

APPENDIX D – IDEM GUIDANCE



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Intended Use of Manual for INDOT and Local Projects

This manual has been written to set expectations for waterway permitting deliverables and review paths for projects developed by the Indiana Department of Transportation (INDOT). Other projects may also benefit from the guidance in this manual. Specifically, preparers of permits for local projects that receive federal funds and which follow INDOT standard specifications are encouraged to use this manual; however, INDOT does not review permits or other related deliverables for local project



401 NWP – NATIONWIDE PERMIT - CONDITIONS**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT***We Protect Hoosiers and Our Environment.*

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

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Indianapolis, Indiana 46204
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April 5, 2012

VIA CERTIFIED MAIL 91 7190 0005 2710 0020 7012

Mr. James Townsend
U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, Kentucky 40201-0059

Dear Mr. Townsend:

Re: Section 401 Water Quality Certification
Project: 2012 Reissuance of Nationwide
Permits

The Indiana Department of Environmental Management (IDEM) has reviewed the notice in the Federal Register dated February 21, 2012, which begins the 60 day Clean Water Act Section 401 Water Quality Certification process for the reissuance of Nationwide Permits. We have also reviewed your correspondence dated February 24, 2012, stating the notice in the Federal Register is the Corps of Engineers application for Water Quality Certification under Section 401 of the Clean Water Act for the Nationwide Permits that will result in a discharge in the State of Indiana. The Nationwide Permits and general conditions became effective on March 19, 2012. The U.S. Army Corps of Engineers has reissued certain Nationwide Permits (NWPs), modified several existing NWPs, and introduced 2 new NWPs.

The Louisville, Detroit, and Chicago Districts of the U.S. Army Corps of Engineers developed the existing Indiana Regional General Permit No. 1 (RGP #1) to replace several NWPs. As a consequence of this action, the following NWPs have been, and will continue to be suspended for the State of Indiana and do not require Section 401 Water Quality Certification:

NWP 7 Outfall Structures and Associated Intake Structures
NWP 11 Temporary Recreational Structures
NWP 13 Bank Stabilization
NWP 14 Linear Transportation Projects
NWP 15 U.S. Coast Guard Approved Bridges
NWP 18 Minor Discharges
NWP 19 Minor Dredging
NWP 25 Structural Discharges
NWP 29 Residential Developments
NWP 36 Boat Ramps

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NWP 39 Commercial and Institutional Developments
NWP 40 Agricultural Activities
NWP 41 Reshaping Existing Drainage Ditches
NWP 42 Recreational Facilities
NWP 43 Stormwater Management Facilities
NWP 44 Mining Activities

It is the judgment of this office that NWPs 1, 2, 3, 4, 5, 6, 9, 10, 12, 21, 22, 24, 27, 28, 30, 33, 37, 45, 46, 49, 50, 51, 52 will comply with applicable provisions of state law (including 327 IAC 2) and Sections 301, 302, 303, 306, and 307 of the Clean Water Act subject to the conditions set forth in this Certification. IDEM hereby grants Section 401 Water Quality Certification for these NWPs with the following General Conditions and Nationwide Permit Specific conditions:

GENERAL CONDITIONS

The following conditions shall apply to any permittee whose project qualifies under any NWP approved by this certification. All activities that do not meet these conditions require an individual Water Quality Certification from the IDEM and are not authorized under this WQC.

- 1) The permittee shall deposit any dredged material in a contained upland disposal area to prevent sediment runoff to any waterbody.
- 2) This WQC does not authorize the discharge of pollutants, principally sediment, associated with storm water. These discharges are regulated through the storm water general permit program and are applicable to land disturbing activities of one or more acres in size or are part of a larger common plan. Currently, this Water Quality Certification incorporates the conditions at 327 IAC 15-5-7(b)(1), 7(b)(5), and 7(b)(8) through 7(b)(20) as general conditions for all construction sites regardless of size. Compliance with the general permits at 327 IAC 15-5 or 327 IAC 15-6 (commonly referred to as a Rule 5 and Rule 6 respectively) is sufficient to demonstrate compliance with this condition of the WQC.
- 3) The permittee shall allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials to conduct the following activities:
 - a) enter upon the permittee's property;
 - b) have access to and copy at reasonable times any records that must be kept under the conditions of these permits or this certification;
 - c) inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management or discharge facility or device; practices required by this certification; and any mitigation site; and
 - d) sample or monitor any discharge of pollutants or any mitigation site.

- 4) This granting of WQC does not relieve the recipient of the certification from the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from IDEM or any other agency or person.
- 5) This WQC does not:
 - a) authorize impacts or activities outside the scope of this certification;
 - b) authorize any injury to permittees or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
 - c) convey any property rights of any sort, or any exclusive privileges;
 - d) preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities; or
 - e) authorize changes in the plan design detailed in the application.
- 6) This WQC does not authorize point source discharges of pollutants other than clean fill¹ and uncontaminated dredged material.
- 7) This WQC does not authorize activities on or in any of the State's waters that have been designated as salmonid waters (cold water streams), tributaries of salmonid waters within a two river mile reach upstream from the confluence with the salmonid water, or Outstanding State and/or National Resource Waters (see *Attachment #1*).
- 8) This WQC does not authorize activities on or in any critical wetland or critical special aquatic sites (see *Attachment #2*).
- 9) The permittee must demonstrate, via letter from the Indiana Department of Natural Resources, Division of Nature Preserves, that no state endangered, threatened, or rare species are documented on a permanent or seasonal basis within a 1/2-mile radius of the proposed project site by the Indiana Natural Heritage Data Center, or must provide documentation from the Indiana Department of Natural Resources that states that the activities proposed will not constitute a violation of state laws protecting these species.
- 10) This WQC does not authorize activities associated with the establishment of a mitigation bank.
- 11) This WQC allows the use of multiple NWPs on the same project as long as the cumulative effect for the entire project is less than the specified impact thresholds identified in the approved NWP or as specified in this WQC. If a project exceeds

¹ Clean fill, for the purpose of this Water Quality Certification, means uncontaminated rocks, bricks, concrete without rebar road demolition waste materials other than asphalt, or earthen fill.

the specified impact thresholds, the activities are not authorized by this WQC and an individual WQC is required. The IDEM may certify several federal permits or licenses under one individual WQC.

- 12) In order to verify that a given project will qualify under the terms and conditions of this certification, IDEM may require additional information from the applicant. If the applicant fails to provide any information requested by IDEM, then the project is not authorized.
- 13) All stream pump-around activities must be discharged in a manner that does not cause erosion at the outlet. Cofferdam dewatering activities must use filter bags, upland sediment basins/traps, or a combination of other appropriate sediment control measures to minimize the discharge of sediment-laden water into waters of the U.S. All sediment control measures must be installed and maintained in good working order. For stream pump-around activities, the in-stream material used to construct the dam must be constructed of non sediment producing sources. Examples include sand bags and sheet pile walls.
- 14) Ensure all discharges of riprap into streams are flush with the upstream and downstream bank and stream channel elevations and grades.
- 15) The activity would not result in a permanent secondary effect to waters of the U.S. (e.g., dredging, excavation, damming, creation of in-channel ponds) that when combined with the primary effect exceeds the area and length thresholds specified above.
- 16) Notification to IDEM is required for any project authorized by a NWP for which the District Engineer has issued a waiver for intermittent and stream impacts greater than 300 feet. IDEM will review the notification within 30 days to determine whether or not IDEM will elevate the NWP to an Individual Water Quality Certification or authorize it as submitted.
- 17) The department, for any project that qualifies under the terms and conditions of this certification, may choose to require an individual Water Quality Certification if it determines that the project would have more than minimal impacts to water quality, either viewed individually or collectively with other projects that may affect the same waterbody affected by the proposed project.

NATIONWIDE PERMIT #3, MAINTENANCE, SPECIFIC CONDITIONS

The following conditions apply to NWP #3. All activities that do not meet these conditions require an individual WQC from the IDEM and are not authorized under this WQC.

- 1) For activities involving the replacement of a stream encapsulation:
 - a) The replacement will not reduce the cross-sectional area under bank full elevation;
 - b) The replacement will not increase the length of the total encapsulation to over 150 feet;
 - c) The replacement will have either the same slope as the existing encapsulation, or will more closely match the slope of the stream² immediately upstream and downstream;
 - d) The type of encapsulation is the same as the existing type of encapsulation;
 - e) Bank stabilization and channel bottom stabilization do not exceed either one bank full width upstream and downstream of the replacement encapsulation or ten linear feet whichever is greater;
 - f) Any channel bottom stabilization is flush with the existing grade of the stream bottom; and
 - g) Existing encapsulations over 150 feet may be replaced under this NWP as long as the structure length does not change more than 20 feet upstream and 20 feet downstream.

- 2) For activities undertaken by the Indiana Department of Transportation (INDOT) that involve the placement of thermal plastic liners or other liner types into existing structures.
 - a) The activity is reviewed and approved by the INDOT Office of Hydraulics;
 - b) The liner size must be the largest size approved by the INDOT Office of Hydraulics; and
 - c) Riprap scour protection is flush with the upstream and downstream bank and stream channel elevations and grades.

- 3) For all other maintenance activities:
 - a) The activity will permanently affect one-tenth (0.1) of an acre or less of waters of the United States;
 - b) The activity will not permanently change the sinuosity, flow path, velocity, cross sectional area under the bank full elevation or the slope of a stream;

² Stream, for the purpose of this Water Quality Certification, means waters of the U.S. that have a defined bed and bank and convey water ephemerally, intermittently or perennially. This term includes natural streams, relocated streams, channelized streams, artificial channels, encapsulated channels and ditches.

- c) The activity will permanently affect 300 linear feet or less of stream channel, streambank, or lake shoreline;
- d) In the case of bank stabilization activities, the permittee demonstrates that the bank or shoreline in question is unstable;
- e) The activity will not result in a permanent secondary effect to waters of the United States (e.g., dredging, excavation, damming, creation of in-channel ponds) that, when combined with the primary effect, exceeds the area and length thresholds specified above; and
- f) Any channel bottom stabilization is installed flush with the existing stream grade.

NATIONWIDE PERMIT # 12, UTILITY LINE ACTIVITIES, SPECIFIC CONDITIONS

The following conditions apply to NWP #12. All activities that do not meet these conditions require an individual WQC from the IDEM and are not authorized under this WQC.

- 1) The permittee notifies the IDEM at least 30 days prior to the activity unless the only regulated activity is the construction of a stream crossing where the crossing is constructed using directional boring or other related technique that does not involve the placement of fill materials within a regulated waterbody. Other forms of crossings, such as trenching, pipeline armoring, etc., require notification to IDEM;
- 2) Notification to the IDEM is required for any pipeline project that involves crossing wetlands and will involve restoring the wetlands to pre-construction grade, contours, and vegetative conditions. A copy of the restoration plan must be submitted with the Notification Form;
- 3) The activity will permanently affect one-tenth (0.1) of an acre or less of waters of the United States;
- 4) The activity will not permanently change the sinuosity, flow path, velocity, cross sectional area under the bank full elevation of the slope of a stream;
- 5) The activity will permanently affect 300 linear feet or less of streambank or lake shoreline;
- 6) In the case of bank stabilization activities or new lake and reservoir shoreline stabilization activities, the permittee demonstrates that the bank or shoreline in question is unstable;
- 7) The activity will not result in a permanent secondary effect to waters of the United States (e.g. dredging, excavation, damming, creation of in-channel ponds) that, when combined with the primary effect, exceeds the area and length thresholds specified above;

- 8) The activity will not result in a permanent cumulative conversion of forested wetlands or scrub shrub wetlands greater than one-tenth (0.1) of an acre;
- 9) For in-stream utility line stabilization activities, the use of articulated or other matting is only authorized if the utility is only partially (<10%) exposed. Fully exposed utility stabilization activities are not authorized by this WQC; and
- 10) If a utility line is placed beneath the bed of a river or stream, the following conditions must be met:
 - a) Cover of at least three (3) feet, measured perpendicularly to the line, between the lowest point of the stream bed and the top of the utility line or its encasement, whichever is higher, if the bed is composed of unconsolidated materials; and
 - b) Cover of at least one (1) foot, measured perpendicularly to the line, between the lowest point of the bed and the top of the utility or its encasement, whichever is higher, if the bed is composed of consolidated materials.

