

Indiana Department of Environmental Management
Office of Water Quality, Surface Water, Operations and Enforcement
Branch
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In compliance with the provisions Title 13 of the Indiana Code, Article 17 of Title 327 of the Indiana Administrative Code, the Indiana Department of Environmental Management (IDEM) is issuing this Field Tile Maintenance General Permit for discharges associated with the maintenance of field tiles in Class II State Regulated Wetlands.

This permit is issued on: July 12, 2021

This permit is effective on: July 30, 2021

This permit expires on: July 30, 2026

In accordance with IC 13-18-22-4 (2), the conditions of this permit remain fully effective and enforceable after the expiration date of this permit if the permittee has submitted a timely notice of intent for coverage under this permit and IDEM has not, through no fault of the person, issued a new permit on or before the expiration date of this permit.



Martha Clark Mettler
Assistant Commissioner
Office of Water Quality

July 12, 2021

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GENERAL PERMIT COVERAGE

FIELD TILE MAINTENANCE IN CLASS II STATE REGULATED WETLANDS

1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This permit authorizes discharges associated with the maintenance of a field tile in Class II State Regulated Wetlands (SRW) in the state of Indiana.

A wetland delineation and correspondence from the U.S. Army Corps of Engineers verifying the wetland is not federally jurisdictional must be provided and the delineation must be verified by IDEM. IDEM must verify the wetland class.

1.2 Discharges Authorized by this Permit

This permit authorizes discharges associated with the maintenance of an existing field tile in a Class II Isolated Wetland.

This permit serves as a Class II Wetland Field Tile Maintenance general permit and is issued to be effective for a term of five (5) years. In order to obtain authorization to discharge under this permit, an applicant must submit a notice of intent (NOI) pursuant to Section 3.0 of this permit.

Except as provided in Section 1.3, when a NOI is submitted, an applicant is permitted to discharge fill associated with drain tile maintenance in accordance with the terms of this permit upon the effective date of the authorization.

This authorization to discharge shall become effective 30 days following the receipt of a complete NOI by IDEM.

Any discharges associated with drain tile maintenance in a Class II wetland not permitted under this general permit or an individual permit are unlawful.

Permittees who are granted permit coverage will remain covered under this permit until five years from the effective date of this permit:

1.3 Discharges Not Authorized by This Permit

The following discharges are not authorized by this permit:

- (a) Tile maintenance in Class III wetlands in accordance with IC 13-18-22-4(2)(b) and IC 13-18-22-12(a).

- (b) Any discharges of dredged or fill material consisting of unsuitable material such as:
 - (1) Trash;
 - (2) Debris;
 - (3) Car bodies; and
 - (4) Asphalt
- (c) Discharges where information from the Natural Heritage Data Center indicates state endangered, threatened, or rare species are documented on a permanent or seasonal basis within a one-half (1/2) mile radius of the proposed project.
 - (1) Documentation issued by the Natural Heritage Data Center and the Indiana Division of Fish and Wildlife demonstrating the proposed work will not affect any state endangered, threatened or rare species may be provided to preclude this prohibition.
- (d) Discharges associated with the installation of new drainage tile lines or multiple tile lines.
- (e) Discharges that have the effect of draining the wetland.

2.0 CONSTRUCTION AND POST-CONSTRUCTION

All permittees must comply with this permit to demonstrate that all discharges authorized under this permit are managed to meet state water quality standards.

2.1 General Performance Requirements

- (a) Mechanical clearing within the wetland shall be minimized to the greatest extent possible and not exceed a maximum total width of 20 feet along the length of the tile.
- (b) Tile to be replaced shall be replaced with solid tile with anti-seep collars and watertight joints within the wetland area.
- (c) Tile must be replaced with a tile of similar size to the existing tile.
- (d) Any risers must be placed outside of the delineated wetland boundaries.
- (e) Heavy equipment working in the wetlands must be placed on mats or other measures must be taken to minimize the use of heavy equipment in the wetland to reduce soil disturbance and compaction.
- (f) Construction limits shall be clearly marked prior to any disturbance.

2.2 Post-Construction

- (a) Any structure or fill shall be properly maintained including maintenance needed to ensure public safety.

- (b) Upon completion of the maintenance work and restoration, a post construction report must be filed with the agency per 327 IAC 17-2-4(7).

2.3 Restoration

Restoration of temporary impacts associated with the tile maintenance shall be completed to ensure compliance with state water quality standards. The site shall be restored to pre-existing contours and vegetative conditions. A restoration plan must accompany the NOI when submitted.

- (a) The restoration plan must include:
 - (1) Methods used to remove any temporary fills and restore the wetland to pre-existing grade.
 - (2) Use of a native wetland seed mix within the wetland.

3.0 NOTICE OF INTENT (NOI) REQUIREMENTS

3.1 NOI Requirement

Any person or entity seeking coverage under this permit must submit the appropriate notice of intent (NOI) as provided by IDEM. The NOI form must be signed by an individual who has the appropriate signatory authority.

The NOI must be submitted to IDEM according to Sections 3.2.

3.2 NOI Content

- (a) The NOI must include:
 - (1) The name of the applicant or entity requesting authorization.
 - (2) Contact information, including name, title, address, telephone, and e-mail address.
 - (3) The location of the tract and locations of the wetlands on the tract including the wetland or wetlands to be impacted by the project.
 - (4) A delineation of all wetlands on the tract.
 - (5) Correspondence from the U.S. Army Corps of Engineers that states that the wetland is not subject to regulation under Section 404(a) of the Clean Water Act.
 - (6) The acreage of wetland to be impacted.
 - (7) Site plans and maps including aerial and cross-sectional views.
 - (8) Existing conditions and tile to be replaced.
 - (9) Tile type to be used in the maintenance.
 - (10) Reasoning for the maintenance.

- (11) Restoration Plan.
- (12) Indiana Department of Natural Resources, Division of Nature Preserves Correspondence in compliance with Section 1.3 (c) of this permit.
- (13) A statement signed by the applicant stating, "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

3.3 Submitting the NOI

The NOI and all required documents must be submitted according to the following:

Submit electronic copies to this e-mail address:

WetlandsProgram@idem.in.gov

Submit hard copies to this address:

Indiana Department of Environmental Management
Office of Water Quality, Stormwater Program
Indiana Government Center North, Room 1255
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

4.0 ADDITIONAL REQUIREMENTS

4.1 Standard Conditions for General Permits

- (a) Allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials:
 - (1) to enter your property, including impact and restoration site(s);
 - (2) to have access to and copy at reasonable times any records that must be kept under the conditions of this permit;
 - (3) to inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management or discharge facility or device; practices required by this permit and;
 - (4) to sample or monitor any discharge of pollutants.

(b) This permit does not:

- (1) Authorize impacts or activities outside the scope of this permit;
- (2) Authorize any injury to persons or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
- (3) Convey any property rights of any sort, or any exclusive privileges;
- (4) Preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities;
- or
- (5) Authorize changes in the plan design detailed in the application.

4.2 Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State law and is grounds for enforcement action, termination of coverage under the permit, requiring an individual permit, and/or denial of permit coverage renewal.

4.3 Individual Permit

- (a) IDEM may require a person to obtain an individual State Regulated Wetland permit accordance with the provisions IC 13-18-22-4(2)(b) and IC 13-18-22-12(a).

4.4 State and Local Laws

Coverage under this permit does not preempt any duty to obtain any other state, or local approval required by law for the discharge or for the construction which a discharge is made. Nothing in this permit must be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.