



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 20, 2024

VIA ELECTRONIC MAIL

The Honorable Cathy Kirkpatrick, Mayor
City of Rockport
426 Main Street
Rockport, Indiana 47635

Dear Mayor Kirkpatrick:

Re: 327 IAC 3 Construction
Permit Application
Sanitary Sewers and Lift Stations
LTCP Phase 4, Division "B" (Collection System)
Permit Approval No. 25334
Rockport, Indiana
Spencer 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. 25334), which applies to the construction of the above-referenced sanitary sewer system improvements to occur at various locations throughout the City of Rockport. These include County Road 275 West to the west; adjacent to the Ohio River to the east; Center Street to the south; 5th Street and points north to the north.

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 this permit 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.

Plans and specifications were prepared by Commonwealth Engineers, Inc., certified by Alan W. Leistner, P.E., and submitted for review on January 25, 2024, with additional information submitted on March 11, 2024.



Any 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,

A handwritten signature in black ink that reads "Kevin D. Czerniakowski". The signature is written in a cursive style with a distinct loop at the end of the last name.

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

Project No. 25344

Enclosures

cc: Spencer County Health Department

Alan Leistner, P.E., Commonwealth Engineers

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

DECISION OF APPROVAL

The City of Rockport, in accordance with the provisions of IC 13-15 and 327 IAC 3 is hereby issued a permit to construct sanitary sewer system improvements to occur at various locations throughout the City. These include County Road 275W to the west; adjacent to the Ohio River to the east; Center Street to the south; 5th Street and points north to the north. 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 20, 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 consist of sanitary sewer and lift station improvements as detailed below. These will occur in various locations throughout the City of Rockport. No new sanitary flows are proposed.

Additional combined sewer flows will be captured by a proposed CSO diversion structure and connected to the proposed 5th Street Master Lift Station via a 30-inch diameter interceptor. The structure will be constructed on an existing 42-inch by 63-inch egg-shaped brick combined sewer on Washington Street, approximately 180 feet east of its intersection with North 5th Street.

In addition to the above, a new 36-inch diameter PVC effluent sewer will be constructed starting near the UV/cascade aeration structure at the proposed replacement North Wastewater Treatment Plant (Division "A" construction). It will generally follow the west side of North Base Road, discharging at Huffman Ditch, which then flows to the Ohio River.

Proposed Sanitary Sewers (quantities are approximate):

- 200 feet of 8-inch diameter PVC (ASTM D3034, SDR-26) sanitary sewer
- 130 of 18-inch diameter PVC (ASTM F679, PS 115) sanitary sewer
- 480 feet of 30-inch diameter PVC (ASTM F679, PS 115) interceptor sewer
- 2,320 feet of 36-inch diameter PVC (ASTM F679, PS 115) plant effluent sewer as described above.

Proposed Force Mains (quantities are approximate):

- 250 feet of 2-inch diameter HDPE (AWWA C901, DR-9, 250 psi) force main by open-cut installation
- 8,320 feet of 4-inch PVC (ASTM D2241, SDR-21, 200 psi) force main by open-cut installation or horizontal directional drilling (HDD)
- 4,000 feet of 28-inch diameter HDPE (AWWA C906, DR-11, 200 psi) force main by open-cut installation
- 3,800 feet of 28-inch diameter HDPE (AWWA C906, DR-11, 200 psi) force main by HDD installation
- 430 feet of 28-inch diameter HDPE (AWWA C906, DR-11, 200 psi) force main will be encased within a 36-inch diameter steel casing pipe at 2 railroad crossing locations

Reo Lift Station, major upgrade elements:

- Reuse of the existing 7-foot diameter wet well, installing a new top slab
- Two new (2) submersible pumps, each rated for 300 GPM at 175 feet TDH, complete with all appurtenances. The pumps will operate on variable frequency drives (VFD's).

- Reuse of the existing 6-foot diameter valve vault with a new 4-inch quick connection for bypass pumping
- A control panel and associated electrical equipment including an audiovisual alarm system and telemetry equipment
- An emergency generator receptacle
- Reuse of the existing 5-foot diameter valve vault with installation of a new electromagnetic flow meter and new air release valve

Country Ridge Lift Station, major upgrade elements:

- The existing wet well will be converted to a manhole. A new 6-foot diameter wet well by 17-foot deep wet well will be constructed.
- Two new (2) submersible pumps, each rated for 90 GPM at 146 feet TDH, complete with all appurtenances. The pumps will operate at constant speed.
- A new 5-foot diameter valve vault
- A control panel and associated electrical equipment including an audiovisual alarm system and telemetry equipment
- An emergency generator receptacle

Base Road Lift Station, major upgrade elements:

- Reuse of the existing 7-foot diameter wet well, installing a new top slab
- Two new (2) submersible pumps, each rated for 400 GPM at 148 feet TDH, complete with all appurtenances. The pumps will operate on variable frequency drives (VFD's)
- Reuse of the existing 6-foot diameter valve vault with a new 4-inch quick connection for bypass pumping to be located outside the structure
- A control panel and associated electrical equipment including an audiovisual alarm system and telemetry equipment
- An emergency generator receptacle

Silverdale Lift Station, major upgrade elements:

- Reuse of the existing 6-foot diameter wet well, raising the top slab by one-foot
- Two new (2) submersible pumps, each rated for 500 GPM at 129 feet TDH, complete with all appurtenances. The pumps will operate on variable frequency drives (VFD's).
- Reuse of the existing 5-foot diameter valve vault with an existing 4-inch quick connection for bypass pumping
- A control panel and associated electrical equipment including an audiovisual alarm system and telemetry equipment
- An emergency generator receptacle

Ike's Lift Station, major upgrade elements:

- Reuse of the existing 6-foot diameter wet well, adding a new top barrel section and raising the top slab by about 7 feet.

