



## UNIVERSITY OF NOTRE DAME du Lac POST-CONSTRUCTION STORM WATER RUNOFF CONTROL POLICY

### SECTION I. PURPOSE/INTENT

The purpose of this policy is to establish protocol and management for a program to address discharges of post-construction storm water run-off from new development and redevelopment areas that disturb one (1) or more acres of land. This policy establishes post-construction methods for controlling the introduction of pollutants into the municipal separate storm sewer system (“MS4”) in order to comply with requirements of the National Pollutant Discharge Elimination System (“NPDES”) permit process.

The objectives of this policy are:

1. To reduce post-construction storm water runoff of pollutants from existing and future University properties by any user.
2. To ensure that project sites implement control measures which slow the rate of storm water runoff so as to minimize the discharge of pollutants into storm drainage systems.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this policy.

### SECTION II. DEFINITIONS

For the purposes of this policy, the following shall mean:

**Best Management Practices (BMPs)** — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Contractor**— An individual or company, including a subcontractor, hired by the University to perform services on University property.

**Clean Water Act** — The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Construction Activity** — Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Hazardous Materials** — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated,

stored, transported, disposed of, or otherwise managed.

**National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit** — means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Non-Storm Water Discharge** — Any discharge to the storm drain system that is not composed entirely of storm water.

**Pollutant** — Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Post Construction** — The project phase defined as when all on-premise construction activities are completed, the construction site's ground surface has been stabilized through the implementation of BMP(s), and all temporary erosion and sediment control measures have been removed.

**Premises** — Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Storm Drainage System** — Facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**Storm Water** — Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**University** — An employee or designee of the University of Notre Dame du Lac authorized to enforce this policy.

**Utility Excavation Permit ("UEP")** – Permit required by the University before any work can be commenced on University property and is issued by the University's Utilities Department.

**Wastewater** — Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**SECTION III. APPLICABILITY**

This policy shall apply to all land disturbing activities affecting one (1) acre or more as well as land development activities that are smaller than the minimum applicability requirements, but are part of a larger common plan of development on any developed and undeveloped University owned lands unless explicitly exempted by the University.

**SECTION IV. RESPONSIBILITY FOR ADMINISTRATION**

The University shall administer, implement, and enforce the provisions of this policy.

**SECTION V. SEVERABILITY**

The provisions of this policy are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this policy or the application thereof to any Contractor, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this policy.

**SECTION VI. ULTIMATE RESPONSIBILITY**

The standards set forth herein and promulgated pursuant to this policy are minimum standards; therefore, this policy does not intend nor imply that compliance by any Contractor will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

**SECTION VII. POST-CONSTRUCTION STORM WATER POLLUTION PREVENTION PLAN**

**This Plan must meet the requirements of 327 IAC 15-5-6.5 (a)(8), including:**

- (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 post-construction 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 post-construction 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 post-construction 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 post-construction storm water quality measures.

**This Policy shall also require the additional provisions:**

- (A) Infiltration practices will not be allowed in wellhead protection areas.
- (B) As site conditions allow, a vegetated filter strip of appropriate width shall be maintained along unvegetated swales and ditches.

- (C) Discharges from the 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.
- (D) 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.
- (E) 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.

**SECTION VIII. SUSPENSION OF MS4 ACCESS**

Any Contractor subject to post-construction activity under a NPDES storm water discharge permit or a UEP shall comply with all provisions of each such permit. Proof of compliance with said permit may be required in a form acceptable to the University prior to the allowing of discharges to the MS4.

**SECTION IX. MONITORING OF DISCHARGES**

**A. Applicability:**

This section applies to all facilities that have storm water discharges associated with post-construction activity.

**B. Access to Facilities:**

1. The University may inspect projects subject to regulation under this policy as often as it deems necessary to determine compliance with this policy. If a Contractor has security measures in force which require proper identification and clearance before entry into its premises, the Contractor shall make the necessary arrangements to allow access to representatives of the University.
2. Contractors shall allow the University ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The University shall have the right to set up such devices as are necessary in the opinion of the University to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The University has the right to require the Contractor to install monitoring equipment as necessary. The Contractor's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Contractor at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the project site to be inspected and/or sampled shall be promptly removed by the Contractor at the written or oral request of the University and shall not be replaced. The costs of clearing such access shall be borne by the Contractor. Unreasonable delays in allowing the University access to a project site is a violation of a storm water discharge permit and of this policy.
6. If the University has been refused access to any part of the premises from which storm water is discharged, and the University is able to demonstrate probable cause

to believe that there may be a violation of this policy, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this policy or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the University may seek appropriate relief from any court of competent jurisdiction.

**SECTION X. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE POST-CONSTRUCTION STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

The University will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The Contractor shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any Contractor which is, or may be, the source of a post-construction storm water discharge, may be required to implement, at said Contractor's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4.

