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CHAPTER NINE

PERMITS/CERTIFICATIONS

9-1.0 GENERAL

9-1.01 Introduction

Many construction activities performed by the Indiana Department of Transportation impact the environment, navigation, public land, or private land. Depending upon the nature of the impact, the activity may require the Department to obtain a permit, certification, approval, etc., during the design phase of a project. Personnel involved in project development should be aware of the requirements for these permits/certifications so that they can ensure that all necessary authorizations and clearances are obtained. The need to receive one or more permits/certifications can significantly affect the project schedule.

This Chapter briefly documents the basic information related to Federal and State permits/ certifications which may be required for a project. The Chapter is subdivided as follows:

1. Section 9-2.0 discusses those permits/certifications which are commonly required;

2. Section 9-3.0 discusses those permits/certifications which are only required for special circumstances; and

3. Section 9-4.0 references permit applications and other information to assist the designer.

The Chapter user should be aware that considerable research is needed to identify all relevant information for each permit or certification (e.g., warrants, procedures, applications). The user must contact the applicable government agencies to determine the permit/certification procedures.

9-1.02 Timing of Permit Application Submittal

The designer is responsible for placing known information on each permit's application form. The designer then submits it in a timely manner to the Production Management Division's permits coordinator, who then completes the application with the remaining required information. The permits coordinator then transmits the completed application to the permitting agency with timeliness such that the permit is received before the Ready for Letting (RFL) date.

The timing of permit application for the most common types of permits is shown in Figure 9-1A.

Any wetlands-mitigation requirements should be coordinated with the appropriate permitting agency and the Office of Environmental Services's Environmental Policy Team prior to when the permit application is transmitted to the agency. The delineation of the impacted wetlands, the proposed mitigation plan, and the wetlands-monitoring plan must all be included with the permit application.

The permits coordinator will return a permit application to the project manager if there is no project-manager transmittal memorandum attached.

The designer should track the status of permit expiration dates to ensure that valid permits will be available for the current project construction schedule.

9-1.03 Submittal of Approved Permits with Final Contract Documents

The designer must submit copies of all permits when the final special provisions are submitted at the Final Tracings stage. The copies should be single-sided. Furnishing duplex copies has occasionally resulted in missing pages appearing in the contract document.

If the final special provisions are turned in before all of the approved permits are available, it is the designer's responsibility to ensure that copies are furnished to the Contract Administration Division's Office of Contracting after the approved permits are received.

Each permit should be read and appropriate action should be taken to make the plans, specifications, and estimate consistent with the permit conditions. For example, special provisions and a pay item for erosion control blankets should be included where required by a permit.

Revisions are often made to the erosion control plans and summary tables after final tracings are submitted. It is the designer's responsibility to initiate plan and contract revisions for all changes that arise during the Rule 5 Submission approval process. Plan revisions and construction changes must be processed in accordance with Sections 14-1.02(04) and 14-1.02(05), respectively.

If a condition is not in a permit, it is not required even if it is listed in the environmental document or the Fish and Wildlife Review. The exception to this is that all conditions with respect to the Endangered Species Act are required (for example, the tree cutting restriction for the Indiana bat).

This procedure does not apply to woody-revegetation requirements which are provided as determined by the Production Management Division's landscape architect.

9-1.04 Delivery of Permits to Project Site

Permits will be given to the designer by the Production Management Division's permits coordinator. For those permits which are to be publicly displayed on the project site, the designer will be responsible for delivering such permits to the project personnel in a timely manner, generally at the preconstruction conference.

9-2.0 COMMON PERMITS OR CERTIFICATIONS

9-2.01 Introduction

1. Section 404 Department of the Army Corps of Engineers Permit. This permit is obtained from the Corps of Engineers for the discharge of dredge or fill material into Waters of the United States, including adjacent wetlands. Waters of the United States are defined in Section 9-2.02(07). Each Corps district has its own procedures and permit requirements.

2. Section 401 Water Quality Certification. This certification is obtained from the Indiana Department of Environmental Management (IDEM). A Section 401 Certification is required if a Section 404 Permit is required.

3. IDNR Certification of Approval for Construction in a Floodway. This certification is obtained from the Indiana Department of Natural Resources, Division of Water. This approval is required for an urban stream with a drainage area equal to or greater than 1 sq mi or a rural stream with a drainage area equal to or greater than 50 sq mi.

4. Rule 5 Submission. The Indiana Department of Environmental Management is the responsible agency for Rule 5 compliance. IDNR, acting as IDEM's agent, coordinates the review and acceptance of each erosion control plan through the appropriate soil and water conservation district (S&WCD). Once the S&WCD representative has determined that an erosion control plan meets the acceptance criteria, a Notice of Intent (NOI) is sent to IDEM.

9-2.02 Section 404 Department of the Army Corps of Engineers Permit

9-2.02(01) Name

The formal name is a Section 404 Department of the Army Corps of Engineers Permit. The informal name is Corps Permit.

9-2.02(02) Responsible Federal Agency

United States Army Corps of Engineers (Louisville or Detroit district) is the Federal agency with overall responsibility for administering the program, reviewing each permit application and issuing the permit.

The Corps only regularly issues Regional General Permits and Individual Permits.

9-2.02(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator all completed application forms and required sketches showing the location, nature and quantity of the fill into Waters of the United States. These sketches should be in accordance with the permit-application instructions and should include a location map.

9-2.02(04) Legal References

The legal references are as follows:

1. Section 404 of the Federal Water Pollution Control Act (1972), as amended by the Clean Water Act (1977 & 1987): 33 USC 1251-1376, DOT Order 5660.1A;

2. 23 CFR 330, 23 CFR 650, Subpart B, 771;

3. 33 CFR 209, 320-323, 325, 328, 329; and

4. 40 CFR 121-125, 129-131, 133, 135-136, 230-231.

9-2.02(05) Purpose

The purpose of Section 404 is to restore and maintain the chemical, physical, and biological integrity of the Waters of the United States through the prevention, reduction and, elimination of pollution.

9-2.02(06) Applicability

A Corps Permit is required for any discharge of dredged or fill material (e.g., concrete, riprap, earth fill, excavation) into the Waters of the United States, including wetlands. See Section 9-2.02(07) for a definition of Waters of the United States.

Figure 9-4A, U.S. Army Corps of Engineers Section 404 Permit and Levee Work Permit Application, is accessible from the Department's website at www.in.gov/dot/div/contracts/design/dmforms/ as a link to the permitting agency's website for application and instructions.

9-2.02(07) Definitions

The following definitions are applicable.

1. Headwaters of the United States. A river, stream, or its lake or impoundment, including adjacent wetlands, which are part of a surface tributary system of a navigable Waterway of the United States, upstream of that point on such river or stream at which the average flow rate is less than 5 ft^3/s.

