

**“Completing Construction Monitoring” – “Paperwork?”**  
**– “What’s The NOT Status?”**



# **“Completing Construction Monitoring” – “Paperwork?”**

## **– “What’s The NOT Status?”**



Tools/action step to assist you obtaining or filing the Notice of Termination – NOT.

## “Potential for Concern”

- Designers or consultants initiate required Notice of Intent filings, etc for site owners/developers who are unaware of the filing requirements – including the Notice of Termination.
- Individual site owners or local contractors – going alone – have no idea of the filing requirements.
- Site Owners unfamiliar with final stabilization requirement that are pertinent to the NOT filing and MS4 municipality approval.
- Continuous disturbance on an expired NOI – may be a violation requiring action. Has ownership changed? Does it require a new NOI filing?
- Site is still subject to IDEM review or inspection if disturbance is ongoing.

## “Potential for Concern”

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- Site is still subject to IDEM review or inspection if disturbance is ongoing.

**But you can provide assistance – as the MS4 professional, you serve as a custodian of record of the municipality for that project site. We'll discuss some action steps later.**



## RULE 5 – NOTICE OF TERMINATION (NOT)

State Form 51514 (R3 / 11-15)  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF WATER QUALITY

Mail this form to:  
IDEM, OWQ  
Storm Water Program  
100 North Senate Avenue  
Room 1255  
Indianapolis, IN 46204-2251

For questions regarding the requirements for project termination or completion of this form, contact:

Storm Water Permits Coordinator  
100 North Senate Avenue  
Room 1255

Telephone: (317) 233-1864 or  
(800) 451-6027 (within IN)  
Web Access: <http://www.IN.gov/idem/>

Change of ownership - New Owner's NOT is required per Rule 5, unless waived by IDEM.

Note: Submission of this Notice of Termination letter is a certification by the project site owner that the project meets the term General Permit Rule 327 IAC 15-5 (Rule 5, Storm Water Discharges Associated with Construction Activity) for termination of National Pollutant Discharge Elimination System (NPDES).

PROJECT NAME AND LOCATION			
Permit number INR12N162 <i>(Note: Permit numbers were assigned to projects beginning in November of 2003. Therefore, a permit number is only applicable for those projects that began or were renewed on or after November of 2003).</i>			
Project name Cron Commercial Park Section One <i>(Note: Provide the project name as it appears on the active "Notice of Intent")</i>		County Johnson	
Company name Cron Development Corporation			
Project site owner's name (an individual) Truman Cron			
Address (number and street) 1752 Market Street			
City Indianapolis		State IN	ZIP code 462
Telephone 317-752-9001	FAX 317-752-9081	E-mail address (if available) tcron@CDC.net	
THIS "NOTICE OF TERMINATION" IS BEING SUBMITTED FOR THE FOLLOWING			
To be eligible for termination, specific criteria must be met. There are three options for which a project may be eligible for termination. These options include: <ul style="list-style-type: none"><li>Option # 1 Certification for change of ownership;</li><li>Option # 2 Certification for termination of construction activities (327 IAC 15-5-8); and,</li><li>Option # 3 Notice of termination to obtain early release from compliance with 327 IAC 15-5 (327 IAC 15-5-8)</li></ul> Select one of the three options that apply to "Permit Termination" by checking the appropriate box, complete all information with that option, include required attachments (where applicable), and complete the "Project Site Owner Response" page 2 of this form.			
<input checked="" type="checkbox"/> <b>Option # 1 Certification for change of ownership</b> <i>This option does not apply to the sale of individual lots within the permitted acreage; only the sale of the entire project site. The agency may accept termination for entire sections or phases of a project that are sold. To determine if a project is eligible, contact IDEM Storm Water Permits Coordinator.</i> By signing this "Notice of Termination," I certify the following: <ul style="list-style-type: none"><li>A. The project was sold; I am no longer the project site owner as was designated in my "Notice of Intent". The new owner of the project site is: Company name (if applicable) Cook Construction Development Project site owner's name (An individual) Marvin Cook Address (number and street) 100 N. Capital Avenue City Indianapolis State IN ZIP code 46201 Telephone number 317-923-2801 FAX 317-923-1518 E-mail Address (if available) Mcook@cook.com</li><li>B. I have notified the new project site owner of his/her responsibilities to comply with 327 IAC 15-5 and the requirements associated with the rule including filing a new "Notice of Intent."</li></ul>			
<input type="checkbox"/> <b>Option # 2 Certification for termination of construction activities</b> By signing this "Notice of Termination," I certify the following: <ul style="list-style-type: none"><li>A. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized;</li><li>B. All temporary erosion and sediment control measures have been removed; and</li><li>C. No future land disturbing activities will occur at the project site.</li></ul>			

(Continued on reverse side)

## Action Step/Tool:

As inspector it is your responsibility to know the status of ownership and communicate to the site owner their responsibilities to comply to the rule, in addition to you maintaining current project site records.