The following Best Management Practices which address the problem of post-construction storm water runoff shall apply to all projects undergoing construction at the University. The Best Management Practices list set forth below is required by the University. The requirements set forth below shall apply at the time of post-construction and at a minimum remain in place until receipt of written approvals from the University, the IDEM and the Soil and Water Conservation District of a Notice of Termination (NOT) letter:

The following structural BMPs are currently in place at the University.

- Catch Basins
- Dry Extended Detention Pond
- Retention Ponds
- Infiltration Basins
- Grassed Filter Strip
- Sediment Trap
  
- BMP Inspection and Maintenance  
Post-construction best management practices are inspected and maintained regularly. Several BMPs at the University's Warren Golf Course, including sediment traps and grass filter strips are kept in working order by University staff.
  
- Green Parking  
The University currently utilizes Green Parking for home football game parking. The University encourages the general public to utilize grassy areas of campus for parking while attending home football games, including White Field and the Burke Golf Course.
  
- Heated Concrete  
The University currently utilizes heated concrete on several sidewalks throughout campus, reducing the need for deicing materials.
  
- Infrastructure Planning  
The University carefully plans all future development. Efforts are made to redevelop areas within the central campus rather than expanding to outlying areas. The 2002 University Campus Plan designated a boundary based on the responsible carrying capacity of the land. The Plan endorses re-use of existing campus buildings as well as the use of fill-in sites.

- Low Impact Development (Natural Area Planning)  
The University current Campus Plan takes measures to advocate better understanding of the natural features that surround and interweave the campus. The Plan identifies the “open-space system” on campus and promotes the expansion and connectivity of this space. Additionally, the construction of impervious surface is regulated. All construction involving the addition of impervious surface must be approved by the University's Vice President for Business Operations through a "Hardscape Permit".
- Narrower Streets  
The University currently uses narrower streets within the main campus area. Narrower streets reduce the amount of impervious surface thus increasing natural storm water infiltration.
- Natural Area Conservation  
The University has a policy that limits tree cutting within the University boundary. Effort is made during development, redevelopment and utility work to save as many trees as feasibly possible. Any tree cutting/removal must be approved by the University's Vice President for Business Operations.
- Open Space Design  
Much of the Campus Plan takes into account Open Space Design techniques. Planned developments are typically grouped so that larger open areas are preserved.
- Storm Water Land Use Controls  
The University currently plans all development within its boundaries and incorporates green spaces into most developments.
- Urban Forestry  
The University's Landscape Department employs a very active tree planting program. Typically, the University spends approximately \$250,000 planting trees every year.

**SECTION XI. WATERCOURSE PROTECTION**

Every Contractor shall keep and maintain that part of the watercourse within the MS4 free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

**SECTION XII. NOTIFICATION OF SPILLS**

To the fullest extent required by law, as soon as the University has information of any known or suspected release of materials which are resulting or may result in post-construction storm water pollutants discharging into storm water, the storm drain system, or waters of the United States the Contractor responsible for a project site shall take steps to help ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said Contractor shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and the University. In the event of a release of all other materials, said Contractor shall notify the University and to the extent required by law the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the University within three (3) business days of the phone notice.

**SECTION XIII. ENFORCEMENT**

A. Notice of Violation:

Whenever the University finds that a Contractor has violated a prohibition or failed to meet a requirement of this policy, the University may order compliance by written notice of violation to the responsible Contractor. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of post-construction storm water discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the University and the expense thereof shall be charged to the violator.

#### **B. Termination**

The University, in its sole discretion, may terminate the Contractor's UEP and otherwise terminate its relationship with the Contractor without issuing a Notice of Violation in Section XIII.A.

#### **SECTION XIV. COST OF ABATEMENT OF THE VIOLATION**

After abatement of the violation, the violating Contractor will be notified of and required to pay the cost of abatement, including administrative costs, and reasonable attorneys' fees. Any Contractor violating any of the provisions of this policy shall become liable to the University by reason of such violation. Interest shall be assessed on any unpaid balance beginning on the 31st day following receipt of the notice of cost of abatement and remediation.

#### **SECTION XV. VIOLATIONS DEEMED A NUISANCE**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this policy is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

#### **SECTION XVI. REMEDIES NOT EXCLUSIVE**

The remedies listed in this policy are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the University to seek cumulative remedies.

#### **SECTION XVII. ADOPTION OF POLICY**

This policy shall be in full force and effect upon adoption. All prior policies and parts of policies in conflict with this policy are hereby repealed.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Signature

Doug Marsh  
\_\_\_\_\_  
Printed Name

Associate Vice President for Facilities Design and Operations  
\_\_\_\_\_  
Title