2. Ordinary High Water (OHW). The line showing on the shore which is established by fluctuations of water and is indicated by physical characteristics such as clear, natural lines impressed on the waterway bank, shelving, changes in the character of the soil, destruction of terrestrial plants, the presence of litter or debris, or other appropriate means that consider the characteristics of the surrounding area. Ordinary High Water (OHW) is different from Average High Water.

3. Special Aquatic Sites. Mudflats, refuges, riffle and pool complexes, sanctuaries, vegetated shallows, and wetlands.

4. Waters of the United States. In general, for identification, the Waters of the United States includes all jurisdictional wetlands and areas within a blue solid line or a blue dash line on a USGS quadrangle map. Each river, stream, creek, intermittent tributary, pond, impoundment, lake. or wetland is considered part of the Waters of the United States.

5. Jurisdictional Wetland. Bog, marsh, slough, or swamp are other terms used to describe this type of area. A floodplain, or area where water stands on, at or near the groundline may be considered a suspected jurisdictional wetland. A riverine wetland is not a part of a jurisdictional wetland. Guidelines as established by the U.S. Army Corps of Engineers indicate that a jurisdictional wetland must have all of the characteristics as follows:

   a preponderance of water-tolerant plants;

   b. hydric soils; and

   c. water on, at, or near the surface of the ground during a specified portion of the growing season.

9-2.02(08) Individual Permit

An Individual Coprs Permit application is required for each project that does not qualify for a Regional General Permit. Where 1 ac or more of jurisdictional wetland or Waters of the United States are impacted, an Individual Permit is required. If the wetland area impacted is greater than 0.1 ac but less than 1 ac, the project will generally qualify for a Regional General Permit. However, the Individual Permit application form must be filed with the Corps of Engineers for an impact of 1 ac or more.

The permit application packet should include 8" x 11" sketches of all impacts to Waters of the United States, such as a bridge-crossing location or jurisdictional-wetland impact locations. Each bridge-location sketch requires a plan and elevation view. Each wetland impact sketch must show a plan view and a cross section through the fill area. The wetland area to be filled should be indicated on the sketch.

The level of detail required in the permit-application sketches is as follows:

1. Vicinity Map (taken from USGS quad map)
    a. location of activity
    b. name of waterbody
    c. route numbers or names of all roads
    d. north arrow
    e. scale

2. Plan View Sketch
    a. name of waterbody
    a. route numbers or names and all roads
    b. hatched area showing the limits of fill replacement
    c. location of each wetland
    d. north arrow
    e. scale

3. Elevation view (or typical cross section)
    a. OHW elevation
    b. other water elevations
    c. riprap
    d. other fill material

For a major road project that is expected to require an Individual Corps Permit, the Corps of Engineers has deemed it necessary to include a sketch showing the plan view and a longitudinal cross section of each culvert of 36 in. diameter or greater that appears in a naturally-occurring

waterway. An overall project map should be included to show the location of each such culvert and the location of each wetland impact. For this situation the Corps of Engineers interprets the definition of Waters of the United States to include all naturally-occurring draws.

The permit application should include the quantities of the various fill materials segregated to show both the total volume and volume to be placed below the ordinary high water elevation. The total area of the fill material placed below ordinary high water should also be provided. The wetland-mitigation plan should include a wetland-delineation report and a wetland-monitoring plan.

The designer must review constructability issues where a work causeway or a cofferdam will be required. Construction activities such as bridge pier construction, sewer outfall into a waterway, or earth hauling across a waterway may all require temporary filling of the Waters of the United States. The designer must submit a detailed sketch of each temporary causeways, etc., which must be included with the application. The designer should think through the project construction sequence, so that all construction activities which impact the Waters of the United States will be included in the permit application.

A project that includes both road and bridge construction should have one combined Corps Permit application. Multiple projects in the same contiguous section of roadway should also be submitted in one combined application.

9-2.02(09) Regional General Permit (RGP)

For Section 404 application where an Individual Permit is not required, a Regional General Permit (RGP) will instead be. This permit applies where the Corps has determined the proposed work to have individual and cumulative impacts on Waters of the United States of less than 1 ac. The details and specific applicability criteria of an RGP are described in Figure 9-4A. A project that impacts greater than 0.1 ac and less than 1 ac of wetland, or impacts less than 1 ac of Waters of the United States below the ordinary high water line may be eligible for a RGP. Minor channel shaping at a structure inlet or outlet is not considered channel relocation.

An RGP application should be made for each project that appears to qualify for a RGP. If a project fits the criteria described above and if the wetland or Waters of the United States area being affected is greater than 0.1 ac and less than 1 ac, the IDEM Form #48598 (February 2000) [a.k.a., IDEM long form] must be completed and submitted to the permits coordinator. This form will suffice for submittal to the Corps as the RGP application, the IDEM for the Section 401 Water Quality Certification, and the IDNR as the notice related to 401 and 404 / RGP applications. This form does not replace the IDNR Construction in a Floodway Permit application. If a project fits the criteria described above and if the wetland area being affected is 0.1 ac or less, the IDEM short form in lieu of Form #48598 (February 2000) should be used. It must be completed and submitted to the permits coordinator. This form will also suffice for submittal to the Corps as the RGP application, the IDEM

as the Section 401 Water Quality Certification, and the IDNR as their notice related to 401 and 404 / RGP matters. The short form does not replace the IDNR Construction in a Floodway Permit application. The appropriate form will also serve as the preconstruction notification.

Once an RGP is designated or implied, the designer should prepare a memorandum to the project file stating that the project qualifies for a RGP in that [each eligibility criterion for the RGP should be listed and the level of adherence to that criterion noted]. In addition, the RGP application form with an accompanying 8.5" x 11" copy of the USGS 7.5-min series map should be submitted to the permits coordinator. Also, any wetland-mitigation plan package may be a required supporting document if wetland mitigation is necessary. This single packet will serve as an application/notice to the Army Corps of Engineers, IDEM, and IDNR, but not as an IDNR Construction in a Floodway Permit application. Acknowledgment from the Army Corps of Engineers will be received in either situation. An acknowledgment from IDEM will be received if the long form is used. No acknowledgment from IDEM is anticipated if the short form is used. No response from IDNR is anticipated with respect to 401 or 404 / RGP matters.

9-2.02(10) Nationwide Permit

The Corps will occasionally issue a Nationwide Permit, but only under its discretion, in lieu of a Regional General Permit. The designer should not propose an application specifically for a Nationwide Permit.

9-2.03 Section 401 Water Quality Certification

9-2.03(01) Name

The formal name is IDEM Section 401 Water Quality Certification. The informal name is Section 401.

9-2.03(02) Responsible Federal and State Agencies

The United States Environmental Protection Agency, through the Indiana Department of Environmental Management (IDEM), is the agency with overall responsibility for administering the program, reviewing applications, and issuing approvals.

9-2.03(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator all completed application forms and required sketches showing the location of the impact, nature, and quantity of the fill and excavation in the Waters of the United States. A project vicinity map is also required.

