



# State Revolving Fund Loan Programs

## Drinking Water, Wastewater, Nonpoint Source

---

### ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

---

#### CITY OF HUNTINGTON

#### Frederick Street CSO Interceptor Project

#### SRF PROJECT WW 12 35 21 04

**DATE: July 24, 2015**

**TARGET PROJECT APPROVAL DATE: August 24, 2015**

#### I. INTRODUCTION

The above entity has applied to the Clean Water State Revolving Fund (SRF) Loan Program for a loan to finance all or part of the wastewater project described in the accompanying Environmental Assessment (EA). As part of facilities planning requirements, an environmental review has been completed which addresses the project's impacts on the natural and human environment. This review is summarized in the attached EA, which can also be viewed at <http://www.in.gov/ifa/srf/>.

#### II. PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT (FNSI)

The SRF Clean Water Program has evaluated all pertinent environmental information regarding the proposed project and determined that an Environmental Impact Statement is not necessary. Subject to responses received during the 30-day public comment period, and pursuant to Indiana Code 4-4-11, it is our preliminary finding that the construction and operation of the proposed facilities will result in no significant adverse environmental impact. In the absence of significant comments, the attached EA shall serve as the final environmental document.

#### III. COMMENTS

All interested parties may comment upon the EA/FNSI. Comments must be received at the address below by the target approval date above. Significant comments may prompt a reevaluation of the preliminary FNSI; if appropriate, a new FNSI will be issued for another 30-day public comment period. A final decision to proceed, or not to proceed, with the proposed project shall be effected by finalizing, or not finalizing, the FNSI as appropriate. Comments regarding this document should be sent within 30 days to:

April Douglas  
Senior Environmental Manager  
State Revolving Fund  
100 N. Senate Ave. IGCN 1275  
Indianapolis, IN 46204  
317-234-7294; [adouglas@ifa.in.gov](mailto:adouglas@ifa.in.gov)

---

## ENVIRONMENTAL ASSESSMENT

---

### I. PROJECT IDENTIFICATION

Project Name and Address: **Frederick Street CSO Interceptor Project  
PER Addendum #3 – Flap Gate Replacement**  
City of Huntington  
300 Cherry Street  
Huntington, IN 47371

SRF Project Number: WW 12 35 21 04

Authorized Representative: Brooks Fetters, Mayor

### II. PROJECT LOCATION

The proposed flap gate replacement project will occur along the Little River in Huntington Township in the Huntington quadrangle, Township 28N, Range 9E, Section 15.

### III. PROJECT NEED AND PURPOSE

Huntington operates a combined sewer collection system. The Combined Sewer Overflow (CSO) outfall pipes currently have flap gates that are not functioning properly and allow water intrusion into the Huntington collection system. The CSO outfall pipes existing headwalls are deteriorated and allow debris and sediment buildup, which can cause damage and eventual failure of the outfall pipes.

### IV. PROJECT DESCRIPTION

The proposed work involves replacing flap gates on four CSO outfall pipes within the Frederick Street CSO Interceptor project area along the Little River. CSO outfalls 003, 005, 007 and 008 flap gates will be replaced with inline check valves that will prevent water intrusion into the collection system. CSO outfalls 005 and 008 headwalls will also be replaced to prevent debris and sediment buildup during flooding. An approximate 20-foot wide work area will be necessary to access and perform the construction of headwalls at CSO outfalls 005 and 008. See Figure 1.

### V. ESTIMATED PROJECT COSTS, AFFORDABILITY AND FUNDING

The estimated cost of the project is \$65,000. Huntington will use funds from its existing SRF loan to pay for the projects. Monthly user rates will not have to be adjusted.

### VI. DESCRIPTION OF EVALUATED ALTERNATIVES

The “No Action” alternative would result in further intrusion of river water into Huntington’s collection system and continued deterioration of the headwalls. Deteriorated headwalls can allow debris to become caught and cause buildup of sediment, causing eventual failure of the outfall pipes. Therefore, this alternative is not recommended.