- Two new (2) submersible pumps, each rated for 100 GPM at 107 feet TDH, complete with all appurtenances. The pumps will operate at constant speed.
- Reuse of the existing 6-foot diameter valve vault with a new 4-inch quick connection for bypass pumping to be located outside of the structure
- A control panel and associated electrical equipment including an audiovisual alarm system and telemetry equipment
- An emergency generator receptacle
- A new 4-inch force main will be constructed to redirect flows to an existing manhole and 10-inch diameter sewer at the intersection of Seminary Street and South 4th Street.

River Valley Lift Station

- The existing 2-inch diameter force main will be redirected to an existing manhole and 8-inch diameter sanitary sewer on South Second Street, approximately 130 feet south of Seminary Street

New 5th Street Lift Station, major elements:

- A 17-foot wide by 31-foot deep wet well with three (3) submersible pumps, rated for 4,600 GPM at 75 feet TDH (1 pump running), and 6,700 GPM at 100 feet TDH (2 pumps running), complete with all appurtenances. The pumps will operate on variable frequency drives.
- A 17-foot by 15-foot valve vault
- A control panel and associated electrical equipment including an audiovisual alarm system and telemetry equipment
- A stand-by emergency generator with automatic transfer switch

Note that a variance is issued concurrently with this permit to allow for the construction while downstream infrastructure (Division "A") 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 City of Rockport. Said requests are hereby approved as provided by 327 IAC 3-6-32:

- The installation of force mains via horizontal directional drilling (HDD), to minimize disruption to surrounding properties.
- The use of the above-referenced HDPE pipe, commonly used in both open-cut and HDD installation, as an alternate material to those listed in the Technical Standard, Section 8.

Inspection during construction will be provided by the Commonwealth Engineers, Inc. Maintenance after completion of construction will be provided by the City of Rockport. Wastewater treatment will be provided by the City of Rockport proposed North 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. The separation of sanitary sewers from water mains and drinking water wells must comply with 327 IAC 3-6-9.
4. 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 test shall be as prescribed.
5. All force mains must be pressure and leak tested in accordance with 327 IAC 3-6-19(e).
6. 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.)
7. 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.

8. Air relief valves shall be installed at high points in the force mains.
9. The results of the gravity sewer leakage test and force main leakage tests on the completed sewers shall be submitted to this office within three months of completion of construction. All force mains must be pressure and leak tested in accordance with 327 IAC 3-6-19(e).

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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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 20, 2024

VIA ELECTRONIC MAIL

The Honorable Cathy Kirkpatrick, Mayor
City of Rockport
426 Main Street
Rockport, Indiana 47635

Dear Mayor Kirkpatrick:

Re: Variance Request for Construction Permit
Sanitary Sewer
LTCP Phase 4, Division B Collection System
Project No. M-26181
Rockport, Indiana
Spencer, County

You are hereby notified that your request for a variance, received by this office on March 11, 2024, 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 City of Rockport, would cause an undue hardship or burden. The City of Rockport proposes upgrades to 5 existing lift stations and collection system improvements.

The variance being requested is to the construction of the collection system prior to the completion of the downstream facilities. The objective of this project is to upgrade 5 existing lift stations (Reo, Country Ridge, Base Road, Silverdale, and Ike's), re-directing the force main of two lift stations (River Valley and Ike's), and construction of a new master lift station (5th Street) and force main. Construction of a new Combined Sewer Overflow (CSO) structure to direct combined sewer flows to the new 5th Street Lift Station.

Performing this work after the downstream infrastructure is complete would create a hardship as the City would not meet the schedule established in the CSO LTCP and would risk losing funding. The City has secured funding from the US Department of Agriculture Rural Development and Indiana Finance Authority. Funding was based on a project scope that included both WWTP – Division A and Collection System – Division B.

IDEM is currently reviewing the Rockport WWTP – Division A project (IDEM Project No. SRF-0787) which is the downstream connection point for the LTCP Phase 4, Division B Collection project.

Part A. Scope of Variance

1. This variance only applies to the following project:

<u>Development</u>	<u>Submitter</u>	<u>Connections Granted</u>
LTCP – Division B Collection System	City of Rockport	5 existing lift stations Collection System Improvements

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. City of Rockport 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 City of Rockport 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
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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 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 underlining the name.

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

cc: Mr. Alan Leistner, P.E., Commonwealth Engineers, Inc.
Mr. Eric T. Parsley, P.E., Commonwealth Engineers, Inc.