9-2.03(04) Legal References

The legal references are as follows:

1. Federal Water Pollution Control Act of 1972, Section 401, as amended by the Clean Water Acts of 1977 and 1987;

2. 33 USC 1251-1376, DOT Order 5660.1A;

3. 23 CFR 650, Subpart B, 771;

4. 33 CFR 209, 320-323, 325, 328, 329;

5. 40 CFR 121-125, 129-131, 133, 135-136, 230-231.; and

6. 329 IAC 10.

9-2.03(05) Purpose

The purpose is to restore and maintain chemical, physical, and biological integrity of the Waters of the United States through prevention, reduction, and elimination of pollution.

9-2.03(06) Applicability

This certification is required in conjunction with each Individual or Regional Corps Permit. For information on the Section 401 Water Quality Certification for a Regional General Permit, see Section 9-2.02(10).

Figure 9-4B, IDEM Water Quality Section 401 Permit Application, is accessible from the Department's website www.in.gov/dot/div/contracts/design/dmforms/, as a link to the permitting agency's website for application and instructions. In block No. 4 it should be indicated if a temporary runaround will be used, and, if appropriate, the possibility of the use of a cofferdam or work causeway.

9-2.04 IDNR Certification of Approval for Construction in a Floodway

9-2.04(01) Name

The formal name is IDNR Certification of Approval for Construction in a Floodway. The informal name is the DNR permit.

9-2.04(02) Responsible State Agency

The IDNR Division of Water is the state agency with overall responsibility for administering the program, reviewing applications, and issuing permits.

9-2.04(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact for the DNR permit. The designer is responsible for submitting to the permits coordinator all completed application forms, required sketches showing the project location, etc.

9-2.04(04) Legal References

The legal references are as follows:

1. IC 14-28-1 (the Flood Control Act);

2. IC 13-2-22 (Construction in a Floodway); and

3. IC 14-3-16 (Public Notice).

The administrative rules are included in 310 IAC 6-1.

9-2.04(05) Purpose

The purpose is to protect a floodway from undue restrictions and other environmental factors and to protect against interference to navigation.

9-2.04(06) Applicability

A DNR permit is required for any construction in a floodway, including wetlands, where the drainage area is at least 50 mi^2 in a rural area or 1 mi^2 in an urban area. A project with more than 100 ft of channel relocation beyond a bridge coping should be reviewed by the Production Management Division's Hydraulics Team to determine if a permit application should be filed.

Figure 9-4C, IDNR Construction in Floodway Permit Application, is accessible from the Department's website www.in.gov/dot/div/contracts/design/dmforms/, as a link to the permitting agency's website for application and instructions.

9-2.05 Rule 5 Submission

9-2.05(01) Name

The formal name is NPDES Rule 5 (Storm Water Run-Off Associated with Construction Activity). The informal name is Rule 5.

9-2.05(02) Responsible State Agency

The Indiana Department of Environmental Management (IDEM) is the State agency with overall responsibility for administering the program, reviewing applications and issuing approvals for Rule 5 compliance. IDNR, acting as IDEM's agent, coordinates the review and acceptance of each erosion-control plan through the appropriate soil and water conservation districts. Once the S&WCD representative has determined that an erosion-control plan meets the acceptance criteria, a Notice of Intent (NOI) is sent to IDEM. A typical NOI includes the S&WCD acceptance notice, a publisher's affidavit, and the processing fee.

9-2.05(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact for Rule 5 Submission. The designer is responsible for submitting to the permits coordinator the completed application form, required half-sized plan sheets including the title sheet showing the project location, etc. The erosion-control plan should include a legend of standard practices with a different color highlighting each practice. The color highlighting should be included on the plans to indicate where each practice will be applied. The work type should be clearly described on the title sheet.

9-2.05(04) Legal References

The legal references are as follows:

1. IC 13-1-3-4;

2. IC 13-1-3-7;

3. IC 13-7-7;

4. IC 13-7-10-1; and

5. 327 IAC 15-5-1.

9-2.05(05) Purpose

The purpose is to reduce pollutants, principally sediment from soil erosion, in stormwater discharges into surface waters of the State from a construction site.

9-2.05(06) Applicability

A Rule 5 Submission is required for construction activities where the area of grading, excavation, or other land disturbance impacts 1 ac or more of land area. Any earth exposed counts toward the 1 ac. Rule 5 applies to each INDOT or local-agency project regardless of community size or funding type. Chapter Thirty-seven discusses INDOT practices for temporary erosion and sediment control during construction.

The designer should determine if a body of water is designated as Outstanding State Resource or designated as Exceptional Use. These are listed in Figure 9-2A.

If the project's affected water is one of these locations, the designer should supply a list of names and addresses of the affected property owners with the erosion control plan to the Production Management Division's permits coordinator. The coordinator will then request an individual NPDES Construction Permit. Construction affects on other waters will not require an individual Permit.

If an Individual Corps Permit is required, IDEM issues a public notice for 30-day comment. The timeframe from IDEM's receipt of the NOI/request for an Individual Corps Permit until the end of the process can be 120 days.

Figure 9-4D, IDEM Stormwater Runoff Rule 5 Permit Application, is accessible from the Department's website www.in.gov/dot/div/contracts/design/dmforms/, as a link to the permitting agency's website for application and instructions.

Once the designer receives the Notice of Intent (NOI) letter with respect to a Rule 5, the permit may be shown as received on the Scope/Environmental Compliance Certification/Permit Application Certification form.

9-3.0 SPECIAL CIRCUMSTANCE PERMITS / CERTIFICATIONS

9-3.01 Introduction

1. Tall-Structure Permit. This permit is obtained from the Federal Aviation Administration and INDOT where proposed construction may impact the navigable airspace of a public-use airport.

2. Regulated Drain. Some counties require formal permission before INDOT performs any construction impacting a regulated drain. Each regulated drain must have plans submitted for review and approval by the county drainage board.

3. State Trunkline Right-of-Way Permit. This permit is required from the applicable state adjoining Indiana if an INDOT project requires incidental construction work outside of Indiana's boundaries.

4. IDNR Navigable Waterway. This permit is obtained as a part of the IDNR Certification of Approval for Construction in a Floodway if the Navigable Waterway permit is required.

5. Section 9 Navigable Waterway Permit. This permit is obtained from the U. S. Coast Guard for construction, modification, replacement, or removal of a bridge or causeway over the navigable Waters of the United States. Indiana is in the Second and Ninth districts.

6. Section 10 Navigable Waterway Permit. This permit is obtained from the U. S. Coast Guard for a structure or work (other than a bridge or causeway) affecting the navigable Waters of the United States.

7. U. S. Army Corps of Engineers Levee Permit. A Corp of Engineers Levee permit is required where construction impacts a levee system owned by the Corps.

8. Section 402 National Pollutant Discharge Elimination System (NPDES) Point-Source Permit. This permit is attained from IDEM for a project such as a rest area that involves a point-source discharge of pollutants into Waters of the United States. An outlet pipe for

other than stormwater is required. An individual permit will be required where the discharge points are into water categorized as exceptional use.