## VII. ENVIRONMENTAL IMPACTS OF THE FEASIBLE ALTERNATIVES

### A. Direct Impacts of Construction and Operation

**Disturbed/Undisturbed Land** (Figure 1): An approximate 20-foot wide work area will be necessary to access and perform the construction of headwalls at CSO outfalls 005 and 008. The area at CSO 005 was previously disturbed by the installation of the existing 21-inch combined sewer and associated headwall that are currently in place on the bank of the Little River. The area at CSO 008 was previously disturbed by the installation of the existing 30-inch combined sewer and associated headwall that are currently in place on the bank of the Wabash River. The existing flap gates at CSO outfalls 003 and 007 will be replaced on the existing bridge headwall and no additional land disturbance is deemed necessary in these locations. It is not anticipated that borrow areas will be required.

**Structural Resources** (Figures 2-6): The proposed project will not affect historic sites or districts, including sites on or eligible for listing on the National Register of Historic Places, according to the Huntington County Interim Report and the historic sites information on the website of the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology. The SRF's finding pursuant to Section 106 of the National Historic Preservation Act is: "*no historic properties affected.*"

**Surface Waters:** This project will not adversely affect outstanding state resource waters listed in 327 IAC 2-1.3-3(d) and 327 IAC 2-1.5-19(b), exceptional use streams listed in 327 IAC 2-1-11, or Natural, Scenic and Recreational Rivers and Streams listed in 312 IAC 7-2.

**Wetlands:** Wetlands will not be impacted by the construction or operation of the proposed project items.

**Floodplain:** The project will not impact the floodplain.

**Groundwater:** Groundwater will not be impacted by the construction or operation of the proposed project.

**Plants and Animals:** Huntington's Frederick Street PER Addendum #3 states: *The construction and operation of the proposed PER Addendum No. 3 project items will not negatively impact state or federal-listed threatened or endangered species or their habitat... It is not believed that the removal of trees will be required however, if trees must be removed for gaining access to the CSO outfall locations, no trees suitable for Indiana bat roosting will be cut from April 15 through September 15.*

*The proposed PER Addendum No. 3 project items will be implemented to minimize impact to non-endangered species and their habitat. Mitigation measures cited in comment letters from the Indiana Department of Natural Resources and the U.S. Fish and Wildlife Service will be implemented.*

**Prime Farmland:** The project will not affect prime farmland.

**Air Quality:** Construction activities are likely to result in dust and noise at various points during the installation of the proposed facilities. The project contract documents specify the use of dust control practices. Construction activities will also be limited to normal working hours to minimize disturbance to the surrounding neighborhoods. Sound barriers may be temporarily

installed if noise pollution becomes a serious problem, but it is not expected that this condition will occur.

**Open Space and Recreational Opportunities:** The project will neither create nor destroy open space or recreational opportunities.

**National Natural Landmarks:** Construction and operation of the proposed project will not affect National Natural Landmarks.

## **B. Indirect Impacts**

The city's PER states: *The City, through the authority of its Council, planning commission, or other means will ensure that future development, as well as future wastewater treatment works projects connecting to SRF funded facilities, will not adversely impact archaeological/historical/structural resources, wetlands, wooded areas, or other sensitive environmental resources. The City will require new development and treatment works projects to be constructed within the guidelines of the U.S. Fish and Wildlife Service, IDNR, IDEM, and other environmental review authorities.*

## **C. Comments from Environmental Review Authorities**

In correspondence dated June 15, 2015, the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology stated:

*Pursuant to IC 13-18-21 and 327JAC 14 and Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") is conducting an analysis of the materials dated and received by the Indiana SHPO on May 21, 2015, for the above indicated project in Huntington, Huntington County, Indiana.*

*In regard to buildings and structures, we have identified the following properties within the probable area of potential effects, and we believe that they meet the criteria of eligibility for inclusion in the National Register of Historic Places:*

*Elmwood Park Pavilion, 1110 William Street (site #069-016-28140 per the Huntington County Interim Report)*

*Russell Carey House, 1058 William Street (site #069-016-28141 per the Huntington County Interim Report)*

*Additionally, we have identified the following property within the probable area of potential effects, and we believe that it meets the criteria of eligibility for inclusion in the National Register of Historic Places due to their historical and architectural significance:*

*Drover Town Historic District, (Site #069-379-27001-27213 per the Huntington County Interim Report)*

*However, based on the information provided to our office, we do not believe that there will be any alterations to the characteristics of the above identified historic properties qualifying them for inclusion in or eligibility for the National Register (see 36 C.F.R. § &00.16[i]).*

*In terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project*

area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 & 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days.

