

Quick Reference Guide: Compliance Requirements for Rule 5

Projects that are required to comply:

- Any construction activity, which includes clearing, grading, excavation, and other land disturbing activities that results in the disturbance of one (1) or more acres of total land area.
- *Total Land Area includes any earth disturbing activity over the life of the project and also includes activities that are required to provide services to the project when they are under the control of the project site owner. For example: sanitary sewer, storm sewer, or water lines.
- If a project is **less than one (1) acre** but part of a larger development plan, individual filing is not required. However, the project is required to comply with the erosion and sediment control plan set forth for the larger development plan.
- If a project is **more than one acre and part of a larger development plan**, the project must file as an individual project. See filing requirements.
- **For Multi-lot projects**, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, including streets, roads, utilities, and common areas in addition to the expected total disturbance on each individual lot, as determined by the following:
 1. Single-family residential project where the lots are one-half acre or more use one-half acre.
 2. Single-family residential project where the lots are less than one-half acre use the acreage of the entire lot.
 3. On all other types of projects, such as **industrial and commercial**, a minimum of one acre of disturbance must be used, unless the lots are less than one acre, then the entire acreage of each lot should be used.

Exempt projects:

1. Single family residential dwellings disturbing less than five (5) acres, where they **are not** part of a larger common plan of development. Earth disturbing activities for this exemption includes the dwelling, driveway, and septic system only.
2. Agriculture land disturbing activities such as planting, disking, installation of agriculture conservation practices, and tile installation. See definitions in attached rule. **Ponds are not considered an agricultural land disturbing activity or an agriculture conservation practice.**
3. Forest harvesting activities.
4. Coal mining activities permitted under IC 14-34
5. Landfills, closed and active, permitted under 329 IAC 10

For additional Questions or Comments contact the Marshall County Soil and Water Conservation District at 574-936-2024 ext. 3.

Filing Requirements for Rule 5

(Steps 1-3 to be completed a minimum of 30 days prior to land disturbing activities. More time may be required if the plan is not approved on first review)

1. Develop an Erosion and Sediment Control Plan

- Develop an Erosion and Sediment Control Plan in accordance with the requirements listed under 327 IAC 15-5-6.5, IAC 15-5-7, and IAC 15-5-7.5.

2. Submit Plan to Marshall County SWCD For Review

- Deliver a copy of the Erosion and Sediment Control Plan to the Marshall County Soil and Water Conservation District (MCSWCD) for review. The MCSWCD will have 28 days to review the plan for compliance with the rule. (Note: If 28 days have passed from the date the MCSWCD has received the plan and you have not received word that the plan is approved or deficient, proceed with filing the Notice of Intent with IDEM) While not required, it would also be to your benefit to include a draft copy of the completed Notice of Intent (NOI) form for review along with the plan.

3. Public Notification

- Public Notification must be done in a newspaper of general circulation in the affected area to notify the public that construction activity under this rule is to commence. Suggested verbiage is exhibited in IAC 327 15-5-5, a, 9. A copy of the notice will be needed to accompany the NOI sent to the Indiana Department of Environmental Management (IDEM).

PLEASE NOTE: Step 4 to be **completed after steps 1-3 and a minimum of 48 hours prior** to land disturbing activity.

4. File Notice of Intent and Supporting Documentation with IDEM

- **A Notice of Intent (NOI) form** completed, signed, and dated along with supporting documentation must be filed with IDEM a minimum of 48 hours prior to land disturbing activities. **A copy of this information also needs to be filed with the MCSWCD.** Notice of Intent forms are available on the IDEM website.
- Supporting documentation includes the following:
 1. **Proof of Publication:** a copy of the Public Notification as it appeared in the newspaper.
 2. **Notice of an Approved Plan:** a copy of the Notice of an Approved plan that you receive from the MCSWCD
- Send all information to:

Indiana Department of Environmental Management
Attn: Rule 5 Storm Water Coordinator
Office of Water Quality, Urban Wet Weather Section
100 North Senate Avenue
PO Box 6015
Indianapolis, IN 46206-6015

For additional Questions or Comments contact the Marshall County Soil and Water Conservation District at 574-936-2024 ext. 3.