NATIONWIDE PERMIT #27, AQUATIC HABITAT RESTORATION, ESTABLISHMENT, AND ENHANCEMENT ACITIVITIES, SPECIFIC CONDITIONS

This WQC authorizes activities under NWP #27 when they have a minimal effect on water quality, are a component of a restoration program previously approved by the IDEM, or involve certain activities undertaken by the Abandoned Mine Land (AML) Program administered by the IDNR. All activities that do not meet these conditions require an individual WQC from the IDEM and are not authorized under this WQC.

- 1) An activity qualifies for this NWP because it will have a minimal effect if:
 - a) The activity will permanently affect one-tenth (0.1) of an acre or less of Waters of the United States;
 - b) The activity will permanently affect 300 linear feet or less of streambank or lake shoreline; and
 - c) The activity will not result in a permanent secondary effect to waters of the United States (e.g. dredging, excavation, damming, creation of in-channel ponds) that, when combined with the primary effect, exceeds the area and length thresholds specified above.
- 2) An activity qualifies for this NWP because it is a component of a restoration program previously approved by the IDEM if:

- a) The activity occurs within the same sub-watershed³ as a water that the IDEM has identified as impaired; and
 - b) The IDEM identified the activity as beneficial for reducing or eliminating the impairment in a Total Maximum Daily Load (TMDL), an IDEM approved Watershed Plan or a Memorandum of Agreement or Memorandum of Understanding with the agency sponsoring the restoration or enhancement activities.
- 3) An activity qualifies for this NWP because it is a qualifying AML project if:
- a) The activity is undertaken by the IDNR, Division of Reclamation, AML Program;
 - b) The activity is designed to improve water quality in an impaired water of the United States where the source of impairment is acid mine contamination;
 - c) The activity facilitates the treatment of acid mine drainage or covers a source of impairment⁴; and
 - d) The activity does not result in the discharge of dredged or fill material into any wetland, stream, or other Waters of the United States that are unimpaired by acid mine drainage unless that discharge qualifies under specific condition #1 above.
- 4) The permittee notifies the IDEM at least 30 days prior to the activity for all projects which require the installation or removal of any water control structures, dikes, berms, or accumulated sediment. IDEM will review the notification within 30 days to determine whether or not IDEM will elevate the NWP to an Individual Water Quality Certification or authorize it as submitted.

NATIONWIDE PERMIT #37, EMERGENCY WATERSHED PROTECTION AND REHABILITATION, SPECIFIC CONDITIONS

The following conditions apply to NWP #37. All activities that do not meet these conditions require an individual WQC from the IDEM and are not authorized under this WQC.

- 1) The activity is consistent with a Memorandum of Agreement or Memorandum of Understanding between the IDEM and the Natural Resources Conservation Service, the United States Forest Service, the Department of the Interior, the Farm Services Agency, or the IDNR. This agreement must be in place prior to the emergency

³ For the purpose of this WQC, sub-watershed means the U.S. Geological Survey's 14-digit Hydrologic Unit Code (HUC).

⁴ AML projects that qualify generally consist of damming or relocating waters carrying acid mine contamination to divert flow into constructed treatment systems.

situation and must ensure that the emergency activities authorized under NWP #37 will not cause or contribute to permanent water quality degradation or impairment.

NATIONWIDE PERMIT #46, DISCHARGES TO DITCHES, SPECIFIC CONDITIONS

The following condition applies to NWP #46. All activities that do not meet this condition require an individual WQC from the IDEM and are not authorized under this WQC.

- 1) The activity will not permanently change the velocity, cross sectional area under the bank full elevation or the slope of the ditch.

NATIONWIDE PERMIT #51, LAND-BASED RENEWABLE ENERGY GENERATION FACILITIES, SPECIFIC CONDITIONS

The following conditions apply to NWP 51. All activities that do not meet these conditions require an individual WQC from the IDEM and are not authorized under this WQC.

- 1) The permittee notifies the IDEM at least 30 days prior to the activity;
- 2) The activity will permanently affect one-tenth (0.1) of an acre or less of waters of the United States;
- 3) The activity will not permanently change the sinuosity, flow path, velocity, cross sectional area under the bank full elevation of the slope of a stream;
- 4) The activity will permanently affect 300 linear feet or less of streambank or lake shoreline; and
- 5) The activity will not result in a permanent secondary effect to waters of the United States (e.g. dredging, excavation, damming, creation of in-channel ponds) that, when combined with the primary effect, exceeds the area and length thresholds specified above.

NATIONWIDE PERMIT #52, WATER-BASED RENEWABLE ENERGY GENERATION PILOT PROJECTS, SPECIFIC CONDITIONS

The following conditions apply to NWP 52. All activities that do not meet these conditions require an individual WQC from the IDEM and are not authorized under this WQC.

- 1) The permittee notifies the IDEM at least 30 days prior to the activity;

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- 2) The activity will permanently affect one-tenth (0.1) of an acre or less of waters of the United States;
- 3) The activity will not permanently change the sinuosity, flow path, velocity, cross sectional area under the bank full elevation of the slope of a stream;
- 4) The activity will permanently affect 300 linear feet or less of streambank or lake shoreline; and
- 5) The activity will not result in a permanent secondary effect to waters of the United States (e.g. dredging, excavation, damming, creation of in-channel ponds) that, when combined with the primary effect, exceeds the area and length thresholds specified above.

Any changes in the language or scope of any NWP not detailed in the Federal Register notice dated February 21, 2012, are not authorized by this certification. Additionally, the Indiana Department of Environmental Management retains the right to review, modify, terminate, replace or amend this certification as needed to ensure that the federal permits or licenses certified do not result in violations of Indiana's Water Quality Standards or other applicable state laws. In the absence of another action by IDEM that would alter the termination date of this certification, this certification shall expire with the expiration of the federal permits it certifies.

Summary of Section 401 Water Quality Certification Decisions and Conditions for Nationwide Permits.

NWP	Activity	Decision	Conditions
1	Aids to Navigation	Approve	General
2	Structures in Artificial Channels	Approve	General
3	Maintenance	Approve	General & Specific
4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices	Approve	General
5	Scientific Measurement Devices	Approve	General
6	Survey Activities	Approve	General
8	Oil and Gas Structures on Outer Continental Shelf	Deny	N/A
9	Structures in Fleeting and Anchorage Areas	Approve	General
10	Mooring Buoys	Approve	General
12	Utility Line Activities	Approve	General & Specific
16	Return Water from Upland Contained Disposal Areas	Deny	N/A
17	Hydropower Projects	Deny	N/A
20	Response Operations for Oil and Hazardous Substances	Deny	N/A
21	Surface Coal Mining Activities	Approve	General
22	Removal of Vessels	Approve	General
23	Approved Categorical Exclusions	Deny	N/A
24	Indian Tribe or State Administered Section 404 Program	Approve	General

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26	Reserved	N/A	N/A
27	Aquatic Habitat Restoration, Establishment, and Enhancement Activities	Approve	General & Specific
28	Modifications to Existing Marina	Approve	General
30	Moist Soil Management for Wildlife	Approve	General
31	Maintenance of Existing Flood Control Facilities	Deny	N/A
32	Completed Enforcement Actions	Deny	N/A
33	Temporary Construction, Access, and Dewatering	Approve	General
34	Cranberry Production Activities	Deny	N/A
35	Maintenance Dredging of Existing Basins	Deny	N/A
37	Emergency Watershed Protection and Rehabilitation	Approve	General & Specific
38	Cleanup of Hazardous and Toxic Waste	Deny	N/A
45	Repair of Uplands Damaged by Discrete Events	Approve	General
46	Discharges to Ditches	Approve	General & Specific
47	Reserved	N/A	N/A
48	Existing Commercial Shellfish Aquaculture Activities	Deny	N/A
49	Coal Remining Activities	Approve	General
50	Underground Coal Mining Activities	Approve	General
51	Land-Based Renewable Energy Generation Facilities	Approve	General & Specific
52	Water-Based Renewable Energy Generation Pilot Projects	Approve	General & Specific

This certification does not relieve the recipient of the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from IDEM or any other agency or person. You may wish to contact the Indiana Department of Natural Resources at 317-232-4160 (toll free at 877-928-3755) concerning the possible requirement of natural freshwater lake or floodway permits. In addition, you may wish to contact IDEM's Storm Water Permits program at 317-233-1864 concerning the possible need for a 327 IAC 15-5 (Rule 5) permit if you plan to disturb greater than one (1) acre of land.

This certification does not:

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

Failure to comply with the terms and conditions of this Section 401 Water Quality Certification may result in enforcement action against the recipient of the certification. If an enforcement action is pursued, the recipient of the certification could be assessed up to \$25,000 per day in civil penalties. The recipient of the certification may also be

subject to criminal liability if it is determined that the Section 401 Water Quality Certification was violated willfully or negligently.

This certification is effective eighteen (18) days from the mailing of this notice unless a petition for review and a petition for stay of effectiveness are filed within this 18-day period. If a petition for review and a petition for stay of effectiveness are filed within this period, any part of the certification within the scope of the petition for stay is stayed for fifteen (15) days, unless or until an Environmental Law Judge further stays the certification in whole or in part.

This decision may be appealed in accordance with IC 4-21.5, the Administrative Orders and Procedures Act. The steps that must be followed to qualify for review are:

1. You must petition for review in writing that states facts demonstrating that you are either the person to whom this decision is directed, a person who is aggrieved or adversely affected by the decision, or a person entitled to review under any law.
2. You must file the petition for review with the Office of Environmental Adjudication (OEA) at the following address:

Office of Environmental Adjudication
100 North Senate Avenue
IGCN Room N501
Indianapolis, IN 46204

3. You must file the petition within eighteen (18) days of the mailing date of this decision. If the eighteenth day falls on a Saturday, Sunday, legal holiday, or other day that the OEA offices are closed during regular business hours, you may file the petition the next day that the OEA offices are open during regular business hours. The petition is deemed filed on the earliest of the following dates: the date it is personally delivered to OEA; the date that the envelope containing the petition is postmarked if it is mailed by United States mail; or, the date it is shown to have been deposited with a private carrier on the private carrier's receipt, if sent by private carrier.

Identifying the certification, decision, or other order for which you seek review by number, name of the applicant, location, or date of this notice will expedite review of the petition.

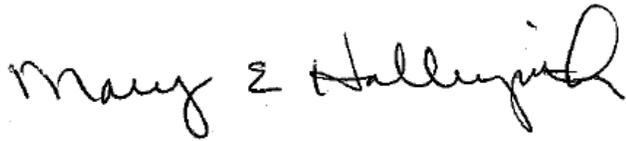
Note that if a petition for review is granted pursuant to IC 4-21.5-3-7, the petitioner will, and any other person may, obtain notice of any prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by requesting copies of such notices from OEA.

