

Storm Water Pollution Prevention for Individual Lot Construction Sites Frequently Asked Questions Town of Edinburgh, Indiana

What sites are required to submit a Storm Water Pollution Prevention Plan (SWPPP)?

Development and redevelopment within the Town limits with a projected land disturbance of 1 acre or more, and operations that result in the land disturbance of less than 1 acre of total land area that are part of a larger common plan of development or sale are required to submit a SWPPP and obtain a Storm Water Management Permit for the site. Additional information on calculating the site's total area of disturbance is included in the Storm Water Management Ordinance.

What are the requirements if my site is not required to submit a Storm Water Pollution Prevention Plan and obtain a Storm Water Management Permit?

Individual lots that will disturb less than one acre in existing subdivisions and projects that are not part of a larger plan of development and that will disturb less than one acre do not require a SWPPP or Storm Water Management Permit. Storm water and pollution prevention practices must still be implemented to comply with the illicit discharge and connection storm water sections of the Town's Storm Water Management Ordinance and are subject to Town inspection.

Why does Edinburgh require me to submit a Storm Water Pollution Prevention Plan?

Soil erosion is a major contributor to pollution in waterways. Uncontrolled sediment can move off-site through ditches, storm drains or across other property and be deposited in a creek, stream, or wetland. Sediment can clog storm drains and pose a safety hazard on streets. Erosion and sediment control during construction activity is important. It is required by local and state regulations and implementing Best Management Practices (BMPs) on your construction site can save time, money, and protect natural resources. Additionally, practicing erosion prevention instead of erosion repair may help avoid problems such as negative publicity, fines, and stop work orders.

The Environmental Protection Agency (EPA) and the Indiana Department of Environmental Management (IDEM) regulate storm water runoff from construction sites with greater than or equal to one acre of soil disturbance. Through these agencies, Edinburgh is required to implement a local erosion and sediment control program which includes an ordinance, standards, and enforcement capabilities for managing construction site storm water runoff. IDEM has transitioned from 327 IAC 15-5 (Rule 5) to the Construction Stormwater General Permit (CSGP). Edinburgh requires that Storm Water Pollution Prevention Plans meet IDEM's requirements as well as the requirements of its Storm Water Ordinance and Storm Water Standards.

What are the SWPPP requirements?

SWPPPs require construction plans showing the locations, details, and specifications for storm water Best Management Practices (BMPs). These include BMPs such as silt fence, inlet protection, and temporary and permanent soil stabilization. SWPPPs require

narrative information about the project site such as the location of streams and wetlands, soils information, and pre- and post-construction contour lines. SWPPPs also require post-construction requirements for the ongoing storm water quality and quantity management of the site following development, such as retention ponds. Requirements are included in the Storm Water Management Ordinance and Storm Water Standards. Developers should also reference IDEM's CSGP.

How do I obtain approval of my SWPPP?

Developers should contact the Building and Zoning Department to begin the process of applying for SWPPP approval. SWPPP approval is required before issuance of Building Permits, Improvement Location Permits, or Demolition Permits. Requirements are included in the Storm Water Ordinance, Storm Water Standards. Developers should also reference IDEM's CSGP.

Who must file the Notice of Intent (NOI)?

The site or subdivision project owner must file the NOI by providing IDEM with the SWPPP Approval provided by the Town and proof of public notice the CSGP. Development of lots within a large common plan of development are covered under the larger development's NOI. Individual lot developers are also required to submit a Residential Development Registration Form to IDEM.

What does it mean that my lot is part of a "larger common plan of development"?

A larger common plan of development is 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 a part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

Lots that are part of a larger common plan of developments must comply with the CSGP, but they operate under an NOI that is issued to the subdivision. Typically, lots in a subdivision are considered to be part of a larger common plan of development. The subdivision developer submits an NOI and obtains a permit to discharge storm water associated with construction activity under the CSGP. The original permit for the subdivision cannot be closed until all land disturbing activity on the site is complete or a NOI is submitted for all or a portion of a subdivision. If you are not sure whether your site is part of a larger common plan, contact the Building and Zoning Department.

I am developing a subdivision that includes separate lots. What requirements apply to my subdivision?

The SWPPP for the subdivision project site must include detailed erosion and sediment control measures for individual lots. 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 for the Storm Water Management Permit and the schedule for proposed implementation. Developers should also reference IDEM's CSGP.