In correspondence dated May 29, 2015, the United States Fish and Wildlife Service stated:

*These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.*

*The proposed project will have no effect on wetlands or other significant habitat types. Project impacts are expected to be minor in nature. Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised list be published, it will be necessary for the Federal agency to reinitiate consultation.*

In correspondence dated June 12, 2015, the Department of Natural Resources Environmental Unit stated:

*Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.*

*If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.*

*Regulatory Assessment: This proposal will require the formal approval for construction in a floodway under the Flood Control Act, IC 14-28-1, unless it qualifies for a general license under Administrative Rule 312 IAC 10-5 that applies to outfall structures (see enclosure).*

*Please include a copy of this letter with the permit application if the project does not meet the general license criteria.*

*Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.*

*Fish & Wildlife Comments: Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for unavoidable impacts. We recommend a mitigation plan be developed (and submitted with the permit application, if required) if habitat impacts will occur. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at: <http://www.in.gov/legislative/iac/20140806-IR-312140295NRA.xml.pdf>. You may contact Lori White, North Region Environmental Biologist, at (765) 567-2152 for guidance regarding development of the plans.*

*Impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, at least 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10" dbh or greater (5:1 mitigation based on the number of large trees).*

*The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:*

- 1. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion.*
- 2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.*
- 3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.*
- 4. Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30.*
- 5. Do not construct any temporary runarounds, causeways, cofferdams, or pump around systems.*
- 6. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.*
- 7. Do not use broken concrete as riprap.*
- 8. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.*
- 9. Minimize the movement of resuspended bottom sediment from the immediate project area.*
- 10. Do not deposit or allow construction materials or debris to fall or otherwise enter the waterway.*
- 11. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.*
- 12. Seed and protect all disturbed stream banks and slopes that are 3: 1 or steeper with erosion control blankets (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.*
- 13. Protect the area around and below any concentrated discharge points, down to the waterway's normal flow level, with an appropriate structural armament such as riprap.*

## VIII. MITIGATION MEASURES

City of Huntington's Frederick Street Addendum #3 states:

*The following measures are recommended to mitigate potential adverse environmental impacts during the construction of the project:*

- *Implement appropriate temporary erosion control measures (straw bale barriers, silt fencing, etc.) to prevent soil runoff leaving the construction site.*
- *Implement all applicable water pollution control measures specified in the Indiana State Highway Standard Specifications (latest version).*
- *Maintain all equipment to manufacturer's specifications to minimize construction noise, and where appropriate utilize temporary noise barriers to reduce noise levels.*
- *Minimize fugitive dust from construction activities by wetting the construction area periodically and constructing wind barriers or treating with chemical stabilizers if necessary.*
- *The open burning of debris (i.e., trees and shrubs) shall not be allowed unless a permit is obtained from the Indiana State Air Pollution Control Division for such activities.*
- *The contractor shall abide by the rules governing asbestos notification, handling, disposal and contractor licensing should such material be encountered.*

*Construction waste shall be disposed of by the contractor at an acceptable waste disposal landfill. If contaminated soils (including PCB's) are discovered during the project, they may be subject to disposal as either special or hazardous waste.*

### ***Air Quality Impacts***

*Construction operations for the proposed PER Addendum No. 3 project items are likely to result in dust and noise at various points during the installation of the proposed facilities. The project contract documents specify the use of dust control practices. Construction activities will also be limited to normal working hours to minimize disturbance to the surrounding neighborhoods. Sound barriers may be temporarily installed if noise pollution becomes a serious problem, but it is not expected that this condition will occur.*

## IX. PUBLIC PARTICIPATION

The city placed a public notice in the Huntington Herald Press on May 1, 2015 describing the proposed projects.



Note:  
 Contractor To Field Verify All Outfall  
 Sizes & Locations Prior To Construction.

