground water" means such accumulations of underground water, natural or artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state. The term does not include manmade underground

storage or conveyance structures.
(26) "Household hazardous waste" or "HHW" means solid waste generated by households that:
(A) is ignitable, as defined under 40 CFR 261.21;
(B) is toxic, as defined under 40 CFR 261.24;
(C) is reactive, as defined under 40 CFR 261.23;
(D) is corrosive, as defined under 40 CFR 261.22; or
(E) otherwise poses a threat to human health or the environment.
(27) "Hydrologic unit code" or "HUC" means a numeric United States Geological Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.
(28) "Illicit discharge" means any discharge to an MS4 conveyance that is not composed entirely of storm water, except naturally occurring floatables, such as leaves or tree limbs. Sources of illicit discharges include sanitary wastewater, septic tank effluent, car wash wastewater, oil disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, and household hazardous wastes.
(29) "Impervious surface" means any surface that prevents storm water to readily infiltrate into the soils.
(30) "Individual NPDES permit" means an NPDES permit issued to one (1) MS4 operator that contains requirements specific to that MS4 conveyance.
(31) "Infiltration basin or trench" means a type of infiltration practice used to filter storm water run-off into soils via the use of installed structures with porous material.
(32) "Infiltration gallery" means a type of infiltration practice used to filter storm water run-off into soils that utilizes one (1) or more vertical pipes leading to a horizontal, perforated pipe laid within a trench, often backfilled with gravel or some other permeable material.
(33) "Infiltration practices" means any structural BMP designed to facilitate the percolation of run-off through the soil to ground water. Examples include infiltration basins or trenches, dry wells, and porous pavement.
(34) "Initial receiving water" means a water that is the direct recipient of a discharge from an MS4 area after the discharge passes through another MS4 conveyance.
(35) "Larger common plan of development or sale" means a plan, undertaken by a single developer or a group of developers acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designed, 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 construction by a single entity for its own use.
(36) "Legally binding agreement" means a written, enforceable legal document used to describe responsibilities between joint permittees or other entities.
(37) "Load allocation" means the portion of a receiving waterbody's loading capacity that is attributed either to one (1) of its existing or future nonpoint sources of pollution or to natural background sources.
(38) "Long term control plan" or "LTCP" means a plan that is:
(A) consistent with the federal Combined Sewer Overflow Control Policy (59 FR 18688); and
(B) developed in accordance with the recommendations set forth in Combined Sewer Overflows Guidance for Long-Term Control Plan (EPA 832B95002).
(39) "Minimum control measure" or "MCM" refers to the following minimum measures required by this rule:
(A) Public education and outreach.
(B) Public participation and involvement.
(C) Illicit discharge detection and elimination.
(D) Construction site run-off control.
(E) Postconstruction run-off control.
(F) Pollution prevention and good housekeeping.
(40) "MS4 area" means a land area comprising one (1) or more places that receives coverage under one (1) NPDES storm water permit regulated by this rule or 327 IAC 5-4-6(a)(4) and 327 IAC 5-4-6(a)(5).
(41) "MS4 entity" means a public or private body that owns, operates, or maintains a storm water conveyance system, including a transportation agency operated by that body. The term can also include federal, state, city, town, county, district, association, or township public bodies and privately owned universities, colleges, or storm water utilities. For the purposes of this rule, the term does not include non-MS4 entity-owned shopping malls, office parks, apartment complexes, golf courses,

churches, or hotels.
(42) "MS4 operator" means the person responsible for development, implementation, or enforcement of the MCMs for a designated MS4 area.
(43) "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, that is:
(A) owned or operated by a:
(i) federal, state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over storm water, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges into waters of the state; or
(ii) privately owned storm water utility, hospital, university, or college having jurisdiction over storm water that discharges into waters of the state;
(B) designed or used for collecting or conveying storm water;
(C) not a combined sewer; and
(D) not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.
(44) "Municipal, state, federal, or institutional refueling area" means an operating gasoline or diesel fueling area whose primary function is to provide fuel to either municipal, state, federal, or institutional equipment or vehicles.
(45) "Mutual drain" means a drainage system that:
(A) is located on two (2) or more tracts of land that are under different ownership;
(B) was established by the mutual consent of all the owners; and
(C) was not established under or made subject to any drainage statute.
(46) "Nonpoint source" means a source of water pollution that does not meet the definition of point source. The term includes in-place pollutants, direct wet and dry deposition, ground water inflow, and overland run-off.
(47) "Notice of deficiency letter" or "NOD letter" means a written notification from the department indicating an MS4 entity's deficiencies in its NOI letter or SWQMP submittals.
(48) "Notice of intent letter" or "NOI letter" means a written notification indicating an MS4 entity's intention to comply with the terms of this rule in lieu of applying for an individual NPDES permit and includes information as required under sections 6 and 9 of this rule. It is the application for obtaining permit coverage under this rule.
(49) "Notice of sufficiency letter" or "NOS letter" means a written notification from the department indicating that an MS4 entity has sufficiently provided the required information in its NOI letter or SWQMP submittals.
(50) "Notice of termination letter" or "NOT letter" means a written notification from the department indicating that an MS4 entity has met the conditions to terminate its permit coverage under this rule.
(51) "Open space" means any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.
(52) "Outfall" means a point source discharge via a conveyance of storm water run-off into a water of the state.
(53) "Outfall scouring" means the deterioration of a stream bed or lake bed from an outfall discharge to an extent that the excessive settling of solid material results and aquatic habitat is diminished.
(54) "Point source" means any discernible, confined, and discrete conveyance, including a pipe, ditch, channel, tunnel, conduit, well, or discrete fissure.
(55) "Pollutant of concern" means any pollutant that has been documented via analytical data as a cause of impairment in any waterbody, or to another MS4, to which the MS4 discharges.
(56) "Porous pavement" means a type of infiltration practice to improve the quality and reduce the quantity of storm water run-off via the use of manmade, pervious pavement which allows run-off to percolate through the pavement and into underlying soils.
(57) "Private drain" means a drainage system that:
(A) is located on land owned by one (1) person or by two (2) or more persons jointly; and
(B) was not established under or made subject to any drainage statute.
(58) "Programmatic indicator" means any data collected by an MS4 entity that is used to indicate implementation of one (1) or more minimum control measures.
(59) "Qualified professional" means an individual who is trained and experienced in storm water treatment techniques and

related fields as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make sound, professional judgments regarding storm water control or treatment and monitoring, pollutant fate and transport, and drainage planning.

(60) "Rain garden" means a vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

(61) "Receiving stream" or "receiving water" means a waterbody that receives a discharge from an outfall. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

(62) "Redevelopment" means alterations of a property that change a site or building in such a way that there is disturbance of one (1) acre or more of land. The term does not include such activities as exterior remodeling.

(63) "Responsible individual" means the person responsible for development, implementation, or enforcement of the MCMs for a designated MS4 entity.

(64) "Retail gasoline outlet" means an operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surfaces or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

(65) "Retention basin" means a type of storage practice, that has no positive outlet, used to retain storm water run-off for an indefinite amount of time. Run-off from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

(66) "Riparian habitat" means a land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

(67) "Riparian zone" means a land area adjacent to a waterbody that is directly associated with that waterbody.

(68) "Sand" means mineral material with a size range between two (2) and one-sixteenth ($^{1}/_{16}$) millimeter diameter.

(69) "Sedimentation" means the settling and accumulation of unconsolidated material carried by storm water run-off.

(70) "Sensitive area" means a waterbody identified as needing priority protection or remediation based on:

(A) having threatened or endangered species or their habitat;

(B) usage as a public surface water supply intake;

(C) usage for full body contact recreation, such as bathing beaches; or

(D) exceptional use classification as found in 327 IAC 2-1-11(b), outstanding state resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

(71) "Significant contributor of pollutants" means an MS4 entity or industrial facility that contributes pollutants into an MS4 conveyance in such a quantity or quality and to such a degree that it impacts the receiving MS4 operator's ability to comply with applicable state or federal law.

(72) "Soil and water conservation district" or "SWCD" means a political subdivision established under IC 14-32.

(73) "Solid waste" means any garbage, refuse, sludge for a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term does not include:

(A) solid or dissolved material in:

(i) domestic sewage; or

(ii) irrigation return flows or industrial discharges;

that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);

(B) source, special nuclear, or byproduct material (as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

(C) manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or

(D) vegetative matter at composting facilities registered under IC 13-20-10.

(74) "Spill" means the unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

(75) "Standard Industrial Classification code" or "SIC code" means the four (4) digit code applicable to a particular industrial activity in accordance with the Standard Industrial Classification Manual published by the Office of Management and Budget of the Executive Office of the President of the United States.
(76) "Storage practices" means any structural BMP intended to store or detain storm water and slowly release it to receiving waters or drainage systems. The term includes detention and retention basins.
(77) "Storm drain marking" means any marking procedure that identifies a storm sewer inlet as draining directly to a receiving waterbody so as to avoid dumping pollutants. The procedures can include painted or cast messages and adhesive decals.
(78) "Storm water" means water resulting from rain, melting or melted snow, hail, or sleet.
(79) "Storm water quality management plan" or "SWQMP" means a comprehensive written document that addresses storm water run-off quality within an MS4 area. The SWQMP is divided into three (3) different submittal parts as follows:
(A) Part A-Initial Application.
(B) Part B-Baseline Characterization and Report.
(C) Part C-Program Implementation.
(80) "Stream reach characterization and evaluation report" or "SRCER" means a written report that characterizes and evaluates the pollutant sources on receiving waters from a combined sewer system discharge.
(81) "Total maximum daily load" or "TMDL" means the sum of the daily individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background minus the sum of a specified margin of safety and any capacity reserved for growth. A TMDL sets and allocates the maximum daily amount of a pollutant that may be introduced into a waterbody and still assure attainment and maintenance of water quality standards.
(82) "Traffic phasing plan" means a written plan that addresses the installation of appropriate pollution prevention practices that is directly related to the land disturbance associated with infrastructure constructed to reroute vehicular traffic within an active construction zone. The term does not include detours that are directed away from the active construction area.
(83) "Urbanized area" or "UA" means a land area comprising one (1) or more places that together have a residential population of at least fifty thousand (50,000) and an overall population density of at least five hundred (500) people per square mile.
(84) "Vegetative practices" means any nonstructural or structural BMP that, with optimal design and good soil conditions, utilizes various forms of vegetation to enhance pollutant removal, maintain and improve natural site hydrology, promote healthier habitats, and increase aesthetic appeal. Examples include grass swales, filter strips, buffer strips, constructed wetlands, and rain gardens.
(85) "Waste transfer station" means a place where solid wastes are segregated for additional off-site processing or disposal.
(86) "Wasteload allocation" means the portion of a receiving stream's loading capacity that is allocated to one (1) of its existing or future point sources of pollution.
(87) "Waterbody" means any accumulation of water, surface or underground, natural or artificial, including rivers, streams, creeks, ditches, swales, lakes, ponds, marshes, wetlands, and ground water. The term does not include any storage or treatment structures.
(88) "Watercourse" means the path taken by flowing surface water.
(89) "Waters" means:
(A) the accumulations of water, surface and underground, natural and artificial, public and private; or
(B) a part of the accumulations of water;
that are wholly or partially within, flow through, or border upon Indiana. The term does not include a private pond, or an off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water before discharge, unless the discharge from the pond, reservoir, or facility causes or threatens to cause water pollution.
(90) "Watershed" means an area of land from which water drains to a common point.
(91) "Wellhead protection area" has the meaning set forth at 327 IAC 8-4.1-1(27).

(Water Pollution Control Board; 327 IAC 15-13-5; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3578; errata filed Sep 8, 2003, 3:15 p.m.: 27 IR 191)

327 IAC 15-13-6 Notice of intent letter requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 6. (a) Unless one (1) application is submitted for multiple MS4 entities, each MS4 entity shall submit an NOI letter with the following information, which will serve as the permit application:

(1) Contact information required under subsection (b).

(2) List of all known receiving waters or, if the discharge is to another MS4, the name of the MS4 entity and the initial receiving water. For the purposes of the NOI letter submittal, receiving waters include, at a minimum, waters listed on the United States Geological Survey National Hydrography Dataset or, if no waters are listed on this data base within a given MS4 area, the primary receiving water for the MS4 area drainage. As additional receiving waters are identified, the information must be provided in the corresponding annual report required in section 18 of this rule.

(3) Copy of the completed SWQMP-Part A: Initial Application certification submittal and checklist form.

(4) Proof of publication in the newspaper with the greatest circulation in the affected MS4 area. The notice must provide a listing of all entities intended to be covered under the permit. This statement must be included in the public notice, "(MS4 entity name and address) intends to discharge storm water into the (text name and numeric code of all 14-digit Hydrologic Unit Code area) watershed(s), and is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-13 to discharge storm water run-off associated with municipal separate storm sewer systems.".

(5) Certification, by completing and signing Appendix A of the NOI letter, that any applicable, legally binding agreements between MS4 area entities have been obtained concerning individual responsibilities for implementation of this rule.

(b) The contact information required under subsections (a)(1) and (c)(1) must include the following:

(1) Name of MS4 operator, primary contact individual (if different from the MS4 operator), or responsible individual for each MS4 entity.

(2) Title of the MS4 operator, primary contact individual (if different from the MS4 operator), or responsible individual or individuals.

(3) MS4 entity represented by the MS4 operator, primary contact individual (if different from the MS4 operator), or responsible individual or individuals.

(4) Mailing (and, if different, the physical) address of the MS4 operator, primary contact individual (if different from the MS4 operator), or responsible individual or individuals.

(5) Telephone and facsimile number of the MS4 operator, primary contact individual (if different from the MS4 operator), or responsible individual or individuals.

(6) E-mail address (if available) of MS4 operator, primary contact individual (if different from the MS4 operator), or responsible individual or individuals.

(c) The SWQMP-Part A: Initial Application required under subsection (a)(3) must contain the following:

(1) Written listing of the MS4 entities within an MS4 area covered by the NOI letter submittal. The listing must provide the name of each MS4 entity, a responsible individual for each MS4 entity, and contact information for each MS4 entity.

(2) Written schedule which, at a minimum, adheres to the compliance schedule in section 11 of this rule.

(3) Written proposed or estimated budget allocation for the MS4 area's storm water program with a summary of identified funding sources. When multiple MS4 entities are applying under a single NOI letter, the budget allocation must be, at a minimum, separated by MS4 entity.

(d) Multiple MS4 entities within an MS4 area may submit a single NOI letter provided they comply with the submittal requirements of this section. Coverage under a single NOI letter will only be allowed if all the MS4 entities seeking coverage consolidate, and provide, the required information in sections 7, 8, and 18 of this rule as single submittals, and the information is submitted to the department by the MS4 operator designated in subsection (b). MS4 operators may utilize materials from existing local or state programs, or partner with an existing individual MS4 permittee, if all parties agree to coordinate responsibilities in accordance with subsection (a)(5).