## NPDES GENERAL PERMIT RULE PROGRAM

(5) Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.

(6) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

(7) For individual residential lots, final stabilization meeting the criteria in section 7(b)(20) of this rule will be achieved when the individual lot operator:

(A) completes final stabilization; or

(B) has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

*(Water Pollution Control Division; 327 IAC 15-5-7.5; filed Oct 27, 2003, 10:15 a.m.: 27 IR 843; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA)*

### 327 IAC 15-5-8 Project termination

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 8. (a) The project site owner shall plan an orderly and timely termination of the construction activities, including the implementation of storm water quality measures that are to remain on the project site.

(b) The project site owner shall submit a notice of termination (NOT) letter to the commissioner and a copy to the appropriate SWCD or other designated entity in accordance with the following:

(1) Except as provided in subdivision (2), the project site owner shall submit an NOT letter when the following conditions have been met:

(A) All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.

(B) All temporary erosion and sediment control measures have been removed.

The NOT letter must contain a verified statement that each of the conditions in this subdivision has been met.

(2) The project site owner shall submit an NOT letter when the following conditions have been met:

(A) The remaining acre.

(B) A map of the project site showing the remaining undeveloped lots.

(C) All public and private roads have been installed and have been open to the public.

(D) The remaining storm water quality.

(E) All permanent structures.

(c) Following acceptance of the project site owner shall not disturb the remaining undeveloped acreage and areas.

The remaining individual lot operator shall submit a statement that each of the conditions in this subdivision has been met.

(1) install and maintain all erosion control measures.

(2) maintain all erosion control measures.

(d) The SWCD, other entity, or the project site to evaluate the adequacy of the project site to evaluate the adequacy of the project site.

(e) The project site to evaluate the adequacy of the project site.

(f) The project site to evaluate the adequacy of the project site.

(g) The project site to evaluate the adequacy of the project site.

(h) The project site to evaluate the adequacy of the project site.

(i) The project site to evaluate the adequacy of the project site.

(j) The project site to evaluate the adequacy of the project site.

(k) The project site to evaluate the adequacy of the project site.

(l) The project site to evaluate the adequacy of the project site.

(m) The project site to evaluate the adequacy of the project site.

(n) The project site to evaluate the adequacy of the project site.

(o) The project site to evaluate the adequacy of the project site.

(p) The project site to evaluate the adequacy of the project site.

(q) The project site to evaluate the adequacy of the project site.

(r) The project site to evaluate the adequacy of the project site.

(s) The project site to evaluate the adequacy of the project site.

(t) The project site to evaluate the adequacy of the project site.

(u) The project site to evaluate the adequacy of the project site.

## PERMIT RULE PROGRAM

The owner has sufficiently filed an NOT, letter, the entity shall forward the NOT letter by the department and receipt of written approval from the commissioner for compliance with this rule.

For a project site, maintenance of the remaining storm water quality measures or occupier of the property. *(Water Pollution Control Division; 327 IAC 15-5-7.5; filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA)*

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IC 13-18-3; IC 13-18-4

1 permit rules under 327 IAC 15-4 shall apply to this rule. *(Water Pollution Control Division; 327 IAC 15-4; filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA)*

## NPDES GENERAL PERMIT RULE PROGRAM

(5) Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.

(6) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

(7) For individual residential lots, final stabilization meeting the criteria in section 7(b)(20) of this rule will be achieved when the individual lot operator:

(A) completes final stabilization; or

(B) has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

*(Water Pollution Control Division; 327 IAC 15-5-7.5; filed Oct 27, 2003, 10:15 a.m.: 27 IR 843; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA)*

### 327 IAC 15-5-8 Project termination

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

## GENERAL PERMIT RULE PROGRAM

The permit is granted by the commissioner for a period of five (5) years from the date of issuance.

When the permit term is reached, a general permit issued under this rule will be considered expired. If a new permit is needed, a new NOI letter would need to be submitted in accordance with subsection (b) of this rule.

Under this rule, the information required under sections 5 and 6 of this rule must be provided prior to the termination of coverage under this NPDES general permit rule, unless otherwise specified.

The permit shall expire on the date of expiration of the permit. *(Water Pollution Control Division; 327 IAC 15-5-8; filed Oct 27, 2003, 10:15 a.m.: 27 IR 843; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA)*

Industrial activity that is not a part of the normal operation of the facility, such as the use of heavy machinery, excavation, grading, or other activities that result in the disturbance of soil or other materials.

Industrial activity

Facilities that are subject to all facilities that meet the criteria of this rule.

2-6.

Section 12 of this rule. The permit shall expire on the date of expiration of the permit.

Applied in accordance with the criteria of this rule.

Occurred, unless all spilled materials are properly disposed of.

Here flows are not contaminated with process materials, such as solvents, oils, or compressor condensate. The permit shall expire on the date of expiration of the permit.



