



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 14, 2024

VIA ELECTRONIC MAIL

Mr. Michael C. Repay, Commissioner
Lake County Board of Commissioners
2293 North Main Street
Crown Point, Indiana 46307

Dear Mr. Repay:

Re: 327 IAC 3 Construction
Permit Application
Calumet Township STEP Project,
Basins 3, 7A, 7B and 10
SRF Project Permit Approval No. L-0744
Calumet Township
Unincorporated Lake County

The application, plans and specifications, and supporting documents for the above-referenced project have been reviewed and processed in accordance with rules adopted under 327 IAC 3. Enclosed is the Construction Permit (Approval No. L-0744), which applies to the construction of the above-referenced sanitary sewer system to be located in an unincorporated area of Calumet Township generally bounded as follows: North of 52nd Place, south of Ridge Road, west of Harrison Street and east of Whitcomb Street.

Please review the enclosed permit carefully and become familiar with its terms and conditions. In addition, it is imperative that the applicant, consulting architect/engineer (A/E), inspector, and contractor are aware of these terms, conditions, and reporting and testing requirements.

It should be noted that any person affected or aggrieved by the agency's decision in authorizing the construction of the above-referenced facility may, within fifteen (15) days from date of mailing, appeal by filing a request with the Office of Environmental Adjudication for an adjudicatory hearing in accordance with IC 4-21.5-3-7 and IC 13-15-6. The procedure for appeal is outlined in more detail in Part III of the attached construction permit.

The approval applies to the technical and operational acceptability of the submitted plans and does not imply that the entire project is eligible for SRF financing or that funds are available.

Plans and specifications were prepared by VS Engineering, certified by Leslie M. Yoo, P.E., and submitted for review on November 29, 2023, with additional information submitted on December 6, 2023, and January 23, February 23 and March 4, 2024.

Any questions regarding construction timeframe and other local matters should be addressed to Leslie Yoo, P.E., VS Engineering, at 317.293.3542, extension 142, or lyoo@vsengineering.com. Technical questions concerning this permit may be addressed to Robert Synko, P.E., of our staff, at 317.232.8658, or rssynko@idem.in.gov.

Sincerely,



Kevin D. Czerniakowski, P.E.
Section Chief
Facility Construction and
Engineering Support Section
Office of Water Quality

Project No. L-0744

Enclosures

cc: Lake County Health Department

Rhonda Anderson, Executive Director, Gary Sanitary District

Leslie Yoo, P.E., VS Engineering

Camille Meiners, P.E., IFA

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AUTHORIZATION FOR CONSTRUCTION OF
SANITARY SEWER SYSTEM
UNDER 327 IAC 3

DECISION OF APPROVAL

The Lake County Board of Commissioners, in accordance with the provisions of IC 13-15 and 327 IAC 3 is hereby issued a permit to construct a sanitary sewer system to be located at in an unincorporated area of Calumet Township generally bounded as follows: North of 52nd Place, south of Ridge Road, west of Harrison Street and east of Whitcomb Street. The permittee is required to comply with requirements set forth in Parts I, II and III hereof. The permit is effective pursuant to IC 4-21.5-3-4(d). If a petition for review and a petition for stay of effectiveness are filed pursuant to IC 13-15-6, an Environmental Law Judge may be appointed for an adjudicatory hearing. The force and effect of any contested permit provision may be stayed at that time.

NOTICE OF EXPIRATION DATE

Authorization to initiate construction of this sanitary sewer system shall expire at midnight one year from the date of issuance of this construction permit. In order to receive authorization to initiate construction beyond this date, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management. It is requested that this information be submitted sixty (60) days prior to the expiration date to initiate construction. This permit shall be valid for a period of five (5) years from the date below for full construction completion.

Issued on March 14, 2024, for the Indiana Department of Environmental Management.



Kevin D. Czerniakowski, P.E.
Section Chief
Facility Construction and
Engineering Support Section
Office of Water Quality

SANITARY SEWER SYSTEM DESCRIPTION

The proposed project will provide sanitary sewer service to existing single-family homes and small businesses located in the referenced project area. The average design flow for the project is 286,670 GPD, with a peak design flow of 1.00 MGD using a peaking factor of 3.48. The design is based on approximately 1,012 residences and 34 businesses (including churches) in the project area.