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If you have procedural questions regarding filing a petition for review you may contact the Office of Environmental Adjudication at 317-232-8591.

If you have any questions about this certification, please contact Mr. Jason Randolph, Project Manager, at 317-233-0467, or you may contact the Office of Water Quality through the IDEM Environmental Helpline (1-800-451-6027).

Sincerely,



Mary E. Hollingsworth, Branch Chief
Surface Water, Operations & Enforcement Branch
Office of Water Quality

cc: Norma Condra, USACE-Louisville
Kerrie Kuhne, USACE-Detroit
Paul Leffler, USACE-Chicago
Mike Litwin, USFWS
Liz McCloskey, USFWS
Peter Swenson, USEPA Region 5
Matt Buffington, IDNR
Nathan Saxe, INDOT

Attachment 1: Indiana Waters Designated for Special Protection

Designated Salmonid Waters:

[327 IAC 2-1.5-5(a)(3)]

- Trail Creek and its tributaries downstream to Lake Michigan, LaPorte County
- East Branch of the Little Calumet River and its tributaries downstream to Lake Michigan via Burns Ditch, Porter and LaPorte Counties
- Salt Creek above (upstream of) its confluence with the Little Calumet River, Porter County
- Kintzele Ditch (Black Ditch) from Beverly Drive downstream to Lake Michigan, Porter County
- The Galena River and its tributaries, LaPorte County
- The St. Joseph River and its tributaries in St. Joseph County from the Twin Branch Dam in Mishawaka downstream to the Indiana/Michigan state line, St. Joseph County
- The Indiana portion of the open waters of Lake Michigan
- Those waters designated by the Indiana Department of Natural Resources (IDNR) for put-and-take trout fishing⁵

Waterbodies which have been designated all or partially as Outstanding State Resource Waters: [327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b)]

- The Blue River in Washington, Crawford, and Harrison Counties, from river mile 57.0 to river mile 11.5
- The North Fork of Wildcat Creek in Carroll and Tippecanoe Counties, from river mile 43.11 to river mile 4.82
- The South Fork of Wildcat Creek in Tippecanoe County, from river mile 10.21 to river mile 0.00
- Cedar Creek in Allen and DeKalb counties, from river mile 13.7 to its confluence with the St. Joseph River
- The Indiana portion of the open waters of Lake Michigan
- All waters incorporated in the Indiana Dunes National Lakeshore.

Waterbodies which have been designated all or partially as Exceptional Use Streams⁶: [listed in: 327 IAC 2-1-11(b) and IC 13-11-2-72.5 (before its repeal)]

- Big Pine Creek in Warren County downstream of the State Road 55 bridge near the town of Pine Village to its confluence with the Wabash River
- Mud Pine Creek in Warren County from the bridge on the County Road between Brisco and Rainsville to its confluence with Big Pine Creek
- Fall Creek in Warren County from the old C.R. 119 bridge in the NW quarter of Section 21, Township 22N, Range 8W downstream to its confluence with Big Pine Creek
- Indian Creek in Montgomery County from the County Road 650 West bridge downstream to its confluence with Sugar Creek
- Clifty Creek in Montgomery County within the boundaries of Pine Hills Nature Preserve
- Bear Creek in Fountain County from the bridge on County Road 450 North to its confluence with the Wabash River

⁵ Available on the internet at: http://www.in.gov/dnr/fishwild/files/fw-Trout_Stocking_Locations.pdf

⁶ As per IC 13-18-3-2(u): "Each exceptional use water (as defined in IC 13-11-2-72.5, before its repeal) designated by the board before June 1, 2009, becomes an outstanding state resource water on June 1, 2009, by operation of law."

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- Rattlesnake Creek in Fountain County from the bridge on County Road 450 North to its confluence with Bear Creek
- The small tributary to Bear Creek 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
- Blue River from the confluence of the West and Middle Forks of the Blue River in Washington County downstream to its confluence with the Ohio River
- The South Fork of Blue River in Washington County from the Horner's Chapel Road bridge downstream to its confluence with Blue River.
- Lost River and all surface and underground tributaries upstream from the Orangeville Rise (T2N, R1W, Section 6) and the Rise of Lost River (T2N, R1W, Section 7) and the mainstem of the Lost River from the Orangeville Rise downstream to its confluence with the East Fork of White River.

Attachment 2: Critical Wetlands and Critical Special Aquatic Sites

In the interest of maintaining consistency with the State Regulated (Isolated) Wetland program established at 327 IAC 17, IDEM defines Critical Wetlands and Critical Special Aquatic Sites to be synonymous with Rare and Ecologically Important Wetland Types under 327 IAC 17-1-3(3)(B):

- **Acid bog:** Acid bog is an acidic wetland of kettle holes in glacial terrain. Bogs can be graminoid (*Carex* spp. and *Sphagnum* spp.) or low shrub (*Chamaedaphne calyculata* and *Betula pumila*). The graminoid bog can be a floating, quaking mat. The soils in acid bogs are saturated and acidic peat. Bogs have non-flowing or very slow flowing water. The water level fluctuates seasonally. When a sphagnum mat floats, it rises and falls with the water table. Acid bogs can be found in northern Indiana.
- **Acid seep:** Acid seep is a bog-like wetland typically found in unglaciated hill regions. This community is a small groundwater-fed wetland located primarily in upland terrain. A thin layer of muck may lie over a mineral substrate. The soil reaction is acid. This seep community is characterized by flowing water during at least part of the year. Acid seeps are located primarily in southern Indiana.
- **Circumneutral bog:** Circumneutral bog is a bog-like wetland that receives groundwater. Circumneutral bogs can be a mosaic of tall shrub bog, graminoid bog, and other communities. The graminoid bog often occurs on a quaking or floating mat. Although a few bogs occur in unglaciated regions, most are found in glacial ice-block depressions. The soils in circumneutral bogs are usually peat, or other low nutrient organic substrates, which are saturated and circumneutral to slightly acid. Circumneutral bogs have non-flowing or very slow flowing water. The water level fluctuates seasonally. Circumneutral bogs are usually found in northern Indiana.
- **Circumneutral seep:** The circumneutral seep (or seep-spring) is a groundwater-fed wetland on organic soil. It is primarily herbaceous. Species typically include marsh marigold (*Caltha palustris*) and skunk cabbage (*Symplocarpus foetidus*) with a scattered tree canopy. Circumneutral seep is typically situated on or near the base of a slope. The soil is typically circumneutral muck. This seep community is characterized by slowly flowing water during at least part of the year. Circumneutral seeps can be found scattered throughout Indiana.
- **Cypress swamp:** Bald cypress swamps are seasonally to permanently inundated wetlands found in depressions and sloughs of large bottomlands associated with the Wabash/Ohio River system. Poorly to very poorly drained soils characterize this environment. Bald cypress (*Taxodium distichum*) is present, and green ash (*Fraxinus pennsylvanica*), silver maple (*Acer saccharinum*), and overcup oak (*Quercus lyrata*) are also usually present. This community is restricted to extreme southwest Indiana.
- **Dune and swale:** Dune and swale is an ecological system consisting of a mixture of upland (black oak sand savanna, dry to mesic sand prairie) and wetland (pond, panne, sedge meadow, marsh, wet prairie) natural communities. These communities occur in long, narrow, linear complexes, with the dry communities occupying sand ridges, and the wet communities occurring in the intervening swales. Black oak (*Quercus velutina*), paper birch

Corps of Engineers 2012 NWP
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(*Betula papyrifera*), jack pine (*Pinus banksiana*), and prairie vegetation typically occur on the ridges, and sedges, reeds, and marsh/aquatic vegetation line are found in the swales. Water levels are directly influenced by ground water, with the interdunal swales controlled largely by lateral flow through porous beach ridges. Dune and swale is restricted to extreme northwest Indiana, near Lake Michigan.

- **Fen:** Fen is a calcareous, groundwater-fed wetland. Fens are often a mosaic of grassy areas, sedgy areas, graminoid-shrubby cinquefoil, and tall shrub areas. The extent of the tall shrub component of fens may be determined by fire frequency and/or soil moisture. Drying of the soil increases the growth of shrubs. Fens typically occur in the vicinity of glacial moraines. Fens typically have a muck or peat substrate. The water level fluctuates seasonally and is fed by groundwater. Fens can be found in central and northern Indiana.
- **Forested fen:** Forested fen is a tree-dominated wetland on organic soil which receives groundwater. Forested fens are often a mosaic of treed areas, tall shrub areas, and herbaceous areas. A tall shrub layer is often well developed in forested fens. Indicative species typically include tamarack (*Larix laricina*), black ash (*Fraxinus nigra*), yellow birch (*Betula alleghaniensis*), poison sumac (*Toxicodendron vernix*), and red maple (*Acer rubrum*). Forested fens occur in wet lowlands, where moraines meet outwash features or depressions. Forested fens have saturated, poorly to very poorly drained soils that are often muck, but some seasonal flooding can occur in forested fens that are especially level. This community is a late successional stage of fen or circumneutral bog. Forested fens occur in northern Indiana.
- **Forested swamp:** Forested swamp is a seasonally inundated to intermittently exposed wetland of large river bottoms. Forested swamps do not receive direct flow from river flooding except under exceptional circumstances. Forested swamps occur in depressions, sloughs and large bottomlands, typically dominated by tree species such as swamp cottonwood (*Populus heterophylla*), green ash (*Fraxinus pennsylvanica*), and swamp white oak (*Quercus bicolor*). In northern Indiana important tree species include black ash (*Fraxinus nigra*), yellow birch (*Betula alleghaniensis*), and red maple (*Acer rubrum*). Poorly to very poorly drained and aerated soils characterize the swamp environment. Soils usually are mineral not muck or peat. This community type is found throughout Indiana.
- **Marl beach:** Marl beach is a fen-like community located on the marly muck shorelines of lakes. Marl precipitate is evident. A thin layer of water is present in spring, but dries down in summer. Draw-down of a lake creates additional area for this community to develop on. Marl beaches can be found in extreme northern Indiana, primarily in the northeast.
- **Muck flat:** Muck flat is a shoreline and lake community possessing a unique flora of sedges and annual plants, many of which are also found on the Atlantic and Gulf Coastal Plains. This community is found at the margins of lakes or covering shallow basins. This community has a peat substrate. The muck flats can float on the water surface, but during high water periods are usually inundated. The water level of a basin fluctuates during a season or from year to year in response to the amount of precipitation. This exposes bare substrate needed for germination by species of the community. Muck flats are found in northern Indiana.
- **Panne:** Panne is a groundwater fed herbaceous wetland occupying interdunal swales near Lake Michigan. Pannes are located on the lee side of the first or second line of dunes from

the lakeshore. The soil is wet, calcareous sand. Pannes are located in counties bordering Lake Michigan.

