(4) Materials management practices employed to minimize contact of materials with storm water runoff.

(b) The following storm water management practices must be implemented:

(1) Good housekeeping. All areas that may contribute pollutants to storm water discharges should be maintained in a clean, orderly manner.

(2) Preventative maintenance. A preventative maintenance program including timely inspection and maintenance schedule of storm water management devices.

(3) Sediment and erosion control. Identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion and identify structural, vegetative, and initiate stabilization measures to limit erosion.

(4) Management of storm water runoff. Practices (other than those that control the generation or source or sources of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff so as to reduce pollutants in storm water discharges from the site.

(c) The owner/operator of the CFO must complete a certification on a form provided by the department that the requirements of this section have been met. This certification must be kept in the operating record.

(d) If the implemented storm water pollution prevention practices are deemed ineffective by the department, the commissioner may require additional measures to be taken. The commissioner shall provide written documentation describing the basis for any required changes. *(Water Pollution Control Division; 327 IAC 19-11-2; filed Feb 6, 2012, 2:58 p.m.: 20120307-IR-327090615FRA, eff Jul 1, 2012)*

Rule 12. Manure Handling and Storage; Site, Design, and Construction Requirements for Waste Management Systems

327 IAC 19-12-1 Applicability and availability of standards

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-18-10-4
Affected: IC 13-11-2; IC 13-14; IC 13-15; IC 13-18; IC 13-30

Sec. 1. (a) This rule applies to waste management systems approved for construction after the effective date of this article.

(b) Indiana NRCS conservation practice standards and construction specifications are available from the Natural Resources Conservation Service, Indiana Field Office, 6013 Lakeside Boulevard, Indianapolis, Indiana 46278-2933 or online at http://www.in.nrcs.usda.gov/. The standards may be viewed and copied at IDEM Office of Land Quality, 100 North Senate Avenue, Eleventh Floor, Indianapolis, Indiana. *(Water Pollution Control Division; 327 IAC 19-12-1; filed Feb 6, 2012, 2:58 p.m.: 20120307-IR-327090615FRA, eff Jul 1, 2012)*

327 IAC 19-12-2 Site restrictions

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-18-10-4
Affected: IC 13-11-2; IC 13-14; IC 13-15; IC 13-18; IC 13-30

Sec. 2. (a) Waste management systems must not be constructed:

(1) except for subsection (b), in karst terrain based on information compiled by the department, and from karst and bedrock maps from the Indiana Geological Survey dated 1997;

(2) in a floodway;

(3) in a one hundred (100) year flood plain, unless all waste management system access is at least two (2) feet above the one hundred (100) year flood plain and structurally sound without lowering flood waters or the seasonal water table below the bottom of the waste management system;

(4) over mines; or

(5) in soil types that are expected to have a seasonal high water table, unless the water table is lowered to keep the water table below the bottom of the waste management system.

(b) The commissioner may approve a waste management system to be constructed in karst terrain based upon the following site-specific information submitted to the commissioner:

(1) Characterization of the seasonal water table and soil.

(2) Design and construction specifications that assure adequate structural integrity and environmental protection.

(3) For manure storage facilities that are earthen, in addition to 327 IAC 19-7-1(c)(6), information from at least one (1) of the soil borings or test holes to the shallower of either:

(A) bedrock; or

(B) ten (10) feet below the lowest point of the proposed waste management system.

(4) Other information that the commissioner deems necessary to ensure protection of human health and the environment.

(Water Pollution Control Division; 327 IAC 19-12-2; filed Feb 6, 2012, 2:58 p.m.: 20120307-IR-327090615FRA, eff Jul 1, 2012)

327 IAC 19-12-3 Setbacks

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-18-10-4

Affected: IC 13-11-2; IC 13-14; IC 13-15; IC 13-18; IC 13-30

Sec. 3. (a) Waste management systems must be located to maintain the minimum setback distances from the following features that are known and identifiable at the time an application is submitted for approval:

(1) One thousand (1,000) feet from a public water supply well or public water supply surface intake structure.

(2) Except for subsection (c), three hundred (300) feet from the following:

(A) Surface water.

(B) Drainage inlets, including water and sediment control basins.

(C) Sinkholes, as measured from the surficial opening or the lowest point of the feature.

(D) Off-site water wells.

(3) One hundred (100) feet from the following:

(A) On-site water wells.

(B) Property lines.

(C) Public roads.

(4) Four hundred (400) feet from existing off-site residential and public buildings.

(b) A manure storage facility that contains solid manure must be maintained to have a minimum setback of one hundred (100) feet from the features in subdivision *[subsection]* (a)(2) but must comply with the setbacks in subdivisions *[subsection]* (a)(1) and (a)(3) through (a)(4).

(c) If one (1) of the features in subsection (b) is constructed within the specified setback distances to an existing waste management system, a new waste management system may be constructed to maintain the same setback between the existing waste management system and the feature, providing that the feature was:

(1) not under the control of the owner/operator of the CFO; and

(2) constructed after the application for original waste management system was submitted to the department.

(d) The owner/operator may obtain a reduced setback under 327 IAC 19-5 by demonstrating to the commissioner that a different compliance approach meets the performance standards in 327 IAC 19-3-1.

(e) The property line setback distances in this section may be waived in writing by the owner of the adjoining property.

(Water Pollution Control Division; 327 IAC 19-12-3; filed Feb 6, 2012, 2:58 p.m.: 20120307-IR-327090615FRA, eff Jul 1, 2012)

327 IAC 19-12-4 Storage capacity and design requirements

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-18-10-4

Affected: IC 13-11-2; IC 13-14; IC 13-15; IC 13-18; IC 13-30

Sec. 4. (a) An alternate design may be approved by the commissioner if it is shown to provide an equivalent amount of environmental protection.

(b) All waste management systems must be designed to not discharge to surface waters of the state. If a waste management system discharges or is designed to discharge, a NPDES CAFO permit under 40 CFR 122.23 is required.

(c) All manure storage facilities for the CFO must be designed, constructed, and maintained with a combined storage capacity of at least one hundred eighty (180) days storage for the following:

(1) All materials entering the manure storage facility.