0 100 200 400  
 Feet

**Figure 1**  
**CSO Flap Gate Replacements**  
**Huntington, Indiana**

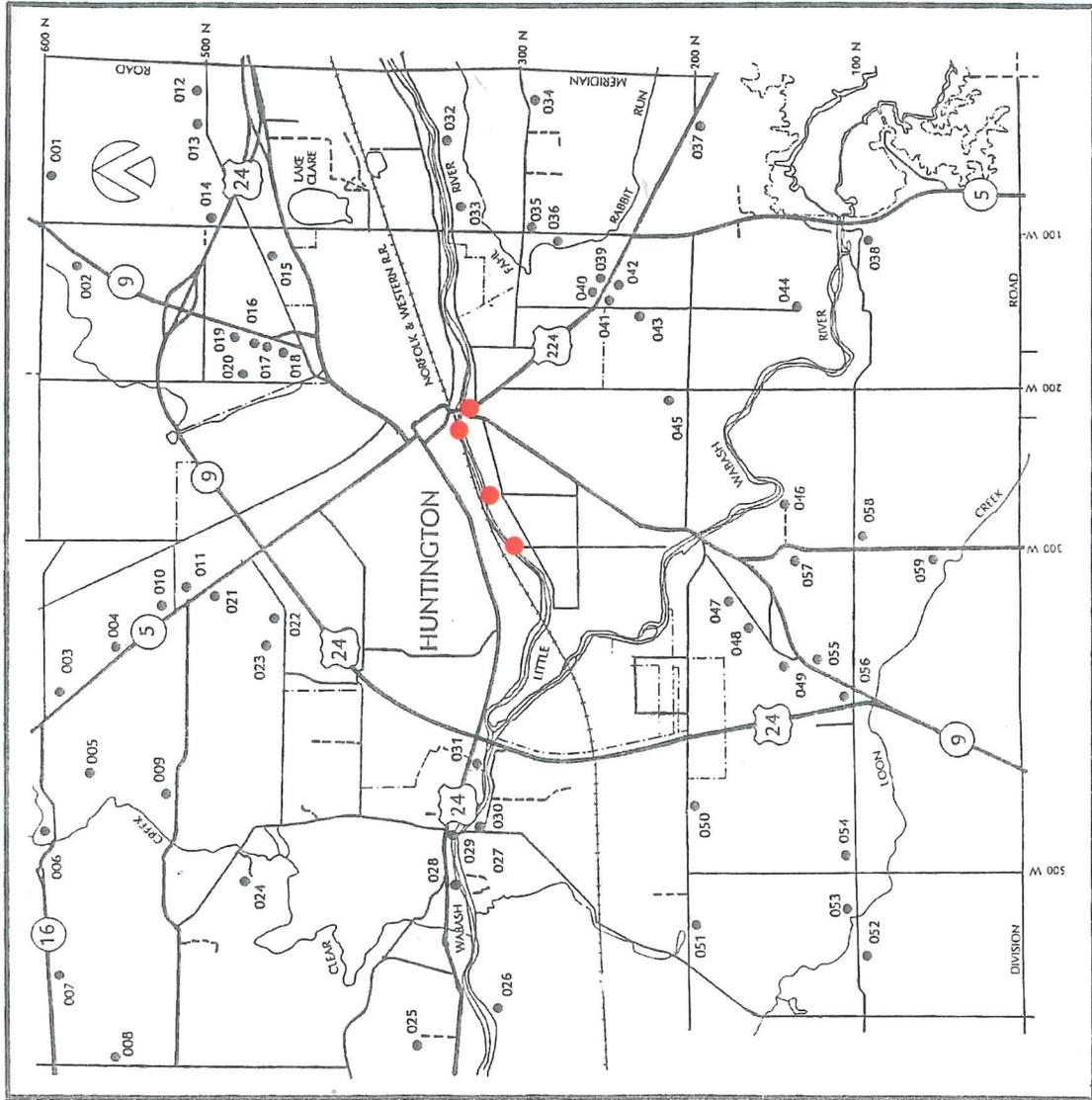


**Legend**

 CSO Outfalls

Figure 2: from the Huntington County Interim Report Historic Sites and Structures Inventory

