

## 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 Daviess County Soil and Water Conservation District at 812-254-4780 ext. 3.*