9. Class V Injection-Well Permit. This permit is filed with EPA for a project that impacts sinkholes in karst terrain or involves drainage into the sole-source aquifer near South Bend.

9-3.02 Indiana Tall-Structure Permit

9-3.02(01) Name

The formal name is Indiana Tall-Structure Permit. The informal name is Tall-Structure permit.

9-3.02(02) Responsible Federal Agency

The Federal Aviation Administration (FAA) is the Federal agency with overall responsibility for analyzing airspace and issuing determinations.

9-3.02(03) Responsible INDOT Contact and Application Procedure

The Local Programs Division's Office of Aviation, Tall-Structures Project Manager is the responsible INDOT contact person. The designer should submit the relevant information to the Tall-Structures Project Manager.

This information to be submitted includes a completed application form FAA 7460-1, a USGS 7.5-min quadrangle map with a crosshair indicating the location of each obstruction, and other information pertinent to the project. The latitude and longitude of each location measured should be provided to the nearest second (or tenth of a second if practical), the height of each obstruction measured to the nearest 2 ft, rounded up, and the site elevation (AMSL).

Application 9-4E, FAA Form 7460-1 Notice of Proposed Construction or Alteration, including instructions and application, is accessible from the Department's website at www.in.gov/dot/div/contracts/design/dmforms/. The application should be submitted as early in the design phase as possible.

A contact name and telephone number should be provided for both the project manager and the local planning commission that has jurisdiction over the structure site. Separate applications should be prepared for permanent and temporary features, such as construction equipment. All changes in the design height, structure location, or projected letting date should be communicated to the Tall-

Structures Project Manager in a timely manner. If the design height or structure location is changed, a new application should be completed and submitted.

Upon FAA approval, the Tall-Structures Project Manager will provide the designer with a copy of the FAA's Determination of No Hazard to Air Navigation. This Determination will become the Indiana Tall-Structure Permit 60 days after it is issued.

9-3.02(04) Legal References

The legal references are as follows:

1. Federal Aviation Act of 1958;

2. Federal Aviation Regulations (FAR) Part 77;

3. AC 70 / 7460 2K; and

4. Indiana Code IC 8-21-10, Regulation of Tall Structures.

9-3.02(05) Purpose

The purpose is to promote safety in the air and on the ground, and to preserve the navigable airspace at public-use airports.

9-3.02(06) Applicability

A Tall-Structure permit is required for a permanent installation (e.g., high-mast lighting tower) or construction equipment (e.g., crane, derrick) if the installation or equipment extends to a greater height than an imaginary surface extending outward and upward at one of the slopes as follows:

1. 100 to 1 for a horizontal distance of 20,000 ft from the nearest runway of the nearest public-use airport which has at least one runway at least 3,200 ft long. The designer should contact the Tall-Structures Project Manager for information regarding runway lengths or elevations;

2. 50 to 1 for a horizontal distance of 10,000 ft from the nearest runway of the nearest public-use airport whose longest runway is less than 3,200 ft long; or

3. 25 to 1 for a horizontal distance of 5,000 ft from the nearest landing or takeoff area of a public-use heliport.

If the structure itself is an Interstate highway, 17 ft should be added to the design elevation of the pavement before calculating the slope. For a non-Interstate highway, 15 ft should be added.

9-3.03 Regulated-Drain Permit

9-3.03(01) Name

The formal name is Regulated-Drain Permit. The informal name is County Drainage Permit.

9-3.03(02) Responsible Agency

The county drainage board for the affected applicable county has overall responsibility for reviewing the application and issuing approval.

9-3.03(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator the completed application form, a set of plans showing the project location, etc., if the work is one of the counties that requires this permit process. Such counties are listed in Section 9-3.03(06). The designer should provide a set of plans to the county surveyor at the field check phase.

9-3.03(04) Legal References

Regulated Drains are referred to by law in IC 36-9-27. Each county has its own rules and not every county requires approval.

9-3.03(05) Purpose

The purpose is to notify the applicable county of INDOT's proposed construction that may impact a regulated drain.

9-3.03(06) Applicability

The Regulated Drain Permit is required for work in Allen, Elkhart, Hamilton, Lake, or LaPorte county.

Figure 9-4F, Regulated Drain Permit Application, is accessible from the Department's website www.in.gov/dot/div/contracts/design/dmforms/, as a link to Elkhart, Hamilton, or Lake county's website for application and instructions. The application and instructions for Allen or LaPorte county work is not accessible from a website. The designer must contact one of these local agencies for such information.

Some of the counties listed above require notification of any change in drainage. A Regulated Drain approval typically requires the following:

1. project description;
2. high water and low water elevations;
3. legal description (if not on plans); and
4. set of plans.

9-3.04 State Trunkline Right-of-Way Permit

9-3.04(01) Name

The formal name is State Trunkline Right-of-Way Permit. The informal name is Border State Coordination.

9-3.04(02) Responsible Agency

The state transportation agency representing the affected state that adjoins Indiana is the agency with overall responsibility for reviewing the permit application and issuing the permit.

9-3.04(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator the completed application form, required sketches showing the project location, etc.

9-3.04(04) Legal References

The legal reference is Act 51 of 1951 to authorize construction (Michigan's law).

9-3.04(05) Purpose

The purpose is to coordinate an INDOT project with an adjoining state for incidental construction within the adjoining state.

9-3.04(06) Applicability

The permit is required to perform incidental construction work outside Indiana's boundary, if not performed under special agreement. Sometimes a formal agreement, shared costs, or responsibility of work that exceeds incidental construction is required. For this situation, the State Trunkline Right-of-Way permit will not apply.

An application will typically require the following documentation.

1. From Designer.

    a. set of plans;
    b. description of project; and
    c. completed application form.

2. From Permits Coordinator.

    a. letter to adjoining state; and
    b. entire package to the state's transportation agency that INDOT is applying to.

Figure 9-4G, Trunkline Right of Way Permit Application, is accessible from the Department's website www.in.gov/dot/div/contracts/design/dmforms/ as a link to Michigan's, Ohio's, or Illinois' website for application and instructions.

9-3.05 IDNR Navigable Waterways

9-3.05(01) Name

The formal name is IDNR Navigable Waterways.

9-3.05(02) Responsible State Agency

The Indiana Department of Natural Resources, Division of Water, is the State agency with overall responsibility for administering the program, reviewing the application, and issuing approval.

9-3.05(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator the completed application form, required sketches showing the project location, etc. Typically, the designer need not take any action to request this permit other than making application for the IDNR Construction in a Floodway Permit.

9-3.05(04) Legal References

The following discusses the legal references for IDNR Navigable Waterways.