- **Sand flat:** Sand flat is a shoreline and lake community possessing a unique flora of sedges and annual plants, many of which are also found on the Atlantic and Gulf Coastal Plains. This community is found at the margins of lakes or covering shallow basins. This community has a sand substrate. During high water periods sand flats at the margins of lakes or ponds are inundated. The water level of a basin fluctuates during a season or from year to year in response to the amount of precipitation. This exposes bare substrate needed for germination by species of the community. Sand flats occur in northern Indiana, and in the Plainville Sand Section of southwest Indiana.
- **Sedge meadow:** Sedge meadow is an herbaceous wetland typically dominated by graminoid species such as flat sedge (*Cyperus* spp.), spike rush (*Eleocharis* spp.), rushes (*Juncus* spp.) and sedges (*Carex* spp.). Sedge meadow is an herbaceous wetland of stream margins and river floodplains, and lake margins or upland depressions. Streamside sedge meadows are frequently flooded in the spring and early summer. Sedge meadows of lake margins and depressions often contain standing water during wet months and after heavy rains; during dry periods, the water level is at or just below the substrate. Sedge meadow usually occupies the ground between a marsh and the uplands, or a shrub swamp or wet forest. Periodic high water can kill trees and shrubs invading sedge meadows. Sedge meadows can be found in the northern half of the state.
- **Shrub swamp:** Shrub swamp is a shrub-dominated wetland that is seasonally inundated to intermittently exposed. This community occurs in depressions and the substrate is either mineral soils or muck, as opposed to peat which is characteristic of bogs. Shrub swamp is characterized by non-flowing or very slowly flowing water with levels that fluctuate seasonally. Shrub swamps are persistent, though considered successional. Two opportunistic native shrubs, sandbar willow (*Salix exigua*) and gray dogwood (*Cornus racemosa*), by themselves, are not indicative of shrub swamps. This community type is found throughout Indiana.
- **Sinkhole pond:** Sinkhole ponds are water-containing depressions in karst topography. Sinkhole ponds are found in the Mitchell Karst Plain in south-central Indiana.
- **Sinkhole swamp:** Sinkhole swamps are depressions in karst topography dominated by tree or shrub species. Sinkhole swamps are found in the Mitchell Karst Plain in south-central Indiana.
- **Wet floodplain forest:** Wet floodplain forest is a broadleaf deciduous forest of river floodplains. Wet floodplain forests occur in depressions and flats on narrow to wide floodplains and also on recently exposed substrates that are frequently flooded. Wet floodplain forests are frequently flooded and may have standing water seasonally to permanently present. Wet floodplain forests occur statewide.
- **Wet prairie:** Wet prairie is an herbaceous wetland typically dominated by graminoid species such as prairie cordgrass (*Spartina pectinata*), bluejoint (*Calamagrostis canadensis*), and sedges (*Carex* spp.). Vegetation height is often 2-3 m. The species diversity of wet prairies is lower than that of mesic prairies. Wet prairies occur in deep swales and the substrate ranges from very deep black mineral soils (which are high in organic matter) to muck. Ponding in spring lasts for several weeks prior to drainage. Wet

prairies commonly occur in the Grand Prairie Natural Region, the Tipton Till Plain and the Bluffton Till Plain, with a few examples found in the Northern Lakes Natural Region.

- **Wet sand prairie:** Wet sand prairie is an herbaceous wetland typically dominated by graminoid species such as prairie cordgrass (*Spartina pectinata*), bluejoint (*Calamagrostis canadensis*), and sedges (*Carex* spp.). Vegetation height is often 2-3 m. The species diversity of wet prairies is lower than that of mesic prairies. Wet lowland prairies occur in deep swales and the substrate is sand, sometimes mixed with muck. Flooding is a regular springtime occurrence in wet sand prairie and may last several weeks. This community occurs in a mosaic with marsh and other wetlands, and with upland prairies and sand savannas. Fire was frequent occurrence, but more common in the fall when waters had receded. This community occurs in northwest Indiana and in the Plainsville Sands area.

401 RGP – REGIONAL GENERAL PERMIT - CONDITIONS**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT***We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 461-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
GovernorThomas W. Easterly
Commissioner

December 12, 2014

VIA CERTIFIED MAIL 91 7190 0005 2710 0036 9499

Ms. Lee Anne Devine
 U.S. Army Corps of Engineers
 Louisville District
 P.O. Box 59
 Louisville, KY 40201-0059

Dear Ms. Devine:

Re: Section 401 Water Quality Certification
 Project: 2014 Reissuance of Regional
 General Permit No. 1 for Indiana

The Office of Water Quality has reviewed the Joint Public Notice/Application for Section 401 Water Quality Certification (WQC) dated September 11, 2014. According to the application, the U.S. Army Corps of Engineers (USACE) proposes to reissue the Regional General Permit No. 1 (RGP #1) for the state of Indiana. The RGP #1 is intended to authorize categories of activities that are similar in nature and cause minimal individual and cumulative impacts to the aquatic environment.

The Louisville, Detroit, and Chicago Districts of the USACE developed the existing Indiana RGP to replace several Nationwide Permits (NWP). As a consequence of this action, the following NWPs have been suspended and will not be in effect for the state of Indiana. The USACE proposes to suspend the following:

- NWP 13 Bank Stabilization
- NWP 14 Linear Transportation Projects
- NWP 18 Minor Discharges
- NWP 29 Residential Developments
- NWP 36 Boat Ramps
- NWP 39 Commercial and Institutional Developments
- NWP 40 Agricultural Activities
- NWP 41 Reshaping Existing Drainage Ditches
- NWP 42 Recreational Facilities
- NWP 43 Storm Water Management Facilities
- NWP 44 Mining Activities

Since these NWPs are suspended in Indiana, no Section 401 WQC decision is required.

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Based on available information, it is the judgment of this office that the RGP #1 will comply with the applicable provisions of 327 IAC 2 and Sections 301, 302, 303, 306, and 307 of the Clean Water Act if the recipient of the certification complies with the conditions set forth below. Therefore, subject to the following terms and conditions, the Indiana Department of Environmental Management (IDEM) hereby grants Section 401 WQC for the RGP #1. Any changes in the language or scope of the RGP #1 not detailed in the Joint Public Notice/Application, or as modified by the conditions below, are not authorized by this certification.

APPLICANT RESPONSIBILITIES:

- (1) An applicant seeking coverage under this Section 401 WQC must:
 - (a) Demonstrate, via letter from the Indiana Department of Natural Resources (IDNR), Division of Nature Preserves, that no state endangered, threatened, or rare species are documented on a permanent or seasonal basis within ½-mile radius of the proposed project site by the Indiana Natural Heritage Data Center, or provide documentation from the IDNR that states that the activities proposed will not constitute a violation of state laws protecting these species.
 - (b) Submit a complete Section 401 WQC Regional General Permit Notification Form (most current State Form 51937) at least 30 days prior to the activity. The notification must at a minimum provide applicant information, project location, existing project site conditions, project impacts, and a proposed plan. Failure to submit all required information will result in the project being considered out-of-scope and not authorized.
 - (c) Provide any additional information required by the IDEM to verify that a given project will qualify under the terms and conditions of this Section 401 WQC. If the applicant fails to provide any requested information, the project is not authorized.
 - (d) Allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials, to enter upon the applicant's property to inspect the project site during the review of a proposed project.
 - (e) Notify IDEM of any project for which the USACE District Engineer has issued a waiver for the linear feet of stream impact in order to authorize the project under the RGP. IDEM will review the notification within 30 days to determine whether or not IDEM will also waive the linear feet of stream impact limit.

PERMITEE RESPONSIBILITIES

- (1) Permittees qualifying for impacts under this Section 401 WQC must:
 - (a) Allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials to:

1. Enter upon the permittee's property.
 2. Access and copy at reasonable times any records that must be kept under the conditions of this certification.
 3. Inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management or discharge facility or device; practices required by this certification; and any mitigation wetland site.
 4. Sample or monitor any discharge of pollutants or any mitigation site.
- (b) Obtain any other permits or authorizations required for this project or related activities from IDEM or any other local, state, or federal agency or person. Land disturbing activities of one (1) acre or more or disturbances of less than an acre that are part of a larger common plan will require permit coverage for discharges associated with construction site run-off. Additional information should be obtained through the IDEM Storm Water Program at 317-233-1864. In addition, the Indiana Department of Natural Resources (317-232-4160 or toll free at 877-928-3755) should be contacted concerning the possible requirement of natural freshwater lake or floodway permits.
- (c) Deposit any dredged material in a contained upland disposal area and implement appropriate measures to prevent sediment run-off to any waterbody.
- (d) Install run-off and sediment control measures prior to any land disturbance to manage storm water and to minimize sediment from leaving the project site or entering a waterbody. All operations must phase project activities to minimize the impact of sediment to the receiving waterbody(ies). Erosion and sediment control measures shall be implemented using an appropriate order of construction (sequencing) relative to the land disturbing activities. Wetlands and/or water bodies that are adjacent to land disturbing activities must be protected with appropriate sediment control measures. As work progresses, all areas void of protective cover shall be re-vegetated or stabilized as described in the plan. Areas that are to be re-vegetated must utilize mulch that is anchored or, under more severe conditions, the erosion control blankets. Erosion control blankets or other armament shall be used for all areas associated with concentrated flow. Standards and specifications for storm water management, including erosion and sediment control can be obtained in the Indiana Storm Water Quality Manual or similar guidance documents.

TERMS OF THIS SECTION 401 WQC:

- (1) IDEM, for any project that qualifies under the terms and conditions of this certification, may choose to require an individual Section 401 WQC if the agency determines that the project would have more than minimal impacts to water quality, either viewed individually or collectively with other projects that may impact the same waterbody affected by the proposed project.
- (2) IDEM retains the right to review, modify, terminate, replace or amend this certification as needed to ensure that the federal permits or licenses certified do not result in violations of Indiana's Water Quality Standards or other applicable state laws. In the absence of another action by IDEM that would alter the termination

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date of this certification, this certification shall expire with the expiration of the federal permit it certifies.

SPECIFIC CONDITIONS OF THIS SECTION 401 WQC

- (1) This Section 401 WQC does not :
- (a) Convey any property rights of any sort, or any exclusive privileges.
 - (b) Preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities.
- (2) This Section 401 WQC does not authorize:
- (a) Impacts or activities that do not meet the terms and conditions of this Section 401 WQC. Such activities require an individual Section 401 WQC from the IDEM.
 - (b) Any injury to permittees or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations.
 - (c) Changes to the original plan design detailed in the notification.
 - (d) The discharge of pollutants, principally sediment, associated with storm water run-off.
 - (e) Point source discharges of pollutants other than clean fill¹ and uncontaminated dredged material.
 - (f) Activities on or in any of the State's waters that have been designated as salmonid waters (cold water streams), tributaries of salmonid waters within a two river mile reach upstream from the confluence with the salmonid water, or Outstanding State and/or National Resource waters (see Attachment #1).
 - (g) Activities on or in any critical wetland or critical special aquatic sites (see Attachment #2).
 - (h) Activities associated with the establishment of a mitigation bank.
- (3) This Section 401 WQC authorizes:
- (a) Activities that will permanently impact one-tenth (0.10) of an acre or less of waters of the U.S.
 - (b) Activities that will have a cumulative permanent impact of 300 linear feet or less of waters of the U.S.
 - (c) Activities that will not permanently change the sinuosity, flow path, velocity, cross-sectional area under the Ordinary High Water Mark (OHWM), or the slope of a stream² except as specified in Conditions (3)(d), (3)(g), and (3)(i).

¹ Clean fill, for purposes of this WQC, means uncontaminated rocks, bricks, concrete without rebar, road demolition waste materials other than asphalt, or earthen material.

² Stream, for the purposes of this WQC, means waters of the U.S. that have a defined bed and bank and convey water ephemerally, intermittently or perennially. This term includes natural streams, relocated streams, channelized streams, artificial channels, encapsulated channels and ditches.