(e) Multiple MS4 entities within an MS4 area may submit a separate NOI letter corresponding to each entity and still share responsibilities for implementation of one (1) or more of the requirements in this rule provided they comply with the submittal requirements of this section and coordinate responsibilities in accordance with subsection (a)(5).

(f) Where multiple MS4 entities submit one (1) or more NOI letters based on a watershed delineation and the created MS4 area contains undesignated MS4 entities, the undesignated MS4 entities shall not be subject to the provisions of this rule unless the applicability requirements of section 3 of this rule apply.

(g) Where the MS4 operator changes, or where a new operator is added after the submittal of an NOI letter, a new NOI letter

must be completed and submitted in accordance with 327 IAC 15-2-8 and sections 6 and 9 of this rule. If no other conditions change except for the name of the MS4 operator, a written letter describing the name change and a statement that no other conditions, including those conditions in the SWQMP-Part A: Initial Application and legal agreements, have changed will be sufficient notification to the department.

(h) An MS4 entity within an MS4 area that does not have the legal authority or other regulatory mechanisms to implement one (1) or more of the six (6) minimum control measures required under this rule shall either obtain the legal authority or other regulatory mechanism, or work with a neighboring regulated MS4 entity, via legally binding agreements, to share responsibilities.

(i) All documents and information required by this section must meet the signatory requirements of 327 IAC 15-4-3(g).

(j) A qualified professional and the MS4 operator shall certify, with the stated paragraph found in 327 IAC 15-4-3(g)(3), a submitted SWQMP-Part A: Initial Application checklist form.

(k) The department shall review initially submitted NOI letters and SWQMP-Part A: Initial Applications for adequacy and shall assign each NOI letter an NPDES permit number. Either a written NOD letter requesting additional information or NOS letter containing the assigned NPDES permit number shall be returned to the MS4 operator within ninety (90) days of the NOI letter submittal. If the MS4 operator does not receive either a NOD letter or NOS letter within ninety (90) days of the NOI letter submittal, the NOI letter and SWQMP-Part A: Initial Application will be considered adequate.

(l) Responses to NOD letters shall be made by the recipient within thirty (30) days of the date on the NOD letter.

(m) Forms for the NOI letter, SWQMP, annual report, and required certifications shall be provided by the department. *(Water Pollution Control Board; 327 IAC 15-13-6; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3583; errata filed Sep 8, 2003, 3:15 p.m.: 27 IR 191)*

327 IAC 15-13-7 SWQMP-Part B: baseline characterization and report

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 7. (a) An MS4 operator shall characterize the water quality of all known waters that receive storm water outfall discharges within the MS4 area. This characterization may begin with the receiving waters identified in the NOI letter submittal, and, as receiving waters are identified, the characterization shall be expanded to those additional receiving waters and the subsequent information presented in the corresponding annual report required under section 18 of this rule. The water quality characterization must utilize existing or new information that may describe the chemical, biological, or physical condition of the MS4 area water quality. If monitoring is conducted as part of the characterization, the monitoring of receiving waters shall be either at, or in proximity to, all known, or representative, storm water outfall discharges. After the baseline characterization data is collected, the MS4 operator shall evaluate the data in the baseline characterization to determine which identified areas or specific discharge points are in need of additional water quality measures. This baseline characterization must include the following:

(1) An investigation of land usage and assessment of structural and nonstructural storm water BMP locations and conclusions, such as key observation or monitoring locations in the MS4 conveyances, derived from the land usage investigation.

(2) The identification of known sensitive areas, such as public swimming areas, surface drinking water intakes, waters containing threatened or endangered species and their habitat, or state outstanding resource and exceptional use waters. The identified sensitive areas should be given the highest priority for the selection of BMPs and the prohibition of new or significantly increased MS4 discharges.

(3) A review of known existing and available monitoring data of the MS4 area receiving waters, including, as applicable, data that can be correlated from SRCERs.

(4) The identification of areas having a reasonable potential for or actually causing storm water quality problems based on the available and relevant chemical, biological, physical, land use, and complaint data.

(5) Assessment results of BMP locations and, as appropriate, the structural condition of the BMP related to the BMP's effectiveness in improving storm water quality. As appropriate, this assessment should include recommendations for placement and implementation of additional BMPs within the MS4 area.

(b) An SWQMP-Part B: Baseline Characterization and Report addressing the requirements of subsection (a) must be developed and submitted to the department at the address specified in section 9(b) of this rule. The SWQMP-Part B: Baseline Characterization and Report and completed corresponding certification form must be submitted no later than one hundred eighty (180) days from the date the initial NOI letter submittal was received by the department or the expiration date of the previous five (5) year permit term.

(c) The department shall review the SWQMP-Part B: Baseline Characterization and Report for adequacy, and a written NOS letter or NOD letter shall be issued to the MS4 operator. If no letter is issued within ninety (90) days of submittal, the SWQMP-Part B: Baseline Characterization and Report is deemed sufficient.

(d) Responses to NOD letters shall be made by the recipient within thirty (30) days of the date on the NOD letter.

(e) Ongoing data collection related to the SWQMP-Part B: Baseline Characterization and Report must be submitted to the department with the corresponding annual report.

(f) A qualified professional and the MS4 operator shall certify, with the stated paragraph found in 327 IAC 15-4-3(g)(3), a submitted SWQMP-Part B: Baseline Characterization and Report checklist form. *(Water Pollution Control Board; 327 IAC 15-13-7; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3584)*

327 IAC 15-13-8 Submittal of an SWQMP-Part C: program implementation

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 8. (a) An MS4 operator shall develop and implement an SWQMP-Part C: Program Implementation. The SWQMP-Part C: Program Implementation must contain the following:

(1) An initial evaluation of the storm water program for the MS4 area. This evaluation should include information on all known structural and nonstructural storm water BMPs utilized.

(2) A detailed program description for each minimum control measure (MCM) referenced in sections 12 through 17 of this rule.

(3) A timetable for program implementation milestones, which includes milestones for each of the MCMs referenced in sections 12 through 17 of this rule, and applicable SWQMP-Part B: Baseline Characterization and Report conclusions (BMP recommendations, additional protective measures for sensitive areas, and correcting identified water quality problems).

(4) As appropriate, a schedule for ongoing characterization of the receiving waters either at, or in proximity to, outfall locations identified in the SWQMP-Part B: Baseline Characterization and Report to evaluate BMP effectiveness and receiving water quality.

(5) A narrative and mapped description of the MS4 area boundaries that indicate responsible MS4 entity areas for each MCM. The narrative description must include the specific sectional or, as appropriate, the street name boundaries of the MS4 area.

(6) An estimate of the linear feet of MS4 conveyances within the MS4 area, segregated by MS4 type, for example, by open ditch or pipe.

(7) A summary of which structural BMP types will be allowed in new development and redevelopment for the MS4 area.

(8) A summary on storm water structural BMP selection criteria and, where appropriate, associated performance standards that must be met after installation to indicate BMP effectiveness.

(9) A summary of the current storm water budget, expected or actual funding source, and a projection of the budget for each year within the five (5) year permit term.

(10) A summary of measurable goals for, at a minimum, each MCM referenced in sections 12 through 17 of this rule. These measurable goals shall demonstrate results that relate to an environmental benefit.

(11) Completed certification forms, as appropriate, for each MCM. The certification forms only need to be completed and submitted during the initial five (5) year permit term.

(12) The identification of programmatic indicators. Programmatic indicators, grouped by corresponding MCM, must include those listed in subsection (b) that apply to the MS4 operator. Other relevant indicators may be used in place of those listed in subsection (b). If an indicator listed in subsection (b) is not applicable to the operator, or if another relevant indicator is used, the operator shall provide rationale for the nonapplicability or substitution. Programmatic indicators do not need to be fully implemented at the time of the SWQMP-Part C: Program Implementation submittal. Updated data for each of these indicators must be submitted in each annual report.

(b) The programmatic indicators must address the following:

(1) Number or percentage of citizens, segregated by type of constituent as referenced in section 12(a) of this rule, that have an awareness of storm water quality issues.

(2) Number and description of meetings, training sessions, and events conducted to involve citizen constituents in the storm water program.

(3) Number or percentage of citizen constituents that participate in storm water quality improvement programs.
(4) Number and location of storm drains marked or cast, segregated by marking method.
(5) Estimated or actual linear feet or percentage of MS4 mapped and indicated on an MS4 area map.
(6) Number and location of MS4 area outfalls mapped.
(7) Number and location of MS4 area outfalls screened for illicit discharges.
(8) Number and location of illicit discharges detected.
(9) Number and location of illicit discharges eliminated.
(10) Number of and estimated or actual amount of material, segregated by type, collected from HHW collections in the MS4 area.
(11) Number and location of constituent drop-off centers for automotive fluid recycling.
(12) Number or percentage of constituents that participate in the HHW collections.
(13) Number of construction sites obtaining an MS4 entity-issued storm water run-off permit in the MS4 area.
(14) Number of construction sites inspected.
(15) Number and type of enforcement actions taken against construction site operators.
(16) Number of, and associated construction site name and location for, public informational requests received.
(17) Number, type, and location of structural BMPs installed.
(18) Number, type, and location of structural BMPs inspected.
(19) Number, type, and location of structural BMPs maintained or improved to function properly.
(20) Type and location of nonstructural BMPs utilized.
(21) Estimated or actual acreage or square footage of open space preserved and mapped in the MS4 area, if applicable.
(22) Estimated or actual acreage or square footage of pervious and impervious surfaces mapped in the MS4 area, if applicable.
(23) Number and location of new retail gasoline outlets or municipal, state, federal, or institutional refueling areas, or outlets or refueling areas that replaced existing tank systems that have installed storm water BMPs.
(24) Number and location of MS4 entity facilities that have containment for accidental releases of stored polluting materials.
(25) Estimated or actual acreage or square footage, amount, and location where pesticides and fertilizers are applied by a regulated MS4 entity to places where storm water can be exposed within the MS4 area.
(26) Estimated or actual linear feet or percentage and location of unvegetated swales and ditches that have an appropriately-sized vegetated filter strip.
(27) Estimated or actual linear feet or percentage and location of MS4 conveyances cleaned or repaired.
(28) Estimated or actual linear feet or percentage and location of roadside shoulders and ditches stabilized, if applicable.
(29) Number and location of storm water outfall areas remediated from scouring conditions, if applicable.
(30) Number and location of deicing salt and sand storage areas covered or otherwise improved to minimize storm water exposure.
(31) Estimated or actual amount, in tons, of salt and sand used for snow and ice control.
(32) Estimated or actual amount of material by weight collected from catch basin, trash rack, or other structural BMP cleaning.
(33) Estimated or actual amount of material by weight collected from street sweeping, if utilized.
(34) If applicable, number or percentage and location of canine parks sited at least one hundred fifty (150) feet away from a surface waterbody.

(c) An SWQMP-Part C: Program Implementation and completed corresponding certification form must be submitted to the department within three hundred sixty-five (365) days from the date the initial NOI letter submittal was received by the department or the expiration date of the previous five (5) year permit term.

(d) The department shall review submitted SWQMP-Part C: Program Implementations for adequacy. Either a written NOD letter requesting additional information or NOS letter shall be sent to the MS4 operator within ninety (90) days of the SWQMP-Part C: Program Implementation submittal. If no letter is issued within ninety (90) days of submittal, the plan is deemed sufficient.

(e) Responses to NOD letters must be made by the recipient within thirty (30) days of the date on the NOD letter.

(f) As conditions or allowed technologies change, the SWQMP-Part C: Program Implementation must be updated. When updates are created, relevant sections of the SWQMP-Part C: Program Implementation containing the updates must be submitted to the commissioner as an attachment to the corresponding annual report required under section 18 of this rule.

(g) A qualified professional and the MS4 operator shall certify, with the stated paragraph found in 327 IAC 15-4-3(g)(3), a submitted SWQMP-Part C: Program Implementation checklist form. *(Water Pollution Control Board; 327 IAC 15-13-8; filed Jul*

7, 2003, 2:15 p.m.: 26 IR 3585; errata filed Sep 8, 2003, 3:15 p.m.: 27 IR 191)

327 IAC 15-13-9 Submittal of an NOI letter and other documents

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4; IC 15-4-3

Sec. 9. (a) All information required under section 6 of this rule must be submitted to the commissioner. An MS4 entity that meets the designation criteria under section 3 of this rule shall submit the NOI letter, SWQMP-Part A: Initial Application, and other required documentation no later than ninety (90) days from the effective date of this rule unless:

(1) written permission for a later date has been granted by the commissioner; or

(2) the MS4 entity was not notified in writing at least one hundred eighty (180) days prior to the effective date of this rule.

(b) A termination request, the NOI letter, Parts A, B, and C of the SWQMP, and any other required information must be submitted to:

Indiana Department of Environmental Management
Office of Water Quality, Urban Wet Weather Section
Rule 13 Storm Water Coordinator
100 North Senate Avenue, Room 1255
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

(c) The permit and the compliance schedules of this rule become effective upon receipt of the initial NOI letter by the department.

(d) The commissioner may deny coverage under this rule and require submittal of an application for an individual NPDES permit based on a review of the NOI letter or other information. This review may consider the location and size of the discharge, the quantity and nature of the pollutants discharged, and other relevant factors. Before completing the review, the department will inform the MS4 entity as to what information is being used for the review and provide the MS4 entity an opportunity to respond if the MS4 entity believes the information used is inaccurate or incomplete.

(e) An MS4 entity that either was not notified in writing at least one hundred eighty (180) days prior to the effective date of this rule or meets the designation criteria of section 3 of this rule after the effective date of this rule due to changing conditions or new facility construction shall submit the required information under section 6 of this rule within three hundred sixty-five (365) days of either:

(1) the date of receivership on the written notification;

(2) becoming aware of the relevant changed conditions; or

(3) upon the initiation of facility operations;

unless written permission for a later date has been granted by the commissioner.