## Option #2 - Generally a routine NOT for the MS4.

- Can confirm all work is complete.
- Post-construction complete, stabilized and in compliance.
- Seventy Percent (70%) stabilization coverage.

### NPDES GENERAL PERMIT RULE PROGRAM

that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing cleared sediment must be redistributed or disposed of in a manner that is in compliance with all rules.

by an individual lot operator must be repaired and stabilized with temporary or permanent surface

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appropriate erosion and sediment control measures for an individual lot prior to occupation of the owner and has informed the homeowner of the requirement for, and benefits of, final stabilization. *version: 327 IAC 15-5-7.5; filed Oct 27, 2003, 10:15 a.m.; 27 IR 843; readopted filed Nov 21, 2007, 070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA)*

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Affected: IC 13-12-3-1; IC 13-18-1

Sec. 8. (a) The project site owner shall plan an orderly and timely termination of the construction activities, including the implementation of storm water quality measures that are to remain on the project site.

(b) The project site owner shall submit a notice of termination (NOT) letter to the commissioner and a copy to the appropriate SWCD or other designated entity in accordance with the following:

(1) Except as provided in subdivision (2), the project site owner shall submit a NOT letter when the following conditions have been met:

(A) All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.

(B) All temporary erosion and sediment control measures have been removed.

The NOT letter must contain a verified statement that each of the conditions in this subdivision has been met.

(2) The project site owner may submit a NOT letter to obtain early release from compliance with this rule if the following conditions are met:

(A) The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.

(B) A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.

(C) All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.

(D) The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.

(E) All permanent storm water quality measures have been implemented and are operational.

(c) Following acceptance of the NOT letter and written approval from the department for early release under subsection (b), the project site owner shall notify all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with section 7.5 of this rule. The remaining individual lot owners do not need to submit an NOI letter or NOT letter. The notice must contain a verified statement that each of the conditions in subsection (b)(2) have been met. The notice must also inform the individual lot owners of the requirements to:

(1) install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and

(2) maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.

(d) The SWCD, other entity designated by the department or a regulated MS4 entity, or the department may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter

Company name: Cron Development Corporation  
Address (number and street): 1752 Market Street  
City: Indianapolis  
Telephone: 317-752-9001  
FAX: 317-752-9081  
State: IN  
E-mail address (if available):  
ZIP code: 46201  
County: John

**THIS "NOTICE OF TERMINATION" IS BEING SUBMITTED FOR THE FOLLOWING**

To be eligible for termination, specific criteria must be met. There are three options of which a project may be considered for termination. These options include:

- Option # 1 Certification for change of ownership;
- Option # 2 Certification for termination of construction activities (327 IAC 15-5-8); and,
- Option # 3 Notice of termination of construction activities (327 IAC 15-5-8).

Select one of the three options that apply to "Permit Termination" by checking the appropriate box, complete all information associated with that option, include required attachments (where applicable), and complete the "Project Site Owner Responsibility Statement" on page 2 of this form.

☐ **Option # 1 Certification for change of ownership**  
This option does not apply to the sale of individual lots within the permitted acreage; only the sale of the entire project site as originally permitted. The agency may accept termination for entire sections or phases of a project that are sold. To determine if a project is eligible, please contact the IDEM Storm Water Permits Coordinator.

☐ **Option # 2 Certification for termination of construction activities**  
By signing this "Notice of Termination," I certify the following:  
A. The project was sold; I am no longer the project site owner as was designated in my "Notice of Intent". The new owner of the project site is:  
Company name (if applicable):  
Project site owner's name (An individual):  
Address (number and street):  
City:  
Telephone number:  
State:  
FAX:  
ZIP code:  
E-mail Address (if available):  
B. I have notified the new project site owner of his/her responsibilities to comply with 327 IAC 15-5 and the requirements associated with the rule including filing a new "Notice of Intent".  
C. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized; and  
D. All temporary erosion and sediment control measures have been removed; and  
E. No future land disturbing activities will occur at the project site.

(Continued on reverse side)

Generally routine NOT for the MS4.

- Can confirm all work is complete.
- Post-construction complete, stabilized and in compliance.
- Seventy Percent (70%) stabilization coverage.

#### NPDES GENERAL PERMIT RULE PROGRAM

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Division; 327 IAC 15-5-7.5; filed Oct 27, 2003, 10:15 a.m.; 27 IR 843; readopted filed Nov 21, 2007, 27070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA)

#### 327 IAC 15-5-8 Project termination

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

### Action Step/Tool:

Communicate to site operator / owner the status of findings on your follow-up or final inspection. Explain / communicate if necessary what should be taking place to comply with their NOT filing.

**Note: All should be in requirement to the rule or your local ordinance.**

If necessary, assist with – Notice of Termination (NOT) Form - 51514 access, its completion and submittal. **But in no way should you take the sole responsibility to do it for them – that could be a liability you are placing upon yourself or your municipality.**

As a reminder, often times these folks have no idea of the NOT requirement. You are the key to keeping your records current and in compliance for IDEM.