- (d) Minimal changes to stream morphology, including minor relocations, which result in a net benefit to the aquatic ecosystem. Stream relocations may be authorized, provided the activity:
 - 1. Is associated with the installation of a stream crossing or replacement of an existing crossing, and results in a net benefit to the stream morphology.
 - 2. Does not reduce the cross-sectional area under the OHWM.
 - 3. Is accompanied by an acceptable restoration/stabilization plan.
 - 4. Does not accelerate stream instability. Examples of instability include, but are not limited to, stream bank erosion, channel enlargement, channel incision, degradation, aggradation, meander migration (down-valley and lateral accretion), avulsion and base-level shifts.
- (e) Stream bank stabilization activities or new lake and reservoir shoreline stabilization that will permanently affect 300 linear feet or less and the applicant demonstrates that the bank or shoreline in question is unstable. Natural shoreline stabilization methods are required where there is no pre-existing seawall or other shoreline hard armament on a lake or reservoir. Natural shoreline stabilization methods include bank stabilization practices that benefit the aquatic environment by incorporating organic materials to produce functional structures, provide wildlife habitat, and provide areas for revegetation.
- (f) Placement of riprap or other bank stabilization materials provided the design and installation is flush with the upstream and downstream bank and stream channel/lake bed elevations and grades.
- (g) New bridge piers, piles, shafts or other support structures and their associated scour protection measures that do not significantly reduce the cross-sectional area of the stream and are located below the OHWM and outside the low flow channel of the stream.
- (h) Activities that do not result in a permanent secondary effect to waters of the U.S. Potential secondary effects include, but are not limited to damming, loss of hydrology, and creation of in-channel ponds.
- (i) New permanent stream encapsulations that are for the purpose of constructing a crossing must:
 - 1. Allow the passage of aquatic organisms in the waterbody.
 - 2. Not exceed 150 cumulative linear feet of encapsulation.
 - 3. Have a cross-sectional area at least twenty percent (20%) larger than the area under the OHWM of the stream immediately upstream and downstream of the encapsulation in the form of a single opening.
 - 4. Have a streambed slope within the encapsulation that matches the slope of the bed both immediately upstream and downstream.
 - 5. Not create or accelerate stream instability. Examples of stream instability include, but are not limited to head cutting, stream bank erosion, channel enlargement, channel incision, degradation, aggradation, meander migration, (down-valley and lateral accretion), avulsion and base-level shifts.

6. Either have no bottom (e.g., three sided culvert) or are embedded (sumped)³ into the stream channel based on the following structure sizes and substrate types:
 - a. Stream bed of sand
 - Structure < four (4) feet wide: Six (6) inch sump
 - Structure four (4) feet wide to 12 feet wide: 12 inch sump
 - Structure 12 feet to 20 feet wide: 18 inch sump
 - b. Stream bed of other soil or unconsolidated till⁴
 - Structure < four (4) feet wide: Three (3) inch sump
 - Structure four (4) feet wide to 12 feet wide: Six (6) inch sump
 - Structure 12 feet to 20 feet wide: 12 inch sump
 - c. Stream bed of bedrock or consolidated till⁵
 - Inside elevation of the structure bottom shall be a minimum of three (3) inches below the surface of the bedrock or consolidated till
7. Meet the following requirements when installed in perennial streams with OHWM width of 12 feet or greater. These encapsulations must:
 - a. Be sumped to a greater depth if needed for the design of the streambed inside the encapsulation.
 - b. Have a width equal to or wider than the existing OHWM.
 - c. Have a natural stream bottom. If the stream bottom will be disturbed during construction (e.g. four sided box culverts or pipe culverts or because of footer work for three sided culverts), natural stream substrate must be placed in the encapsulation in accordance with the Federal Highway Administration Hydraulic Engineering Circular No. 26: Culvert Design for Aquatic Organism Passage.
 - d. Have a low flow channel constructed or restored through the encapsulation. The low flow channel shall have the same width, depth, and side slope as the natural upstream and downstream low flow channel. If the upstream and downstream channels are highly degraded a V-shaped channel with 5:1 slopes within the structure may be substituted.
- (j) Stream pump-around activities, provided:
 1. The discharge from the activity does not cause erosion at the outlet.
 2. Cofferdam dewatering activities are directed to a filter bag(s), upland sediment basins/traps, or a combination of other appropriate sediment control measures to minimize the discharge of sediment-laden water into waters of the U.S.
 3. All sediment control measures are installed and maintained in good working order.
 4. Any materials used for an in-stream dam are constructed using non erodible materials. Examples include sand bags and sheet pile walls.

³ Sump, for the purpose of this Water Quality Certification, means the inside elevation of the bottom of the structure is placed at a specified depth below the grade of the stream.

⁴ Other soil and unconsolidated till includes substrates that are more cohesive and less mobile (e.g. clay, silt, gravel, and cobble substrates).

⁵ Consolidated till includes dense hard materials such as hardpan.

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- (k) The installation of temporary work causeways when the activity is conducted in a manner that maintains near normal downstream flows and is constructed of material that can be expected to withstand high flow events.
- (l) The use of temporary structures provided the structures are removed in their entirety and the stream channel restored to preconstruction grades, contours, and vegetative conditions.
- (m) Multiple impacts on a project as long as the cumulative amount of those impacts are less than the most restrictive thresholds of this Section 401 WQC.

Failure to comply with the terms and conditions of this Section 401 Water Quality Certification may result in an enforcement action. If an enforcement action is pursued, civil penalties could be assessed up to \$25,000 per day. Criminal liability may apply if it is determined that the Section 401 Water Quality Certification was violated willfully or negligently.

This certification is effective eighteen (18) days from the mailing of this notice unless a petition for review and a petition for stay of effectiveness are filed within this 18-day period. If a petition for review and a petition for stay of effectiveness are filed within this period, any part of the certification within the scope of the petition for stay is stayed for fifteen (15) days, unless or until an Environmental Law Judge further stays the certification in whole or in part.

This decision may be appealed in accordance with IC 4-21.5, the Administrative Orders and Procedures Act. The steps that must be followed to qualify for review are:

- (1) You must petition for review in writing that states facts demonstrating that you are either the person to whom this decision is directed, a person who is aggrieved or adversely affected by the decision, or a person entitled to review under any law.
- (2) You must file the petition for review with the Office of Environmental Adjudication (OEA) at the following address:

Office of Environmental Adjudication
100 North Senate Avenue
IGCN Room N501
Indianapolis, IN 46204

- (3) You must file the petition within eighteen (18) days of the mailing date of this decision. If the eighteenth day falls on a Saturday, Sunday, legal holiday, or other day that the OEA offices are closed during regular business hours, you may file the petition the next day that the OEA offices are open during regular business hours. The petition is deemed filed on the earliest of the following dates: the date it is personally delivered to OEA; the date that the envelope containing the petition is postmarked if it is mailed by United States mail; or, the date it is shown to have been deposited with a private carrier on the private carrier's receipt, if sent by private carrier.

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Identifying the certification, decision, or other order for which you seek review by number, name of the applicant, location, or date of this notice will expedite review of the petition.

Note that if a petition for review is granted pursuant to IC 4-21.5-3-7, the petitioner will, and any other person may, obtain notice of any prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by requesting copies of such notices from OEA.

If you have procedural questions regarding filing a petition for review you may contact the Office of Environmental Adjudication at 317-232-8591.

If you have any questions about this certification, please contact Jason Randolph, Project Manager, of my staff by phone at 317-233-0467, or by e-mail at jrandolp@idem.in.gov.

Sincerely,



Martha Clark Mettler
Deputy Assistant Commissioner
Office of Water Quality

cc: Norma Condra, USACE-Louisville
Kerrie Kuhne, USACE-Detroit
Paul Leffler, USACE-Chicago
Scott Pruitt, USFWS
Matt Buffington, IDNR
Randy Braun, IDEM

Attachment 1: Indiana Waters Designated for Special Protection**Designated Salmonid Waters:
[327 IAC 2-1.5-5(a)(3)]**

- Trail Creek and its tributaries downstream to Lake Michigan, LaPorte County
- East Branch of the Little Calumet River and its tributaries downstream to Lake Michigan via Burns Ditch, Porter and LaPorte Counties
- Salt Creek above (upstream of) its confluence with the Little Calumet River, Porter County
- Kintzele Ditch (Black Ditch) from Beverly Drive downstream to Lake Michigan, Porter County
- The Galena River and its tributaries, LaPorte County
- The St. Joseph River and its tributaries in St. Joseph County from the Twin Branch Dam in Mishawaka downstream to the Indiana/Michigan state line, St. Joseph County
- The Indiana portion of the open waters of Lake Michigan
- Those waters designated by the Indiana Department of Natural Resources (IDNR) for put-and-take trout fishing⁶

Waterbodies which have been designated all or partially as Outstanding State Resource Waters: [327 IAC 2-1.3-3 and 327 IAC 2-1.5-19(b)]

- The Blue River in Washington, Crawford, and Harrison Counties, from river mile 57.0 to river mile 11.5
- The North Fork of Wildcat Creek in Carroll and Tippecanoe Counties, from river mile 43.11 to river mile 4.82
- The South Fork of Wildcat Creek in Tippecanoe County, from river mile 10.21 to river mile 0.00
- Cedar Creek in Allen and DeKalb counties, from river mile 13.7 to its confluence with the St. Joseph River
- The Indiana portion of the open waters of Lake Michigan
- All waters incorporated in the Indiana Dunes National Lakeshore.

**Waterbodies which have been designated all or partially as Exceptional Use Streams⁷:
[listed in: 327 IAC 2-1-11(b) and IC 13-11-2-72.5 (before its repeal)]**

- Big Pine Creek in Warren County downstream of the State Road 55 bridge near the town of Pine Village to its confluence with the Wabash River
- Mud Pine Creek in Warren County from the bridge on the County Road between Brisco and Rainsville to its confluence with Big Pine Creek
- Fall Creek in Warren County from the old C.R. 119 bridge in the NW quarter of Section 21, Township 22N, Range 8W downstream to its confluence with Big Pine Creek
- Indian Creek in Montgomery County from the County Road 650 West bridge downstream to its confluence with Sugar Creek
- Clifty Creek in Montgomery County within the boundaries of Pine Hills Nature Preserve
- Bear Creek in Fountain County from the bridge on County Road 450 North to its confluence with the Wabash River

⁶ Available on the internet under trout stocking locations at: <http://www.in.gov/dnr/fishwild/3622.htm>.

⁷ As per IC 13-18-3-2(u): "Each exceptional use water (as defined in IC 13-11-2-72.5, before its repeal) designated by the board before June 1, 2009, becomes an outstanding state resource water on June 1, 2009, by operation of law."

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- Rattlesnake Creek in Fountain County from the bridge on County Road 450 North to its confluence with Bear Creek
- The small tributary to Bear Creek 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
- Blue River from the confluence of the West and Middle Forks of the Blue River in Washington County downstream to its confluence with the Ohio River
- The South Fork of Blue River in Washington County from the Horner's Chapel Road bridge downstream to its confluence with Blue River.
- Lost River and all surface and underground tributaries upstream from the Orangeville Rise (T2N, R1W, Section 6) and the Rise of Lost River (T2N, R1W, Section 7) and the mainstem of the Lost River from the Orangeville Rise downstream to its confluence with the East Fork of White River.