The proposed 10-inch and 12-inch diameter gravity sewer will be connected to a proposed lift station to be constructed by others just north of 2501 West 42nd Court in Gary.

Proposed Low-Pressure Sewers (quantities are approximate):

- 62,500 feet of 1.25-inch diameter HDPE (ASTM D3035, DR-11, 200 psi) low-pressure sanitary sewer (lateral services)
- 20,200 feet of 2-inch diameter HDPE (ASTM D3035, DR-11, 200 psi) low-pressure sanitary sewer
- 27,400 feet of 3-inch diameter HDPE (ASTM F714, DR-11, 200 psi) low-pressure sanitary sewer
- 5,000 feet of 4-inch diameter HDPE (ASTM F714, DR-11, 200 psi) low-pressure sanitary sewer
- Air/vacuum release valve pits and flushing connections will be constructed at locations as approximately shown on the approved plans
- The 1.25-inch diameter laterals will be extended from the pressure sewer mains and capped at the right-of-way line for each residence or business to be served, and will include a check valve and curb stop.
- An E/One Sentry (or equal) alarm/control panel will be installed at each grinder station location.

Up to 646 simplex grinder pump station installations are proposed to serve 625 single-family homes and 21 businesses. The pumps will be capable of at least 11 GPM at 92 feet TDH. Note that septic tanks will be properly abandoned as part of the proposed construction.

Proposed Gravity Sewers (quantities are approximate):

- 27,200 feet of 6-inch diameter PVC (ASTM D2241, SDR-21, 200 psi) sanitary sewer (lateral services)
- 34,500 feet of 6-inch diameter PVC (ASTM D3034, SDR-35) sanitary sewer (lateral services)
- 12,100 feet of 8-inch diameter PVC (ASTM D2241, SDR-21, 200 psi) sanitary sewer
- 10,800 feet of 8-inch diameter PVC (ASTM D3034, SDR-35) sanitary sewer
- 330 feet of 8-inch diameter PVC (ASTM D3034, SDR-26) sanitary sewer

- 2,400 feet of 10-inch diameter PVC (ASTM D2241, SDR-21, 200 psi) sanitary sewer
- 4,100 feet of 12-inch diameter PVC (ASTM D2241, SDR-21, 200 psi) sanitary sewer (installation by open-cut or jack and bore)

Note that a **variance** is issued concurrently with this permit to allow for the construction of the proposed sewers while the downstream lift station and infrastructure is being completed. The variance is attached to this permit.

The following alternates to the Technical Standard were requested by the project engineer on behalf of the Lake County Board of Commissioners. *Said requests are hereby approved as provided by 327 IAC 3-6-32:*

- The use of low-pressure sewer pipe less than 4 inches in diameter was requested as an alternate to Section 8 of the Technical Standards, in order to achieve at least 2 fps scour velocity.
- The proposed HDPE pipes were requested as an alternative to pipe materials listed in Section 8 of 327 IAC 3-6. Said pipe is commonly used in low-pressure sewer systems and facilitates installation by HDD.
- The proposed horizontal directional drilling (HDD) of low-pressure sewer mains and laterals was requested as an alternate to open-cut installation described in 327 IAC 3-6-18. This will allow efficient installation of the pipe with minimal disturbance to existing improvements and traffic.
- A design basis of 250 GPD/EDU was requested as an alternative to 310 GPD/EDU listed in 327 IAC 3-6-11. This applies to the 625 single-family homes and 21 businesses that may connect to the low-pressure sewer mains. Given the large number of potential connections (flow averaging) and the watertight nature of low-pressure sewer systems (minimal infiltration/inflow compared to gravity systems), IDEM deems this design basis as acceptable.

Inspection during construction will be provided by the Lake County Board of Commissioners or their assignees (LCBC). Maintenance of the low-pressure sewers up to the curb stop within the public right-of-way will be provided by the LCBC. Maintenance of the gravity sewer laterals up to the public right-of-way line will be provided by the LCBC. Maintenance of the individual grinder pump stations, controls, and private service laterals will be the property owners' responsibility. Wastewater treatment will be provided by the Gary Sanitary District Wastewater Treatment Plant.