By signing this "Notice of Termination" letter, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of project site owner JRna Cron Date (month, day, year) 4-13-18

*The submittal of a Notice of Termination requires an original*





Please submit the completed "Notice of Termination" to the District Engineer or County Auditor with an original signature; a fax or photocopies are not acceptable.

This form may be submitted to either the Water Conservation District (SWCD) or a Municipal Separate Sewer District (MSSD). The SWCD or MSSD will review the construction/storm water pollution prevention plan and determine if it meets the requirements of the applicable regulations.

If the agency participates, submit the completed Notice of concurrence and either returned to the project site owner for

The SWCD, an MS4 entity, or the Indiana Department of Environmental Management (IDEM) must determine if the remaining storm water quality measures and compliance with the NPDES permit that the site owner has met the requirements of 327 IAC 15-5-8, the NPDES permit. If the SWCD, an MS4 entity, or the IDEM determines that the site owner has met the requirements of 327 IAC 15-5-8, the SWCD, an MS4 entity, or the IDEM must file the NOT with the Indiana Department of Environmental Management (IDEM).

☐ **Denied** The site referenced above has been inspected and it has been determined that the request to terminate this project is not compliant with the requirements of 327 IAC 15-5. Continue to implement the Storm Water Pollution Prevention Plan and take appropriate measures to minimize the discharge of pollutants.

			
Signature	Printed name	Agency	Date (month, day, year)

Instructions include directing site owner to submit completed NOI Form to IDEM, and a Copy to the respective MS4 for their final review and approval.

**Note: You can assist, but it's the site owner's responsibility to complete & submit the form to IDEM – As custodian of the records for a municipal MS4 your copy is record of that submittal. Of course, provide a copy of your sign-off to the site owner for their records.**

## Option #3 – Challenge for MS4 to manage a stalled or dormant construction site.

- Active / Expired NOI – requires monitoring & reporting.
- Post-construction complete, stabilized and in compliance.
- Seventy Percent (70%) stabilization coverage.

☒ **Option #3 "Notice of Termination" to obtain early release from compliance with 327**  
By signing this "Notice of Termination," I certify the following:

- A. The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to be included.
- B. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to this letter, showing the names and addresses of individual lot owners or individual lot operators of all undeveloped lots.
- C. All public and common improvements, including infrastructure, have been completed and permanent the appropriate local entity.
- D. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent property, or the environment.
- E. All permanent storm water quality measures have been implemented and are operational.

Upon written notification to the department the project site owner certifies that he/she will:

- A. Notify all current individual lot owners and all subsequent lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with section 7.5 of 327 IAC 15-5. The notice must inform the individual lot owners of the requirements to:
  - (1) install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and
  - (2) maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.

### PROJECT SITE OWNER RESPONSIBILITY STATEMENT

By signing this "Notice of Termination" letter, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed name of project site owner \_\_\_\_\_

Signature of project site owner \_\_\_\_\_ Date (month, day, year) \_\_\_\_\_

*This "Notice of Termination" must be signed by an individual meeting the signatory requirements in 327 IAC 15-4-3(g).*

*The submittal of a Notice of Termination requires an original (wet ink) signature; a fax or photocopies are not acceptable.*

### SUBMITTAL OF THE "NOTICE OF TERMINATION"

Please submit the completed "Notice of Termination" to the Indiana Department of Environmental Management (IDEM). The submittal to IDEM must be an original signature; a fax or photocopies are not acceptable. A copy of the "Notice of Termination" is required to also be submitted to the Soil and Water Conservation District (SWCD) or a Municipal Separate Storm Sewer System (MS4). The appropriate entity will typically be the agency that reviewed the construction/storm water pollution prevention plan associated with the project. The "Notice of Termination" shall be mailed to the IDEM at

Indiana Department of Environmental Management  
Storm Water Permits Coordinator  
100 North Senate Avenue  
Room 1255  
Indianapolis, IN 46204-2251

#### Additional considerations

It is not required by 327 IAC 15-5 that the termination is verified prior to submittal, however the SWCD or MS4, as the plan review agency, may elect to field verify project completion prior to the "Notice of Termination" submittal. Several MS4s require (by local ordinance) approval of all terminations prior to submitting the "Notice of Termination" to IDEM. Failure to submit this document to an MS4 that has adopted this provision may be a violation of the local MS4 ordinance.

If the agency participates, submit the completed Notice of Termination form to the SWCD or MS4. The request for termination will be reviewed for concurrence and either returned to the project site owner for submittal to IDEM or forwarded to IDEM on behalf of the project site owner.

### FOR AGENCY USE ONLY (FIELD VERIFICATION OF TERMINATION)

The SWCD, an MS4 entity, or the Indiana Department of Environmental Management may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the Notice of Termination (NOT) requirements. If the inspecting entity finds that the project site owner has met the requirements of 327 IAC 15-5-8, the entity may elect to sign off on the project. It is the responsibility of the project site owner to file the NOT with the Indiana Department of Environmental Management.