# HUNTINGTON TOWNSHIP (20001-20060)



- 001 C HOUSE, 745 W. 600 N. Rd.; American Four Square; c.1920; Architecture (288)
- 002 C FARM, 5872 N. Mishler Rd. (S.R. 9); Italianate; c.1870; Architecture (288)
- 003 N JACOB GILL FARM, 5691 N. Goshen Rd.; Queen Anne; 1913; Architecture (049)
- 004 N PIUS J. ZAHIM HOUSE, 5313 N. Goshen Rd. (S.R. 5); Queen Anne; 1893; Architecture (049)
- 005 C HOWENSTINE FARM, 4377 600 N. Rd. (S. R. 16); Hall & Parlor; c.1850; Architecture (049)
- 006 C HOUSE, 3/4 Mi. W. of S.R. 5 on 600 N. Rd.; Queen Anne; c.1890; Architecture (049)
- 007 C HOUSE, 5725 W. 600 N. Rd.; Gabled Eli; c.1880; Architecture (049)
- 008 C HOUSE, 635 W. Rd.; Queen Anne; c.1880; Architecture (049)
- 009 C HOUSE, 4486 W. 525 N. Rd./Grimm Rd.; Vernacular; c.1880; Architecture (049)

● CSO Flap Gate Replacements

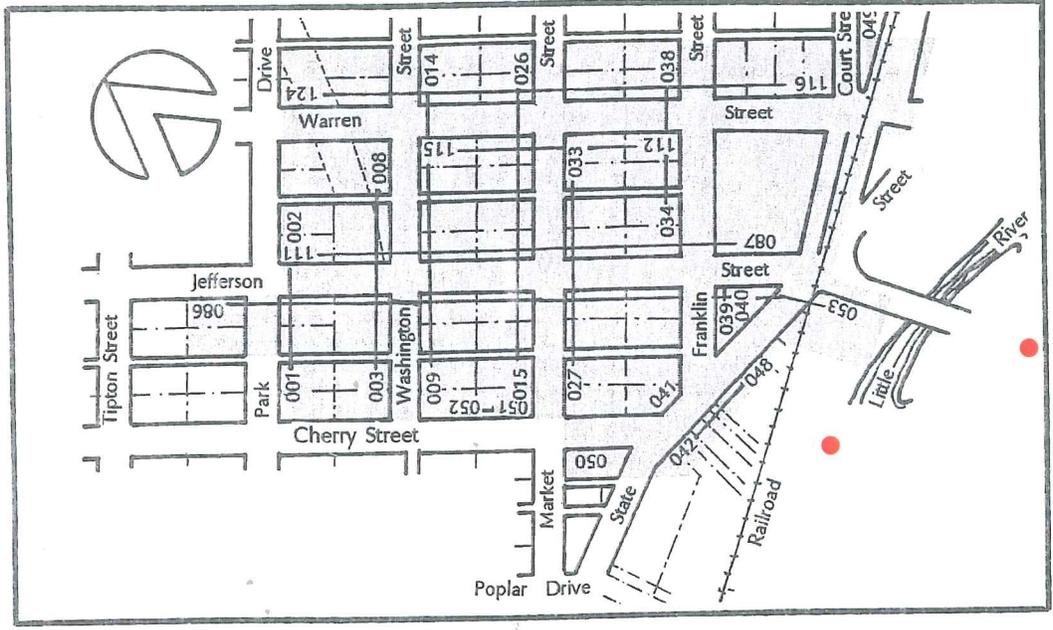
Figure 3: from the Huntington County Interim Report Historic Sites and Structures Inventory

# HUNTINGTON COURTHOUSE SQUARE HISTORIC DISTRICT (24001-24124)

The only National Register Historic District in Huntington, Courthouse Square was part of Huntington's original plat of 1832. It consists of a wide range of styles from the early Canal Era Moore Building to the Art Moderne Huntington Theatre still actively in use.

Bisected by Jefferson Street, this important route was always dominant in transportation and commerce. The Little River, Wabash & Erie Canal, and later the Wabash Railroad, formed the southern border of the district. Aptly named for the courthouse, the district fans out from this central building.

