



UNIVERSITY OF NOTRE DAME

DEPARTMENT OF UTILITIES

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UNIVERSITY OF NOTRE DAME du Lac ***EROSION AND SEDIMENT CONTROL POLICY***

SECTION I. INTRODUCTION/PURPOSE

The purpose of this policy is to establish protocol and management for storm water discharges that result from construction activities on the University of Notre Dame du Lac campus. The policy is intended to promote the public welfare by guiding, regulating and controlling the design, construction, inspection, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on the University of Notre Dame campus.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

The Federal Clean Water Act, 33 U.S.C. 1251 et seq. and Rule 13 of the State of Indiana, 327 IAC 15-13 designates and requires the University of Notre Dame to implement, manage and enforce a program to reduce or eliminate pollutants in storm water runoff from construction activities that result in land disturbance equal to or greater than one (1) acre and control of storm water discharges from construction activity disturbing less than one (1) acre if that construction activity is part of a larger common plan of development that would disturb one (1) acre or more.

Rule 5 – Storm Water Run-off Associated with Construction Activity in Indiana, 327 IAC 15-5, establishes specific minimum requirements for control of storm water runoff associated with construction activity. The requirements of Rule 5 shall be met except as specifically noted herein. A copy of Rule 5 is attached.

SECTION II. APPLICABILITY OF GENERAL PERMIT RULES

The applicability of the General Permit Rules is as defined in 327 IAC 15-5-2 and 15-5-3 of Rule 5.

SECTION III. DEFINITIONS

The definitions that apply throughout this policy are as contained in 327 IAC 15-5-4 of Rule 5, and as follows:

Contractor – means an individual or company, including a subcontractor, hired by the University to perform services on University property.

MS4 Operator – the University’s Utilities Department, or its designee.

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.

SECTION IV. NOTICE OF INTENT LETTER

The Notice of Intent Letter (NOI) submittal requirements and construction plan submittal requirements shall be as described in 327 IAC 15-5-5 and 327 IAC 15-5-6 of Rule 5. The NOI shall be submitted to the University MS4 Operator, the Indiana Department of Environmental Management, the St. Joseph County Soil and Water Conservation District and any other entity as required by Rule 5.

SECTION V. CONSTRUCTION PLAN REQUIREMENTS

The Erosion and Sediment Control Plan (“ESCP”) requirements shall be as described in 327 IAC 15-5-6.5 of Rule 5.

SECTION VI. STORM WATER QUALITY CONTROL REQUIREMENTS

Storm water quality control measures included in the ESCP must achieve the minimum project site requirements specified in 327 IAC 15-5-7 and 327 IAC 15-5-7.5 of Rule 5.

SECTION VII. SITE DEVELOPMENT PERMIT

No Contractor shall be granted a UEP for a project where the proposed land disturbance is one (1) acre or more without the approval of the ESCP by the University MS4 Operator.

The ESCP shall be submitted by the contractor in triplicate to the University of Notre Dame, Attn: Utilities Department, 100 Facilities Building, Notre Dame, IN, 46556-5663.

The University MS4 Operator shall provide a copy of the ESCP to the local Soil and Water Conservation District (“SWCD”) for its comments and recommendations. All

comments and recommendations received from the local SWCD shall be made available to the Contractor during the review and approval process.

Each ESCP submittal shall include the name, address and phone number of the Contractor and any consulting firm retained by the Contractor together with the name of the principal contact at such firm. It shall also include a statement by the Contractor that any land clearing, construction, or development involving the movement of earth by any party on the project site shall be in accordance with the approved ESCP. All ESCP's shall be accompanied by a filing fee made payable to the University of Notre Dame, Utilities Department.

The UEP is granted by the MS4 Operator for the period set forth in the UEP, or unless revoked by the University.

SECTION VIII. INSPECTION

The University shall make inspections as required and either shall approve that portion of the work completed or shall notify the Contractor that the work fails to comply with the approved ESCP.

To initiate inspections, the Contractor shall notify the University MS4 Operator, in writing, at least two (2) working days before each of the following: (i) start of construction, (ii) completion of site clearing, (iii) close of construction season, (iv) commencement of work when the site has been dormant for at least twenty (20) calendar days and (v) completion of final landscaping.

The Contractor shall make regular inspections of all control measures in accordance with 327 IAC 15-5-7 of Rule 5. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional correctional measures.

SECTION IX. PROJECT TERMINATION

The procedures for termination of construction activities shall be as described in 327 IAC 15-5-8 of Rule 5.

SECTION X. ENFORCEMENT

The University shall have the authority to enforce this policy. Every Contractor engaging in construction activities on a project site must comply with the approved ESCP for the project site and with the requirements and provisions of this policy. Any Contractor causing or contributing to a violation of any requirement or provision of this policy may be subject to the payment of damages and expenses incurred by the University as a result of such violations. If the violation is of such a nature to materially adversely affect the public health, existing water uses and aquatic biota of the University, the University may suspend or revoke the Utility Excavation Permit and place an immediate "Stop Work Order" at the site.

Each action causing a violation will constitute a separate and single violation. Each day that a violation exists constitutes a separate violation, and is subject to penalty or prosecution as a separate violation as allowed by law.

Any Contractor performing land disturbing activities prior to submitting an ESCP for approval by the University and properly notifying IDEM shall be subject to enforcement and penalty as described in 327 IAC 15-5-10 of Rule 5.

The University may perform, or cause to be performed, such work as is necessary to accomplish corrective measures at the Contractor's expense.

Any Contractor who violates the terms, requirements, provisions, or regulations of this policy are liable for the costs of removal of sediment and other storm water pollutants deposited in any right-of-way, drain, storm sewer, drainage easement, or University maintained or controlled property to a condition equal to or better than the condition prior to a violation.

SECTION XI. SEPARABILITY

The provisions and sections of this policy shall be deemed to be separable and the invalidity of any portion of this policy shall not affect the validity of the remainder.