☐ **Accepted** The site referenced above has been inspected and it has been determined that the request to terminate this project is compliant with the requirements of 327 IAC 15-5. This form must be submitted to the IDEM for final processing.

☐ **Denied** The site referenced above has been inspected and it has been determined that the request to terminate this project is not compliant with the requirements of 327 IAC 15-5. Continue to implement the Storm Water Pollution Prevention Plan and take appropriate measures to minimize the discharge of pollutants.

Signature \_\_\_\_\_ Printed name \_\_\_\_\_ Agency \_\_\_\_\_ Date (month, day, year) \_\_\_\_\_

## Option #3 – Challenge for MS4 to manage a stalled or dormant construction site.

- Active / Expired NOI – requires monitoring & reporting.
- Post-construction complete, stabilized and in compliance.
- Seventy Percent (70%) stabilization coverage.

### ☒ Option #3 "Notice of Termination" to obtain early release from compliance with 327

By signing this "Notice of Termination," I certify the following:

- A. The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.
- B. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to this letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.
- C. All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.
- D. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
- E. All permanent storm water quality measures have been implemented and are operational.

Upon written notification to the department the project site owner certifies that he/she will:

- A. Notify all current individual lot owners and all subsequent lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with section 7.5 of 327 IAC 15-5. The notice must inform the individual lot owners of the requirements to:

- (1) install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and
- (2) maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.

### PROJECT SITE OWNER RESPONSIBILITY STATEMENT

By signing this "Notice of Termination" letter, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed name of project site owner \_\_\_\_\_

Signature of project site owner \_\_\_\_\_ Date (month, day, year) \_\_\_\_\_

This "Notice of Termination" must be signed by an individual meeting the signatory requirements in 327 IAC 15-4-3(g).

The submittal of a Notice of Termination requires an original (wet ink) signature; a fax or photocopies are not acceptable.

### SUBMITTAL OF THE "NOTICE OF TERMINATION"

Please submit the completed "Notice of Termination" to the Indiana Department of Environmental Management (IDEM). The submittal to IDEM must be an original signature; a fax or photocopies are not acceptable. A copy of the "Notice of Termination" is required to also be submitted to the Soil and Water Conservation District (SWCD) and Municipal Separate Storm Sewer System (MS4). The appropriate entity will typically be the agency that

- A. The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.
- B. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to this letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.
- C. All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.
- D. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
- E. All permanent storm water quality measures have been implemented and are operational.

Upon written notification to the department the project site owner certifies that he/she will:

- A. Notify all current individual lot owners and all subsequent lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with section 7.5 of 327 IAC 15-5. The notice must inform the individual lot owners of the requirements to:
  - (1) install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and
  - (2) maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.



## Option #3 – Example

☒ Option #3 "Notice of Termination" to obtain early release from compliance. By signing this "Notice of Termination," I certify the following:

- A. The remaining undeveloped acreage does not exceed five (5) acres, with no more than one (1) acre of wetlands.
- B. A map of the project site, clearly identifying all remaining undeveloped lots, lot names and addresses of individual lot owners or individual lot operators of all remaining undeveloped lots, has been submitted to the appropriate local entity.
- C. All public and common improvements, including infrastructure, have been completed to the satisfaction of the appropriate local entity.
- D. The remaining acreage does not pose a significant threat to the integrity of the project.
- E. All permanent storm water quality measures have been implemented and are in place.

Upon written notification to the department the project site owner certifies that he/she/it:

- A. Notify all current individual lot owners and all subsequent lot owners of the release of the project site and that they are responsible for complying with section 7.5 of 327 IAC 15 requirements to:
  - (1) install and maintain appropriate measures to prevent sediment from leaving the project site;
  - (2) maintain all erosion and sediment control measures that are to remain on the project site.

