

IC 13-18-4

Chapter 4. Restrictions on Pollution of Water

IC 13-18-4-1

Water qualities and properties indicating pollution

Sec. 1. The board may adopt rules under IC 4-22-2 to determine what qualities and properties of water indicate a polluted condition of the water in any of the streams or waters of Indiana:

- (1) that is deleterious to:
 - (A) the public health; or
 - (B) the prosecution of any industry or lawful occupation for which or in which any waters may be lawfully used or employed;
- (2) by which any agricultural, floricultural, or horticultural pursuit may be or is injuriously affected;
- (3) by which the lawful conduct of any livestock industry or the use of any waters for domestic animals may be prevented, injuriously affected, or impaired;
- (4) by which any lawful use of any waters by the state or by any person may be lessened or impaired or materially interfered with; or
- (5) by which:
 - (A) any fish life or any beneficial animal or vegetable life in the waters may be destroyed; or
 - (B) the growth or propagation of fish life or beneficial animal or vegetable life in the water is prevented or injuriously affected.

As added by P.L.1-1996, SEC.8.

IC 13-18-4-2

Filing of rules and determinations

Sec. 2. A rule or determination made by the board or the commissioner under sections 1 through 4 of this chapter shall be filed of record in the office of the department.

As added by P.L.1-1996, SEC.8.

IC 13-18-4-3

Rules restricting polluting content discharged into streams

Sec. 3. The board may adopt rules restricting the polluting content of any waste material and polluting substances discharged or sought to be discharged into any of the streams or waters of Indiana.

As added by P.L.1-1996, SEC.8.

IC 13-18-4-4

Prevention of unreasonable pollution and against public interest

Sec. 4. The commissioner may take appropriate steps to prevent any pollution that is determined to be unreasonable and against public interests in view of the condition in any stream or other waters of Indiana.

As added by P.L.1-1996, SEC.8.

IC 13-18-4-5

Unlawful discharge of deleterious substances; land application of fertilizer

Sec. 5. (a) Except as provided in subsection (b), a person may not:

- (1) throw, run, drain, or otherwise dispose; or
- (2) cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed;

into any of the streams or waters of Indiana any organic or inorganic matter that causes or contributes to a polluted condition of any of the streams or waters of Indiana, as determined by a rule of the board adopted under sections 1 and 3 of this chapter.

(b) Subsection (a) does not apply to organic or inorganic matter that consists of fertilizer material contained in:

- (1) runoff from a storm event; or
- (2) irrigation return flow;

entering the waters of Indiana as a result of land application of fertilizer material in compliance with rules adopted by the state chemist under IC 15-16-2-44.

(c) The department shall request documentation of compliance with subsection (b) before a notice of violation can be issued.

(d) A person has thirty (30) days to submit documentation after receiving a request under subsection (c).

(e) The department may issue a notice of violation for failure to comply with subsection (d). No notice of violation can be issued if the department determines that a person complied with subsection (b).

(f) Before the rules for land application of fertilizer materials adopted under IC 15-16-2-44 by the state chemist take effect, a person may meet the requirements under subsection (b) if the person maintains documentation of compliance with:

- (1) the conditions for land application of manure requirements under IC 13-18-10; or
- (2) the National Resources Conservation Services land application standards.

(g) Subsection (b) does not affect liability for killing wild animals under IC 14-22-10-6.

As added by P.L.1-1996, SEC.8. Amended by P.L.189-2011, SEC.11.

IC 13-18-4-6

Notice of violation; service; contents

Sec. 6. (a) Whenever the commissioner determines that a person:

- (1) is violating; or
- (2) is about to violate;

section 5 of this chapter, the department shall serve notice on the person by certified mail of the commissioner's determination.

(b) The commissioner shall include in the notice an order against the person to:

- (1) cease the violation; and
- (2) abate the condition of pollution;

fixing in the order a reasonable time within which the correction and

abatement must take place.

(c) Proceedings concerning an order issued under this section are governed by IC 4-21.5.

As added by P.L.1-1996, SEC.8.

IC 13-18-4-7

Mixing zones

Sec. 7. (a) Notwithstanding any rules of the board, the commissioner shall allow for a mixing zone in permits that involve a discharge into Lake Michigan if the applicant can demonstrate to the commissioner that the mixing zone will not cause harm to human health or aquatic life.

(b) For mixing zones allowed under subsection (a), surface water quality standards for bioaccumulative chemicals of concern shall be applied to the undiluted discharge, rather than at a point outside the mixing zone.

As added by P.L.1-1996, SEC.8.

IC 13-18-4-8

Discharge induced mixing permits

Sec. 8. In issuing permits authorizing discharge induced mixing, the commissioner shall allow for mixing initiated by the use of:

- (1) submerged, high rate diffuser outfall structures; or
- (2) the functional equivalent of submerged, high rate diffuser outfall structures;

that provide turbulent initial mixing and minimize organism exposure times.

As added by P.L.1-1996, SEC.8.