(f) Any person who knowingly makes any false statement, representation, or certification in any document submitted or required to be maintained under this rule is subject to 327 IAC 15-4-3(i). *(Water Pollution Control Board; 327 IAC 15-13-9; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3587)*

327 IAC 15-13-10 MS4 permit implementation; coordination with total maximum daily load allocations

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 10. If a total maximum daily load (TMDL) is approved for any waterbody into which an MS4 conveyance discharges, the MS4 operator must review and appropriately modify Parts B and C of their SWQMP if the TMDL includes requirements for control of storm water discharges under the jurisdiction of the MS4 operator. *(Water Pollution Control Board; 327 IAC 15-13-10; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3587)*

327 IAC 15-13-11 Compliance schedule

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 11. An MS4 operator shall comply with the following schedule for implementation of this rule:

Rule Requirement	Compliance Deadline (from initial NOI letter receivership date)
Storm Water Quality Management Plan:	Components throughout term of permit
Part A: Initial Application submitted	With NOI letter
Part B: Baseline Characterization and Report submitted	180 days
Part C: Program Implementation submitted	1 year
Public Education and Outreach MCM implementation:	Throughout term of permit
Public education and outreach program development certification submitted	1 year
Public Involvement/Participation MCM implementation:	Throughout term of permit
Public involvement and participation program development certification submitted	1 year
Illicit Discharge Detection/Elimination MCM implementation:	Throughout term of permit
Illicit discharge plan and regulatory mechanism certification submitted	1 year
25% of storm water outfalls systems mapped	Each year after 1 year
All known storm water outfall systems, with pipe diameters 12 inches or greater or open ditches with 2 feet or larger bottom width, mapped	5 years
Construction Site Run-Off Control MCM implementation:	Throughout term of permit
Construction site program plan and regulatory mechanism certification submitted	1 year
Postconstruction Run-Off Control MCM implementation:	Throughout term of permit
Operational and maintenance plan certification submitted	2 years
Postconstruction program plan and regulatory mechanism certification submitted	2 years
Municipal operations pollution prevention and good housekeeping MCM implementation:	Throughout term of permit
Operations pollution prevention program development certification submitted	1 year

If an MS4 operator is unable to meet a compliance deadline under this section the operator shall submit a written request and justification for extending the deadline. The request must be submitted to the department no later than thirty (30) days prior to the due date. *(Water Pollution Control Board; 327 IAC 15-13-11; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3587)*

327 IAC 15-13-12 Storm water quality management plan public education and outreach MCM

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 12. (a) An MS4 operator shall develop an SWQMP that includes methods and measurable goals that will be used to inform residents, visitors, public service employees, commercial and industrial facilities, and construction site personnel within the MS4 area about the impacts polluted storm water run-off can have on water quality and ways they can minimize their impact on storm water quality. The MS4 operator shall ensure, via documentation, that a reasonable attempt was made to reach all constituents within the MS4 area to meet this measure.

(b) MS4 operators are encouraged to utilize existing programs and outreach materials to meet this measure. MS4 operators shall identify and implement an informational program with educational materials for constituents. A certification form shall be completed and submitted to the department once the program has been developed and implemented or three hundred sixty-five (365) days from the date the initial NOI letter submittal was received by the department, whichever is earlier. In subsequent permit terms, the certification form does not need to be completed and submitted. At a minimum, every five (5) years the program shall be reviewed for adequacy and accuracy and updated, as necessary.

(c) MS4 operators shall develop measurable goals for this MCM. An initial assessment of the MS4 area constituents must be conducted to determine initial constituent knowledge and practices as they relate to storm water quality. To comply with this measure, specific target outreach or reduction goal percentages and timetables must be identified. As applicable or, if not applicable, then appropriately justified, goals must address relevant targeted audience improvement in disposal practices, cast storm drain cover installations, school curricula or Web site implementation, outreach to every population sector, and educational material distribution.

(d) In combined sewer system municipalities designated under this rule, the current LTCP shall be reviewed, and any necessary language changes to ensure consistency with the SWQMP shall be included in the plan to ensure that this MCM requirement is met. *(Water Pollution Control Board; 327 IAC 15-13-12; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3588; errata filed Sep 8, 2003, 3:15 p.m.: 27 IR 191)*

327 IAC 15-13-13 Storm water quality management plan public participation and involvement MCM

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 13. (a) The MS4 operator shall develop an SWQMP that includes provisions to allow opportunities for constituents within the MS4 area to participate in the storm water management program development and implementation. An MS4 operator shall ensure, via documented efforts, that sufficient opportunities were allotted to involve all constituents interested in participating in the program process to meet this measure. Correctional facilities will not be required to implement the public participation and involvement MCM.

(b) An MS4 entity shall comply with applicable public notice requirements. An MS4 operator shall identify and implement a public participation and involvement program. A certification form shall be completed and submitted to the department once the program has been developed and implemented or three hundred sixty-five (365) days from the date the initial NOI letter submittal was received by the department, whichever is earlier. In subsequent permit terms, the certification form does not need to be completed and submitted. At a minimum, every five (5) years the program shall be reviewed for adequacy and accuracy and updated as necessary.

(c) An MS4 operator shall develop measurable goals for this MCM. An initial assessment of MS4 area constituents must be conducted to identify interested individuals for participation in the MS4 area storm water program. To comply with this measure, specific outreach and reduction goal percentages and timetables must be identified. As applicable or, if not applicable, then appropriately justified, goals must address relevant community participation in citizen panels, community clean-ups, citizen watch groups and drain marking projects, and public meeting notification.

(d) In combined sewer system municipalities designated under this rule, the current LTCP shall be reviewed, and any necessary language changes to ensure consistency with the SWQMP shall be included in the plan to ensure that this MCM requirement is met. *(Water Pollution Control Board; 327 IAC 15-13-13; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3588)*

327 IAC 15-13-14 Storm water quality management plan illicit discharge detection and elimination MCM

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 14. (a) An MS4 operator shall develop an SWQMP that includes a commitment to develop and implement a strategy to detect and eliminate illicit discharges to the MS4 conveyance.

(b) An MS4 operator shall develop a storm sewer system map showing the location of all outfalls and MS4 conveyances in the particular MS4 area under the MS4 operator's control and the names and locations of all waters that receive discharges from those outfalls. A map developed under this subsection must meet the following:

(1) At a minimum, longitude and latitude for mapped outfall locations must be done in decimal degrees, or, if a global positioning system is utilized, mapping-grade accuracy data shall be collected, where an accuracy discrepancy is less than five (5) meters.

(2) The mapping requirement must be developed as follows:

(A) All known outfall conveyance systems with a pipe diameter of twelve (12) inches or larger and open ditches with a two (2) foot or larger bottom width must be mapped within the first five (5) year permit term according to the following:

(i) After the second year of permit coverage, mapping must depict the location of outfall conveyance systems for at least twenty-five percent (25%) of the MS4 conveyances within the MS4 area.

(ii) For each additional year of the initial permit term, mapping must depict at least an additional twenty-five percent (25%) of the MS4 conveyances.

(B) Subsequent permit terms will require that all remaining outfall conveyance systems are mapped.

(3) The mapping requirements in subdivision (2) do not include private or mutual drains, yard swales that are not maintained by a regulated MS4 entity, or curbs and gutters.

(c) Through an ordinance or other regulatory mechanism, an MS4 operator shall prohibit illicit discharges into MS4 conveyances and establish appropriate enforcement procedures and actions.

(d) An MS4 operator shall develop a plan to detect, address, and eliminate illicit discharges, including illegal dumping, into the MS4 conveyance. This plan need not address the following categories of nonstorm water discharges or flows unless the MS4 operator identifies them as significant contributors of pollutants to its MS4 conveyance:

(1) Water line flushing.
(2) Landscape irrigation.
(3) Diverted stream flows.
(4) Rising ground waters.
(5) Uncontaminated ground water infiltration.
(6) Uncontaminated pumped ground water.
(7) Discharges from potable water sources.
(8) Foundation drains.
(9) Air conditioning condensation.
(10) Irrigation water.
(11) Springs.
(12) Water from crawl space pumps.
(13) Footing drains.
(14) Lawn watering.
(15) Individual residential car washing.
(16) Flows from riparian habitats and wetlands.
(17) Dechlorinated swimming pool discharges.
(18) Street wash water.
(19) Discharges from firefighting activities.

(e) The plan developed under subsection (d) must, at a minimum, locate problem areas via dry weather screening or other means, determine the source, remove or otherwise correct illicit connections, and document the actions taken. The dry weather screening or other means must utilize a field testing kit, or similar method, to analyze for pollutants of concern and other parameters, such as pH, conductivity, or nitrogen-ammonia, used to identify possible pollutant sources. All storm water outfalls in the regulated MS4 area under the MS4 operator's control must be screened for illicit discharges. The screening may be initiated gradually throughout successive five (5) year permit cycles. If the gradual approach is utilized, all storm water outfalls with a pipe diameter of twelve (12) inches or larger and open ditches with a two (2) foot or larger bottom width must be screened in the first five (5) year permit term. Subsequent permit terms will require that all remaining outfalls be screened.

(f) The plan developed under subsection (d) must identify all active industrial facilities within the MS4 area that discharge into an MS4 conveyance. This identification shall include the facility name, address, telephone number, and Standard Industrial Classification (SIC) code. Updated information regarding active industrial facilities must be submitted in each annual report.

(g) A certification form must be completed and submitted to the department once the plan has been developed and implemented or three hundred sixty-five (365) days from the date the initial NOI letter submittal was received by the department, whichever is earlier. In subsequent permit terms, the certification form does not need to be completed and submitted. At a minimum, every five (5) years the program shall be reviewed for adequacy and accuracy and updated as necessary.

(h) An MS4 operator shall educate public employees, businesses, and the general public about the hazards associated with illicit discharges and improper disposal of waste. This educational effort shall include the following:

(1) Informational brochures and guidances for specific audiences and school curricula.
(2) Publicizing and facilitating public reporting of illicit discharges and spills.

(i) An MS4 operator shall initiate, or coordinate existing, recycling programs in the regulated MS4 area for commonly dumped wastes, such as motor oil, antifreeze, and pesticides.

(j) An MS4 operator shall develop measurable goals for this MCM. To comply with this measure, specific outreach and reduction percentages and timetables must be identified. At a minimum, goals must address relevant collection system mapping, regulatory mechanism implementation, employee training, household hazardous waste programs, illicit discharge detection, and illicit discharge elimination.

(k) In combined sewer system municipalities designated under this rule, the current CSOOP and LTCP must be reviewed, and any necessary language changes to ensure consistency with the SWQMP must be included in the plans to ensure that this MCM requirement is met. *(Water Pollution Control Board; 327 IAC 15-13-14; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3589)*

327 IAC 15-13-15 Storm water quality management plan construction site storm water run-off control MCM

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 15. (a) An MS4 operator shall develop an SWQMP that includes a commitment to develop, implement, manage, and enforce an erosion and sediment control program for construction activities that disturb one (1) or more acres of land within the MS4 area.

(b) Through an ordinance or other regulatory mechanism, the MS4 operator shall establish a construction program that controls polluted run-off from construction activities with a land disturbance greater than or equal to one (1) acre, or disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land. Except for state permitting process references and submittal deadlines of construction plans and permit applications in 327 IAC 15-5, this ordinance or other regulatory mechanism must contain, at a minimum, the requirements of 327 IAC 15-5. The MS4 operator may establish a permitting process and timetable for plan and application submittals that are different than that established under 327 IAC 15-5. The permitting process must include a requirement for the construction project site owner to submit a copy of the application directly to the department. A certification form shall be completed and submitted to the department once the ordinance or other regulatory mechanism is developed and a program has been implemented or three hundred sixty-five (365) days from the date the initial NOI letter submittal was received by the department, whichever is earlier. In subsequent permit terms, the certification form does not need to be completed and submitted. At a minimum, every five (5) years the regulatory mechanism and program shall be reviewed for adequacy and accuracy and updated as necessary. Until the MS4 operator program is implemented, NOI letters and construction plans for construction activities within the MS4 area will be submitted in accordance with 327 IAC 15-5-5 and 327 IAC 15-5-6 to the department and the local SWCD or department of natural resources, division of soil conservation, respectively.

(c) If the MS4 operator has not entered into a written agreement with the local SWCD to review and approve construction site plans or conduct construction site inspections, the MS4 operator shall provide an opportunity to the local SWCD to provide comments and recommendations to the MS4 operator on individual projects. This process may be accomplished by the MS4 operator establishing a local plan review and comment procedure, a project technical review committee, or other mechanism to solicit the input of the local SWCD.

(d) Failure of the SWCD to respond within a predetermined time period should not delay final action of the MS4 operator to approve plans or projects.

(e) In addition to any procedural requirements for submittal to the MS4 operator or MS4 designated entity, an NOI letter required under 327 IAC 15-5 must be submitted to the department for any projects within the MS4 area.

(f) The MS4 operator, or a designated MS4 entity, shall meet the following:

(1) Develop requirements for the implementation of appropriate BMPs on construction sites to control sediment, erosion, and other waste.

(2) Review and approve the construction plans submitted by the construction site operator before construction activities commence.

(3) Develop procedures for site inspection and enforcement to ensure that BMPs are properly installed.

(4) Establish written procedures to identify priority sites for inspection and enforcement based on, at a minimum, the nature and extent of the construction activity, topography, and the characteristics of soils and receiving water quality.

(5) Develop procedures for the receipt and consideration of public inquiries, concerns, and information submitted regarding

local construction activities.

(6) Implement, at a minimum, a tracking process in which submitted public information, both written and verbal, is documented and then given to appropriate staff for follow-up.

(g) MS4 area personnel responsible for plan review, inspection, and enforcement of construction activities shall receive, at a minimum, annual training addressing such topics as appropriate control measures, inspection protocol, and enforcement procedures.

(h) An MS4 operator shall develop measurable goals for this MCM. To comply with this measure, specific outreach, compliance, and implementation goal percentages and timetables must be identified. At a minimum, goals must address relevant regulatory mechanism implementation, public informational request procedure implementation, site inspection procedure implementation, and construction site operator compliance improvement.

(i) For those construction activities operated by the MS4 operator or MS4 municipalities within the MS4 area, construction plans must be submitted to the local SWCD, the department of natural resources, division of soil conservation, or other entity designated by the department for review and approval. If the MS4 operator does not receive either a notice of deficiency or an approval within thirty-five (35) days of the submittal, the plan will be considered adequate. After a one (1) year period of compliance, the MS4 operator or the designated MS4 entity need not submit the plans and may review MS4-operated project construction plans internally with the written authorization of the department of natural resources, division of soil conservation.

(j) In addition to the requirements of 327 IAC 15-5-6.5, the MS4-operated project construction plans must include a traffic phasing plan for those projects that have the potential to alter vehicular traffic routes.

(k) In addition to the requirements of 327 IAC 15-5-6.5(a)(7), the MS4-operated project storm water pollution prevention plan must address the following areas outside of right-of-ways:

(1) Utility relocation areas.

(2) Material hauling and transportation routes/roads.

(3) Borrow pits.

(4) Temporary staging and material stockpile areas.

(5) Temporary disposal areas for waste materials.

(Water Pollution Control Board; 327 IAC 15-13-15; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3590; errata filed Sep 8, 2003, 3:15 p.m.: 27 IR 191)

327 IAC 15-13-16 Storm water quality management plan postconstruction storm water run-off control MCM

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4

Sec. 16. (a) An MS4 operator shall develop an SWQMP that includes a commitment to develop, implement, manage, and enforce a program to address discharges of postconstruction storm water run-off from new development and redevelopment areas that disturb one (1) or more acres of land or disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land within the MS4 area.