CONDITIONS AND LIMITATIONS TO THE AUTHORIZATION FOR CONSTRUCTION OF SANITARY SEWERS

During the period beginning on the effective date of this permit and extending until the expiration date, the permittee is authorized to construct the above-described sanitary sewer system. Such construction shall conform to all provisions of State Rule 327 IAC 3 and the following specific provisions:

PART I

SPECIFIC CONDITIONS AND LIMITATIONS TO THE CONSTRUCTION PERMIT

Unless specific authorization is otherwise provided under the permit, the permittee shall comply with the following conditions:

1. Any local permits required for this project, along with easement acquisition, shall be obtained before construction is initiated.
2. If pollution or nuisance conditions are created, immediate corrective action will be taken by the permittee.
3. If construction is located within a floodway, a permit may also be required from The Department of Natural Resources prior to the start of construction. It is the permittee's responsibility to coordinate with that agency and obtain any required approvals if applicable. Questions may be directed to the Technical Services Section, Division of Water at 317/232-4160.
4. The separation of sanitary sewers from water mains and drinking water wells must comply with 327 IAC 3-6-9.
5. All gravity sewer pipe must be leak tested using either a hydrostatic test or air test in accordance with 327 IAC 3-6-19(d). If using a hydrostatic test, the rate of exfiltration or infiltration shall not exceed 200 gallons per inch of pipe diameter per linear mile per day. Air tests shall be as prescribed.
6. All force mains and low-pressure sewers must be pressure and leak tested in accordance with 327 IAC 3-6-19(e).
7. Deflection tests must be performed on all flexible* pipe after the final backfill has been in place at least 30 days. No pipe shall exceed a vertical deflection of 5%. Deflection test results shall be submitted with the infiltration/exfiltration test results. (*The following are considered nonflexible pipes: vitrified clay pipe, concrete pipe, ductile iron pipe, cast iron pipe, asbestos cement pipe.)
8. Manholes shall be air tested in accordance with ASTM C1244, Standard Test Method for Concrete Sewer Manholes by the Negative Air Pressure (Vacuum) Test. The manhole test results shall be submitted with the gravity sewer leakage test results.
9. Air relief valves shall be installed at high points in the low-pressure sewer mains.

10. The results of the gravity sewer leakage tests and low-pressure sewer main leakage tests on the completed sewer shall be submitted to this office within three months of completion of construction.

Failure to submit test results within the allotted time-period or failure to meet guidelines as set forth in the above conditions could be subject to enforcement proceedings as provided by 327 IAC 3-5-3.

PART II

GENERAL CONDITIONS

1. No significant or material changes in the scope of the plans or construction of this project shall be made unless the following provisions are met:
 - a. Request for permit modification is made 60 days in advance of the proposed significant or material changes in the scope of the plans or construction;
 - b. Submit a detailed statement of such proposed changes;
 - c. Submit revised plans and specifications including a revised design summary; and
 - d. Obtain a revised construction permit from this agency.
2. This permit may be modified, suspended, or revoked for cause including, but not limited to the following:
 - a. Violation of any term or conditions of this permit:
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
3. Nothing herein shall be construed as guaranteeing that the proposed sanitary sewer system shall meet standards, limitations or requirements of this or any other agency of state or federal government, as this agency has no direct control over the actual construction and/or operation of the proposed project.

PART III

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

Anyone wishing to challenge this construction permit must do so by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serving a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if notice was received by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 103
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental
Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of the Petitioner's right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If Petitioner seeks to have a permit stayed during the administrative review, he or she may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. Those who are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding must submit a written request to OEA at the address above.

More information on the review process is available at the website for the Office of Environmental Adjudication at <http://www.in.gov/oea>.