Navigable Waterways Act, IC 14-29-1

A. Regulatory Program

The General Assembly charged the Department of Natural Resources with oversight of the State's navigable waters in the Powers and Duties of the Department Act, IC 14-19-1-1 (9), by stating, "... the Department shall ... have general charge of the navigable water of Indiana." To carry out this regulatory responsibility, the Assembly created several permitting programs, including Section 8 of the Navigable Waterways Act. This provision requires that a person obtain a permit from the Department prior to initiating certain activities within a navigable waterway.

Fundamental to the Department's administration of the Act's regulatory program is the definition of navigable waterway and the limit of jurisdictional authority.

1. "Navigable water" is defined by rule in 2 parts:

a. "navigable" means "a waterway which has been declared to be 'navigable' or a 'public highway' by one (1) or more of the following:

(1) A court.
(2) The Indiana General Assembly.
(3) The United States Army Corps of Engineers.
(4) The Federal Energy Regulatory Commission.
(5) A board of county commissioners under IC 14-29-1-1.

(6) The commission following a completed proceeding under IC 4-21.5.

b. "waterway" means "a river, stream, creek, run, canal, channel, ditch, lake reservoir, or embayment."

The determination of whether or not a waterway satisfies both definitions can be time consuming. Therefore, IDNR has prepared a roster of the State's navigable waterways. The roster was printed as a nonrule policy document in the *Indiana Register*, Volume 15, Number 10, (15 IR 2385) on July 1, 1992 under the title "Natural Resources Commission, Information Bulletin #3, Roster of Indiana Waterways Declared Navigable." The roster is not dispositive of whether or not a waterway is navigable, but rather lists waterways where sufficient evidence exists to recognize them as such. A copy of the roster is included in the Appendix.

2. The accepted limit of jurisdiction on a navigable waterway is the ordinary high water mark unless the State's boundary is present. The "ordinary high water mark" is also defined by rule:

a. "ordinary high water mark" means the following:

(1) The line on the shore of a waterway established by the fluctuations of water and indicated by physical characteristics. Examples of these physical characteristics include the following:

(A) A clear and natural line impressed on the bank.
(B) Shelving.
(C) Changes in the character of the soil.
(D) The destruction of terrestrial vegetation.
(E) The presence of litter or debris.

(2) Notwithstanding subdivision (1), the shore of Lake Michigan at five hundred eight-one and five-tenths (581.5) feet, I.G.L.D., 1985 (five hundred eighty-two and two hundred fifty-two thousandths (582.252) feet, N.G.V.D., 1929).

B. Administrative Rule

The Navigable Waterways rule, 310 IAC 21, contains definitions, standards, and permit information relative to the administration of the Navigable Waterways Act.

C. Regulated Activities

For a person, other than a public or municipal water supply utility, the Act requires that a permit be obtained from the Department for the placement, filling, or erection of a permanent structure in; water withdrawal from; or material extraction from; a navigable waterway. Regulated activities include, but are not limited to bridge foundations, piers, seawalls, mineral extraction, etc.

D. Evaluation Criteria

In its assessment of a project's approvability, the Department evaluates a project's impact using the criteria prescribed within the Act:

1. whether or not the project will reasonably impair the navigability of the waterway;

2. whether or not the project will cause significant harm to the environment; and

3. whether or not the project will pose an unreasonable hazard to life or property.

E. Exempted Activities

The Navigable Waterways Act's regulatory program contains a number of exemptions to minimize duplicity of regulation. Specifically, a permit under the Act is not required if a permit has been obtained under any of the State or Federal statutes listed in Figure 9-3A, Navigable Waterways Act Exempted Activities, and the requirements of the Navigable Waterways Act have been applied in the project review.

9-3.05(05) Purpose

The purpose is to protect each waterway that has been designated by the State as navigable.

9-3.05(06) Applicability

The permit is obtained as a part of the IDNR Certification of Approval for Construction in a Floodway if the Navigable Waterways permit is required.

The IDNR Navigable Waterways Roster is accessible from the IDNR's website, at www.in.gov/nrc/2390.htm

9-3.06 Section 9 Navigable-Waters Permit

9-3.06(01) Name

The formal name is Section 9 Navigable-Waters Permit. The informal name is Coast Guard bridge permit.

9-3.06(02) Responsible Federal Agency

The United States Coast Guard is the Federal agency with overall responsibility for administering the program, reviewing each permit application, and issuing the permit. Indiana is included in the Second and Ninth districts.

9-3.06(03) Responsible INDOT Team

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator the completed application form, required sketches showing the project location, etc.

9-3.06(04) Legal References

The legal references are as follows:

1. Rivers and Harbors Act of 1899, Section 9;
2. 33 USC 401, et seq, as amended and supplemented;
3. 23 CFR part 650, Subpart H; and
4. 33 CFR 114-115.

9-3.06(05) Purpose

The purpose is to ensure that there will be no interference to navigation on the navigable Waterways of the United States.

9-3.06(06) Applicability

The permit is required for the construction, modification, replacement, or removal of any bridge or causeway over a navigable waterway (tidal or non-tidal). See Figure 9-3B for a listing of affected navigable waterways.

9-3.07 Section 10 Navigable-Waters Permit

9-3.07(01) Name

The formal name is Section 10 Navigable-Waters Permit. The informal name is Coast Guard permit.

9-3.07(02) Responsible Federal Agency

The United States Coast Guard is the Federal agency with overall responsibility for reviewing each permit application and issuing the permit.

9-3.07(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator the completed application form, required sketches showing the project location, etc.

9-3.07(04) Legal References

The legal references are as follows:

1. Rivers and Harbors Act of 1899, Section 10;
2. 33 USC 401, et seq, as amended and supplemented;
3. 23 CFR part 650, Subpart H; and
4. 33 CFR 114-115.

9-3.07(05) Purpose

The purpose is to protect and preserve the navigable Waterways of the United States against any degradation in water quality.

9-3.07(06) Applicability

The permit is required for a structure or work (other than a bridge or causeway) affecting a navigable waterway (tidal or non-tidal). See Figure 9-3B for a listing of affected navigable waterways. Examples of such work include dredging, channelization, and filling.

9-3.08 U. S. Army Corps of Engineers Levee Permit

9-3.08(01) Name

The formal name is U. S. Army Corps of Engineers Levee Permit. The informal name is Corps Levee Permit.

9-3.08(02) Responsible Agencies

The United States Army Corps of Engineers is the Federal agency with overall responsibility for administering the program, reviewing each permit application, and issuing the permit. The local levee authority is a partner in this process. The approval of the local levee authority is required before making application to Army Corps of Engineers.

9-3.08(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator the completed application form, required sketches showing the project location, etc.

9-3.08(04) Legal References

The regulations for maintenance and operation are included in the *Code of Federal Regulations*, as promulgated in Chapter II - Corps of Engineers, Department of the Army, Section 208.10 - Flood Control Regulations for local flood protection works; maintenance and operation of structures and facilities. Such regulations were issued under authority of Sec. 3, 49 Stat. 1571, as amended; 33 USC 701c (9 F.R. 9999, Aug., 17, 1944); 9 F.R. (10203, Aug. 22, 1944).