(b) Through the use of an ordinance or other regulatory means, an MS4 operator shall implement planning procedures to promote improved water quality. These planning procedures must include, at a minimum, the postconstruction requirements of 327 IAC 15-5-6.5(a)(8). Where appropriate, and to the extent of the MS4 operator's authority, the procedures may also include the following:

(1) Buffer strip and riparian zone preservation.

(2) Filter strip creation.

(3) Minimization of land disturbance and surface imperviousness.

(4) Minimization of directly connected impervious areas.

(5) Maximization of open space.

(6) Directing the community's physical growth away from sensitive areas and toward areas that can support it without compromising water quality.

A certification form that combines the completed requirements of this subsection and subsection (e) shall be completed and submitted to the department once the ordinance or other regulatory means has been developed and a program has been implemented or seven hundred thirty (730) days from the date the initial NOI letter submittal was received by the department, whichever is earlier.

In subsequent permit terms, the certification form does not need to be completed and submitted. At a minimum, every five (5) years the program shall be reviewed for adequacy and accuracy and updated as necessary.

(c) Where appropriate, an MS4 operator shall use any combination of storage, infiltration, filtering, or vegetative practices to reduce the impact of pollutants in storm water run-off on receiving waters. In addition to the combination of practices, the following requirements shall be utilized:

(1) Infiltration practices will not be allowed in wellhead protection areas.

(2) Discharges from an MS4 area will not be allowed directly into sinkholes or fractured bedrock without treatment that results in the discharge meeting Indiana ground water quality standards as referenced in 327 IAC 2-11.

(3) Any storm water practice that is a Class V injection well must ensure that the discharge from such practices meets Indiana ground water quality standards as referenced in 327 IAC 2-11.

(4) As site conditions allow, the rate at which water flows through the MS4 conveyances shall be regulated to reduce outfall scouring and stream bank erosion.

(5) As site conditions allow, a vegetated filter strip of appropriate width shall be maintained along unvegetated swales and ditches.

(6) New retail gasoline outlets, new municipal, state, federal, or institutional refueling areas, or outlets and refueling areas that replace their existing tank systems shall be required by MS4 ordinance or other regulatory means to design and install appropriate practices to reduce lead, copper, zinc, and polyaromatic hydrocarbons in storm water run-off.

(d) MS4 area personnel responsible for plan review, inspection, and enforcement of postconstruction BMPs shall receive, at a minimum, annual training addressing such topics as appropriate control measures, inspection protocol, and enforcement procedures.

(e) An MS4 operator shall develop and implement a written operational and maintenance plan for all storm water structural BMPs. A certification form that combines the completed requirements of this subsection and subsection (b) shall be completed and submitted to the department once the plan has been developed and implemented or seven hundred thirty (730) days from the date the initial NOI letter submittal was received by the department, whichever is earlier. In subsequent permit terms, the certification form does not need to be completed and submitted. At a minimum, every five (5) years the program shall be reviewed for adequacy and accuracy and updated as necessary.

(f) An MS4 operator shall develop measurable goals for this measure. To comply with this measure, specific reduction percentages and timetables must be identified. At a minimum, goals must address relevant regulatory mechanism implementation, planning and structural BMP strategies, new impervious surface reduction, and discharge quality improvement. *(Water Pollution Control Board; 327 IAC 15-13-16; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3591; errata filed Sep 8, 2003, 3:15 p.m.: 27 IR 191)*

327 IAC 15-13-17 Storm water quality management plan municipal operations pollution prevention and good housekeeping MCM

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 17. (a) An MS4 operator shall develop an SWQMP that includes a commitment to develop and implement a program to prevent or reduce pollutant run-off from municipal operations within the MS4 area.

(b) To the extent of their authority, an MS4 operator shall develop and implement a program to ensure that existing municipal, state, or federal operations are performed in ways that will reduce contamination of storm water discharges. A certification form must be completed and submitted to the department once the program has been developed and implemented or three hundred sixty-five (365) days from the date the initial NOI letter submittal was received by the department, whichever is earlier. In subsequent permit terms, the certification form does not need to be completed and submitted. At a minimum, every five (5) years the program shall be reviewed for adequacy and accuracy and updated as necessary. This program must include the following:

(1) Written documentation of maintenance activities, maintenance schedules, and long term inspection procedures for BMPs to reduce floatables and other pollutants discharged from the separate storm sewers. Maintenance activities shall include, as appropriate, the following:

(A) Periodic litter pick up as defined in the MS4 area SWQMP.

(B) Periodic BMP structure cleaning as defined in the MS4 area SWQMP.

(C) Periodic pavement sweeping as defined in the MS4 area SWQMP.

(D) Roadside shoulder and ditch stabilization.
(E) Planting and proper care of roadside vegetation.
(F) Remediation of outfall scouring conditions.

(2) Controls for reducing or eliminating the discharge of pollutants from operational areas, including roads, parking lots, maintenance and storage yards, and waste transfer stations. Appropriate controls shall include the following:

(A) Covering or otherwise reducing the potential for polluted storm water run-off from deicing salt or sand storage piles.
(B) Establishing designated snow disposal areas that have minimal potential for pollutant run-off impact on MS4 area receiving waters.
(C) Providing facilities for containment of any accidental losses of concentrated solutions, acids, alkalies, salts, oils, or other polluting materials.
(D) Standard operating procedures for spill prevention and clean-up during fueling operations.
(E) BMPs for vehicular maintenance areas.
(F) Prohibition of equipment or vehicle wash waters and concrete or asphalt hydrodemolition waste waters into storm water run-off except under the allowance of an appropriate NPDES wastewater permit.
(G) Minimization of pesticide and fertilizer use. Pesticides shall be used, applied, handled, stored, mixed, loaded, transported, and disposed of via office of the Indiana state chemist's guidance requirements.
(H) Proper disposal of animal waste. If applicable, it is recommended that canine parks be sited at least one hundred fifty (150) feet away from a surface waterbody.

(3) Written procedures for the proper disposal of waste or materials removed from separate storm sewer systems and operational areas. All materials removed from separate storm sewer systems and operational areas, including dredge spoil, accumulated sediments, floatables, and debris, must be:

(A) reused or recycled; or
(B) disposed of in accordance with applicable solid waste disposal regulations.

(4) Written documentation that new flood management projects are assessed for their impacts on water quality and existing flood management projects are examined for incorporation of additional water quality protection devices or practices.

(5) Written documentation that appropriate MS4 entity employees have been properly trained, with periodic refresher sessions, on topics such as proper disposal of hazardous wastes, vegetative waste handling, fertilizer and pesticide application, and the function of implemented BMPs.

(c) An MS4 operator shall develop measurable goals for this MCM. To comply with this measure, specific reduction percentages and timetables must be identified. As applicable or, if not applicable, then appropriately justified, goals must address relevant catch basin cleaning and street sweeping procedures, employee training, recycling program implementation, pesticide, fertilizer and sand or salt usage reductions, floatables reduction, and maintenance schedule for BMPs.

(d) In combined sewer system municipalities designated under this rule, the current CSOOP and LTCP will need to be reviewed, and any necessary language changes to ensure consistency with the SWQMP must be included in the plans to ensure that this MCM requirement is met. *(Water Pollution Control Board; 327 IAC 15-13-17; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3592)*

327 IAC 15-13-18 Reporting requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 18. (a) An MS4 operator regulated under this rule shall submit an annual report to the department with the following information:

(1) Progress towards development, implementation, and enforcement of all MCMs, including updated programmatic indicator data.
(2) Summary of complaints received and follow-up investigation results related to storm water quality issues.
(3) Updated measurable goals.
(4) Storm water BMPs installed or initiated.
(5) Follow-up or additional water quality characterization.
(6) Updated active industrial facilities list.

(7) Implementation problems encountered, including BMP changes due to ineffectiveness or infeasibility.
(8) Funding sources and expenditures.
(9) Changes to MS4 area boundaries, including land areas added to the MS4 area via annexation or other similar means.
(10) Identified storm water quality improvement projects.
(11) Updated receiving water information.

The initial annual report shall be postmarked no later than three hundred sixty-five (365) days from the date the SWQMP-Part C: Program Implementation submittal was received by the department. Subsequent report submittals during the first five (5) year permit term shall be provided no later that three hundred sixty-five (365) days from the previous report in years three (3), four (4), and five (5). In subsequent permit terms, reports must be submitted in years two (2) and four (4).

(b) An MS4 operator shall submit a monthly construction site project summary to the department containing a listing of all project names associated with section 15 of this rule, the project address, project duration, and an indication of enforcement actions undertaken. If no projects occur within a given month, a report does not need to be submitted. Reports must be postmarked no later than the last day of the following month. The commissioner may develop criteria for an alternative acceptable timetable for submission of this summary.

(c) The summary required under subsection (b) must address those projects for which there has been:
(1) an NOI letter submittal, or its equivalent, to the MS4 entity; or
(2) a Notice of Termination letter, or its equivalent, processed by the MS4 entity.

(d) An MS4 operator shall certify by signature on the annual report form that information provided is true and accurate. *(Water Pollution Control Board; 327 IAC 15-13-18; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3593; errata filed Sep 8, 2003, 3:15 p.m.: 27 IR 191)*

327 IAC 15-13-19 Permit duration

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 19. (a) The permits under this rule are valid for five (5) years from the date the initial NOI letter was received by the department. Renewal application for the permit is required at least sixty (60) days prior to the expiration date. Coverage under renewal NOI letters will begin on the date of expiration from the previous five (5) year permit term.

(b) If MS4 entity conditions change within an MS4 area, written notification of the changes must be submitted to the commissioner.

(c) For a complete renewal application to be sufficient, a new NOI letter and SWQMP-Part A: Initial Application must be submitted in accordance with sections 6 and 9 of this rule.

(d) Permits may be reissued on a watershed basis to take into account surface water quality monitoring strategies and sampling data analyses for individual drainage areas.

(e) Subsequent permits will require the MS4 operator to maintain and, where possible, improve their performance in implementing the six (6) MCMs. *(Water Pollution Control Board; 327 IAC 15-13-19; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3594)*

327 IAC 15-13-20 Permit termination

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 20. (a) An MS4 entity may request the department to terminate permit coverage under this rule if:
(1) based on physical changes in the MS4 area, the permit is no longer needed;
(2) based on a lack of cooperation between MS4 entities, a new general permit NOI letter is needed; or
(3) based on documented reductions in population, population density, occupancy, or enrollment that result in numbers below minimum designation criteria and a request based on this subdivision will only be considered once a permit under this rule has expired.

(b) The department may terminate permit coverage under this rule and require an MS4 entity to apply for an individual permit if one (1) of the six (6) cases referenced in 327 IAC 15-2-9(b) is applicable. *(Water Pollution Control Board; 327 IAC 15-13-20; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3594)*

327 IAC 15-13-21 Standard conditions

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-14-10; IC 13-18-4; IC 13-30

Sec. 21. The standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply to this rule. *(Water Pollution Control Board; 327 IAC 15-13-21; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3594; errata filed Sep 8, 2003, 3:15 p.m.: 27 IR 191)*

327 IAC 15-13-22 Inspection and enforcement

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-14-10; IC 13-18-4; IC 13-30

Sec. 22. (a) The commissioner may inspect an MS4 entity regulated under this rule at any time. Any documentation required in sections 6 through 20 of this rule or related to implementation of this rule must be available at the physical address corresponding to the MS4 operator or the primary contact individual for review by the commissioner during normal business hours.

(b) At a minimum, records shall be established and maintained at the address referenced in subsection (a) for the five (5) years of the permit term. The five (5) year period will be extended:

(1) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the MS4 operator, or other MS4 entity regulated by the MS4 area permit, or regarding promulgated effluent guidelines applicable to the MS4 area; or

(2) as requested by the regional administrator of the United States Environmental Protection Agency or the commissioner.

(c) The commissioner may request data to facilitate the identification or quantification of pollutants that may be released to the environment from an MS4 conveyance or to determine effectiveness of the MCMs.

(d) The commissioner, or an authorized representative, upon providing appropriate credentials, may inspect an MS4 entity regulated under this rule at any time. As it pertains to sections 15 and 16 of this rule, the department of natural resources, division of soil conservation staff, or their designated representative, upon providing appropriate credentials, may inspect an MS4 entity regulated under this rule at any time. Record keeping and reporting requirements for sections 15 and 16 of this rule shall conform to 327 IAC 15-5.

(e) All persons or MS4 entities responsible for the MS4 conveyances shall be responsible for complying with the SWQMP for the MS4 area and the provisions of this rule. Any person or MS4 entity causing or contributing to a violation of any provisions of this rule shall be subject to IC 13-30 and IC 13-14-10.

(f) All projects within a regulated MS4 area meeting the applicability requirements of 327 IAC 15-5 are subject to inspection and enforcement by the department or their designated representative for violations associated with 327 IAC 15-5. *(Water Pollution Control Board; 327 IAC 15-13-22; filed Jul 7, 2003, 2:15 p.m.: 26 IR 3594)*

Rule 14. On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District

327 IAC 15-14-1 Purpose

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 1. The purpose of this rule is to establish requirements for point source discharges of treated sewage from on-site residential sewage discharging disposal systems within the Allen County on-site waste management district so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-14-1; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1563)*

327 IAC 15-14-2 Applicability

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4; IC 13-18-12-9

Sec. 2. This rule applies to on-site residential sewage discharging disposal systems located within the Allen County on-site waste management district that have been installed to repair or replace a sewage disposal system that fails to meet public health and environmental standards and for which an operating permit has been issued pursuant to IC 13-18-12-9. Such systems shall discharge one thousand (1,000) gallons or less per day of treated sanitary wastewater. *(Water Pollution Control Board; 327 IAC 15-14-2; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1563)*

327 IAC 15-14-3 Definitions

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-11-2; IC 13-18-4; IC 36-11

Sec. 3. In addition to the definitions contained in IC 13-11-2, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "$CBOD_5$" means Five (5)-day Carbonaceous Biochemical Oxygen Demand.
(2) "Commissioner" means the commissioner of the department of environmental management.
(3) "Department" means the department of environmental management.
(4) "District" means the Allen County on-site waste management district established under IC 36-11.
(5) "E. coli" means Escherichia coli bacteria.
(6) "Notice of intent letter" or "NOI" means a written notification indicating a person's intention to comply with the terms of a specified general permit rule in lieu of applying for an individual National Pollutant Discharge Elimination System (NPDES) permit and includes information as required by 327 IAC 15-3 and the general permit rules.
(7) "On-site residential sewage discharging disposal system" means a sewage disposal system that:
  (A) is located on a site with and serves a one (1) or two (2) family residence; and
  (B) discharges effluent off-site.
(8) "Permittee" means, for purposes of this rule, the owner of an on-site residential sewage discharging disposal system and the district, as defined in subdivision (3) *[sic., subdivision (4)]*.
(9) "Sewage disposal system" means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:
  (A) store;
  (B) treat;
  (C) make inoffensive; or
  (D) dispose of;
human excrement or liquid carrying wastes of a domestic nature.
(10) "TSS" means total suspended solids.