Attachment 2: Critical Wetlands and Critical Special Aquatic Sites

In the interest of maintaining consistency with the State Regulated (Isolated) Wetland program established at 327 IAC 17, IDEM defines Critical Wetlands and Critical Special Aquatic Sites to be synonymous with Rare and Ecologically Important Wetland Types under 327 IAC 17-1-3(3)(B):

- **Acid bog:** Acid bog is an acidic wetland of kettle holes in glacial terrain. Bogs can be graminoid (*Carex* spp. and *Sphagnum* spp.) or low shrub (*Chamaedaphne calyculata* and *Betula pumila*). The graminoid bog can be a floating, quaking mat. The soils in acid bogs are saturated and acidic peat. Bogs have non-flowing or very slow flowing water. The water level fluctuates seasonally. When a sphagnum mat floats, it rises and falls with the water table. Acid bogs can be found in northern Indiana.
- **Acid seep:** Acid seep is a bog-like wetland typically found in unglaciated hill regions. This community is a small groundwater-fed wetland located primarily in upland terrain. A thin layer of muck may lie over a mineral substrate. The soil reaction is acid. This seep community is characterized by flowing water during at least part of the year. Acid seeps are located primarily in southern Indiana.
- **Circumneutral bog:** Circumneutral bog is a bog-like wetland that receives groundwater. Circumneutral bogs can be a mosaic of tall shrub bog, graminoid bog, and other communities. The graminoid bog often occurs on a quaking or floating mat. Although a few bogs occur in unglaciated regions, most are found in glacial ice-block depressions. The soils in circumneutral bogs are usually peat, or other low nutrient organic substrates, which are saturated and circumneutral to slightly acid. Circumneutral bogs have non-flowing or very slow flowing water. The water level fluctuates seasonally. Circumneutral bogs are usually found in northern Indiana.
- **Circumneutral seep:** The circumneutral seep (or seep-spring) is a groundwater-fed wetland on organic soil. It is primarily herbaceous. Species typically include marsh marigold (*Caltha palustris*) and skunk cabbage (*Symplocarpus foetidus*) with a scattered tree canopy. Circumneutral seep is typically situated on or near the base of a slope. The soil is typically circumneutral muck. This seep community is characterized by slowly flowing water during at least part of the year. Circumneutral seeps can be found scattered throughout Indiana.
- **Cypress swamp:** Bald cypress swamps are seasonally to permanently inundated wetlands found in depressions and sloughs of large bottomlands associated with the Wabash/Ohio River system. Poorly to very poorly drained soils characterize this environment. Bald cypress (*Taxodium distichum*) is present, and green ash (*Fraxinus pennsylvanica*), silver maple (*Acer saccharinum*), and overcup oak (*Quercus lyrata*) are also usually present. This community is restricted to extreme southwest Indiana.
- **Dune and swale:** Dune and swale is an ecological system consisting of a mixture of upland (black oak sand savanna, dry to mesic sand prairie) and wetland (pond, panne, sedge meadow, marsh, wet prairie) natural communities. These communities occur in long, narrow, linear complexes, with the dry communities occupying sand ridges, and the wet communities occurring in the intervening swales. Black oak (*Quercus velutina*), paper birch (*Betula papyrifera*), jack pine (*Pinus banksiana*), and prairie vegetation typically occur on the ridges, and sedges, reeds, and marsh/aquatic vegetation line are found in the swales. Water levels are directly influenced by ground water, with the interdunal swales controlled largely by lateral flow through porous beach ridges. Dune and swale is restricted to extreme northwest Indiana, near Lake Michigan.

- **Fen:** Fen is a calcareous, groundwater-fed wetland. Fens are often a mosaic of grassy areas, sedgy areas, graminoid-shrubby cinquefoil, and tall shrub areas. The extent of the tall shrub component of fens may be determined by fire frequency and/or soil moisture. Drying of the soil increases the growth of shrubs. Fens typically occur in the vicinity of glacial moraines. Fens typically have a muck or peat substrate. The water level fluctuates seasonally and is fed by groundwater. Fens can be found in central and northern Indiana.
- **Forested fen:** Forested fen is a tree-dominated wetland on organic soil which receives groundwater. Forested fens are often a mosaic of treed areas, tall shrub areas, and herbaceous areas. A tall shrub layer is often well developed in forested fens. Indicative species typically include tamarack (*Larix laricina*), black ash (*Fraxinus nigra*), yellow birch (*Betula alleghaniensis*), poison sumac (*Toxicodendron vernix*), and red maple (*Acer rubrum*). Forested fens occur in wet lowlands, where moraines meet outwash features or depressions. Forested fens have saturated, poorly to very poorly drained soils that are often muck, but some seasonal flooding can occur in forested fens that are especially level. This community is a late successional stage of fen or circumneutral bog. Forested fens occur in northern Indiana.
- **Forested swamp:** Forested swamp is a seasonally inundated to intermittently exposed wetland of large river bottoms. Forested swamps do not receive direct flow from river flooding except under exceptional circumstances. Forested swamps occur in depressions, sloughs and large bottomlands, typically dominated by tree species such as swamp cottonwood (*Populus heterophylla*), green ash (*Fraxinus pennsylvanica*), and swamp white oak (*Quercus bicolor*). In northern Indiana important tree species include black ash (*Fraxinus nigra*), yellow birch (*Betula alleghaniensis*), and red maple (*Acer rubrum*). Poorly to very poorly drained and aerated soils characterize the swamp environment. Soils usually are mineral not muck or peat. This community type is found throughout Indiana.
- **Marl beach:** Marl beach is a fen-like community located on the marly muck shorelines of lakes. Marl precipitate is evident. A thin layer of water is present in spring, but dries down in summer. Draw-down of a lake creates additional area for this community to develop on. Marl beaches can be found in extreme northern Indiana, primarily in the northeast.
- **Muck flat:** Muck flat is a shoreline and lake community possessing a unique flora of sedges and annual plants, many of which are also found on the Atlantic and Gulf Coastal Plains. This community is found at the margins of lakes or covering shallow basins. This community has a peat substrate. The muck flats can float on the water surface, but during high water periods are usually inundated. The water level of a basin fluctuates during a season or from year to year in response to the amount of precipitation. This exposes bare substrate needed for germination by species of the community. Muck flats are found in northern Indiana.
- **Panne:** Panne is a groundwater fed herbaceous wetland occupying interdunal swales near Lake Michigan. Pannes are located on the lee side of the first or second line of dunes from the lakeshore. The soil is wet, calcareous sand. Pannes are located in counties bordering Lake Michigan.
- **Sand flat:** Sand flat is a shoreline and lake community possessing a unique flora of sedges and annual plants, many of which are also found on the Atlantic and Gulf Coastal Plains. This community is found at the margins of lakes or covering shallow basins. This community has a sand substrate. During high water periods sand flats at the margins of lakes or ponds are inundated. The water level of a basin fluctuates during a season or from year to year in response to the amount of precipitation. This exposes bare substrate needed for germination by species of the community. Sand flats occur in northern Indiana, and in the Plainville Sand Section of southwest Indiana.

- **Sedge meadow:** Sedge meadow is an herbaceous wetland typically dominated by graminoid species such as flat sedge (*Cyperus* spp.), spike rush (*Eleocharis* spp.), rushes (*Juncus* spp.) and sedges (*Carex* spp.). Sedge meadow is an herbaceous wetland of stream margins and river floodplains, and lake margins or upland depressions. Streamside sedge meadows are frequently flooded in the spring and early summer. Sedge meadows of lake margins and depressions often contain standing water during wet months and after heavy rains; during dry periods, the water level is at or just below the substrate. Sedge meadow usually occupies the ground between a marsh and the uplands, or a shrub swamp or wet forest. Periodic high water can kill trees and shrubs invading sedge meadows. Sedge meadows can be found in the northern half of the state.
- **Shrub swamp:** Shrub swamp is a shrub-dominated wetland that is seasonally inundated to intermittently exposed. This community occurs in depressions and the substrate in either mineral soils or muck, as opposed to peat which is characteristic of bogs. Shrub swamp is characterized by non-flowing or very slowly flowing water with levels that fluctuate seasonally. Shrub swamps are persistent, though considered successional. Two opportunistic native shrubs, sandbar willow (*Salix exigua*) and gray dogwood (*Cornus racemosa*), by themselves, are not indicative of shrub swamps. This community type is found throughout Indiana.
- **Sinkhole pond:** Sinkhole ponds are water-containing depressions in karst topography. Sinkhole ponds are found in the Mitchell Karst Plain in south-central Indiana.
- **Sinkhole swamp:** Sinkhole swamps are depressions in karst topography dominated by tree or shrub species. Sinkhole swamps are found in the Mitchell Karst Plain in south-central Indiana.
- **Wet floodplain forest:** Wet floodplain forest is a broadleaf deciduous forest of river floodplains. Wet floodplain forests occur in depressions and flats on narrow to wide floodplains and also on recently exposed substrates that are frequently flooded. Wet floodplain forests are frequently flooded and may have standing water seasonally to permanently present. Wet floodplain forests occur statewide.
- **Wet prairie:** Wet prairie is an herbaceous wetland typically dominated by graminoid species such as prairie cordgrass (*Spartina pectinata*), bluejoint (*Calamagrostis canadensis*), and sedges (*Carex* spp.). Vegetation height is often 2-3 m. The species diversity of wet prairies is lower than that of mesic prairies. Wet prairies occur in deep swales and the substrate ranges from very deep black mineral soils (which are high in organic matter) to muck. Ponding in spring lasts for several weeks prior to drainage. Wet prairies commonly occur in the Grand Prairie Natural Region, the Tipton Till Plain and the Bluffton Till Plain, with a few examples found in the Northern Lakes Natural Region.
- **Wet sand prairie:** Wet sand prairie is an herbaceous wetland typically dominated by graminoid species such as prairie cordgrass (*Spartina pectinata*), bluejoint (*Calamagrostis canadensis*), and sedges (*Carex* spp.). Vegetation height is often 2-3 m. The species diversity of wet prairies is lower than that of mesic prairies. Wet lowland prairies occur in deep swales and the substrate is sand, sometimes mixed with muck. Flooding is a regular springtime occurrence in wet sand prairie and may last several weeks. This community occurs in a mosaic with marsh and other wetlands, and with upland prairies and sand savannas. Fire was frequent occurrence, but more common in the fall when waters had receded. This community occurs in northwest Indiana and in the Plainsville Sands area.

401 IDEM RGP FORM 51937



SECTION 401 WQC REGIONAL GENERAL PERMIT NOTIFICATION

State Form 51937 (R3 / 8-08)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Reset Form

INSTRUCTIONS: 1. Familiarize yourself with the terms and conditions and read the instructions before filling out this form.
2. All applicable sections of this two page form must be completed.