9-3.08(05) Purpose

For a project that affects a regulated levee, a permit from the Army Corps of Engineers is necessary before any work can be constructed which may affect the levee. The purpose of the levee-permit program is to ensure continuous levee system integrity. The actual permit form may vary, depending on to whom it will be initially sent.

For a legal levee within the jurisdiction of a local levee authority (e.g., Evansville Levee Authority), the permit application plus a set of mostly complete plans and select specifications should be sent through the permits coordinator to the levee authority. The permit form should be obtained from the local levee authority prior to application submittal. The levee authority may suggest or require changes to the project plans. These changes must be evaluated and coordinated on as required. After the levee authority accepts and approves the project plans, it forwards them to the Army Corps of Engineers for final approval. Army Corps of Engineers' acceptance and approval of a levee permit application is generally ensured once the local levee authority approves the plans. A formal approval document is received from the local levee authority and the Army Corps of Engineers. The Army Corps of Engineers will rarely not accept a set of plans already approved by a local levee authority. However, the designer must account for that possibility when determining the timing for the permit-application submittal.

For a legal levee that exists outside of the jurisdiction of a levee authority, the permit application plus a set of mostly complete plans and select specifications should be sent through the permits coordinator directly to the Army Corps of Engineers. The Army Corps of Engineers may suggest or require changes to the project plans. These changes must be evaluated and coordinated as required. The Army Corps of Engineers will ultimately accept and approve the project's plans, and it will send a notice to INDOT once final approval is granted.

Numerous embankments that serve as unofficial levees have been constructed and are not part of the Army Corps of Engineers' levee system or part of some other levee authority's levee system. Although the designer may need to alter one of these embankments to achieve an effective design, some minor coordination should be accomplished before simply breaking the embankment's integrity. The designer should check with the local drainage authority and the Army Corps of Engineers to ensure that the embankment is not part of either of those parties' flood control systems. Also, the designer may need to check with the Production Management Division's Hydraulics Team and the Office of Real Estate to determine the effects of breaking the embankment on adjacent lands. Only after these types of issues have been investigated, may the designer, if necessary, propose a cut into an apparent flood-control embankment that is not part of a legal, flood-control, levee system.

9-3.08(06) Applicability

The permit is required where construction affects a levee system owned by the Corps. Figure 9-4A, U.S. Army Corps of Engineers Section 404 Permit and Levee Work Permit Application, is

accessible from the Department's website www.in.gov/dot/div/contracts/design/dmforms/, as a link to the permitting agency's website for application and instructions

9-3.09 Section 402 National Pollutant Discharge Elimination System (NPDES) Point-Source Permit

9-3.09(01) Name

The formal name is the National Pollutant Discharge Elimination System (NPDES - Point Source) Permit. The informal name is the NPDES Rule 2 Permit.

9-3.09(02) Responsible Federal and State Agencies

The United States Environmental Protection Agency is the ultimate agency with oversight responsibility for enforcement, management, and implementation of the permit program. The Indiana Department of Environmental Management is the State agency that has the responsibility for the daily execution of the permit program (e.g., establishing program procedures, reviewing permit application, issuing permit).

9-3.09(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator the completed application form, supporting documents, required sketches showing the project locations, etc.

9-3.09(04) Legal References

The legal references are as follows:

1. The Federal Water Pollution Control Act (1972), Section 402, as amended by the Clean Water Acts of 1977 and 1987;

2. 33 USC 1251-1376, DOT Order 5660.1A;

3. 23 CFR 650, Subpart B, 771;

4. 33 CFR 209, 320-323, 325, 328, 329; and

5. 40 CFR 121-125, 129-131, 133, 135-136, 230-231.

9-3.09(05) Purpose

The purpose is to restore and/or maintain the chemical, physical, and biological integrity of the Waters of the United States through prevention, reduction, and elimination of pollution.

9-3.09(06) Applicability

The permit is required for each point-source discharge (other than that addressed by the Section 404 Permit and/or a Rule 5 submission) into the Waters of the United States (e.g., sewage treatment plant at a rest area) where an outlet pipe for other than stormwater is required. An individual permit will be required where the discharge point is into waters categorized as exceptional use. See Section 9-2.05(06).

Stormwater runoff from mainline pavement, shoulders, ramps, etc., which does not enter a combination sewer, is not under jurisdiction of this permit program. There is some question on whether or not storm runoff from a rest-area parking area is within the permit program's jurisdiction. The Office of Environmental Services's Environmental Policy Team leader should be queried as required to determine the permitting requirements of this program for each individual rest-area project.

9-3.10 Class V Injection Well Permit

9-3.10(01) Name

The formal name is Class V Injection Well Permit.

9-3.10(02) Responsible Federal Agency

The United States Environmental Protection Agency has the responsibility for enforcement, management, and implementation of the permit program.

9-3.10(03) Responsible INDOT Contact

The Production Management Division's permits coordinator is the responsible INDOT contact. The designer is responsible for submitting to the permits coordinator the completed application form, supporting documents, required sketches showing the project locations, etc.

9-3.10(04) Legal References

The legal reference is The Safe Drinking Water Act (SDWA) of 1974.

9-3.10(05) Purpose

The purpose is to restore or maintain the chemical, physical, and biological integrity of the nation's karst environments and eco-systems through control, prevention, reduction, mitigation, or elimination of pollution sources.

9-3.10(06) Applicability

1. Karst Conditions: The permit is filed with the United States Environmental Protection Agency (EPA). It is required for a project in karst terrain where a sinkhole is modified to accept a direct discharge of roadway runoff. If the runoff passes through a natural drainage ditch or swale before entering a sinkhole which is not modified, the permit is not required.

   Application should be made during the design stage when other permit applications are filed.

2. Sole Source Aquifer (South Bend region only): A project located in the South Bend region as identified by EPA may impact the region's sole source aquifer. If so, application for the permit is required if a dry well or retention basin is used that may permit infiltration of surface water into the ground water. A compliance certificate should be filed with EPA early in the design phase if the project is located in a sole-source aquifer area, in addition to the permit. Screening of such a project by EPA is necessary to determine the level of impact to the sole-source aquifer.

Figure 9-4J is an editable version of the application, which may be found on the Department's website at www.in.gov/dot/div/contracts/design/dmforms/. See Figure 9-4K for the Class V Well Inventory form application instructions.

9-4.0 APPLICATIONS FOR PERMITS / CERTIFICATIONS

The permits listed in the List of Figures for this Chapter have applications and instructions which are accessible from the Department's website www.in.gov/dot/div/contracts/design/dmforms/ . All such applications and instructions are referenced to this Section.