(Water Pollution Control Board; 327 IAC 15-14-3; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1564)

327 IAC 15-14-4 NOI letter requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4; IC 13-18-12-9; IC 13-18-20-12

Sec. 4. (a) Except as provided in subsection (f), the owner of property upon which an on-site residential sewage discharging disposal system subject to this rule is located shall submit to the district a request for inclusion into the district and coverage under this rule. The request shall include the following:

(1) Name and address of the owner and location of the property for which the request is submitted, if different than the mailing address.
(2) A copy of the operating permit issued by the local health department with jurisdiction over the system as provided in section 7 of this rule, pursuant to IC 13-18-12-9(d).
(3) A statement that the person named under subdivision (1) wishes to be covered by this rule.
(4) Signature of the person named under subdivision (1).

(b) If an on-site residential sewage discharging disposal system serves more than one (1) home, each homeowner served by the system shall submit the information required in subsection (a).

(c) If there is a change of ownership of the property upon which an on-site residential sewage discharging disposal system is located, the following must be accomplished in accordance with any applicable district requirements:

(1) The seller of the property shall submit:

(A) a notice to the district reporting the change in property ownership; and

(B) a written statement to the buyer of the property explaining the obligations, including the requirements of this rule, of owning an on-site residential sewage discharging disposal system.

(2) The buyer of the property shall submit to the district a statement requesting to remain subject to coverage under this rule.

(d) The district shall submit a NOI letter to the following address:

Indiana Department of Environmental Management
Office of Water Quality
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Attention: Permits Section

(e) The NOI letter shall include the following:

(1) Names and mailing addresses of all persons requesting inclusion in the district.

(2) Map indicating the following:

(A) The location of each on-site residential sewage discharging disposal system within the district.

(B) The location of any pond or lake within two (2) miles downstream of any on-site residential sewage discharging disposal system within the district.

(3) Names of the receiving streams into which the on-site residential sewage discharging disposal systems will discharge.

(4) A statement that the district and the persons listed under this subsection intend to be covered by this rule.

(5) The application fee required under IC 13-18-20-12.

(f) For an on-site residential sewage discharging disposal system installed at a residence that was constructed after July 1, 2002, because of failure of the original on-site non-discharging sewage disposal system, the following additional requirements apply:

(1) The owner of the system shall submit all information required under this section to both the district and IDEM, including a copy of the operating permit issued by the local health department, prior to discharge from the system.

(2) The owner shall also submit to IDEM a system failure report, on a form provided by the department, that summarizes:

(A) the known reasons for failure of the system; and

(B) other technologies for repair or options for managing the on-site waste that were considered by the local health department prior to issuing an operating permit.

(3) The owner may not discharge from the system until receiving approval from the department. If the department does not approve the operation within fifteen (15) days of receipt of the NOI information, the system is approved for purposes of this rule.

(g) The NOI letter must be signed by the head of the governing body of the district. *(Water Pollution Control Board; 327 IAC 15-14-4; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1564)*

327 IAC 15-14-5 Deadline for submission of a NOI letter and update requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 5. (a) Any person requesting inclusion in the district and coverage under this rule shall submit the request for inclusion to the district within thirty (30) days of receipt of the operating permit issued by the local health department. However, a person described in section 4(f) of this rule shall submit the NOI information required under section 4 of this rule to the district and IDEM at least fifteen (15) days prior to discharging.

(b) The district shall submit the NOI letter to the department within ninety (90) days of the effective date of this rule.

(c) The district shall provide written updates to the department every three (3) months after submission of the initial NOI letter. The updates shall include the following:

(1) Updated list of names and mailing addresses of district members, including the following:

(A) Additional persons included in the district and requesting coverage under this rule since the last update.

(B) Changes in ownership of any systems, including the names of the new and former owners.

(2) Updated map containing the most recent information required under section 4(e)(2) of this rule.

(d) The update required by subsection (c) must be signed by the head of the governing body of the district. *(Water Pollution Control Board; 327 IAC 15-14-5; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1565)*

327 IAC 15-14-6 General permit rule boundary

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 6. On-site residential sewage discharging disposal systems located within the boundaries of the Allen County on-site waste management district are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-14-6; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1565)*

327 IAC 15-14-7 General requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4; IC 13-18-12-9

Sec. 7. (a) The point source discharge of treated sewage from an on-site residential sewage discharging disposal system is prohibited unless:

(1) the local health department with jurisdiction over the system has issued an operating permit for the system as provided under IC 13-18-12-9(d); and

(2) all applicable requirements of this article and 327 IAC 5 have been met.

(b) Coverage commences under this rule according to the following:

(1) Upon receipt by the department of the initial NOI letter for discharges from an on-site residential sewage discharging disposal system included in the NOI letter.

(2) Upon receipt by the district of the request for inclusion and coverage under section 4 of this rule for owners of an on-site residential sewage discharging disposal system installed after the district sends the initial NOI letter to the department.

(3) For a person described in section 4(f) of this rule, coverage commences upon approval by the department or fifteen (15) days after the department receives all information required under section 4 of this rule.

(Water Pollution Control Board; 327 IAC 15-14-7; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1565)

327 IAC 15-14-8 Discharge limits and monitoring and reporting requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 8. (a) The permittee must meet the discharge and monitoring requirements listed in Table 1 and this section as follows:

Table 1

The discharge shall be limited and monitored by the permittee as specified as follows:

Parameter	Daily Maximum	Daily Minimum	Units	Monitoring Frequency	Sample Type
Effluent flow	–	–	GPD	1 X Monthly	24-Hr. Total [1]
Temperature	Report	Report	°C	2 X Annually	Grab
$CBOD_5$	15	–	mg/l	2 X Annually	Grab
TSS	18	–	mg/l	2 X Annually	Grab
Ammonia-nitrogen	2	–	mg/l	2 X Annually	Grab
pH	9.0	6.0	s.u.	2 X Annually	Grab
Dissolved Oxygen [2]				2 X Annually	Grab
Winter [3]	–	5.0	mg/l		

Summer [4]	–	[5]	mg/l		
E. coli	235	–	colonies/100ml	1 X Quarterly	Grab
Total residual chlorine [6]					
Final	<0.06	–	mg/l	1 X Quarterly	Grab

[1] Flows may be estimated.

[2] Dissolved oxygen must be monitored once during the winter monitoring period, and once during the summer monitoring period.

[3] Winter limitations apply from December 1 through April 30 of each year.

[4] Summer limitations apply from May 1 through November 30 of each year.

[5] During the summer monitoring period, the dissolved oxygen concentration shall not be less than fifty percent (50%) of saturation as determined by Table 2 as follows:

Table 2

No one (1) sample shall be less than 4.0 mg/l.

Temp. ºC	18.0	18.5	19.0	19.5	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5	24.0	24.5	25.0	25.5	26.0
D.O. mg/l	4.703	4.654	4.606	4.559	4.513	4.467	4.422	4.378	4.335	4.293	4.251	4.210	4.169	4.129	4.090	4.051	4.012

[6] If chlorine is used as a disinfectant, the residual prior to dechlorination shall be maintained at a minimum of 0.5 mg/l at all times. Dechlorination is required such that the concentration of residual chlorine does not exceed the limit of quantification of 0.06 mg/l.

(b) Samples and measurements required by this rule shall:

(1) be representative of the volume and nature of the monitored discharge flow;

(2) be taken at times that reflect the full range of effluent parameters normally expected to be present;

(3) be taken at times that represent seasonal variability unless otherwise approved by the commissioner;

(4) not be taken at times or in a manner to avoid showing elevated levels of any parameter; and

(5) be analyzed by a laboratory using approved methods.

(c) The owner of an on-site residential sewage discharging disposal system shall visually inspect the system at least one (1) time each month and complete a visual inspection form provided by the department. Completed visual inspection forms shall be maintained by the owner of the system and made available for inspection by the district or IDEM. If the person inspecting the system discovers any problem in the operation or maintenance of the system, the person shall contact the district immediately.

(d) Except as provided in subsection (h), the analytical results of monitoring required by this rule shall be reported as follows:

(1) The homeowner shall submit to the district the required analytical results on or before the twenty-eighth day of the month following the month in which the samples were collected.

(2) The district shall submit to the department on a semiannual basis the sampling results for all of the on-site residential sewage discharging disposal systems that are regulated under this rule.

(3) Monitoring results shall be submitted to the department on forms provided by the department.

(e) The discharge from the on-site residential sewage discharging disposal system shall not cause receiving waters, including the mixing zone, to contain substances (for example, foam), materials, floating debris, oil, scum, or other pollutants that:

(1) will settle to form putrescent or otherwise objectionable deposits;

(2) are in amounts sufficient to be unsightly or deleterious;

(3) produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;

(4) are in amounts sufficient to be acutely toxic to or otherwise severely injure or kill aquatic life, other animals, plants, or humans; or

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

(f) The discharge from the on-site residential sewage discharging disposal system shall not cause receiving waters outside the mixing zone to contain substances in concentrations that on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

(g) The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit. The commissioner may require accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

(h) If the results of any compliance monitoring show an exceedance of an effluent limitation under this section, a confirmation

test must be conducted for each exceeded limitation no later than thirty (30) days from the date that the original sample was taken. Results of the confirmation sampling must be submitted to the district as soon as received but in no case later than seven (7) days after receipt of the sampling results. A confirmation test must be conducted every thirty (30) days until the effluent limitation is met.

(i) If two (2) consecutive sampling results, including the confirmation samples required under subsection (h), exceed an effluent limitation, the district must submit a corrective action plan to the department within thirty (30) days of receipt of results of the second sample. The plan shall include information on corrective action taken to ensure compliance with each exceeded limitation and a plan to ensure future compliance with the limitation. *(Water Pollution Control Board; 327 IAC 15-14-8; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1565)*

327 IAC 15-14-9 Standard conditions

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 9. (a) In addition to the conditions set forth in this rule, the standard conditions for a NPDES permit under 327 IAC 5 and the standard conditions for a NPDES general permit under this article apply to this rule.

(b) The district shall maintain the following records within the district office and make them available for inspection pursuant to section 10 of this rule:

(1) Monitoring reports required under section 8 of this rule for each system within the district.

(2) A copy of the operating permit issued by the local health department for each system within the district.

(3) Signed requests for inclusion in the district and coverage under this rule for each system within the district.

(Water Pollution Control Board; 327 IAC 15-14-9; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1567)

327 IAC 15-14-10 Inspection and enforcement

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-14-10; IC 13-15-7; IC 13-18-3; IC 13-18-4; IC 13-30; IC 36-11-2-1; IC 36-11-5

Sec. 10. (a) The owner of an on-site residential sewage discharging disposal system shall allow the commissioner or an authorized representative, upon presentation of credentials, to enter upon the premises where an on-site residential sewage discharging disposal system is located to determine compliance with this rule and state water quality standards.

(b) The district shall allow the commissioner or an authorized representative, upon presentation of credentials, to enter the district office and have access to and copy any records that must be kept under the conditions of this rule, in accordance with 327 IAC 15-4-1(l).

(c) The conditions of this rule are subject to enforcement pursuant to 327 IAC 15-4-1 and IC 13-30. *(Water Pollution Control Board; 327 IAC 15-14-10; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1567)*

327 IAC 15-14-11 Duration and renewal of coverage

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 11. (a) Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences according to section 7(b) of this rule.

(b) To obtain renewal of coverage under this general permit rule, the district shall submit the information required under section 4 of this rule to the commissioner no later than ninety (90) days prior to the expiration of coverage under this rule unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-14-11; filed Dec 18, 2003, 10:39 a.m.: 27 IR 1567)*

Rule 15. Concentrated Animal Feeding Operations

327 IAC 15-15-1 Purpose and effect

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 1. (a) The purpose of this rule is to establish an NPDES general permit for CAFOs. In addition to the requirements of this article for all general permits, this rule establishes the requirements for CAFOs in Indiana. The requirements of this article applicable to all general permits, including the standard conditions in 327 IAC 15-4-1, and the requirements of this rule apply to all CAFOs authorized under this general permit rule.

(b) Compliance with all requirements of applicable general permit rules in this article may eliminate the need for an individual NPDES permit issued under 327 IAC 5. A facility can operate under an individual NPDES permit and one (1) or more applicable general permit rules.

(c) For discharges and potential discharges of manure, litter, process wastewater, and storm water associated with regulated activity, compliance with this article and general permit rule constitutes compliance with Sections 301, 302, 306, 307, 318, 403, and 405(a) and (b) *[405(b)]* of the Clean Water Act and state law in reference to discharges and potential discharges of manure, litter, process wastewater, and storm water.

(d) Compliance with this rule and all applicable requirements for an NPDES general permit under article 15 *[this article]* shall meet the nondegradation requirements of 327 IAC 2-1. *(Water Pollution Control Board; 327 IAC 15-15-1; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2230)*

327 IAC 15-15-2 Applicability and permit boundary

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10; IC 13-30-3

Sec. 2. (a) This rule applies to all CAFOs or AFOs designated as CAFOs under 327 IAC 5-4-3(c) or 40 CFR 122.23(c), effective April 14, 2003, or AFOs electing to be subject to this rule, located within the boundaries of the state of Indiana. All CAFO owners or operators must seek permit coverage under this rule or through an individual NPDES permit except as provided in subsection (f).

(b) Any owner or operator covered by this rule can request to be excluded from coverage under this general permit rule by applying for and obtaining an individual NPDES permit.

(c) An owner or operator excluded from this general permit rule solely because the owner or operator has a valid existing individual NPDES permit may request coverage under this general permit rule and revocation of the existing individual NPDES permit under 327 IAC 15-2-3, unless the owner or operator is required to maintain an individual permit.

(d) A CAFO that has a general permit under this rule is not required to obtain or renew the CFO approval under 327 IAC 16-7.

(e) If the commissioner requires an operation to have an individual NPDES permit under 327 IAC 5-4-3, the commissioner shall notify the owner or operator in writing that an individual NPDES permit application is required. The notice shall include the following:

(1) A brief statement of the reasons for this decision.
(2) An application form.
(3) A statement setting a date by which the person must file the application.
(4) A statement that on the effective date of the individual NPDES permit, the general permit rule, as it applies to the particular owner or operator, shall no longer apply.

The commissioner may grant additional time upon request of the applicant for completion of the application.

(f) An owner or operator of a large CAFO does not need to seek permit coverage under this rule or 327 IAC 5-4-3 if the owner or operator has received a notification from the commissioner of a determination that the CAFO has no potential to discharge in accordance with 327 IAC 5-4-3.1. *(Water Pollution Control Board; 327 IAC 15-15-2; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2231)*

327 IAC 15-15-3 Definitions

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-11-2; IC 13-18-10

Sec. 3. The definitions contained in IC 13-11-2, 327 IAC 5-1.5, and 327 IAC 5-4-3 apply throughout this rule. In addition to those definitions, the following definitions apply throughout this rule:

(1) "Agricultural storm water discharge" means a precipitation related discharge from a land application area where the manure, litter, or process wastewater has been applied in accordance with this rule and site-specific nutrient management practices to ensure the agronomic utilization of the nutrients in the manure, litter, or process wastewater.