I am developing a lot within a “larger common plan of development.” My lot has less than one acre of soil disturbance. What requirements apply to my lot?

An individual lot located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the Permit approved for the larger project site. The SWPPP for the larger project site must include detailed erosion and sediment control measures for individual lots. These will include BMPs such as stable construction access, perimeter erosion and sediment control measures, and management of waste. 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 for the storm water management permit and the schedule for proposed implementation.

I am developing a lot within an existing residential subdivision. My lot has less than one acre of soil disturbance. What requirements apply to my lot?

Single-family dwelling houses in accepted subdivisions, new buildings, or cumulative building additions with less than 500 square feet of area, and land-disturbing activities affecting less than 10,000 square feet of area do not have to submit an SWPPP to the Town or submit an NOI to IDEM. Individual lots with a land disturbance of greater than 10,000 square feet and less than one acre are still subject to inspection, maintenance, recordkeeping, and monitoring requirements.

I am developing a lot within an existing residential subdivision that has greater than one acre of soil disturbance. What requirements apply to my lot?

Because the soil disturbance is greater than or equal to one acre, requirements for a SWPPP and NOI apply. Some post-construction elements of the requirements may not apply. Storm water quality management for post construction is not required for residential developments consisting of four or fewer lot developments where the proposed impervious surfaces are 10% or less of the project acreage. Impervious is determined by the sum of all infrastructure (roads, paths, parking, etc.) and the average projects hard surfaces associated with all building lots within the project.

How are SWPPPs for individual lots reviewed?

The SWPPP for the subdivision must include detailed erosion and sediment control measures for individual lots as described in the Town Storm Water Management Ordinance, Town Storm Water Standards, and IDEM’s CSGP. The Town reviews the individual lot measures and provides comments to the subdivision developer to be addressed prior to approval of the SWPPP.

How are individual lots covered under the CSGP?

The subdivision project owner files the NOI by providing IDEM with the SWPPP Approval provided by the Town and proof of public notice per the CSGP. Development of lots within a large common plan of development are covered under the larger development’s NOI. Individual lot developers are also required to submit a Residential Development Registration Form to IDEM.

When should SWPPP inspections of the overall development begin and end?

Once soil disturbance begins on a subdivision, the following inspections are required until the site achieves final site stabilization. The Town will conduct erosion and sediment control inspections:

- On all complaints received;
- At least once on all new sites during the initial phase of construction and notify the project owner of deficiencies;
- At least twice per year on sites disturbing 5 acres or more and notify the project owner of deficiencies; and
- At least annually on sites disturbing less than 5 acres but more than 1 acre and notify the project owner of deficiencies.

The subdivision owner, site owner, or developer is required to conduct the following inspections:

- twenty-four hours prior to a qualifying precipitation event or by the end of the next business day following each measurable storm event (excludes accumulated snow events);
- If no rain event occurs within the work week a minimum of one inspection must occur.
- In the event of multiple qualifying events during the work week, no more than three inspections would be required to meet the self-monitoring commitment.

Once final stabilization is achieved, the project owner submits the Notice of Termination (NOT) to the Town for approval and then submits the NOT to IDEM.

When should SWPPP inspections of individual lots begin and end?

Once soil disturbance begins at an individual lot, the following inspections are required until the site achieves final site stabilization:

- The Town will conduct erosion and sediment control inspections at a minimum of twice per year and notify the project owner of deficiencies.
- The subdivision owner is required to conduct inspections twenty-four hours prior to a qualifying precipitation event or by the end of the next business day following each measurable storm event (excludes accumulated snow events). If no rain event occurs within the work week a minimum of one inspection must occur. In the event of multiple qualifying events during the work week, no more than three inspections would be required to meet the self-monitoring commitment.
- The lot developer is required to monitor and maintain sediment and erosion control measures for the lot.
- Once final stabilization is conducted, the Certificate of Occupancy and concurrence of the homeowner are received, the homeowner is responsible for maintaining the sediment control measures until final stabilization has occurred.

How is a compliance issue on an individual lot communicated to the developer and resolved?

The Town conducts regular SWPPP inspections of both subdivisions and individual lots. Inspection reports and deficiencies will be provided to the subdivision project owner. If contact information for the individual lot developer has been made available, the correspondence will also be sent to the individual lot developer. Compliance issues are ultimately the responsibility of the project owner listed on the NOI.