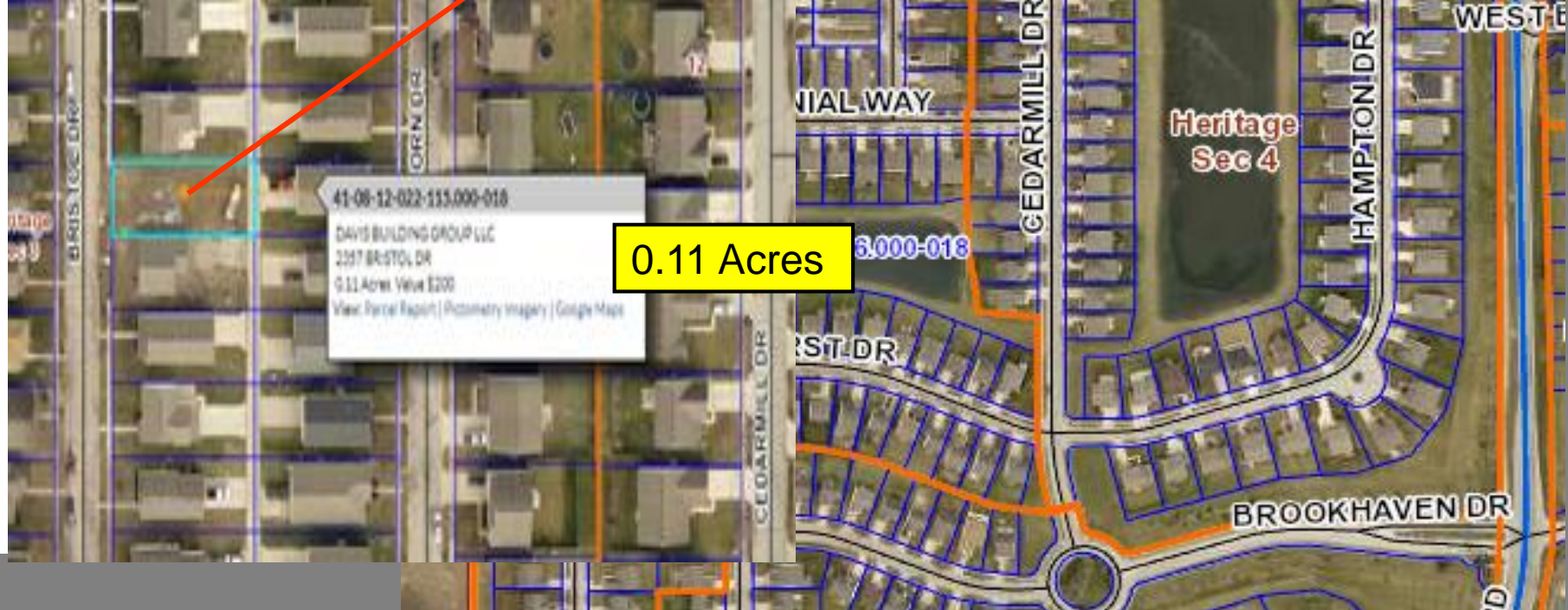
### PROJECT SITE OWNER RESPONSIBILITIES

By signing this "Notice of Termination" letter, I certify under penalty of law that this document contains true and accurate information, and that I am not providing false information in accordance with a system designed to assure that qualified personnel perform an independent review of the information submitted, and that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that providing false information is a criminal offense, including the possibility of fine and imprisonment for knowing violations.

Printed name of project site owner \_\_\_\_\_

Signature of project site owner \_\_\_\_\_

This "Notice of Termination" must be signed by an individual meeting the signatory requirements.





## Action Step/Tool:

- Verify undeveloped acreage not to exceed amount required for Option #3.
- Completion status of overall site, infrastructure, public / common improvements within standards and accepted by the municipality.
- Assist with site map if applicable, as well as undeveloped lot owners. – Remember, it may be an owner unaware of IDEM requirements.
- Requirements A-E. MS4 may provide a letter consistent to notification requirements as required by IDEM or their municipal ordinance.
- Notification to IDEM requires certification that all lot owners, including future owners are made aware of Rule 5 requirements and are responsible for all future erosion control measures. This includes developers whom request an option 3 release.
- ***Note: Enforcement now falls under a municipalities individual lot application, pertinent to their SWPPP guidelines.***





## Action Step/Tool:

- Verify undeveloped acreage
- Completion status of o within standards and
- Assist with site map i may be an owner up
- Requirements A-E. as required by IDE
- Notification to ID are made aware control measure
- **Note: Enforce pertinent to**

**ABC Development Corporation**  
100 Empire Street, Suite 200  
Somewhere, USA 90021

Date:

Friendly Lot Owner  
1065 Dirt Street  
Anywhere, USA 20754

RE: Compliance Notification - Undeveloped Lot 405 – Heritage Estates  
Dear Mr. Owner,

This writing is to provide you as owner of the above property notice that ABC Development Corporation has submitted its Notice of Termination for this development pursuant to Indiana 327 IAC 15-5 to Indiana Department of Environmental Management. A copy of this submission has also been provided to **Municipality**.

As owner of this undeveloped property, it remains your responsibility to comply to Section 7.5 of 327 IAC 15-5 subsequent to future development or land disturbance. It includes:

1. Installation and maintenance of any/all measures to prevent sediment from leaving your individual building lot; and
2. Maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.

In addition, all future activities on the site include compliance to **Municipality** stormwater construction ordinances and planning codes.

if further information is necessary, or you have questions with this release, please advise.

Regards,

Mr. Big Dig  
Development Guy

Attachments

for Option #3.

movements

s. – Remember, it

ation requirements

including future owners  
for all future erosion  
option 3 release.

