



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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January 31, 2012

65-42 WQS/RJB
Joe Ham
2113 Grantline Rd.
New Albany, Indiana 47150

Dear Mr. Ham:

Re: Construction Run-Off MCM
Audit/Inspection Report

The Construction Run-Off Minimum Control Measure is one of the six components that must be implemented by an MS4 in accordance with 327 IAC 15-13. Enclosed is the final Audit/Inspection Report for the Construction Run-Off Minimum Control Measure. The purpose of the Audit/Inspection process is to identify issues that the MS4 can utilize to improve the implementation of the Construction Run-Off Minimum Control Measure. The report provides general background information, observations, recommendations, and requirements. In addition, the report may also identify program deficiencies and/or violations of a permit that will require the MS4 to respond or address within specified timelines.

This correspondence includes the Audit/Inspection Summary and supporting documentation that was obtained during the program assessment. The Audit/Inspection Summary is a cumulative overview of the MS4 program for the Construction Run-Off Minimum Control Measure. Part of the audit/inspection may also include projects that are owned and operated by an MS4. These sites are inspected and evaluated based on requirements of 327 IAC 15-5. Compliance for these projects is recorded on the "On-Site Evaluation for Erosion and Sediment Control" form that is utilized by IDEM for all projects subject to the requirements of 327 IAC 15-5.

Please review the enclosed report. If you have any questions, please contact me at (812)-380-2305 /Toll Free at (888) 672-8323 (rboehm@idem.IN.gov) or Randy Braun at 317-234-3980 (rbraun@idem.IN.gov).

Sincerely,

Ronald Boehm

Ronald Boehm, CPESC, CCA
Storm Water Specialist
Office of Water Quality
Wetlands and Storm Water Section

Enclosures

cc: Program File
Randy J. Braun, CPESC, CMS4S, Section Chief
Reggie Korthals, MS4 Coordinator

**Audit/Inspection Summary Report
Construction Run-Off Minimum Control Measure
Regulated MS4 Entities (327 IAC 15-13)**

Date of Audit/Inspection: 9-26-2011

MS4 Name: City of New Albany

MS4 Permit Number: INR04007

MS4 Operator/Contact:

Name: Joe Ham

Address: 2113 Grantline Rd.

City: New Albany State: Indiana Zip: 47150

Phone: 812-945-1989

E-Mail: jham@newalbany.com

MS4 Participants:

Identify the all participants representing the MS4. Include the name, title, role (Inspector Construction Program Manager, etc.), contact information (e-mail and phone number) for each participant.

Name, Title, Role, Phone, E-Mail

- Joe Ham, MS4 Contact, 812-945-1989, jham@newalbany.com
- Kevin Feder, Floyd County SWCD, 812-945-9936, kfeder@floydcounty.in.gov

Section I - Baseline Information:

- Construction Certification Date: 12/22/2006
- Post-Construction Certification Date: 12/22/2006
- Projects Regulated by MS4:
 - All new projects are regulated upon the effective date of the construction site ordinance. The MS4 did not assume responsibility for projects that were active prior to passage of the local ordinance. These projects remain under the regulatory authority of IDEM.
 - All new and active projects within the MS4 area, including those where construction was initiated prior to the effective date of the construction site ordinance.
 - The MS4 is a non-traditional MS4 (University, Prison, College, etc.) and does not regulate projects within the MS4.
- MS4 Boundaries for Administration of the Construction Minimum Control Measure:
 - County MS4:
 - Urbanized Areas Only
 - Entire County, Excluding Incorporated Areas
 - Municipality, City, Town:
 - Urbanized Areas Only
City of New Albany
 - Other:

- **Enforcement Mechanism Available and Process (Check all that apply and describe):**

Fines Stop Work Orders Penalties Other: Violation/Compliance Letters

The typical process or mechanism for compliance and enforcement includes the following process:

1. Inspection reports are issued for routine inspections or following complaint investigations.
 2. A deadline of 2 weeks is typically given to correct deficiencies that are documented in the inspection report.
 3. If compliance is not achieved within the specified timeframe, the MS4 issues a Notice of Violation which includes a time frame for compliance. Stop Work Orders are issued if compliance is not achieved within the timeframe set forth in the Notice of Violation. Fines may also be included for noncompliance.
 4. The New Albany Stormwater Department issues The Notice of Violation, Stop Work Orders, and Fines.
- **Program Administration:**
 - A permit application and fee are submitted to the New Albany Stormwater Department. A copy of the permit application is provided to the SWCD.
 - An Excel spreadsheet is utilized to track all permitted projects. The spreadsheet also tracks acreage of projects, status of activity at the projects, post construction components planned, and enforcement actions.
 - A pre-construction onsite meeting/inspection is required. The contractor and certified inspector for the project are required to be in attendance. Certified inspectors are those that have participated in the Qualified Professional Inspector (QPI) program and passed the exam. The QPI program is administered by the Southern Indiana Stormwater Advisory Committee.
 - The perimeter control measures are required to be in place for evaluation/inspection during the pre-construction on-site meeting.
 - Following a favorable pre-construction inspection of the perimeter measures, a notice to proceed with mass site grading/construction is issued for the site.
 - **Plan Review Process:**

Plans are submitted to the SWCD for review where they are kept on file.