| No.  | Add.  | Description   | Style/Date |
|--|-------|---|------------|
| 001  | 35    | MORTUARY; Art Moderne/Neo-Classical; 1940 (N)                               |            |
| <b>EAST PARK DRIVE (South Side)</b>        |       |   |            |
| 002  | 41    | OUR SUNDAY VISITOR/NOLL PRINTING OFFICE; Spanish Colonial Revival; 1926 (O) |            |
| <b>WEST WASHINGTON STREET (North Side)</b> |       |   |            |
| 003  | 40    | HOUSE; Modern; c.1958 (N/C)   |            |
| 004  | 32    | COMMERCIAL BUILDING; Commercial Style; c.1920 (C)                           |            |
| <b>EAST WASHINGTON STREET (North Side)</b> |       |   |            |
| 005  | 18    | COMMERCIAL BUILDING; Commercial Style; c.1910 (C)                           |            |
| 006  | 12-14 | COMMERCIAL BUILDING; Commercial Style; c.1915 (C)                           |            |
| <b>EAST WASHINGTON STREET (North Side)</b> |       |   |            |
| 007  | 34    | COMMERCIAL BUILDING; Craftsman/Commercial Style; c.1915 (C)                 |            |
| 008  | 44    | COMMERCIAL BUILDING; Art Moderne; c.1920 (C)                                |            |
| <b>WEST WASHINGTON STREET (South Side)</b> |       |   |            |
| 009  | 49    | COMMERCIAL BUILDING; Commercial Style; c.1910 (N/C)                         |            |
| 010  | 13-19 | COMMERCIAL BUILDING; Italianate; c.1890 (C)                                 |            |
| <b>EAST WASHINGTON STREET (South Side)</b> |       |   |            |
| 011  | 15-23 | COMMERCIAL BUILDING; Italianate; c.1890 (C)                                 |            |
| 012  | 29    | COMMERCIAL BUILDING; Italianate; c.1890 (C)                                 |            |
| 013  | 31-37 | BUILDING; Commercial Style; c.1910 (C)                                      |            |
| 014  | 221   | COMMERCIAL BUILDING; Commercial Style; c.1918 (C)                           |            |



● CSO Flap Gate Replacements

Figure 4: from the Huntington County Interim Report Historic Sites and Structures Inventory

# DROVER TOWN HISTORIC DISTRICT (27001-27213)



This district was an early platted (1859-1875) settlement by Henry Drover, who named the streets for his children. There are many Italianate, Greek Revival and turn-of-the-century homes along Jefferson, as well as along William, Frederick and other streets.

Drover town is already well known to local residents. The Horace Mann/William Street School (27059), listed on the National Register, is a good example of a well-constructed institutional building, blending the Romanesque and Queen Anne styles. Other buildings on the National Register include the Samuel Purviance House (27189) and the German Reformed Church (27111).

## FREDERICK STREET (North Side)

| No. | Add. | Description                              |
|-----|------|--|
| 001 | 476  | HOUSE; Eastlake/Stick; c.1890 (N)        |
| 002 | 462  | HOUSE; Colonial Revival; c.1910 (C)      |
| 003 | 452  | HOUSE; Craftsman; c.1910 (C)             |
| 004 | 444  | HOUSE; Vernacular/Gabled Ell; c.1900 (C) |
| 005 | 432  | HOUSE; Federal; c.1860 (C)               |

● CSO Flap Gate Replacements

Figure 5: from the Huntington County Interim Report Historic Sites and Structures Inventory