FOR IDEM USE ONLY		Date Received:		IDEM ID:	
APPLICANT INFORMATION					
Applicant:			Agent:		
Contact person:			Contact person:		
Address (number and street, city, state and ZIP code):			Address (number and street, city, state and ZIP code):		
Telephone number:			Telephone number:		
E-mail address:			E-mail address:		
PROJECT LOCATION					
County:			Nearest Town:		
Quad Name:		Section:	Township:		Range:
Project Address and Driving Directions:					
EXISTING CONDITIONS ON THE PROJECT SITE					
<u>LAKE:</u> <input type="checkbox"/> YES <input type="checkbox"/> NO			LAKE NAME:		
<u>STREAM:</u> <input type="checkbox"/> YES <input type="checkbox"/> NO			STREAM NAME:		
<u>WETLAND(S):</u> <input type="checkbox"/> YES <input type="checkbox"/> NO Acreage on the site by wetland type(s): _____ emergent _____ scrub-shrub _____ forested					
Date of Wetland Delineation? ____/____/____			Date of U.S. Army Corps of Engineers jurisdiction correspondence? ____/____/____		
PROJECT IMPACTS					
Activity Description:					
Purpose of project:					
FOR LAKE IMPACT: (acceptable fill defined in instructions)					
Linear feet of shoreline impact (example - seawall): _____					
Type of fill below the Ordinary High Water Mark: _____				Volume (cubic yds.): _____ Acres: _____	
Does the shoreline or open water area have vegetation present? <input type="checkbox"/> YES <input type="checkbox"/> NO					
Open water fill beyond shoreline: (examples - boat well, underwater beach) Type of fill: _____ Acres: _____					

FOR STREAM IMPACT: *(acceptable fill defined in instructions)*

Total linear feet of stream impact (examples - bank stabilization, bridge construction or culvert placement, seawall work): _____

Type of fill below the Ordinary High Water Mark: _____ Volume (*cubic yds.*): _____

Proposed Start Date of work in the Stream (MM/DD/YY): _____ Proposed End Date of work in the Stream (MM/DD/YY): _____

Channel width in feet (*see instructions*): _____ Channel depth in feet (*see instructions*): _____

For stream crossings, type of structure proposed to be installed (examples: three-sided or four-sided culvert, bridge, pipe): _____

For stream crossings, width of culvert structure/diameter of pipe to be installed (feet): _____ Length of culvert structure/pipe (feet): _____

Open water fill that projects beyond the streambank: Type of fill: _____ Acre(s) of impact: _____

FOR WETLAND IMPACT: *(acceptable fill defined in instructions)*

Type of fill: _____

Acre(s) of impact: _____ **emergent** _____ **scrub-shrub** _____ **forested****SIGNATURE OF APPLICANT - STATEMENT OF AFFIRMATION**

I certify that I am familiar with the information contained in this notification form 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 exactly as described in this notification form. 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 U.S. are not authorized, and that I may be subject to civil and criminal penalties for proceeding without proper authorization. I agree to allow representatives of 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.

Signature of applicant: _____

Date: _____
(mm/dd/yyyy)

Printed name of applicant: _____

Title: _____

Enclose copies of the following documents (ALL enclosures must be on 8.5" by 11" paper):

- Location map
- Drawings of existing site and proposed project
- Cross sections of proposed activities showing extent of fill waterward (*for seawall, shoreline, and streambank stabilization impacts*)
- Cross sections of proposed activities showing the bankfull width or Ordinary High Water Mark of the stream (*for stream encapsulation impacts*)
- At least three photos of the site, labeled
- Copy of wetland delineation report (*for projects with wetland impacts*)
- Copies of all correspondence from the U.S. Army Corps of Engineers (*for projects with wetland impacts*)
- Copies of all correspondence from the Indiana Department of Natural Resources, Division of Nature Preserves

Mail this form and attachments via certified mail to:

Indiana Department of Environmental Management
Office of Water Quality
Section 401 WQC/State Isolated Wetlands Program
MC 65-42 IGCN 1255
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Please note:

- Send this form and the attachments via certified mail to IDEM at the above referenced address. IDEM will not notify you when this form is received.
- IDEM will review this form and all attachments for completeness and accuracy. **You will not be contacted by IDEM unless problems are identified with your application.** IDEM may require additional information to verify that the project meets all conditions of the Regional General Permit and the Section 401 Water Quality Certification (WQC). If you are not contacted by IDEM within thirty (30) days of the date IDEM receives this notification form, your project is authorized, subject to the terms and conditions of the Section 401 Water Quality Certification and its conditions. **You will not receive a written confirmation of authorization.**
- Read all the terms and conditions of this IDEM Regional General Permit Notification Form, including all U.S. Army Corps of Engineers and IDEM conditions. The terms and conditions of this general permit as instituted by IDEM are included as part of the instructions. Do not submit this notification form or commence work on the proposed project until you understand and are familiar with the limitations and restrictions of the IDEM Regional General Permit Notification Form.
- Consult this webpage for more information: <http://www.in.gov/idem/4870.htm>

TERMS AND CONDITIONS OF THE IDEM REGIONAL GENERAL PERMIT NOTIFICATION FORM

1. The applicant shall deposit any dredged material in a contained upland disposal area to prevent sediment runoff to any waterbody. The discharge of return water from upland contained disposal areas is not authorized by this general permit. Such discharges are regulated by the IDEM's National Pollutant Discharge Elimination System (NPDES) Permitting Program.
2. This general permit does not authorize the discharge of storm water or the discharge of pollutants (such as sediment) associated with storm water. This general permit incorporates the conditions at 327 IAC 15-5-7 as general conditions of this Water Quality Certification (WQC). Compliance with the general permits at 327 IAC 15-5, or 327 IAC 15-6 (commonly referred to as a Rule 5 and Rule 6, respectively) is sufficient to demonstrate compliance with this condition of the WQC.
3. The permittee shall allow the commissioner or an authorized representative of the IDEM commissioner (including an authorized contractor), upon the presentation of credentials to:
 - a) Enter upon the permittee's property;
 - b) Have access to and copy at reasonable times any records that must be kept under the conditions of these permits or this certification;
 - c) Inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management or discharge facility or device; practices required by this certification; and any mitigation site; and
 - d) Sample or monitor any discharge of pollutants or any mitigation site.
4. This granting of WQC does not relieve the permittee from the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from the IDEM or any other agency or person.
5. This WQC does not:
 - a) Authorize impacts or activities outside the scope of this certification;
 - b) Authorize any injury to permittees or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
 - c) Convey any property rights of any sort, or any exclusive privileges;
 - d) Preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities; or
 - e) Authorize changes in the plan design detailed in the notification form.
6. This general permit cannot authorize point source discharges of pollutants other than clean fill and uncontaminated dredged material.
7. This general permit cannot authorize activities on or in any of the State's waters that have been designated by the Water Pollution Control Board as: salmonid waters (cold water streams), Outstanding State and/or National Resource Waters, and Exceptional Use waters.
8. This general permit cannot authorize activities on or in any critical wetland or critical special aquatic site.
9. This general permit cannot authorize activities on or in any non-salmonid stream between April 1 and June 30 unless the IDNR has granted a waiver for that activity. Contact information for the IDNR-Division of Fish and Wildlife is as follows:
IDNR - Division of Fish and Wildlife
Attn: Environmental Supervisor
402 W. Washington St., Room W273
Indianapolis, IN 46204
FAX: (317) 232-8150
10. You must submit, with this notification form, correspondence from the IDNR, Division of Nature Preserves, which states that no state endangered, threatened, or rare species is documented on a permanent or seasonal basis within a ½ (0.50) mile radius of the proposed project site by the Indiana Natural Heritage Data Center. Alternately, you may provide written documentation from the IDNR, Division of Nature Preserves, which states that the proposed activities will not constitute a violation of state laws protecting state endangered, threatened, or rare species if they are documented on a permanent or seasonal basis within a ½ (0.50) mile radius of the proposed project site. Additional information regarding how to request Indiana Natural Heritage Data, including fees, required information, and timeframes, is available at the following website: <http://www.in.gov/dnr/3242.htm>. Contact information for the IDNR-Division of Nature Preserves is as follows:
IDNR - Division of Nature Preserves
Attn: Ronald Hellmich
402 W. Washington St., Room W267
Indianapolis, IN 46204
Fax # 317-233-0133
11. This general permit does not authorize activities associated with the establishment of a mitigation bank.
12. Multiple impacts associated with the same project may be included on the same notification form. However, the cumulative acreage and linear footage of effect on Waters of the U.S. must be equal to or less than the most restrictive thresholds of the notification form. (Threshold limits of the notification form are listed in conditions 16-21.) For example, a road project may include several stream crossings. If the cumulative effect of these crossings is less than 0.10 acre and 300 linear feet and each crossing meets the other requirements of the notification form, then the activities can be authorized by the general permit. If, however, the cumulative effect of these crossings is greater than 0.10 acre or 300 linear feet, then the activities are not authorized by this general permit and an individual site-specific WQC is required.
13. In order to verify that a given project will qualify under the terms and conditions of this general permit, IDEM may require additional information from the applicant. If the applicant fails to provide any information requested by IDEM, then the project is not authorized.
14. The IDEM, for any project that qualifies under the terms and conditions of this general permit, may choose to require an individual site-specific WQC if it determines that the project would have more than minimal impacts to water quality, either viewed individually or collectively with other projects that may affect the same waterbody affected by the proposed project.
15. The permittee must submit the notification form at least 30 days prior to the commencement of the proposed activity.
16. The notification form is for activities proposing permanent impacts of one-tenth (0.10) of an acre or less of Waters of the U.S. Proposed impacts to Waters of the U.S. exceeding 0.10 acre cannot be authorized by this general permit and will require an individual site-specific WQC.

17. This notification form is for activities that will not permanently change the sinuosity, flow path, velocity, cross sectional area under the bank full elevation or the slope of any stream. Proposed activities that will permanently change the sinuosity, flow path, velocity, cross sectional area under the bank full elevation, or the slope of the stream cannot be authorized by this general permit and will require an individual site-specific WQC.
18. This notification form is for activities proposing permanent impacts to 300 linear feet or less of streambank or lake shoreline. Proposed impacts to streambanks or shorelines in excess of 300 linear feet cannot be authorized by this general permit and will require an individual site-specific WQC.
19. In the case of streambank stabilization activities or new lake and reservoir shoreline stabilization activities, the permittee must demonstrate that the streambank or shoreline in question is unstable.
20. Projects that propose stream encapsulation activities meet the following limitations:
- Must be for the purpose of constructing a crossing;
 - Must not exceed 150 feet;
 - The cross sectional area of the encapsulation is at least twenty percent (20%) larger than the bank full area of the stream immediately up and downstream of the encapsulation;
 - The cross sectional area of the encapsulation is in the form of a single opening (double culverts are not authorized unless at least one of the culverts meets the cross sectional area requirement);
 - Encapsulations either have no bottom (e.g., three sided culvert) or are twenty percent (20%) imbedded into the streambed (note that the area imbedded must be subtracted from the cross sectional area for the cross section area requirement above); and
 - The slope of the bed within the encapsulation matches the slope of the bed both immediately upstream and downstream.
- Projects proposing an encapsulation activity that do not meet the aforementioned limitations cannot be authorized by this general permit and will require an individual site-specific WQC.
21. The activities proposed in the notification form cannot result in a permanent secondary effect to Waters of the U.S. (e.g., dredging, excavation, damming, creation of in-channel ponds) that, when combined with the primary effect, exceeds the area and length thresholds in previous conditions. Projects that result in permanent secondary effects to Waters of the U.S. that, when combined with the primary effect, exceeds the aforementioned area and length thresholds, cannot be authorized by this general permit and will require an individual site-specific WQC.

Instructions for Completing the IDEM Regional General Permit Notification Form

Please read these instructions carefully before completing the notification form. Sections labeled as mandatory must be completed accurately and completely in order for IDEM to process this notification form. IDEM will reject your notification form should you fail to complete all mandatory sections of the form.

DO NOT use this form if your project will impact ANY isolated wetlands. Consult with IDEM staff to determine the correct application form for use with your project.

If you have any questions or are unsure if your project qualifies for or requires this authorization, contact IDEM:

Indiana Department of Environmental Management
Office of Water Quality
Section 401 Water Quality Certification/State Isolated Wetlands Program
MC 65-42 IGCN 1255
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Telephone: (317) 233-8488

Print clearly or type.