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March 14, 2024

VIA ELECTRONIC MAIL

Mr. Michael C. Repay, Commissioner
Lake County Board of Commissioners
2293 North Main Street
Crown Point, Indiana 46307

Dear Mr. Repay:

Re: Variance Request for Construction Permit
Sanitary Sewer
Calumet Township STEP
SRF Project Permit Approval No. L-0744
Unincorporated Calumet Township, Indiana
Lake, County

You are hereby notified that your request for a variance, received by this office on November 8, 2023, pursuant to IC 13-14-8-8, from portions of 327 IAC 3-6-4 and 327 IAC 3-6-7, is granted in accordance with the provisions set forth in this letter. IDEM has determined that imposition of these rules at this time on the Lake County Board of Commissioners would cause an undue hardship or burden. The Lake County Board of Commissioners proposes to install sanitary sewer main for Calumet Township STEP.

The variance being requested is to the construction of the proposed new sanitary sewer collection system prior to the completion of the downstream facilities. The proposed sanitary sewer will collect flow from residences and businesses within the project area and convey flow to a proposed downstream Lift Station which will pump flow through the proposed force main and discharge into the Gary Sanitary District system for wastewater treatment.

The construction for this project is being funded by the American Rescue Plan Act and therefore is restrained by the funding schedule requirements as all funds for the project must be spent by December 2026.

Currently the Lift Station and Force Main has an approximate 18-month construction time and is slated to bid in August 2024. If the gravity and low-pressure sewer were required to begin construction after the completion of the Lift Station and Force Main construction, then the County would not be able to utilize the American Resue Plan Funds for construction as construction would begin after December 2026. Without the American Resue Plan Funds, the project would not be able to be built and therefore, in order to provide sanitary sewer service to approximately 1,046 residences and businesses the collection system needs to be constructed.

Part A. Scope of Variance

1. This variance only applies to the following project:

<u>Development</u>	<u>Submitter</u>	<u>Connections Granted</u>
Calumet Township STEP	Lake County Board of Commissioners	1,012 Single Family Homes 34 Businesses

2. This variance applies to 327 IAC 3-6-4, 327 IAC 3-6-7, and the following provisions of the certification statements in the wastewater facility construction permit rules:
 - a. 327 IAC 3-6-4(b) "Certification of Registered Professional Engineer or Land Surveyor":

"The sewer at the point of connection is physically in existence and operational. Based upon information provided by the owner of the Wastewater System, the ability for this collection system to comply with 327 IAC 3 is not contingent on downstream water pollution/control facility construction that has not been completed and put into operation."
 - b. 327 IAC 3-6-4(c) "Capacity Certification":

"I certify that the ability for this collection system to comply with 327 IAC 3 is not contingent on water pollution/control facility construction that has not been completed and put into operation"

Part B. Conditions of Variance

1. Lake County Board of Commissioners must comply with all requirements of 327 IAC 3 other than those listed in Part A above.
2. Violation of any of the above conditions is grounds for revocation of the variance and may subject Lake County Board of Commissioners to enforcement action.

Notice of Right to Administrative Review

Anyone wishing to challenge this action must do so by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA); and serving a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance this notice (eighteen (18) days if notice was received by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room N103
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental
Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. An identification of each petitioner's interest in the subject of the petition.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the determination; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The facts, terms, or conditions of the action for which the petitioner requests review.
7. The identity of any persons represented by the petitioner.
8. The identity of the person against whom administrative review is sought.
9. A copy of the action that is the basis of the petition.
10. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of the Petitioner's right to seek administrative review. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If Petitioner seeks to have an action stayed during the administrative review, he or she may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. Those who are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding must submit a written request to OEA at the address above.

More information on the review process is available at the website for the Office of Environmental Adjudication at <http://www.in.gov/oea>.

Granting of this variance does not relieve the applicant from the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from IDEM or any other agency or person. Granting of this variance does not represent a determination that subsequent requests will be considered an undue hardship under the situation, rules and orders that may exist at that time.

If you have any questions regarding this variance decision, please contact Missy Nunnery at 317-232-5579 or by e-mail at munnery@idem.in.gov.

Sincerely,

A handwritten signature in black ink that reads "Kevin D. Czerniakowski". The signature is written in a cursive style with a horizontal line at the end.

Kevin D. Czerniakowski, P.E.
Section Chief
Facility Construction and
Engineering Support Section
Office of Water Quality

cc: Gonzalo Castro Diaz, P.E., DBIA, Veridus Group
Eric Wathen, P.E., ELW Consulting, LLC