# HUNTINGTON SCATTERED SITES NO. 4

## (28140 - 28221)

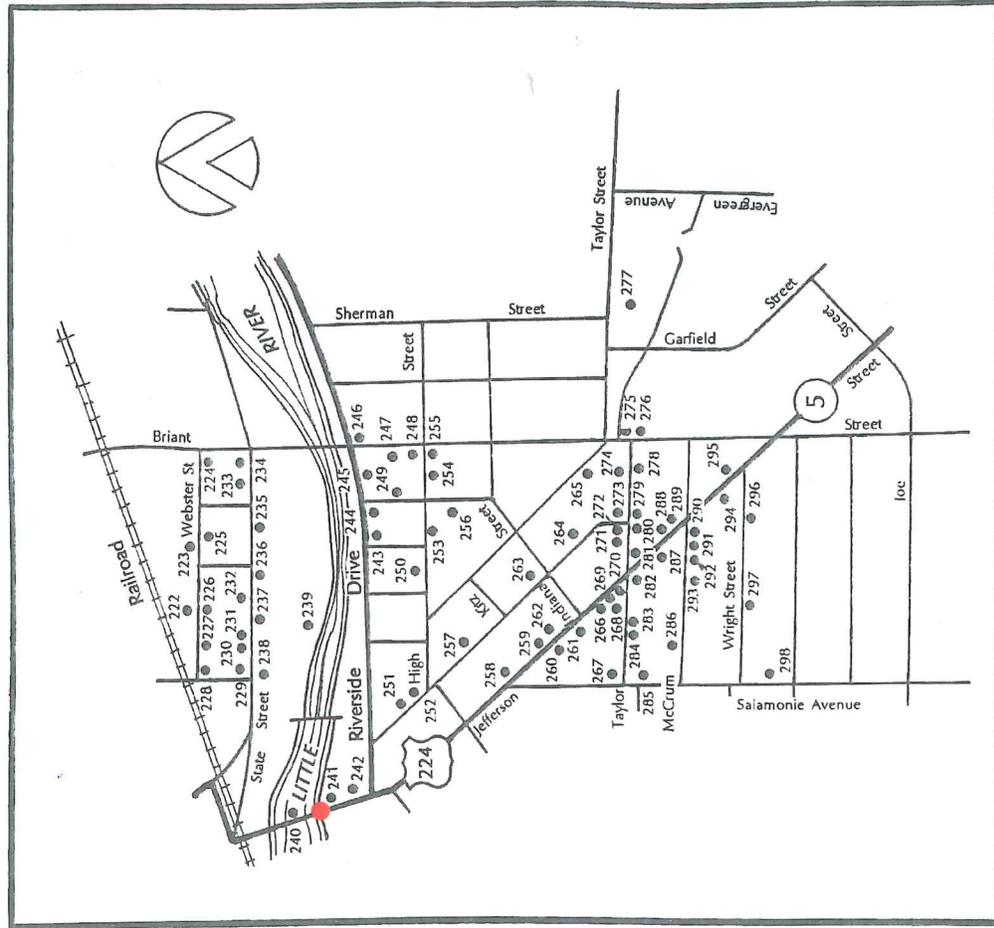


- 140 N **ELMWOOD PARK PAVILION**,  
1110 William St.; Craftsman;  
c.1935; Architecture,  
Entertainment/Recreation, Social  
History (016)
- 141 N **RUSSELL CAREY HOUSE**, 1058  
William St.; Spanish Colonial  
Revival; c.1930; Architecture (016)
- 142 C **HOUSE**, 963 William St.;  
Vernacular/I-House; c.1880;  
Exploration/Settlement,  
Vernacular/Construction (049)
- 143 C **HOUSE**, 919 William St.;  
Italianate; c.1880; Architecture  
(049)
- 144 C **HOUSE**, 405 Hasty St.; Eastlake  
Cottage; c.1900; Architecture (016)
- 145 C **HOUSE**, 425 Hasty St.; Craftsman;  
c.1920; Architecture (016)
- 146 C **HOUSE**, 1369 Walnut St.;  
Craftsman; c.1920; Architecture  
(016)
- 147 O **FAHL FARM AND POLYGONAL  
BARN**, 706 Clark St.; Queen Anne  
House/Polygonal Barn;  
c.1895/c.1910; Vernacular/  
Construction (016)

● CSO Flap Gate Replacements

Figure 6: from the Huntington County Interim Report Historic Sites and Structures Inventory

# HUNTINGTON SCATTERED SITES NO. ⑤ (28222 - 28298)



- 222 C **HOUSE**, 538 Webster St.; Vernacular/Shotgun; c.1880; Vernacular/Construction (288)
- 223 C **HOUSE**, 554 Webster; Craftsman; c.1915; Architecture (288)
- 224 C **HOUSE**, 749 Webster St.; Vernacular/Cabled Ell; c.1870; Vernacular/Construction (228)
- 225 C **HOUSE**, 621 Webster St.; Italianate; c.1880; Architecture (228)
- 226 C **HOUSE**, 519 Webster St.; Eastlake; c.1895; Architecture (228)
- 227 C **HOUSE**, 443 Webster St.; Queen Anne; c.1905; Architecture (228)
- 228 C **HOUSE**, 405 Webster St.; Gothic Revival; c.1875; Architecture (228)
- 229 N **WILLIAM TAYLOR HOUSE**, 205 Byron St.; Italianate; 1841; Architecture, Exploration/Settlement (228)
- 230 C **HOUSE**, 434 E. State St.; Bungalow w/ Colonial Revival Details; c.1920; Architecture (288)
- 231 O **DAVID HAWLEY HOUSE**, 450 E. State St.; Italianate; c.1880; Architecture (228)
- 232 C **HOUSE**, 522 E. State St.; Craftsman Bungalow; c.1920; Architecture (288)