**vidual lot application,**

Section 7

BROOKHAVEN DR



RMIT_NBR	PROJ_NAME_RS	COUNT	AT	NAT	DNG	DNG	ROI	COMPANY	OWNER	FN	OWNER	LN	ROI	ADDRESS	PROJ_CITY_RS	STAT	ROI_PHONE	ROI_EMAIL	CT	INACT	LNACT	COMPANY	TACT_ADDRESS	CONTACT_CITY	ST	TACT_2	TACT_PHONE	TACT_EMAIL	PIRE_DATE	MIT_STATUS	CEPT_DATE	MIT_EXPIRE_DATE
INR100749	Windstar Subdivision Section 4	John son	39	28	30	86	4	0	Thomas & Thomas Development, Inc.	Norman	Thomas	2075 Mullinix Road	Greenwood	IN	46143	317-736-4350	Steve Williams	Franklin Engineering Co.				151 W. Jefferson Street	Franklin	IN	46131	317-738-4559		01-May-09		10-Jun-04		
INR101588	Heritage Section 3	John son	39	30	16	86	2	35	C.P. Morgan Communities, LP	Paul	Claire	4670 Haven Point Blvd.	Indianapolis	IN	46280	317-848-4040		The Schneider Corp.				8901 Otis Ave.	Indianapolis	IN	46216	317-826-7100		08-Aug-09		04-Oct-04		
INR101623	Heritage, Section 4	John son	39	29	51	86	2	30	CP Morgan Communities, LP	Paul	Claire	4670 Haven Point Blvd.	Indianapolis	IN	46280	317-848-4040							IN				22-Sep-09		15-Oct-04			
INR104533	Cumberland Commons Section 2	John son	39	29	30	86	5	0	The Meadows at Simon Farms Development	Glenn	Brizendine	698 Oldfield Commons Dr., Suite 1	Greenwood	IN	46142	317-887-8617							IN				01-Apr-11		20-Feb-06	20-Feb-11		
INR105239	Windstar Subdivision Section Five	John son	39	28	30	86	4	0	Thomas and Thomas Developers	Norman	Thomas	2075 Mullinix Road	Greenwood	IN	46143	(317) 736-4330	Norman Thomas	Thomas and Thomas Developers				2075 Mullinix Road	Greenwood	IN	46143	(317) 736-4330		01-Dec-11	Sufficient	12-Jun-06	12-Jun-11	
INR107565	RSW Industrial Park	John son	39	31	0	86	30	0	Maurice Linville Mikewing			2504 N. Graham Road	Franklin	IN	46131	(317) 736-7896	Mike Waugh				171 Commerce Dr. Suite B	Franklin	IN	46131	(317) 736-6422		01-Jul-12	Sufficient	26-Apr-13	26-Apr-18		
INR106988	Pickett, LLC	John son	39	31	0	86	2	50	Pickett, LLC	James L.	Pickett	200 E. Earlywood Dr.	Franklin	IN	46131	(812) 736-5121	Stephen Huddlestone	Stephen Scott	Charity Homes, Incorporated				108 N. Pleasant Street	Trafalgar	IN	46181	(317) 752-8222	Scott8656@apl.com	30-Oct-13	Sufficient	08-Aug-13	08-Aug-18
INR101444	Commerce Business Park - Building #1	John son	39	34	32	88	5	34	CTCO4, LLC	Joel	Fritz	2530 Bluff Road	Indianapolis	IN	46225	(317) 782-8300	Jfritz@ctcconstruction.com	Joel Fritz						IN				01-Mar-14	Sufficient	26-Aug-13	29-Aug-18	
INR104514	Neville Storage Barn	John son	39	31	4-9	86	3	15		Bill	Neville	3030 R J Parkway	Franklin	IN	46131	(812) 971-7399	Bill Neville						IN				01-May-14	Sufficient	01-Nov-13	01-Nov-16		
INR104071	Needham to Arlity Junction Reconnector Project	John son	39	30	28	86	1	35	Duke Energy	Glenn	Hausser	1000 E Main Street	Plainfield	IN	46168	(317) 838-2428	glenn.hausser@duke-energy.com	Chad Miller	Duke Energy					IN		(317) 838-2446	chad.miller@duke-energy.com	01-Jun-14	Sufficient	15-Aug-13	15-Aug-18	
INR101128	KYB Aftermarket Production Building	John son	39	30	36	86	4	12	KYB Manufacturing, NA	Hiroaki	Hirayama	2625 N Morton Street	Franklin	IN	46131	(317) 736-7774	Blade Hauth	Takehaka Corp				56 south Park Blvd	Greenwood	IN	46143	(317) 881-1610	bhauth@takehaka.com	14-Oct-14	Sufficient	28-Aug-13	28-Aug-18	
INR104315	Franklin North Main Street Phase 2	John son	39	0	0	86	0	0	City of Franklin	Travis	Underhill	70 E Monroe St	Franklin	IN	46131	(877) 736-3631	tunderhill@franklin.in.gov	Michael Materson	CrossRoad Engineers				3417 Sherman Dr	Beech Grove	IN	46107	(317) 780-1555	mmaterson@crossroadengineers.com	31-Oct-14	Sufficient	26-Sep-13	26-Sep-18
INR10745	City of Franklin Spec Building	John son	39	29	60	86	3	15	Runnebohm Construction	Mike	Runnebohm	144 E Bengard St.	Shelbyville	IN	46176	(317) 898-4722	Mike Runnebohm						IN				01-Nov-14	Sufficient	22-Oct-12	22-Oct-17		
INR406544	Johnson County Shooting Range - 1091 Hospital Road	John son	39	28	32	86	4	32	Johnson County Board of Commissioners	Brian	Baird	86 W Court St	Franklin	IN	46131	(317) 436-4300	bbaird@johnsoncountynj.us	Gregory Gilko	CrossRoad Engineers, PC				3417 Sherman Drive	Beech Grove	IN	46107	(317) 780-1555	gilko	01-May-15	Sufficient	10-May-13	10-May-18
INR102363	The Legends	John son	39	30	28	86	2	15	Legends of Franklin, LLC	Jeffery	Smith	2555 Fairview Place Suite A	Greenwood	IN	46142	317-882-5003	Jeffery K. Smith						IN				01-Aug-15	Sufficient	11-Aug-10	11-Aug-15		
INR104336	Pickett Warehouse Project	John son	39	2	12	86	2	45	Pickett, LLC	Jim	Pickett	200 Earlywood Drive	Franklin	IN	46131	(317) 738-0053	tom.golin@heartlandndme.com	Steven Williams	Steven B Williams Engineering				3868 E 700 N	Whiteland	IN	46184	(317) 460-7730	rick.bartlett@royalspc.com	01-Jun-18	Sufficient	06-May-13	06-May-18
INR106891	Heartland Machine & Engineering	John son	39	31	54	86	31	56	Heartland Machine & Engineering	Tom	Golin	2850 Graham Road	Franklin	IN	46131	(317) 494-1415	tom.golin@heartlandndme.com	Rick Bartlett	B & D Development				2041 W Epler	Indianapolis	IN	46217	(317) 781-0828	gilko@cross	24-Jun-18	Sufficient	22-Jul-13	22-Jul-18