Plans are reviewed using the DNR "Construction/Stormwater Pollution Prevention Plan Technical Review and Comment" form to ensure compliance with the MS4's ordinance. The technical review is completed by Kevin Feder (Floyd County SWCD). 100% of the submitted plans are reviewed to determine compliance with the MS4 ordinance.

- **Compliance Inspection Process:**

- **Regulated Projects:**

The following staff/personnel are part of the compliance inspection program:

- Kevin Feder

A standardized inspection form is utilized to administer the regulatory inspection component.

The frequency of compliance inspections is typically every 2 weeks. Written reports are completed after each visit. Immediate follow-up onsite visits are conducted with the developer/owner if deficiencies/violations are observed that require immediate attention.

Site owner/operators are required to conduct self monitoring by a Qualified Professional Inspector (QPI) weekly and following 1/2 inch rainfall events.

Pre-existing projects that are not subject to the MS4 ordinance are inspected by the MS4 to address illicit discharges.

Site inspection reports and photographs are stored in electronic files at the SWCD office. The electronic files are backed up on the Floyd County Government computer system.

Non-compliance issues/violations associated with projects are documented and photographed by Kevin Feder during the site inspections.

Non-compliance issues/violations are presented by Kevin Feder to the New Albany Stormwater Department at their meetings which are held on the 2nd and 4th Thursday of the month.

- **Projects Owned and Operated by the MS4:**

For projects owned and operated by the MS4, the project contractor is responsible for conducting the self monitoring inspections as required by 327 IAC 15-5-7 (18). These are performed according to the project contract requirements. Contractors that are operating on MS4 owned projects are required to have a QPI (Qualified Professional Inspector) to conduct the self monitoring program. In addition, self monitoring oversight is provided by Kevin Feder.

- **Post-Construction Measures and/or Principles Applied:**

The MS4 utilizes/references the “Indiana Storm Water Quality Manual” and the local manual “Best Management Practices for Stormwater Quality”. The MS4 has developed standards and specifications for administering the post-construction component through its Post-Construction Stormwater Ordinance.

Practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strips 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.

The MS4 is currently working on updating their Post-Construction Ordinance.

The MS4 applies the same requirements and standards to projects that are owned and operated by the MS4 as they do to the regulated community.

Section II - Field Audit/Inspection Summary:

This summary has been prepared based on the assessment of individual projects regulated by the MS4 and projects that are owned and operated by the MS4. The purpose of the Construction Minimum Control Measure Audit/Inspection is to identify the strengths and weaknesses of an MS4 program. The ultimate goal is to strengthen the ability for an MS4 to administer the Construction Run-Off Minimum Control Measure as required by 327 IAC 15-13.

- **Projects Owned and Operated by the MS4:**

All projects that are owned and operated by an MS4 are subject to the requirements of 327 IAC 15-5. Therefore, IDEM staff and/or agents of IDEM may choose to inspect these sites for compliance at a later date.

- **Project(s) Inspected:**

- A. **Rainbow Drive Improvement Project**

- **Observations:**

Refer to the enclosed inspection report(s) for additional information.

- **Self Monitoring Form(s) and Other Correspondence:**

The form utilized to document the self monitoring is adequate and provides ample opportunity to thoroughly evaluate the storm water quality measures at the project site.

- **Projects Regulated by the MS4:**

- **Project(s) Evaluated to Assess the MS4 Regulatory Program:**

- A. **American Beverage Marketers**

- B. **Park Community Federal Credit Union**

- **Plan Review - Observations:**

The plan review process provided a thorough and detailed assessment of the submitted plans.

- **Plan Review Form(s) and Other Correspondence:**

The plan review form utilized by the MS4 is adequate and provides the plan reviewer with opportunity to accurately evaluate the plans to determine compliance with the MS4 ordinance.

- **Compliance Inspections - Observations:**

- The inspector conducts inspections in an organized professional manner, is knowledgeable about the projects, and knows the contractors and responsible parties of the projects.

- The MS4 has a process in place to hold pre-construction meetings.

Inspection report information contains specific details on deficiencies identified. The reports document individuals present for the inspection. Reports have a category for identifying or describing off-site or water resource sedimentation impacts.