(2) "Flood plain" means any area adjoining a river, stream, or lake that has been or may be covered by a one hundred (100) year flood.

(3) "Individual NPDES permit" means a NPDES permit issued to one (1) facility that contains requirements specific to that facility.

(4) "New source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after February 13, 2003.

(5) "Notice of intent letter" or "NOI" means a written notification indicating a person's intention to comply with the terms of this general permit rule in lieu of applying for an individual NPDES permit.

(6) "NRCS 590 standard" means the Indiana Natural Resources Conservation Service (NRCS) Nutrient Management Conservation Practice Standard, Code 590, July 2001*.

(7) "One hundred (100) year, twenty-four (24) hour rainfall event" means a twenty-four (24) hour precipitation event with a probable recurrence interval of once in one hundred (100) years, as defined by the National Weather Service Technical Paper No. 40, "Rainfall Frequency Atlas of the United States", May 1961*.

(8) "Overflow" means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the structure.

(9) "Public water supply surface intake structure" means any structure used for the purpose of providing water through a public water supply system.

(10) "Public water supply well" means any well that provides water to the public through a water distribution system that:

(A) serves at least twenty-five (25) persons per day for:

(i) drinking;

(ii) domestic use; or

(iii) other purposes; or

(B) has at least fifteen (15) service connections.

(11) "Setback" means a specified distance from surface waters or potential conduits to surface waters where manure, litter, and process wastewater may not be land applied. Examples of conduits or potential conduits include, but are not limited to, the following:

(A) Open tile line intake structures.

(B) Sinkholes.

(C) Agricultural well heads.

(12) "Twenty-five (25) year, twenty-four (24) hour rainfall event" means a twenty-four (24) hour precipitation event with a probable recurrence interval of once in twenty-five (25) years, as defined by the National Weather Service Technical Paper No. 40, "Rainfall Frequency Atlas of the United States", May 1961*.

(13) "Vegetated buffer" means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purpose of slowing water run-off, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

*This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Land Quality, Indiana Government Center-North, Eleventh Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Water Pollution Control Board; 327 IAC 15-15-3; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2231)*

327 IAC 15-15-4 Performance standards and effluent limitations

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 4. (a) All waste management systems must be designed, constructed, and maintained to minimize leaks and seepage and

prevent spills. Unless otherwise specified, all requirements under this section must be met by the date of permit coverage.

(b) Manure, litter, or process wastewater to be staged or applied to land in Indiana must be staged or applied in such a manner as:

(1) not to enter or threaten to enter waters of the state;

(2) to prevent:

(A) run-off;

(B) application on saturated ground; and

(C) spills; and

(3) to minimize nutrient leaching beyond the root zone.

(c) Animals in any confinement area must not have direct access to waters of the state.

(d) There shall be no discharge of process wastewater pollutants to waters of the state, except as described in subsection (e). Pumping, dumping, or allowing the leakage or drainage of manure, litter, or process wastewater from a manure transfer vehicle onto unauthorized premises, public thoroughfares, or into waters of the state is also prohibited.

(e) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process wastewater generated in addition to the run-off from a twenty-five (25) year, twenty-four (24) hour rainfall event for the location of the point source, process wastewater pollutants in the overflow may be discharged into waters, provided that the production area is operated in accordance with the additional requirements of 40 CFR 412.37(a) and (b) *[40 CFR 412.37(b)]*, effective April 14, 2003.

(f) Any discharges by operations permitted under this rule are required to meet water quality standards under 327 IAC 5.

(g) New source and existing dairy, heifer, horse, duck, veal, swine, poultry, cattle other than mature dairy cows, and sheep CAFOs must meet the following requirements and effluent limitations for the CAFO production areas as of the date of permit coverage:

(1) There must be no discharge of manure, litter, or process wastewater pollutants to waters of the state.

(2) Install a depth marker in all open surface liquid impoundments that indicates the minimum capacity necessary to contain the run-off and direct precipitation of the twenty-five (25) year, twenty-four (24) hour rainfall event, or two (2) feet of freeboard, whichever is greater.

(3) Whenever rainfall events cause an overflow of process wastewater from a structure designed, constructed, operated, and maintained to contain all process wastewater including the direct precipitation and run-off from a twenty-five (25) year, twenty-four (24) hour rainfall event for the location of the point source, process wastewater pollutants in the overflow may be discharged into waters, provided that the production area is operated in accordance with the requirements of subdivisions (2) and (4) through (8) of this subsection.

(4) Conduct weekly visual inspections of all of the following:

(A) Storm water diversion devices.

(B) Run-off diversion devices.

(C) Devices channeling contaminated storm water to the process wastewater and manure storage structure.

(D) Manure, litter, and process wastewater impoundments, noting the level in open surface liquid impoundments as indicated by the depth marker.

(5) Conduct daily inspection of all water lines that may come in contact with or impact manure, litter, or process wastewater in and around the production area. Such lines include drinking water lines for livestock.

(6) Correct any deficiencies found in inspections as soon as possible.

(7) Do not dispose of mortalities in a liquid manure or process wastewater system. Mortalities must be handled in such a way as to prevent the discharge of pollutants to surface water.

(8) Maintain, within the operating record required under section 17 of this rule, for a period of five (5) years from the date of creation, a complete copy of the following records:

(A) Records documenting self-inspections.

(B) Weekly records of the depth of manure and process wastewater in the open surface liquid impoundment, as indicated by the depth marker.

(C) Records of actions taken to correct deficiencies. Deficiencies not corrected within thirty (30) days of discovery must be accompanied by an explanation of the factors preventing immediate correction.

(D) Records of mortality management and practices.

(E) Records documenting the current design of any manure, litter, or process wastewater storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity.

(F) Records of the date, time, and estimated amount of any overflow.

(h) For the land application areas of new source and existing dairy, veal, swine, poultry, cattle other than mature dairy cows, horse, sheep, duck, and heifer CAFOs, the following records must be maintained in the operating record for a period of five (5) years from the date of permit coverage:

(1) Expected crop yields.

(2) The date or dates manure, litter, or process wastewater is applied to each field.

(3) Precipitation events at the time of application and for twenty-four (24) hours prior to and following application.

(4) Test methods used to sample and analyze manure, litter, process wastewater, and soil.

(5) Results from manure, litter, process wastewater, and soil sampling.

(6) Explanation of the basis for determining manure, litter, and process wastewater application rates.

(7) Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater.

(8) Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied.

(9) The method used to apply the manure, litter, or process wastewater.

(10) Date(s) of manure, litter, and process wastewater application equipment inspection.

(11) USDA soil survey maps of currently available land application sites.

(i) For new source veal, swine, and poultry CAFOs, the following requirements apply to the production areas of the CAFO as of the date of permit coverage:

(1) There must be no discharge of manure, litter, or process wastewater pollutants into waters of the state, subject to the requirements of this subsection.

(2) Waste management and storage facilities must be designed, constructed, operated and maintained to contain all manure, litter, and process wastewater and, if applicable, run-off and the direct precipitation from a one hundred (100) year, twenty-four (24) hour rainfall event.

(3) Production areas must be operated in accordance with the requirements of subsections (g)(4) through (g)(8) of this section *[subsection (g)(4) through (g)(8)]*. Additionally, sources must install a depth marker in all open surface liquid impoundments that indicates the minimum capacity necessary to contain the run-off and direct precipitation of a one hundred (100) year, twenty-four (24) hour rainfall event, or two (2) feet of freeboard, whichever is greater.

(Water Pollution Control Board; 327 IAC 15-15-4; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2232)

327 IAC 15-15-5 Notice of intent requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10-2.3

Sec. 5. (a) The owner or operator of a CAFO seeking permit coverage under this rule shall submit a notice of intent (NOI), on a form provided by the commissioner, to the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, IN 46206-6015, Attention: Permits Section. NOIs must be submitted within the deadlines found at 327 IAC 5-4-3(i).

(b) The owner or operator must:

(1) Include the following information in the NOI:

(A) Name, telephone number, and mailing address of the owner and operator.

(B) Name, location, and address of the operation. Contact person and telephone number.

(C) Type and number of animals at the operation.

(D) Type of containment and storage and total capacity for manure, litter, and process wastewater storage (tons/gallons).

(E) Total number of acres under control of the applicant available for land application.

(F) Estimated amount of manure, litter, and process wastewater generated per year (tons/gallons).

(G) Estimated amount of manure, litter, and process wastewater transferred to other persons per year (tons/gallons).

(H) List of other environmental permits held and permit numbers, including the CFO farm ID number provided on state CFO approval under 327 IAC 16.
(I) A soil survey map of the operation, as required under section 17(c) of this rule, and land application areas, as required under section 4 of this rule.
(J) SIC code for the operation.
(K) Name of waterbody receiving drainage from the production area.
(L) Telephone number and title of person signing the NOI.
(M) List all discharges to waters of the state during the five (5) years preceding the submittal of the NOI.
(N) For newly constructing CAFOs, a list of names and addresses of all property owners adjacent to the production area property.
(O) For CAFOs applying to use the land application setbacks for injection or single pass incorporation under section 12 of this rule, a demonstration, on forms provided by the department, that the method of application will provide equivalent environmental protection as provided by the setbacks listed in Table 1 of section 12 of this rule.
(P) For CAFOs applying to use the land application setbacks for solid manure or litter surface applied and incorporated within twelve (12) hours under section 12 of this rule, a demonstration, on forms provided by the department, that the method of application will provide equivalent environmental protection as provided by the setbacks listed in Table 1 of section 12 *[of this rule]*.
(Q) Other than Indiana, list all states wherein the owner or operator owns or operates a CAFO. and
(2) Submit the application fee of fifty dollars ($50).
(c) The NOI must be certified and be signed in accordance with 327 IAC 15-4-3(g).
(d) Following submittal of the NOI to the department, the department shall do the following:
(1) Review the NOI for completeness and applicability under this rule.
(2) Consider any public comments on whether the operation should be required to obtain an individual permit.
(3) Review past compliance and the enforcement history for the site.
(4) Review the NOI and the information provided under this section relative to section 9(a) of this rule.
(5) If the department determines under section 9 of this rule that the facility should obtain an individual NPDES permit, the department shall provide notice to the operation that an individual permit is required.

(e) Compliance with the NOI submission requirements under this rule satisfies the requirements to submit a manure management plan under IC 13-18-10-2.3. The NOI must be complete and on forms provided by the commissioner.

(f) An NPDES general permit under this rule may not be transferred. If ownership of a facility is transferred to a new owner, the new owner must submit an NOI under this section or apply for an individual NPDES permit under 327 IAC 5-4-3. The new owner must submit the NOI at least thirty (30) days prior to beginning operations at the facility.

(g) Any change in the information submitted in the NOI should be reported as soon as practicable to the commissioner. Changes that are reasonably expected to alter the characteristics of the discharge from the operation regulated under a general permit rule must be reported prior to the change. Following such notice, the commissioner may request the person to submit an application for an individual NPDES permit.

(h) When a permittee becomes aware that incomplete or incorrect information was submitted with the NOI or in any report to the commissioner, the permittee must submit the complete or correct information to the commissioner upon discovery of the omission or error. *(Water Pollution Control Board; 327 IAC 15-15-5; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2233)*

327 IAC 15-15-6 Duration and renewal of coverage

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 6. (a) Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences.

(b) For a CAFO with a valid CFO approval under 327 IAC 16 on the date of submittal of an NOI, coverage under this rule commences on the date that the department receives a complete and timely NOI from the applicant. The commissioner may deny coverage under this rule and require submittal of an application for an individual NPDES permit based on a review of the NOI information submitted under sections 5 and 9 of this rule.

(c) In accordance with 327 IAC 15-2-9(b), section 9(a) of this rule, and 40 CFR 122.28(b), effective April 14, 2003, any interested person may petition the commissioner to require an owner or operator of an operation subject to this rule to apply for and obtain an individual NPDES permit. If the commissioner does not respond to the petition in writing within ninety (90) days of receipt, the petition is deemed denied.

(d) For a CAFO seeking coverage under this rule prior to construction of the facility or modification of a CFO such that it becomes a CAFO, coverage commences on the date the department receives the construction NOI required under section 7 *[of this rule]*.

(e) To obtain renewal of coverage under this general permit rule, the information required under section 5 of this rule shall be submitted to the department no later than one hundred eighty (180) days before the expiration of coverage under the permit. The permittee must submit an NOI to renew a general permit on forms provided by the department. The permittee need not submit an NOI to remain covered under this rule if:

(1) the facility has ceased operation or is no longer a CAFO; and

(2) the permittee has demonstrated to the commissioner that there is no remaining potential to discharge.

A CAFO is required to maintain permit coverage until these provisions are met.

(f) If a CAFO is required to submit an application for an individual NPDES permit, the general permit terminates when:

(1) the owner or operator fails to timely submit the permit application required under 327 IAC 5-4-3; or

(2) the individual permit is issued or denied by the commissioner.

(g) A construction NOI under section 7 of this rule meets the requirements for an NOI under section 5 of this rule and is in effect for five (5) years, provided the owner or operator meets the construction requirements of section 7 *[of this rule]*. The owner or operator is required to meet all requirements of this rule during the five (5) year term of the construction NOI.

(h) A CAFO that has obtained coverage under this rule or obtained an individual NPDES permit under 327 IAC 5-4-3 satisfies the requirement to obtain an approval from the department under IC 13-18-10. *(Water Pollution Control Board; 327 IAC 15-15-6; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2234)*

327 IAC 15-15-7 Construction notice of intent and requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 4-21.5; IC 13-18-10

Sec. 7. (a) An owner or operator of:

(1) a proposed CAFO;

(2) an AFO or CFO that has an increase in the number of animals as a result of construction such that it becomes a CAFO; or

(3) an existing CAFO modifies the operation to:

(A) reduce manure storage capacity to less than the reported capacity in the most recent NOI submission; or

(B) increase animal capacity greater than ten percent (10%) of the reported capacity in the most recent NOI submission;

that seeks coverage under this rule, must submit an NOI that meets the requirements of section 5 of this rule.

(b) The NOI must also contain all the information required under 327 IAC 16-7-2 and the operation must comply with the design and construction requirements of 327 IAC 16-5 and 16-8 *[327 IAC 16-8]*.

(c) A CAFO subject to this section may not begin construction until the department provides written notification that the NOI contains all required information and is complete. An owner or operator must begin construction within two (2) years and complete construction within four (4) years of the written notification from the department that the NOI contains all required information and is complete, or the date any appeals related to construction of the operation brought under IC 4-21.5 have been completed, whichever is later.

