



Indiana Department of Environmental Management

*Protecting Hoosiers and Our Environment Since 1986*



**Indiana Department of Environmental Management  
Office of Water Quality  
Surface Water, Operations, and Enforcement Branch  
Wetlands and Storm Water Section  
Storm Water Program**

**Updates to Storm Water Program**



## **Introduction of Storm Water Program Staff**

- **Randy Braun, CPESC, CMS4S Section Chief**
- **Heather Winebrinner, Storm Water Permit Coordinator**
- **Staci Goodwin, Municipal Separate Storm Sewer System (MS4) Coordinator**

### **Storm Water Specialists:**

- **Rob Beck, CESSWI**
- **Sue Bock**
- **Ronnie Boehm, CPESC, CCA**
- **Ericka Schmid**
- **Samantha Wickizer**
- **Doug Wolf, CPESC**



## **Roles and Responsibilities of Storm Water Program Staff**

### **Storm Water Permit Coordinator:**

- **Construction site run-off and industrial storm water:**
  - **Manage operations related to processing notices of intent and termination**
  - **Prepare correspondence related to applications, including deficiencies**
  - **Coordinate storm water activities with other section of IDEM and attend early coordination meetings related to proposed projects**
  - **Coordinate with field staff and monitor compliance**
  - **Review annual reports and sampling data and as necessary take action to achieve compliance**



## **Roles and Responsibilities of Storm Water Program Staff**

### **Storm Water Specialists:**

- **Construction site run-off and industrial storm water:**
  - **Conduct plan review**
  - **Conduct compliance inspections and investigate complaints**
- **MS4:**
  - **Conduct audits for the construction site run-off and post-construction minimum control measures**
  - **Inspect and assess compliance for projects owned and/or operated by MS4s**



## **Roles and Responsibilities of Storm Water Program Staff**

### **MS4 Coordinator:**

- **Conduct compliance assessment for the MS4 program, specifically targeted to:**
  - **Public education**
  - **Public involvement**
  - **Illicit discharge elimination and detection**
  - **Good housekeeping**
- **Review application submittals**
- **Review storm water quality management plans and annual reports**



## **Roles and Responsibilities of Wetland Program Staff**

### **Wetland Project Managers:**

- **Review applications and issue permits associated with Section 401 of the Clean Water Act and isolated wetlands Law**
- **Conduct compliance inspections and Investigate complaints**
- **Review monitoring reports for mitigation sites and conduct periodic inspections to assess status**
- **Conduct pre-application meetings**



## **Roles and Responsibilities of Section Staff**

### **Wetlands and Storm Water Section:**

- **All staff are responsible to:**
  - **Monitor compliance deadlines and take appropriate action**
  - **Issue non-compliance letters**
  - **Prepare enforcement referrals**
  - **Provide education**



## **Roles and Responsibilities of Section Staff**

### **Wetlands and Storm Water Section:**

- **Staff work across program areas to achieve greater efficiency in administering the programs:**
  - **Inspections will reflect compliance for both wetlands and storm water issues as identified by an IDEM inspector**
  - **Compliance and violation documents will include citations for both wetlands and storm water**





## **MS4 Roles and Objectives**

### **Wetlands and Storm Water Section:**

- **MS4s are required to administer a construction site regulatory program, including plan review, inspection, and enforcement**
- **MS4s are encouraged to be knowledgeable of other regulatory programs:**
  - **Consider proposed impacts to wetlands and waters of the state while performing plan reviews**
  - **Be aware of violations that are associated with other programs and if the incident is within the jurisdiction of the MS4 or it should be referred to another agency**



## Updates: Wetlands and Storm Water Section

### 2016 Updates:

- **Staffing:**
  - **Alesa Pelaez hired through Senior Environmental Employment Program**
  - **Two summer interns**
- **Staffing vacancies:**
  - **Wetlands Project Manager (EM2)**
  - **Storm Water Specialist (SEM1)**



## **Updates: Wetlands and Storm Water Section**

### **Activities for 2016:**

- **Implementation of the Wetlands Program Plan**
- **Establish direction and focus for the MS4 program**
- **Continue to assess the audit process**
- **Audit MS4 programs based on each minimum control measure:**
  - **Continue audits of Good Housekeeping**
    - **Resume in June or July**
  - **Resume audits of construction site run-off and post-construction**
- **Monitor issues at the federal level and implement accordingly:**
  - **Continue audits of Good Housekeeping**
  - **Electronic reporting rule**



