

FACT SHEET

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Discharges to Waterways- Permits That May Be Required for Oil & Gas Operations in Wetlands Areas

Office of Water Quality



(317) 234-3980 • (800) 451-6027

www.idem.IN.gov

100 N. Senate Ave., Indianapolis, IN 46204

Introduction:

When drilling, deepening, operating, or converting a well for oil and gas purposes, permits are needed from the Indiana Department of Natural Resources (IDNR) relative to the oil and gas operations themselves (*IDNR provides information about oil and gas permit requirements on its website at www.IN.gov/dnr/dnroil/2611.htm*).

The installation of oil and gas wells and/or construction of other operational structures may result in the placement and/or discharge of dredge and/or fill material into wetlands, streams, and lakes. To ensure compliance with the Clean Water Act and state law, the placement of fill material requires additional permits. These include permits from the Indiana Department of Environmental Management (IDEM) and the U.S. Army Corps of Engineers (USACE) and, potentially, additional permits from IDNR. This fact sheet contains information about these permits.

Who regulates what?

The **Indiana Department of Environmental Management (IDEM) Wetlands Program** regulates, under Section 401 of the Clean Water Act, the placement and/or discharge of dredge and/or fill material into Indiana wetlands, streams, and lakes.

Additionally, these discharges are federally regulated by the **U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act**. If the scope of a project would impact a wetland, typically both agencies would be involved.

If the project is located within a floodway, the **Indiana Department of Natural Resources (IDNR)- Division of Water** would have regulatory requirements that also apply to activity within the floodway boundary.



**US Army Corps
of Engineers.**



What's the first step?

The first step is to determine if the site potentially needs a study of the waters, including wetlands, located on the oil and gas operations site. These studies are called delineations. **Please contact an *IDEM Wetlands Project Manager* if you are not sure if a site has the potential of needing delineation (see "*Contacts*" on the other side of this fact sheet for a telephone number and e-mail address).**

The Project Manager will be able to help provide guidance on the need for the study, since performing delineation can be costly. When delineation is needed, it must be completed in accordance with the USACE manual and appropriate Regional Supplements. Delineations are typically performed by wetland consulting firms and must be verified by the USACE.

What are the impacts and potential permits?

Potential impacts to waters, including wetlands, need to be evaluated on a site specific basis. The acreage and/or linear footage of impacts determine the proper permitting action. Typically, impacts that may be approved under the **IDEM-Regional General Permit** must be less than one-tenth of an acre, or less than 300LF. Impacts greater than one-tenth of an acre, or 300LF require an **IDEM Individual Permit**. Once impact numbers have surpassed these thresholds, IDEM requires compensatory mitigation to offset the impacts to waters, including wetlands.

Another potential permitting mechanism would be **Nationwide Permits (NWP)**. The USACE is the lead agency and determines if a proposed project would fall under a NWP. If a project falls under a NWP, the applicant would be required to adhere to the General and Specific Conditions of the approved NWP for the State of Indiana. NWPs that may apply to Oil & Gas projects include: NWP 3 Maintenance, NWP 12 Utility Line Activities, NWP 33 Temporary Construction, Access, and Dewatering.

For help with permit questions:

Oil and Gas Regulations

Division of Oil and Gas

(812) 853-8640, (317) 232-4055 or
mnemecek@dnr.IN.gov

Indiana Department of Natural Resources
402 West Washington Street Room 293
Indianapolis, IN 46204

IDEM 401 Water Quality Certification

David Carr, IDEM Wetlands Project Manager

(317) 234-6350 or dacarr@idem.in.gov

100 North Senate Avenue
MC65-42 WQS IGCN 1255
Indianapolis, Indiana 46204-2215

Construction in a floodway

Technical Services Section

Division of Water, Indiana Department of Natural Resources

(317) 232-4166 or water_inquiry@dnr.IN.gov

402 West Washington Street, Room W264
Indianapolis, IN 46204

U.S. Army Corps of Engineers (USACE) 404

Wetland Permit (dredge/and fill activities)

Mike Ricketts, Chief of the West Section of

USACE regulatory branch, Newburgh, Indiana

(812) 853-0472 or

michael.s.ricketts@usace.army.mil

Newburgh Regulatory Office

P.O. Box 489

Newburgh, Indiana 47629-0489

To report emergency spills, call:

- IDEM's 24 hour emergency spill line at (888) 233-7745.
- U.S. EPA Region 5's Emergency Response Branch 24 hour spill notification line at (312) 353-2318.
- The United States Coast Guard National Response Center hotline (24 hours) at (800) 424-8802.

For more information:

- **U.S. EPA Oil Program** - For oil spill planning and response requirements and information about environmentally and economically important areas, visit www.epa.gov/emergencies/content/spcc/ or call the Oil Information Center at (800) 424-9346 (option 2).
- **Wetlands, Lakes and Streams regulations** - Visit IDEM's website at www.IN.gov/idem/wetlands/.
- **Requirements for Construction in a Floodway** - Visit IDNR's Division of Water website at www.IN.gov/dnr/water/2455.htm.
- **Oil and Gas Permitting requirements** - Visit IDNR's Oil and Gas Permits website at www.IN.gov/dnr/dnroil/2611.htm
- **Local requirements** - Please be sure to check with your local zoning and planning commission to find out if they have any permit requirements.