(d) To provide the department with the opportunity to inspect the system or structure, the owner or operator shall notify the department prior to commencement of construction on a new waste management system or structure.

(e) After completion of construction of a waste management system or structure, the owner or operator shall submit an affidavit to the commissioner certifying that the system or structure was constructed and will be operated in accordance with this rule.

(f) An owner or operator that meets the requirements of this section satisfies the requirement to obtain a construction approval under 327 IAC 16. *(Water Pollution Control Board; 327 IAC 15-15-7; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2235)*

327 IAC 15-15-8 Public notice

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 8. (a) An owner or operator that submits a NOI to construct on land that is undeveloped or for which a valid existing CFO approval or NPDES permit has not been issued shall make a reasonable effort to provide notice to:

(1) each person who owns land that adjoins the land on which the confined feeding operation is to be located; or

(2) all occupants of the land, if a person who owns land that adjoins the land on which the confined feeding operation is to be located does not occupy the land; and

(3) the county commissioners of the county in which the confined feeding operation is to be located;

not more than ten (10) working days after submitting the NOI. The notice must be sent by mail, be in writing, include the date on which the NOI was submitted to the department, and include a brief description of the subject of the NOI. The applicant shall pay the cost of complying with this section. The applicant shall submit an affidavit to the department that certifies that the applicant has complied with this section.

(b) Upon notification by the department that an individual permit is required, the owner or operator shall comply with subsection (a) in regards to notice of the individual NPDES permit application.

(c) Except as provided in subsection (e), for all:

(1) first time submissions of NOIs; and

(2) CAFOs that are modified to increase manure storage capacity by twenty-five percent (25%) or more above the reported manure storage capacity in the most recent NOI submission, including operations subject to subsection (a);

the department shall publish a notice in the newspaper with the largest circulation in the county after receiving an initial NOI. The notice will request comments be submitted to the department on the eligibility of the owner or operator submitting the NOI for a general permit.

(d) The department shall publish, once annually, a notice in the newspaper with the largest circulation in each county that contains CAFOs that have submitted NOIs to renew coverage under section 6 of this rule. The newspaper notice shall state the following: "The following facilities have been operating a Concentrated Animal Feeding Operation (CAFO) under coverage of a water quality National Permit Discharge Elimination System (NPDES) general permit for the preceding five years. The owners or operators have provided notice to the Indiana Department of Environmental Management (IDEM) of their intention to continue to operate under the NPDES general permit for the next five years.

IDEM considers the owners or operators operating under the NPDES CAFO general permit rule to be eligible to continue to operate under the general permit rule.

Please contact IDEM for information on the water quality permit requirements for a listed owner or operator or if you would like to provide information to IDEM relative to the eligibility of an owner or operator under the CAFO NPDES general permit rule. Under 327 IAC 15-15-6, a person may petition IDEM to require an owner or operator to apply for an individual NPDES permit, in accordance with the applicable rule.".

(e) A newspaper notice under subsection (d) shall not be provided for a CAFO that provides certification to the department, on forms provided by the department, that persons listed under subsection (a)(1) and (2) *[(a)(2)]* have been notified of the submission of the NOI and the provisions of the *[sic.]* section 6(c) of this rule. The certification to the department must contain the list of persons notified and the means of notification. *(Water Pollution Control Board; 327 IAC 15-15-8; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2235)*

327 IAC 15-15-9 General conditions

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-11-2-40.8; IC 13-18-10

Sec. 9. (a) The commissioner may require any person, with a facility that has an existing discharge or the potential for a discharge, and is subject to the requirements of this article, to apply for and obtain an individual NPDES permit if one (1) of the following occurs:

(1) The applicable requirements contained in this article are not adequate to ensure compliance with:

(A) water quality standards under 327 IAC 2-1 or 327 IAC 2-1.5; or

(B) the provisions that implement water quality standards contained in 327 IAC 5.

(2) The owner, operator, or facility is not in compliance with the terms and conditions of the general permit rule.

(3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants from the point source.

(4) Effluent limitations guidelines that are more stringent than the requirements in the general permit rule are subsequently promulgated for point sources regulated by the general permit rule.

(5) A water quality management plan containing more stringent requirements applicable to such point source is approved.

(6) Circumstances have changed since the activity regulated under this article began so that the discharge is no longer appropriately controlled under the general permit rule, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.

(7) The owner or operator has commenced construction, as defined at IC 13-11-2-40.8, before receiving written confirmation from the department that the construction plan is consistent with the general permit.

(8) The facility has an increased potential to discharge because of the proximity to waters of the state and conditions exist at the site that may not prevent discharges to waters of the state without the imposition of additional requirements not contained in this rule.

(9) The owner or operator has knowingly or intentionally submitted false information to the department as part of the NOI or the false information is in the required operating records under this rule.

(10) The owner or operator has failed to comply with a specific general permit requirement relating to protection of water quality on at least three (3) separate occasions within the preceding five (5) years and has been notified of the violations at least twice by the department.

(11) The facility has had a reportable spill pursuant to 327 IAC 2-6.1 to the waters of the state within the five (5) years prior to the NOI submittal.

(12) The land application areas of the operation are closer than the setback distances allowed under section 12 of this rule.

(b) Any person with a facility subject to this rule shall submit an annual report to the commissioner by February fifteenth (15th) *[sic., 15]* of each year for the previous calendar year with the following information:

(1) Number and type of animals, whether in open confinement or housed under roof.

(2) Estimated amount of total manure, litter, and process wastewater generated by the CAFO in the previous twelve (12) months.

(3) Estimated amount of total manure, litter, and process wastewater transferred to other persons by the CAFO in the previous twelve (12) months.

(4) Total number of acres available for land application.

(5) Total number of acres used for land application of manure, litter, and process wastewater in the previous twelve (12) months.

(6) Summary of all manure, litter, and process wastewater discharges from the production area that have occurred in the previous twelve (12) months, including the date, time, and approximate volume for each discharge.

(7) A report on the development and implementation of the soil conservation practice plan required under section 11 of this rule.

(8) Information specified under 327 IAC 15-4-2 and 15-4-3 *[327 IAC 15-4-3]* for any instance of noncompliance. If a spill occurs, the spill must be reported to the department within two (2) hours of discovery, in accordance with 327 IAC 2-6.1-7.

(c) All reports and information required to be submitted under this rule shall be signed and certified in accordance with 327 IAC 15-4-3(g).

(d) It shall not be a defense in an enforcement action that an owner or operator would have had to halt or reduce the permitted activity in order to maintain compliance with the requirements of this rule.

(e) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(f) The owner or operator shall comply with the requirements of 327 IAC 5-2-14.

(g) The owner or operator shall give notice to the commissioner as soon as possible of any planned physical alterations or additions to the permitted facility when the alterations or additions would cause the facility to become a new source under 40 CFR 122.29(b), effective April 14, 2003.

(h) The owner or operator shall give notice to the commissioner of any planned change in the permitted facility or activity that may result in noncompliance with the requirements of this rule. *(Water Pollution Control Board; 327 IAC 15-15-9; filed Feb*

23, 2004, 12:15 p.m.: 27 IR 2236)

327 IAC 15-15-10 Manure, litter, and process wastewater storage and staging requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 10. (a) All manure, litter, and process wastewater management systems must be properly maintained and operated to meet the conditions set forth under this general permit rule.

(b) Management of manure, litter, and process wastewater must be in compliance with the following:

(1) This rule.

(2) All applicable state and federal laws.

(c) Manure, litter, and process wastewater must be in an approved storage structure until removed for land application.

(d) Adequate storage shall be maintained to avoid land application when soil or weather conditions are unsuitable for land application or when land is occupied with crops and unavailable for land application. Land application when soil or weather conditions are unsuitable for land application is prohibited under this rule.

(e) Liquid manure storage structures that are open and process wastewater storage structures that are open must be maintained with a minimum freeboard of two (2) feet and must have clearly identified markers to indicate the following:

(1) Manure and process wastewater levels relative to the approved freeboard elevation.

(2) Except as provided in (3) *[subdivision (3)]*, the minimum capacity necessary to contain the run-off and direct precipitation of the twenty-five (25) year, twenty-four (24) hour rainfall event.

(3) For new source swine, poultry, and veal operations, the minimum capacity necessary to contain the direct precipitation and run-off from a one hundred (100) year, twenty-four (24) hour rainfall event.

(f) The owner or operator shall inspect all manure, litter, and process wastewater management systems for compliance with this rule at least one (1) time each week. Completed self-monitoring records must be kept in the operating record described in section 17 of this rule.

(g) All earthen berms for manure, litter, and process wastewater storage structures must:

(1) be stabilized with vegetation or alternative erosion control measures; and

(2) be maintained to allow for visual inspection.

(h) Dead animal compost operations must have run-on and run-off control. Dead animal compost may be applied to the land if applied in accordance with the land application requirements in this rule. Disposal of dead animals must be handled in accordance with the rules of the board of animal health at 345 IAC 7-7-3.

(i) Manure, litter, and process wastewater staging and land application activities shall be conducted in compliance with sections 4 and 11 through 14 of this rule and as follows:

(1) Manure and litter that are staged at the application site for more than seventy-two (72) hours must be covered or otherwise protected and applied to the site within ninety (90) days.

(2) Staging of solid manure or litter at the application site is prohibited:

(A) within three hundred (300) feet of surface waters of the state, drainage inlets, including water and sediment control basins, or water wells unless there is:

(i) a barrier; or

(ii) a surface gradient that contains or directs any contaminated run-off away from the waters of the state, drainage inlets, including water and sediment control basins, or water wells;

(B) on any area with a slope greater than six percent (6%), unless run-on and run-off is controlled; or

(C) on any standing water or waterway.

(Water Pollution Control Board; 327 IAC 15-15-10; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2237)

327 IAC 15-15-11 Soil conservation practice plan

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 11. (a) Except as provided in subsection (b), any person with a facility subject to this rule must develop and implement

a soil conservation practice plan for land application areas by December 31, 2006. The following milestones shall be met for the development and implementation of the plan:

(1) The owner or operator of the CAFO must identify the person who will develop the soil conservation practice plan by December 31, 2004.

(2) The owner or operator of the CAFO must have completed the soil conservation practice plan by December 31, 2005.

(3) The owner or operator of the CAFO must have implemented the soil conservation practice plan by December 31, 2006.

(4) The owner or operator of the CAFO shall report progress toward meeting each milestone in this section in the annual report required under section 9(b) of this rule.

(b) For CAFOs that become subject to this rule after December 31, 2006, the requirement to develop and implement a soil conservation practice plan shall apply as of the date permit coverage commences. If a person is proposing to apply manure, litter, or process wastewater to snow covered or frozen ground, or to highly erodible land, a soil conservation practice plan must be developed and implemented in accordance with section 14 of this rule, before such application. Any land subject to a land use agreement:

(1) not owned or controlled by the CAFO owner or operator to which manure, litter, or process wastewater is applied; and

(2) where the land owner does not implement conservation practices, as applicable under this rule;

must be used in accordance with sections 10, 12, 13, and 14 of this rule.

(c) All new sources, as defined in section 3 of this rule, must comply with this section upon the date of permit coverage under this rule.

(d) The soil conservation practice plan must be developed in accordance with NRCS conservation practice standards and must specify, for each field receiving manure, litter, or process wastewater for land application how to:

(1) reduce soil erosion to a tolerable loss (T); and

(2) minimize nutrient loss through leaching and run-off.

(e) The soil conservation practice plan must contain the following:

(1) A soil map clearly showing the specific fields subject to the conservation practices.

(2) A description of the soil types present.

(3) Slope of land application sites.

(4) Identification of appropriate site-specific conservation practices to reduce soil erosion and control run-off of pollutants.

(5) Identification of appropriate methods to minimize nutrient leaching.

(6) If applicable, plan for application of manure, litter, or process wastewater to frozen or snow covered ground, as required under section 14 of this rule.

(7) If applicable, identification of land application sites for frozen or snow covered ground application.

(8) If applicable, identification of highly erodible land, as required under 12(i) *[section 12(i)]* of this rule.

(f) The soil conservation practice plan shall be kept with the operating record required under section 17 of this rule. *(Water Pollution Control Board; 327 IAC 15-15-11; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2238)*

327 IAC 15-15-12 Nutrient management requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 12. (a) CAFOs that are not new sources must conduct manure, litter, and process wastewater testing for nitrogen and phosphorus annually. Soil sampling and testing must be conducted at a minimum once every three (3) years. Owners or operators may use the most recent data required under 327 IAC 16-7-11 to meet this requirement after the effective date of this rule.

(b) CAFOs that are new sources must, as of the date of permit coverage, conduct manure, litter, and process wastewater testing for nitrogen and phosphorus prior to the first land application and annually thereafter. All CAFOs, except for new sources, shall conduct soil testing for phosphorus as of the date of permit coverage and once every three (3) years thereafter.

(c) Owners or operators shall use the protocols listed in the NRCS 590 standard for sampling and testing of soil, manure, litter, and process wastewater.

(d) CAFOs that are not new sources must adjust land application rates to conform with the NRCS 590 standard by December 31, 2006.

(e) CAFOs that are new sources must, as of the date of permit coverage, be prepared to conform with land application rates

based on the NRCS 590 standard for the first and all subsequent land application activities.

(f) Except as otherwise provided under this section, application of manure, litter, and process wastewater must be in accordance with the setbacks in Table 1:

Table 1.

SETBACK DISTANCES FROM DOWNGRADIENT SURFACE FEATURES (in feet)

Known Feature	Less than or Equal to 6% Slope; or Residue Cover	Greater than 6% Slope
Public water supply wells and public water supply surface intake structures	500	500
Surface waters of the state	100	200
Sinkholes (measured from the surface opening or the lowest point)	100	200
Wells	100	200
Drainage inlets	100	200
Property lines and public roads	50	50

(1) All setback distances must be measured from the edge of the area of actual placement of manure, litter, or process wastewater on the land.

(2) The property line setback distances specified in Table 1 may be waived in writing by the owner of the adjoining property.

(3) If a properly designed and maintained filter strip of at least thirty-five (35) feet in width is located between the application site and:

(A) surface waters of the state;

(B) any known private well;

(C) the surface opening or lowest point of any sinkhole; or

(D) any drainage inlet, including water and sediment control basins;

then the setback is the width of the filter strip.

(4) The setback is ten (10) feet if a gradient barrier is located between the application site and:

(A) surface waters of the state;

(B) any known well;

(C) the surface opening or lowest point of any sinkhole; or

(D) any drainage inlet, including water and sediment control basins.

(g) Manure, litter, or process wastewater must not be applied to the land from manure application equipment operating on a public road.

(h) Manure, litter, and process wastewater shall not be applied to saturated ground.