## **Updates: U.S. Environmental Protection Agency (U.S. EPA)**

### **Municipal Separate Storm Sewer System (MS4) general permits (MS4 general permit remand):**

- **Existing process for submittal of NOIs:**
  - **General permits do not include specific requirements and submittal timelines**
  - **MS4s are allowed to develop specific goals and objectives in their storm water quality management plan (SWQMP) to achieve specific requirements of the permit**



## Updates: U.S. Environmental Protection Agency (U.S. EPA)

### MS4 general permit remand:

- **Lawsuit filed by the Natural Resources Defense Council and Environmental Defense Center, claiming:**
  - **MS4 regulations for obtaining coverage by a small MS4 did not provide:**
    - **The permit authority an opportunity to review the measures selected by each MS4 to determine if the program met the intent of the Clean Water Act, including the requirement to reduce the discharge of pollutants**
    - **An adequate public notice or opportunity for a public hearing related to the content of the SWQMP**



## **Updates: U.S. Environmental Protection Agency (U.S. EPA)**

### **MS4 general permit remand:**

- **In response, U.S. EPA is proposing to change the regulations governing how a small MS4 obtains permit coverage**
- **U.S. EPA:**
  - **Released a revised rule in December of 2015**
  - **Must issue a final rule by November 17, 2016**



## Updates: U.S. Environmental Protection Agency (U.S. EPA)

### MS4 general permit remand:

- The U.S. EPA rule provides three options
- Option 1:
  - Strengthen the general permit to include specific requirements
  - The general permit would be public noticed
  - The MS4 would still develop a SWQMP with specific details on how it would meet the requirements in the general permit



## **Updates: U.S. Environmental Protection Agency (U.S. EPA)**

### **MS4 general permit remand:**

- **Option 2:**
  - **The Notice of Intent is submitted and must include the SWQMP, including the measures that will be implemented to fulfill the requirements of the general permit**
  - **The NOI and the SWQMP would be reviewed at the state level**
  - **The NOI and the SWQMP would be public noticed**
- **Option 3:**
  - **Allow each state the flexibility of choosing option 1 or 2 or a combination**





## **Updates: U.S. Environmental Protection Agency (U.S. EPA)**

### **MS4 general permit remand:**

- **The comment period ended March 21, 2016**
- **Comments:**
  - **Approximately 71 received nationwide**
  - **Received by primarily by organizations, states, and MS4s**
- **Overall consensus:**
  - **Option 3**
  - **Provides states the flexibility to administer the program**
  - **Does not impact states that have already adopted option 2**



## **Updates: U.S. Environmental Protection Agency (U.S. EPA)**

### **Electronic reporting rule:**

- **Effective December 12, 2015**
- **Does not, in and of itself:**
  - **Add new permit requirements**
- **It does:**
  - **Require the substitution of electronic submission of data in lieu of paper filings**



## **Updates: U.S. Environmental Protection Agency (U.S. EPA)**

### **Electronic reporting rule:**

- **Requires all applicants and permittees to submit electronically:**
  - **Notices of intent (NOI)**
  - **Notices of termination (NOT)**
  - **Annual reports**
  - **Discharge monitoring reports (DMRs)**
- **State will be required to collect information from applicants and permittees**
- **States will be required to electronically transmit the data to U.S. EPA**



## Updates: U.S. Environmental Protection Agency (U.S. EPA)

### Electronic reporting rule:

- **Implemented in two phases:**
  - **Phase one to be implemented by December 2016:**
    - **Electronic submittal of DMRs**
    - **Inspection data**
    - **Violation determinations**
    - **Formal enforcement actions**
  - **Phase two to be implemented in five years:**
    - **Permit applications (Notices of Intent)**
    - **Notices of Termination**
    - **Annual reports, etc.**



## Updates: U.S. Environmental Protection Agency (U.S. EPA)

### Electronic reporting rule:

- **Next steps:**
  - **IDEM is assessing the feasibility of full implementation**
  - **IDEM will submit a proposal to U.S. EPA for implementation**
- **Current status of implementation related to the storm water program:**
  - **Industrial storm water NOIs, NOTs, and exclusions may be filed online**
  - **Construction storm water is planned to be effective in 2016**



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**Questions?**