## Action Step/Tool:

Have you or when have you reconciled your NOI status? As custodian of records, it can easily be reconciled by using a printout supplied by IDEM. Easy cross reference to your monitoring records. Routine will depend on your activity level.

# Record Retention

- 
- Standard record retention under the current rule has been a period of five (5) year; consistent to the State of Indiana retention period, and to the permit term.
- Draft Construction Permit – three (3) year retention period.
- MS4 Municipality record retention periods may vary.
- MS4 Professionals are the custodian of these records, and should be maintain and protected, until destruction approval.

# • Thank you – Questions?

- Tyler Urban – MS4 Coordinator
- City of Franklin

**RULE 5 – NOTICE OF TERMINATION (NOT)**  
 Form 500-1 (11/15/11)  
 DOMAINS DEPARTMENT OF  
 OFFICE OF WATER QUALITY

**Send this form to:**  
 DOW, CDD  
 Storm Water Program  
 100 North Service Avenue  
 Room 1200  
 Indianapolis, IN 46204-2001

**For questions regarding the requirements for project termination or completion of this form, contact:**  
 Storm Water Program Coordinator  
 100 North Service Avenue  
 Room 1200  
 Telephone: (317) 423-1384 or  
 (800) 451-4822 (toll-free) ext. 3184  
 Web Access: <http://www.in.gov/dow/500-1>

**PROJECT NAME AND LOCATION**

Permit number: **WR12N102**  
 (This permit number was assigned to projects having a permit number assigned to them by the permit holder on or after January 1, 2003.)  
 Project name: **CRON Commercial Park Section One**  
 (This is the project name as it appears on the active notice of intent.)  
 Company name: **Cron Development Corporation**  
 Address (include street and street number): **1727 Market Street**  
 City: **Indianapolis**  
 Telephone: **317-752-0001** Fax: **317-752-0001** State: **IN** County: **Johnson**

**THIS NOTICE OF TERMINATION IS BEING SUBMITTED FOR THE FOLLOWING**

☐ To be eligible for termination, specific criteria must be met. There are three options for which a project may be considered for termination. These options include:

- Option # 1 Certification for change of ownership
- Option # 2 Certification for change of ownership
- Option # 3 Certification for change of ownership

☐ The project was sold. I am no longer the project site owner as was designated in my "Notice of Intent". The new owner of the project site is:

Project site owner's name (do not include): \_\_\_\_\_  
 Address (number and street): \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 ZIP code: \_\_\_\_\_

☒ **Option # 2 Certification for termination of construction activities**

Building this "Notice of Termination" I certify that I have:

- A. At least 15 days prior to the date of submission of this "Notice of Termination", I have notified the permit holder of my intent to terminate the project.
- B. At least 15 days prior to the date of submission of this "Notice of Termination", I have notified the permit holder of my intent to terminate the project.
- C. No other construction activities will occur at the project site.

(Continued on reverse side)