- **Compliance Inspection Form(s) and Other Correspondence:**

- "Notice of Violation" critique:

- The "Notice" contains details in regards to off-site sediment discharges and water resources that are impacted. The "Notice" includes timeframes for corrective actions and sets forth the next course of action by the MS4 for further non-

compliance. The "Notice" includes a copy of the recent inspection report that documents the issues/deficiencies observed at the site.

- "Notice of Stop Work Order" critique:
 - The "Stop Work Order" includes date of issuance of Notice of Violation and includes the date of a follow-up inspection that led to the "Stop Work Order".
- "Removal of Stop Work Order" critique:
 - The "Removal Order" identifies the corrective actions that have been implemented to bring the site into compliance with the MS4 ordinance. The "Removal Order" includes details on self monitoring requirements and timely maintenance of storm water quality measures at the site. The "Removal Order" identifies issues that could result in additional "Stop Work Orders". (Failure to conduct self monitoring and perform adequate maintenance of measures)

Section III - Program Assessment, Comments, Recommendations, and Requirements:

• **Overall Program Assessment:**

(S = Satisfactory, M = Marginal, U = Unsatisfactory, NE = Not Evaluated, NA = Not Applicable)

S M U NE NA

- The ordinance for the Construction Site Run-Off Control Minimum Control Measure meets the intent of 327 IAC 15-5.**
 Comment: This item was not reviewed. However, the implementation of this MCM by the MS4 indicates that that the ordinance is effective.
- The MS4 reviews the Construction Site Run-Off MCM a minimum of once every five (5) years.**
 Comment: This item was not reviewed. However, the MS4 should use the observations in this report as a starting point to evaluate this minimum control measure.
- The MS4 has developed requirements for the implementation of measures associated with erosion, sedimentation, and other waste on construction sites.**
 Comment: The MS4 utilizes the 'Indiana Storm Water Quality Manual' as a reference for technical standards. The MS4 also utilizes the local manual "Best Management Practices for Storm Water Quality" (developed by the Southern Indiana Stormwater Advisory Committee). The local manual is provided to all participants enrolled in the QPI program and is also available on the MS4 website.
- The MS4 reviews and approves construction plans that are submitted in accordance with the local MS4 ordinance.**
 Comment: No Additional Comments
- The MS4 has procedures to administer an inspection program.**
 Comment: No Additional Comments
- The MS4 has procedures to enforce the Construction Run-Off MCM.**
 Comment: The MS4 demonstrated that procedures and a functioning process are in place to administer and implement an effective enforcement program. Refer to the description of the enforcement process in Section I of this report.
- The MS4 has procedures to identify priority sites for inspection and enforcement.**
 Comment: No Additional Comments
- MS4 personnel responsible for plan review, inspection, and enforcement of construction activities attend annual training.**
 Comment: No Additional Comments

S M U NE NA

The MS4 is effectively managing projects that are owned and operated by the MS4.

Comment: Although only 1 MS4 owned project was evaluated, the MS4 demonstrated that procedures are in place to effectively manage the project in accordance with the requirements of 327 IAC 15-5

• **General Comments:**

- Over the past several years IDEM has referred several complaints to the MS4. The MS4 followed up on these complaints and resolved issues in a prompt and efficient manner.
- All projects that are owned and operated by an MS4 are subject to the requirements of 327 IAC 15-5. Therefore, IDEM staff and/or agents of IDEM may choose to inspect these sites for compliance at a later date. It is the responsibility of the MS4 to comply with 327 IAC 15-5 and other state and federal regulations. This responsibility may extend beyond the local Department that administers the MS4 program and include other Departments within the MS4.

• **Recommendations:**

- The MS4 field inspection and plan review staff should continue to take advantage of training opportunities to further their understanding of erosion and sediment control and storm water management issues. Although only annual is required, it is also recommended that staff take advantage of all opportunities for training.

• **Requirements:**

No requirements at this time.

• **Further Action by IDEM:**

IDEM will perform follow-up inspections of projects owned and operated by the MS4 as they become active and will periodically re-visit projects sites that are regulated by the MS4. Additional projects will be visited with MS4 staff to further assess the Construction Run-Off Minimum Control Measure.

• **Report Prepared by: Ronald Boehm, CPESC CCA, Storm Water Specialist**

• **Questions regarding this report should be directed to:**

Ronald Boehm, CPESC CCA, Storm Water Specialist

Phone: 888-672-8323

E-Mail: rboehm@idem.in.gov

or

Randy J. Braun, CPESC, CMS4S

Chief, Storm Water and Wetlands Section

Phone: 317-234-3980

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Indiana Department of Environmental Management