Notice of Intent
327 IAC 15-5
Developers' Continuing Responsibility

Outstanding State Resource Waters

1. Blue River in Washington, Crawford, and Harrison Counties from river kilometer 91.77 to river kilometer 18.52

2. Cedar Creek in Allen and DeKalb Counties from river kilometer 22.06 to its confluence with the St. Joseph River

3. Indiana Dunes National Lakeshore waters

4. Lake Michigan, Indiana portion

5. Wildcat Creek, North Fork, in Carroll and Tippecanoe Counties from river kilometer 69.41 to river kilometer 7.76

6. Wildcat Creek, South Fork, in Tippecanoe County from river kilometer 16.44 to river kilometer 0.00

Exceptional-Use Waters

1. Bear Creek in Fountain County from the bridge on County Road 450No to its confluence with the Wabash River

2. Bear Creek small tributary in Fountain County within the Portland Arch Nature Preserve which enters Bear Creek at the sharpest bend and has formed the small natural bridge called Portland Arch

3. Big Pine Creek in Warren County downstream of the State Road 55 bridge near the Town of Pines Village to its confluence with the Wabash River

4. Blue River from the confluence of its West and Middle Forks in Washington County downstream to its confluence with the Ohio River

5. Blue River, South Fork, in Washington County from the Horners Chapel Road bridge downstream to its confluence with Blue River

6. Clifty Creek in Montgomery County within the boundaries of Pine Hills Nature Preserve

7. Fall Creek in Warren County from the Old County Road 119 bridge in T. 22N, R. 8W, Sec. 21, NW qtr., downstream to its confluence with Big Pine Creek

8. Indian Creek in Montgomery County from the County Road 650W bridge downstream to its confluence with Sugar Creek

9. Lost River and all surface and underground tributaries upstream from the Orangeville Rise (T. 2N, R. 1W, Sec. 6) and the Rise of Lost River (T. 2N, R. 1W, Sec. 7), and the mainstream of the Lost River from the Orangeville Rise

10. Mud Pine Creek in Warren County from the bridge on the county road between Brisco and Rainsville to its confluence with Big Pine Creek

11. Rattlesnake Creek in Fountain County from the bridge on County Road 450N to its confluence with Bear Creek

IDEM RULE 5 SUBMISSION
Outstanding State Resource Waters and Exceptional-Use Waters

Figure 9-2A

State Regulatory Programs	
Code	**Title**
IC 14-21-1	Division of Historic Preservation and Archaeology Act
IC 14-28-1	Flood Control Act
IC 14-29-3	Sand and Gravel Permits Act
IC 14-29-4	Construction of Channels Act
IC 14-34	Surface Coal Mining and Reclamation Act
IC 14-37	Oil and Gas Act

An exemption is also authorized if a project has obtained a permit under any of the following federal programs.

Federal Regulatory Programs	
Code	**Title**
16 USC 1451 et seq	Coastal Zone Management Act
33 USC 1344	Clean Water Act
42 USC 9601 et seq	Comprehensive Environmental Response, Compensation, and Liability Act.

An exemption granted under the Navigable Waterways Act does not circumvent any other State, federal, or local permitting requirement. The responsibility to obtain all other permits rests solely with the applicant.

NAVIGABLE WATERWAYS ACT
EXEMPTED ACTIVITIES

Figure 9-3A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
CLASS V WELL INVENTORY FORM

1. Name of Owner/Operator: _____
   Address of Owner/Operator:
_____ Phone
_____ Number: _____
_____

2. Location of well(s): Street Address or Legal Description of Site:
County: _____ _____
Township: _____ _____
City/Town/Village: _____ _____
Type and number of wells: ____ Drywell ____ Septic tank ____ Other

3. Purpose of well(s):
_____
_____

4. Nature of fluid entering well:
_____
_____

5. Describe well closure:
_____
_____

6. Maximum Injection Rate: _____ Minimum Rate: _____
   Maximum Injection Volume: _____ Minimum Volume: _____
   Maximum Injection Pressure: _____ Minimum Pressure: _____
Well Registered with State? _____ County? _____ Others: _____
Does site have access to sewer hook-up? _____ Surface Discharge? _____

7. Provide a sketch of the wall construction on the back of this form.

8. Prepared by: _____ Date _____

Class V Well Inventory Form Application and Instructions

Figure 9-4K

Office of Water Quality

Application Form and Instructions for
Authorization to Discharge Dredged or Fill Material
to a Water of the State

Note to applicants:

This form may be used to request either a water quality certification pursuant to section 401 of the Clean Water Act or an NPDES permit pursuant to 327 IAC 5. It may also be used to request a review of a proposed project by IDEM to determine whether the project will violate water quality standards. Applicants with discharges covered by an effluent limitation guideline should not use this application but instead contact Mr. Steve Roush (317) 232-8706 for the appropriate application form.

Applicants should also contact the Indiana Department of Natural Resources (DNR) regarding potential permit requirements associated with construction in a floodway or a public freshwater lake. You can reach the DNR Division of Water at 317-232-4160 or toll free at 1-877-WATER55.

Revised June 6, 2001

Instructions for Completing the Application

Address all applications or questions to:
Indiana Department of Environmental Management
Water Quality Standards Section
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015
1-800-451-6027 or 317-233-8488

The numbers below correspond to the section numbers on the application form.

Print clearly or type.

Attach additional 8.5" x 11" sheets if necessary.

1. Provide the applicant's name, address, and telephone number. Applicants MUST provide a contact name.

2. Provide the agent's address and telephone information (an agent is anyone representing the applicant on the project, such as an attorney or consultant). Applicants are not required to have an agent.

3. Provide specific project information relating to the location of the proposed project. Include the Universal Transverse Mercator (UTM) coordinates including the datum (e.g. 1927 North American). UTM coordinates can be obtained from the United States Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle maps.

4. Provide the proposed start date and the anticipated completion date. If you have started your project before obtaining authorization, you may be in violation of federal and/or state law. Give a narrative description of the proposed project. Describe the purpose of the project; what goal or outcome will be met by the construction of the project.

5. Include all impacts with the appropriate unit of measure. If you can avoid impacts to wetlands and other waterbodies, you may be able to avoid the requirement to obtain authorization from IDEM. Minimization of the impacts may decrease any compensatory mitigation requirements that might otherwise apply and increase the chances of receiving authorization. If the compensatory mitigation involves the creation or restoration of wetlands or other waterbodies, IDEM will require separate compensatory mitigation plan. If you need guidance on the information required in a complete mitigation plan, contact IDEM.

6. Drawing/Plan requirements. All applicants must submit drawings/plans consistent with the specifications under item six.

7. **For all projects involving impacts to wetlands**, a wetland delineation using the procedures established in the U.S. Army Corps of Engineers Wetland Delineation Manual, Technical

Report Y-87-1 (January 1987) is **required**. Photographs aid the department in deciding if a site investigation is necessary and how best to locate the impact areas when site investigations are necessary.

Instructions are continued immediately after the application form.