## ARTICLE 10. FLOOD PLAIN MANAGEMENT

### Rule 5. General Licenses and Specific Exemptions from Floodway Licensing

#### 312 IAC 10-5-8 Qualified outfall projects; general license

Authority: IC 14-10-2-4; IC 14-28-1-5

Affected: IC 14-28-1; IC 14-29-1

Sec. 8. (a) This section establishes a general license for the placement of a qualified outfall project in a floodway.

(b) A person who wishes to implement a project for the placement of a qualified outfall project on a river or stream, other than on a river or stream identified in section 0.3(b) or 0.3(c) of this rule, may do so without notice to the department if the project conforms to the following conditions:

- (1) Tree removal and brush clearing shall be contained and minimized within the outfall project area. No more than one (1) acre of trees shall be removed within the floodway.
  - (2) Construction activities within the waterway from April 1 through June 30 shall not exceed a total of two (2) calendar days.
  - (3) Best management practices shall be used during and after construction to minimize erosion and sedimentation.
  - (4) Following the completion of construction, disturbed areas shall be reclaimed and revegetated. Disturbed areas shall be mulched with straw, wood fiber, biodegradable erosion blanket, or other suitable material. To prevent erosion until revegetated species are established, loose mulch shall be anchored by crimping, tackifiers, or netting. To the extent practicable, revegetation must restore species native to the site. If revegetation with native species is not practicable, revegetation shall be performed by the planting of a mixture of red clover, orchard grass, timothy, perennial rye grass, or another species that is approved by the department as being suitable to site and climate conditions. In no case shall tall fescue be used to revegetate disturbed areas.
  - (5) Disturbed areas with slopes of three to one (3:1) or steeper, or areas where run-off is conveyed through a channel or swale, shall be stabilized with erosion control blankets or suitable structural armament.
  - (6) Areas in the vicinity of concentrated discharge points shall be protected with structural armament to the normal water level of the waterway. Any riprap must have an average minimum diameter of six (6) inches and extend below the normal water level.
  - (7) The size of the outfall project shall not exceed any of the following dimensions:
    - (A) Ten (10) square feet in cross-sectional flow area as determined by the summation of cross-sectional area of conduits within the outfall project area for an outfall structure.
    - (B) Five (5) feet deep as determined by the difference in elevation between the lowest bank elevation and the bottom of the swale for an outfall structure.
    - (C) An area of disturbance thirty (30) feet wide.
  - (8) Adequate cover shall be provided to ensure the structural integrity of the outfall conduit and to allow suitable vegetative growth.
  - (9) Within the project area, the postconstruction ground surface elevation shall be less than six (6) inches above the preconstruction elevation.
  - (10) The outlet structure shall:
    - (A) be supported by a headwall, slopewall, or anchored end section; and
    - (B) conform to the bank of the waterway.
  - (11) If flow passing through the outfall project in a reverse direction would induce flood damages during a regulatory flood, the outfall project shall be equipped with a closure mechanism.
  - (12) Construction debris and material not used as backfill shall be removed from the floodway.
- (c) A person who elects to act under this section must comply with the general conditions under subsection (b). Failure to comply with these terms and conditions may result in the revocation of the general license, a civil penalty, a commission charge, and any other sanction provided by law for the violation of a permit issued under IC 14-28-1 and, if the waterway is navigable, the violation of a license issued under IC 14-29-1. (*Natural Resources Commission; 312 IAC 10-5-8; filed Jul 5, 2001, 9:12 a.m.; 24 IR 3398, eff Jan 1, 2002; filed Dec 26, 2001, 2:42 p.m.; 25 IR 1546; errata filed Jan 16, 2002, 1:14 p.m.; 25 IR 1906; filed Aug 2, 2004, 3:18 p.m.; 27 IR 3880*)