Office of Water Quality

Storm Water Program

100 North Senate Avenue

MC 65-42, Room 1255

Indianapolis, Indiana 46204

Project Name	Location	Acres	Plan Approval Date	Status	Detention/Underground Detention	Permit Number	Enforcement Actions
Pinehurst	Off Granline Rd		8/16/2005	Complete	UD	NA-05-08-001	
Brookview Glen	Graybrook Lane	5.24	9/12/2005	Complete	UD	NA-05-09-002	
Schibler Place	State & Maine Street		9/23/2005	Complete	UD	NA-05-09-003	
Robert E. Lee Interceptor	New Albany		4/17/2005	Complete	UD	NA-06-04-004	
Basin 4 Interceptor	Eagle Lane		10/27/2005	Complete	UD	NA-6-10-005	
Praxus Health Center	Hausfeld Ln		10/28/2005	Domant	D	NA-06-10-006	
Lee Supply	Park East Blvd		11/23/2005	Complete	UD	NA-06-11-007	
Trinity Plaza	Daisy Ln & Green Valley	1.2	12/19/2005	Complete	UD	NA-06-12-008	
Charlestown Crossing Ext.	N of 265 on West side of Charlestown Rd		12/21/2006	Complete	UD	NA-06-12-009	
Ohio River Greenway	N Bank of Ohio River		1/3/2007	Complete	UD	NA-07-01-010	
Tract #2 Granline Industrial Park	Foundation Rd	5	3/15/2007			NA-07-03-011	
Basin 35 Interceptor Phase I	New Albany near Charlestown Rd		5/22/2007	Complete	UD	NA-07-05-012	
University Station Section II	N of 265 off of Granline Rd	3.4	9/10/2007	Domant	UD	NA-07-09-013	NOV issued on 5/28/09 and 10/23/09
Indiana American Water	Several location New Albany		9/28/2007	Complete	UD	NA-07-09-014	
University Station Section III	N of 265 off of Granline Rd		1/3/2008	Preconstruction		NA-08-01-015	
Gastro Southern	Granline Rd South of VayHart	4	5/20/2008	Preconstruction	D	NA-08-01-016	
Indiana American Water Co.	NA Industrial Park Applegate Ln		6/29/2008	Complete	UD	NA-08-06-017	
Water Main Replacement	At Vance Ave.		8/28/2008	Complete	UD	NA-08-08-018	
Spring Street Hill Rd.	New Albany		8/23/2008	Complete	UD	NA-08-06-019	
Basin 35 Phase II & III	New Albany		10/16/2008	Complete	UD	NA-08-10-020	NOV and Stop work order issued on 10/23/08.
Warehouse Storage Units	On Padli Pike half mile N of I-265		11/24/2008	Complete	UD	NA-08-11-021	
S.R. 111 Water Main Replacement	Off Old Vincennes Rd Just N of Cherry St.		1/0/09	Preconstruction		NA-09-01-022	
Villages at Historic Silvercrest	Corner of Webash & Franklin St.		2/2/2009	Preconstruction		NA-09-02-023	
Jefferson Place Subdivision	West Side of Industrial Blvd		7/23/2009	Complete	UD	NA-09-07-024	
Ideal Door Addition	On Hwy. 111 just past Rail Road Tracks		7/18/2009	Complete	UD	NA-09-07-025	
New Albany Impound Lot	Near Intersection of Urnsh Ct & McDonald Ln.		8/17/2009	Complete	UD	NA-09-08-026	
Urnsh Court Storage Units	Approx 300' S on Hwy 111 @ St. Joe Rd Intersection.	15.3	9/8/2009	Preconstruction	D	NA-09-09-027	
Stone Crest Apartments	State St. from Cherry St to Daisy Ln		2/18/2010	Active		NA-10-02-028	
State Street Watermain Replacement	Daisy Ln from Greenvalley Rd to Granline Rd		7/15/2010	Complete	UD	NA-10-07-029	
Daisy Lane Improvement Phase 3&4	Granline Rd		8/2/2010	Complete	UD	NA-10-08-030	
Watermain Relocation Daisy Ln	On S.R. 111 South of intersestion of Jackson St.	2.5	7/22/2010	Measure Inplace	D	NA-10-08-031	
Bierman Property S.R. 111	On Progress Blvd east of Greenvalley Rd in Industrial Park	8.4	10/15/2010	Active	D	NA-10-11-32	
American Beverage Marketes	In Park at SE corner of GranlineRd and Mt. Labor Rd		12/15/2010	Active	D	NA-10-12-33	
Castlewood Drainage Improvements	Along McDonald Ln in		1/24/2011	Active	D	NA-11-01-34	
Basin 17 Interceptor	Off Charlestown Rd just South of Union		4/11/2011	Active	D	NA-11-04-35	
Park Community Federal Credit Union	Granline Rd from Mt. Tabor to McDonald Ln		6/9/2011	Preconstruction	Separator	NA-11-06-36	
Granline Rd Improvement	Rainbow Dr. between Charlestown Rd and Kierner Ln.		6/10/2011	Active		NA-11-06-37	