***Only the Application Pages need to be mailed to IDEM.**

1. APPLICANT INFORMATION		**2. AGENT INFORMATION**	
Name of Applicant:		Name of Agent:	
Mailing address (Street/ PO Box/ Rural Route, City, State, Zip):		Mailing address (Street/ PO Box/ Rural Route, City, State, Zip):	
Daytime Telephone Number:		Daytime Telephone Number:	
Fax Number:		Fax Number:	
E-mail address (optional):		E-mail address (optional):	
Contact person (required):		Contact person:	
3. PROJECT LOCATION			
County:		Nearest city or town:	
U.S.G.S. Quadrangle map name (Topographic map):		Project street address (if applicable):	
Quarter:	Section:	Township:	Range:
Type of aquatic resource(s) to be impacted (lake, river, stream, ditch, wetland, etc. Include name if applicable):		Project name or title (if applicable):	
		UTM North:	UTM East:
Other location descriptions or driving directions:			
4. PROJECT PURPOSE and DESCRIPTION (*Use additional sheet(s) if required*)			
Has any construction been started? YES NO		Anticipated start date:	
If yes, how much work is completed?			

Project purpose and description:

5. Project Information: Applicants must answer all the following questions (*Use additional sheet(s) if required*).

What are the linear feet of impacts to the waterbody below the ordinary high water mark (OHWM) and/or bank clearing?

What is the acreage or square footage of wetlands or other water resources that are proposed to receive a discharge of material (ie. fill), to be mechanically cleared, or to be excavated?

What is the area of wetlands or other water resources on the site, in acreage or square feet?

Describe the type, composition and quantity (in cubic yards) of fill material to be placed in the wetland or below the OHWM of the water to receive the material (wetland or other water to be filled).

Describe the type, composition and quantity (in cubic yards) of material proposed to be removed from the wetland or below the OHWM of the water resource.

Describe the alternative project locations and/or design configurations that you considered or implemented to avoid and/or minimize impacts to wetlands and other waterbodies to the greatest extent possible.

Describe any proposed compensatory mitigation for unavoidable impacts.

6. **Drawing/Plan Requirements** (applicants must provide the following)

a. Top/aerial/overhead view of the project site.

b. Cross sectional view.

c. North arrow, scale, property boundaries.

d. Include wetland delineation boundary (if applicable). Label the impact wetlands as I-1, I-2, I-3, etc. and the mitigation areas as M-1, M-2, etc..

e. Location of all surface waters, including wetlands, erosion control measures, existing and proposed structures, fill and excavation locations, disposal area for excavated material, including quantities, and wetland mitigation site (if applicable).

f. Approximate water depths and bottom configurations (if applicable).

g. Provide plans on 8" x 11"-inch paper, unless directed otherwise.

7. **Documentation Requirements** (applicants must provide the following)

a. A wetland delineation for projects with wetland impacts (approved by Corps of Engineers if a Section 404 permit is required).

b. Photographs of the project site. Indicate where they were taken on the overhead view of the project plans.

8. **Additional information that MAY be required** (IDEM will notify you if needed)

a. Erosion control and/or storm water management plans.

b. Sediment analysis.

c. Compensatory mitigation plan including type, size, location, methods of construction, planting & monitoring plans, and criteria for success.

d. Species surveys for fish, mussels, plants and threatened or endangered species.

e. Any other information IDEM deems necessary to review the proposed project.

9. Permitting Requirements

a. Does this project require the issuance of a Department of the Army Section 404 Permit from the US Army Corps of Engineers? If no, you do not need to answer Part b.

b. Have you applied for an Army Corps of Engineers Section 404 permit? If yes, please supply the Corps of Engineers ID Number, the Corps of Engineers District, the project manager, and a copy of any correspondence with the Corps. **If no, contact** the Army Corps of Engineers regarding the possible need for a permit application. (See instruction #9.)

c. Have you applied for, received, or been denied any other federal, state, or local permits, variances, licenses, or certifications for this project? Please give the permit name, agency from which it was obtained, permit number, and date of issuance or denial.

10. Adjoining Property Owners and Addresses

List the names and addresses of landowners adjacent to the property on which your project is located and the names and addresses of other persons (or entities) potentially affected by your project. Use additional sheet(s) if required.

Name Address City State Zip	Name Address City State Zip
Name Address City State Zip	Name Address City State Zip
Name Address City State Zip	Name Address City State Zip

11. Fee Submittal

If applying for authorization under an IDEM NPDES permit, please enclose with the application a check or money order for $50.00 made payable to Indiana Department of Environmental Management (IDEM).

12. Signature - Statement of Affirmation

I certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true and accurate. I certify that I have the authority to undertake and will undertake the activities as described in this application. I am aware that there are penalties for submitting false information. I understand that any changes in project design subsequent to IDEM's granting of authorization to discharge to a water of the state are not authorized and I may be subject to civil and criminal penalties for proceeding without proper authorization. I agree to allow representatives of the IDEM to enter and inspect the project site. I understand that the granting of other permits by local, state, or federal agencies does not release me from the requirement of obtaining the authorization requested herein before commencing the project.

Applicant's Signature: _____ Date: _____

Print Name: _____ Title: _____

Instructions continued

8. Applicants are not required to submit the information specified in this section unless directed to do so by the department. However, applicants may submit the information if they anticipate that such information will be required.

9. Some projects involving impacts to isolated waterbodies, including wetlands, may not require the issuance of a Department of the Army permit. These activities are still subject to the provisions of State law. Please provide documentation from the Corps as to whether a Section 404 permit will be required. Your application may not be processed until this information is provided. The U.S. Army Corps of Engineers can be contacted at 502-315-6733 for the Louisville Corps District or at 313-226-2218 for the Detroit Corps District.

10. Adjacent property owner information must be provided for the purpose of providing public notice. IDEM requires the names and addresses of all property owners adjoining the property in which the project is to occur.

11. A permit fee is required for the process on IDEM NPDES permits. The application will not be reviewed until the application fee is submitted to IDEM.

12. The applicant must sign and date the application.

Where to get additional information

For more information, contact IDEM at the address below. Please contact the DNR or respective Corps District at the proper address below for questions regarding their programs.

IDEM - Office of Water Quality

Water Quality Section
P.O. Box 6015, IGCN Room 1255
Indianapolis, IN 46206-6015
317-233-8488 or toll-free at 1-800-451-6027

http://www.in.gov/idem/water/planbr/401/401home.html

Indiana Department of Natural Resources (DNR)
Division of Water
402 W. Washington Street, Room W200
Indianapolis, IN 46204
317-232-4161 or toll free at 1-877-Water55 (1-877-928-3755)

http://www.IN.gov/dnr/water/

United States Army Corps of Engineers
Detroit District
P.O. Box 1027
Detroit, MI 48231-1027
313-226-2218

http://www.lre.usace.army.mil/functions/rf/dtwhome.html

United States Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059
502-315-6733

http://www.lrl.usace.army.mil/orf/default.htm

Indiana Department of Environmental Management
Office of Water Quality
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015