(i) When planning land application, the owner or operator must take into account the weather forecast and the likelihood of precipitation events for the twenty-four (24) hour period prior to and after the application and site soil conditions to assure that manure, litter, and process wastewater are not applied prior to a rain event that, when combined with soil conditions, would likely result in run-off.

(j) Manure, litter, and process wastewater must not be applied to highly erodible land unless:

(1) the land is pastureland;

(2) the land is planted in a cover crop that reduces or controls erosion; or

(3) the manure, litter, or process wastewater is applied in accordance with the soil conservation practice plan required under section 11 of this rule.

(k) Land application sites must be inspected to identify any field tile outlets under or immediately bordering the land application site. Visual monitoring of identified field tile outlets must occur during and immediately following land application of the manure, litter, or process wastewater. If there is evidence of manure or process wastewater discharging from the field tile outlet, the land application must cease immediately and the flow stopped or captured. Any flow that is captured shall be either land applied or returned to storage.

(l) If a CAFO is land applying manure, litter, or process wastewater by injection or single pass incorporation, the CAFO must comply with the following setbacks:

(1) Public water supply wells and public water supply surface intake structures: five hundred (500) feet.

(2) Surface waters: twenty-five (25) feet.

(3) Sinkholes: twenty-five (25) feet.
(4) Wells: fifty (50) feet.
(5) Drainage inlets: five (5) feet. and
(6) Property lines and public roads: zero (0) feet.
(m) If a CAFO is land applying solid manure or litter by surface application followed by incorporation within twelve (12) hours, the CAFO must comply with the following setbacks:
(1) Public water supply wells and public water supply surface intake structures: five hundred (500) feet.
(2) Surface waters: fifty (50) feet.
(3) Sinkholes: fifty (50) feet.
(4) Wells: fifty (50) feet.
(5) Drainage inlets: fifty (50) feet. and
(6) Property lines and public roads: ten (10) feet.
(Water Pollution Control Board; 327 IAC 15-15-12; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2239)

327 IAC 15-15-13 Spray irrigation
Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 13. (a) Spray irrigation of liquid manure and process wastewater must be conducted to prevent equipment leaks and excessive application. Application is deemed excessive when the application rate exceeds the infiltration rate of the soil where the application is occurring, expressed in inches per hour.
(b) Application must be conducted:
(1) under the constant supervision of a person; or
(2) with devices to detect pressure loss due to leaks and devices to shut down the system if leaks are detected.
(c) Manure and process wastewater must not be applied by spray irrigation to any land that has less than twenty (20) inches of soil above the bedrock.
(d) Spray irrigation in a flood plain is prohibited unless the following conditions are met:
(1) The setback from surface water is increased to two hundred (200) feet.
(2) Spraying is only done during months that the current county soil survey book indicates have a low potential for flooding.
(3) There is no expectation of flooding, based on:
(A) available weather forecast information; and
(B) rainfall or flood conditions upstream within the drainage basin.
(Water Pollution Control Board; 327 IAC 15-15-13; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2240)

327 IAC 15-15-14 Land application on snow covered or frozen ground
Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 14. Surface application of manure, litter, or process wastewater to snow covered or frozen ground is prohibited unless the following conditions are met:
(1) A soil conservation practice plan that includes land application to snow covered or frozen ground has been developed and implemented for the land application area. The plan must meet the following criteria:
(A) No application to land with a slope greater than two percent (2%), unless there is forty percent (40%) crop residue or vegetated crop cover on the land application site.
(B) No application in a flood plain.
(C) Application cannot be closer than two hundred (200) feet from any surface waterbody.
(D) The application rate can be no more than a total of fifty percent (50%) of the agronomic rate, based on nitrogen, for each time period that the ground is frozen or snow covered.
(2) The plan must identify the land application sites to be used during snow covered or frozen ground application.
(Water Pollution Control Board; 327 IAC 15-15-14; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2240)

327 IAC 15-15-15 Marketing requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 15. (a) The owner or operator shall provide an information sheet to any person that receives or purchases more than ten (10) cubic yards or two thousand (2,000) gallons of manure, litter, or process wastewater in a year from the CAFO unless the CAFO owner or operator takes responsibility for applying the manure, litter, and process wastewater. The owner or operator shall record all information required under section 17(a)(4) *[of this rule]* for each person who receives or purchases manure, litter, or process wastewater under this section and maintain the information in the operating record.

(b) The information sheet must contain, at a minimum, the following information:

(1) The name and address of the CAFO providing the manure.

(2) A statement indicating that it is unlawful to allow the manure, litter, and process wastewater to enter any waters of the state.

(3) Information on the nutrient content of the manure, litter, and process wastewater, based on the most current analysis.

(4) The manure, litter, and process wastewater application requirements of this rule.

(Water Pollution Control Board; 327 IAC 15-15-15; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2240)

327 IAC 15-15-16 Emergency spill response plan

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 16. (a)The permittee shall comply with the following:

(1) Develop an emergency spill response plan.

(2) Maintain the emergency spill response plan in the operating record, required under section 17 of this rule.

(3) Implement the emergency spill response plan at any time a spill occurs.

(4) Familiarize all employees involved with manure, litter, or process wastewater handling with the emergency spill response plan.

(5) Maintain the emergency spill response plan at the permitted facility in a place accessible to all employees.

(b) The emergency spill response plan must include the following:

(1) The names and telephone numbers of persons who are identified by the owner or operator as responsible for implementing the emergency spill response plan.

(2) Areas where potential spills can occur and the drainage points associated with the potential spills.

(3) Procedures to be followed in the event of a spill, including the following:

(A) Actions to contain or manage any spill of manure, litter, and process wastewater.

(B) Mitigation of any adverse effects of the spill.

(4) Identification of equipment and cleanup materials to be used in the event of a spill.

(5) Procedures for reporting the spill to:

(A) the facility owner and operator;

(B) any applicable local emergency or health authorities; and

(C) the department in accordance with 327 IAC 2-6.1.

(Water Pollution Control Board; 327 IAC 15-15-16; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2241)

327 IAC 15-15-17 Operating record

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 17. (a) The following information must be included and maintained in the operating record and updated:

(1) All valid permits, modifications, and notifications.

(2) The current annual report information required under section 9 of this rule.

(3) The current emergency spill response plan required under section 16 of this rule.

(4) The operating record must also contain, for five (5) years, all applicable records of any person who receives or purchases more than ten (10) cubic yards or two thousand (2,000) gallons of manure, litter, or process wastewater in a year to include:

(A) the name and address of the person receiving or purchasing the manure, litter, or process wastewater;

(B) the amount of manure, litter, or process wastewater received or purchased by the person;

(C) a copy of the information sheet required under section 15 of this rule; and

(D) the date or dates of the transfer.

(5) Updated calculation of minimum acreage required to meet land application requirements under this rule.

(6) Maps required under subsection (c).

(7) Farmstead plan required under subsection (e).

(8) The soil conservation practice plan required under section 11 of this rule.

(9) Records required under sections 4 and 10 of this rule.

(10) The storm water pollution prevention plan required under section 18 of this rule.

(b) Access to a minimum number of acres for land application of manure, litter, or process wastewater must be maintained and documented in the operating record at all times based on the requirements in this rule:

(1) Any acreage identified as part of the minimum required acreage for the application of manure, litter, or process wastewater that is not owned by the owner or operator of the CAFO must be documented in the operating record by land use agreements signed by the property owners on whose property the manure, litter, or process wastewater will be applied.

(2) Copies of any written waivers related to reduction of the property line setback distances by adjoining property owners must be kept in the operating record.

(3) The amount of minimum acreage required to be accessible for land application may be reduced based on the amount of manure marketed but may not be reduced to less than twenty-five percent (25%) of the minimum required amount based on the amount of manure generated annually.

(c) A United States Department of Agriculture Natural Resources Conservation Service soil survey map of the facility and land application areas that clearly shows the following:

(1) The location of the waste management systems.

(2) The boundaries of the property of the facility.

(3) The boundaries of all land application areas.

(d) A copy of the final design drawings or the as-built plans of the waste management system.

(e) A farmstead plan must show all existing waste management systems and the following known features:

(1) Residences.

(2) Surface waters of the state.

(3) Public and private roads.

(4) Water well locations.

(5) Land with the characteristics of karst terrain as identified in 327 IAC 16-2-21.

(6) Drainage patterns.

(7) Property boundary line.

(8) All outfalls of known subsurface drainage structures.

(9) Drainage inlets, including water and sediment control basins.

(10) Diversion of uncontaminated surface water.

(f) The farmstead plan must be legible and either:

(1) drawn to approximate scale; or

(2) show specific distances between:

(A) the waste management systems; and

(B) the features in subsection (e) that are within five hundred (500) feet of the existing or proposed waste management system.

(g) The waste management system drawing or plans must show detailed views and necessary cross sections to define all dimensions and construction materials. Complete and entire elevations must be provided for waste management systems relying on gravity flow. *(Water Pollution Control Board; 327 IAC 15-15-17; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2241)*

327 IAC 15-15-18 Storm water pollution prevention plan

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 18. (a) The owner or operator shall comply with the following:
(1) Develop a storm water pollution prevention plan.
(2) Maintain the storm water pollution prevention plan in the operating record as required under section 17 of this rule.
(3) Amend the storm water pollution prevention plan whenever:
(A) there is a change in design, construction, operation or maintenance at the facility that will have or has the potential to have a significant effect on the potential for the discharge of pollutants; or
(B) written notice is received from the commissioner stating that the storm water pollution prevention plan has proved to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges.
(b) The storm water pollution prevention plan shall:
(1) Give a description of clean water diversion used at the facility for the production area, and any area which is directly related to animal production including waste and feed storage.
(2) Describe and ensure implementation of practices to minimize and control pollutants in storm waste discharges associated with the following areas:
(A) Immediate access roads and rail lines used or traveled by carriers of raw materials, waste material, or byproducts used or created by the facility.
(B) Refuse sites.
(C) Sites used for the storage and maintenance of material handling equipment.
(D) Shipping and receiving areas.
(3) Contain a monitoring plan that demonstrates the effectiveness of storm water pollution prevention practices.
(Water Pollution Control Board; 327 IAC 15-15-18; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2242)

327 IAC 15-15-19 Closure of manure, litter, or process wastewater storage structures

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 19. (a) A owner or operator that plans to close or discontinue the use of a manure, litter, process wastewater storage structure must comply with the following requirements, as applicable:
(1) A manure, litter, process wastewater storage structure is deemed closed when the environmental threat has been removed.
(2) The owner or operator that plans to temporarily discontinue use of a manure, litter, process wastewater storage structure must comply with this rule.
(b) Manure, litter, process wastewater storage structures that are temporarily shut down must be maintained in accordance with this rule. A manure, litter, or process wastewater storage structure that has been temporarily shut down for three (3) years must be cleaned out in accordance with this rule.
(c) The owner or operator that plans to close or discontinue use of a manure, litter, or process wastewater storage structure shall do the following:
(1) Remove all manure, litter, or process wastewater from the storage structure prior to the expiration of the general permit. Until all manure, litter, or process wastewater is removed, the structure shall be maintained in accordance with this rule.
(2) If the facility will not be completely closed, the owner or operator shall notify the department that the manure, litter, process wastewater storage structure is not to be completely closed and:
(A) provide information on the recalculated storage capacity for the facility; and
(B) must also notify the department:
(i) before demolishing or converting the use of any manure, litter, process wastewater storage structure; and
(ii) specify the intended future use of the manure, litter, process wastewater storage structure if the structure is to be converted to another use.
(3) Land apply and manage all manure, litter, or process wastewater removed from the structure in accordance with this rule.
(4) Remove all associated appurtenances, and conveyance structures from uncovered liquid manure, or process wastewater

storage structures.

(5) Submit a statement to the commissioner within thirty (30) days after completing the requirements in this section that certifies compliance with the requirements in this section.

(d) If deemed necessary to protect human health or the environment, the commissioner may require additional closure activities based on:

(1) surface contamination;

(2) evidence of leakage, seepage, or spills; or

(3) other criteria necessary to the protection of human health or the environment.

(e) Adequate storage must be maintained to avoid land application when soil or weather conditions are unsuitable for land application or when land is occupied with crops and unavailable for land application. Land application is prohibited when soil or weather conditions are unsuitable for land application. *(Water Pollution Control Board; 327 IAC 15-15-19; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2242)*

327 IAC 15-15-20 Removal from the permitting program

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-11-2-40; IC 13-18-10

Sec. 20. (a) This section applies to any permitted CAFO that qualifies for removal from the permitting program due to:

(1) a reduction in the size of the facility based on the number of animals that is less than listed in the definition of large CAFO under section 3 or this rule *[sic.]*, unless the CAFO would still meet the definition of medium CAFO after the reduction in number of animals;

(2) a decision to cease operation and completely close the entire facility under section 19 of this rule; or

(3) transfer of ownership of the facility.

(b) A permitted operation cannot exit the permit program due to a reduction in the size of the facility based on the number of animals if the facility was designated as a CAFO, under 327 IAC 5-4-3, due to a discharge to waters of the state. The facility must remain in the program at least through the term of the permit, unless the facility ownership is transferred or completely closed under section 19 of this rule.

(c) A permitted operation may exit the permit program after the term of the permit expires if the department has received a request from the permittee to be removed from the program and the department has confirmed that the facility has and maintains fewer animals than the definition of large CAFO under section 3 of this rule and has not had a discharge within the past five (5) years. The permittee must also demonstrate to the commissioner that there is no remaining potential for a discharge of manure, litter, or process wastewater that was generated while the operation was a CAFO, other than agricultural storm water from land application areas.

(d) If a facility being removed from the NPDES permit program will meet the definition of a confined feeding operation (CFO) under IC 13-11-2-40, the owner or operator must notify the department in writing prior to removal from the NPDES program that the facility still meets the definition of a CFO and is transitioning into the CFO program under 327 IAC 16. If the owner or operator does not notify the agency prior to removal from the NPDES permit program, the owner or operator must submit a new approval application under 327 IAC 16 to again operate a confined feeding operation. Coverage under the CFO program commences when the department receives the written notification and remains in effect for the duration of time the NPDES general permit would have been in effect but in no case longer than five (5) years.

(e) If ownership of the facility is transferred, the new owner must submit an NOI at least thirty (30) days prior to beginning operation at the facility, in accordance with section 5 of this rule.

(f) An owner or operator may exit the permit program due to a complete closure of the facility if the department has been notified that:

(1) all livestock animals are removed from the site; and

(2) the owner or operator has demonstrated to the commissioner that there is no remaining potential for a discharge of manure, litter, or process wastewater that was generated while the operation was a CAFO, other than agricultural storm water from land application areas; and

(3) the owner or operator closes all manure storage structures in accordance with this rule.

(g) The commissioner shall send the permittee a letter of confirmation when the department has verified that the requirements

for closure under this rule have been met. *(Water Pollution Control Board; 327 IAC 15-15-20; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2243)*

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