Attach additional information on 8.5" x 11" sheets or folded 11" x 17" sheets only

BLOCK 1 – APPLICANT INFORMATION

- MANDATORY:** Provide the applicant's name, address, email address, and telephone number. Applicants **MUST** provide a contact name.
- OPTIONAL:** 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. This information should be included if a person other than the applicant is submitting the form and that person is designated as the contact point for questions regarding the proposed project.

BLOCK 2 – PROJECT LOCATION

MANDATORY: Complete all blocks within this section. Most information required in this section can be obtained from the United States Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle maps, your local Soil and Water Conservation District (SWCD) office, or similar computer desktop mapping software. An address or descriptive location must be provided in order to allow for compliance inspections of the project.

BLOCK 3 – EXISTING CONDITIONS ON THE PROJECT SITE

- MANDATORY:** This section provides information on the types of aquatic resources present on the project site **PRIOR TO** any proposed impacts. Check the appropriate box as to whether or not lakes, streams, or wetlands are present on the site. For wetlands, provide the acreage of each wetland type – your wetland delineation report will state the acreage of each wetland type delineated on the site.

- For wetlands, acreages and types must be confirmed with a wetland delineation conducted in accordance with the 1987 U.S. Corps of Engineers Wetland Delineation Manual. Please attach a copy of this delineation and letter of confirmation from the U.S. Corps of Engineers for all projects that will impact wetlands. Correspondence from the U.S. Army Corps of Engineers confirming that the Waters in question are regulated under the Clean Water Act must be provided. Any letter or email from the U.S. Army Corps of Engineers that describes the extent of Waters of the U.S. on the site will be considered acceptable by IDEM. Common examples include: a jurisdictional determination verification letter, a U.S. Army Corps of Engineers Public Notice, an "RGP pending" letter.

BLOCK 4 – PROJECT IMPACTS

- MANDATORY:** Complete both "Activity Description" and "Purpose of Project" blocks within this section. Attach additional sheets if needed. **Activity description** refers to WHAT you intend to do – examples include filling a certain acreage of wetland, placing a certain quantity of riprap into a stream, constructing bridge piers, or installing a specific type of culvert. **Project description** refers to WHY you need to do this activity – to create a driveway, to stabilize a streambank, to install a bridge or culvert in a stream to access a site, to develop a site for commercial use, for example.
- When calculating stream impacts, all areas that are affected by placement of fill, bank armoring, piping, installing culverts, excavation, or any other activity must be counted. Any proposed project involving the creation of dams or in-channel pools CANNOT use this notification form.
- When calculating impacts, all areas within lakes, rivers, streams and the like must be counted. This includes areas under new bridge piers, footprints of underwater beaches, and footprints of boat ramps, as examples.
- The Ordinary High Water Mark means that line on the shore of a waterbody established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, natural destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- Channel width means the average distance from one bank of the stream to the other bank measured on the level at the bankfull stage elevation. IDEM will accept the Ordinary High Water Mark as a surrogate measurement for the bankfull stage elevation.

Channel depth means the average distance from the bankfull stage elevation to the deepest part of the channel (thalweg). IDEM will accept the Ordinary High Water Mark as a surrogate measurement for the bankfull stage elevation.
- Bankfull stage elevation means the elevation where any additional increase in stage elevation would result in water leaving the channel and entering the floodplain. The bankfull discharge is the same as the *effective discharge*. Determining the bankfull stage elevation from field indicators is also acceptable. The U.S. Environmental Protection Agency has provided tools for determining the bankfull stage elevation through the Watershed Assessment of River Stability and Sediment Supply (WARSSS) website at <http://www.epa.gov/warsss/pla/box03.htm>. IDEM will also accept the Ordinary High Water Mark as a surrogate measurement for the bankfull stage elevation. Note that IDEM does not require that a responsible party survey the bankfull stage elevation, but rather requires that width and depth measurements be taken relative to this elevation.
- Acceptable fill material must be clean earthen fill that is free from any hazardous waste or regulated solid waste. Examples: clean earthen fill dirt, glacial stone, riprap, sand, freshly poured concrete.

BLOCK 5 – SIGNATURE OF APPLICANT - STATEMENT OF AFFIRMATION

MANDATORY: The name and signature must match the name of the applicant on the first page. Notification forms signed by any person other than the applicant will not be approved.

NOTE - The listed supplemental information must be provided in order to verify that your project qualifies for the terms and conditions of this regional general permit.

You may wish to hire a private environmental consultant to assist you with the completion of this form, assessing impact totals, and the creation of all required submittals (maps, photos, plans, cross-sections, IDNR and U.S. Army Corps of Engineers correspondence, etc.). Upon request, IDEM can provide you with a list of private environmental consultants that work in Indiana. If you are proposing impacts to wetlands, you will need to hire an environmental consultant to complete a wetland delineation for your property.

401 IDEM WQC – FORM 51821



Application for Authorization to Discharge Dredged or Fill Material to Isolated Wetlands and/or Waters of the State

State Form 51821 (R / 10-04)

Indiana Department of Environmental Management

- INSTRUCTIONS:**
1. Read the instruction sheet before filling out this form.
 2. You must complete all applicable sections of this form

1. Applicant Information		2. Agent Information	
Name of Applicant:		Name of Agent:	
Mailing address: (Street/ PO Box/ Rural Route, City, State, ZIP Code)		Mailing address: (Street/ PO Box/ Rural Route, City, State, ZIP Code)	
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/Tract 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: (Attach Worksheet One)		Project name or title: (if applicable)	
Other location descriptions or driving directions:			
4. Project Purpose and Description (Use additional sheet(s) if required)			
Has any construction been started? <input type="checkbox"/> Yes <input type="checkbox"/> No		Anticipated start date:	
If yes, how much work is completed?			
Purpose of project and overview of activities:			

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? Yes No

If no, you do not need to answer Part b.

b. Have you applied for an Army Corps of Engineers Section 404 permit? Yes No

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.

A Section 404 Permit will be submitted to the Army Corps of Engineers.

c. Have you applied for, received, or been denied a permit from the Department of Natural Resources for this project? Yes No

Please give the permit name, permit number, and date of application, issuance or denial.

A Construction in a Floodway Permit will be submitted to the IDNR.

d. Have you applied for, received, or been denied any other federal, state, or local permits, variances, licenses, or certifications for this project?

Yes No

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	Name
Address	Address
City State ZIP Code	City State ZIP Code
Name	Name
Address	Address
City State ZIP Code	City State ZIP Code
Name	Name
Address	Address
City State ZIP Code	City State ZIP Code
Name	Name
Address	Address
City State ZIP Code	City State ZIP Code
Name	Name
Address	Address
City State ZIP Code	City State ZIP Code

11. 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:** _____
(mm/dd/yyyy)

Print Name: _____ **Title:** _____

Worksheet – Summary of Onsite Water Resources and Project Impacts

A. Jurisdictional Wetlands (Existing Conditions)		Jurisdictional Wetlands (Proposed Impacts)			
Wetland Type	Size of wetland (acreage)	To be Impacted?	Acreage	Fill quantity (cys)	ATF
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> YES <input type="checkbox"/> NO			

Describe the type and composition of fill material to be placed in wetlands on the project site:

Describe the type and composition and quantity (cubic yards) of material proposed to be dredged or excavated from wetlands on the project site:

B. Isolated Wetlands (Existing Conditions)			Isolated Wetlands (Proposed Impacts)			
Wetland Class	Type	Size of wetland (acreage)	To be Impacted?	Acreage	Fill quantity (cys)	ATF
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input type="checkbox"/> F		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input type="checkbox"/> F		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input type="checkbox"/> F		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input type="checkbox"/> F		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input type="checkbox"/> F		<input type="checkbox"/> YES <input type="checkbox"/> NO			
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input type="checkbox"/> F		<input type="checkbox"/> YES <input type="checkbox"/> NO			

Describe the type and composition of fill material to be placed in isolated wetlands on the project site:

Describe the type and composition and quantity (cubic yards) of material proposed to be dredged or excavated from isolated wetlands on the project site:

C. Bridges and Stream Crossings - provide the following information for EACH structure (Use additional sheet(s) if required)

Stream name:

Description of impacts:

Length of upstream bank impacts
 Left side: _____ Right side: _____

Length of downstream bank impacts
 Left side: _____ Right side: _____

Bank protection fill placed below the Ordinary High Water Mark: _____ Volume per running foot: _____

Bank protection fill placed below the Ordinary High Water Mark: _____ Area of coverage: _____

D. Bank Stabilization – provide the following information for EACH segment (Use additional sheet(s) if required)

Water body name:
Description of impacts:
Length of shoreline or bank protection:
Volume (cubic yards) of bank protection fill placed below the Ordinary High Water Mark per running foot:
Area (square feet) of bank protection fill placed below the Ordinary High Water Mark:

E. Stream Relocation

Water body name:	
Description of impacts:	
Length of existing channel to be relocated: (linear feet)	
Length of new channel to be constructed: (linear feet)	
Existing channel to be backfilled: <input type="checkbox"/> Yes <input type="checkbox"/> No	Type of relocation: <input type="checkbox"/> Piping <input type="checkbox"/> Open Channel <input type="checkbox"/> Other:
Type of fill and volume: (cubic yards)	

F. Open Water Fill

Water body name:
Description of impacts:
Area of water body to be filled: (acres)
Type of fill and volume: (cubic yards)

Notes and Instructions for Authorization to Discharge Dredged or Fill Material to a State Regulated Wetland and/or Waters of the State Permit Application Form and Worksheet

Note to applicants:

This form is to be used by all persons who intend to discharge dredged or fill materials into wetlands, isolated wetlands, or any other water body regulated under state and federal law. Specifically, this form is to be used for the following:

1. Application for Section 401 Water Quality Certification for any project not covered by the Indiana Regional General Permit
2. Application for a State Regulated Wetland Permit authorized under HEA 1798 and HEA 1277, excluding any activities authorized under any of the State Regulated Wetland General Permits

Consult the Office of Water Quality Web site for information on the types of authorizations and requirements for projects regulated under these laws –

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

Do not submit this form until you are familiar with the various authorizations and proper forms for obtaining these authorizations. An application submitted on the incorrect form may result in delays in processing.

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 (877) WATER-55.

Instructions for Completing the Application and Worksheet

Address all applications or questions to:

Indiana Department of Environmental Management
Office of Water Quality
Section 401 Water Quality Certification/State Isolated Wetlands Program
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Telephone: (800) 451-6027 or (317) 233-8488

Print clearly or type

Attach additional 8.5" x 11" sheets as necessary

APPLICATION

Note: Some wetland activities may impact both U.S. navigable waters and state regulated isolated wetlands. In those situations, the project will require a Section 401 Water Quality Certification and Section 404 U.S. Corps of Engineers permit AND approval under the new State Isolated Wetland Regulatory Program. When IDEM receives an application that involves an activity that may impact both intrastate navigable waters and a state regulated wetland, current state law requires that we evaluate each activity using different authorities. IDEM will, at the request of an applicant, evaluate a project with multi-jurisdictional wetlands under the §401 certification framework and will provide one authorization for the project, applying the state regulated isolated wetlands law and federal Clean Water Act §401 authorities. If an applicant prefers that all IDEM approvals occur within one streamlined review process, a separate letter specifically requesting a combined review of the entire project should be submitted concurrently with the application.

Block 1 - Applicant Information

Provide your name, address, and telephone number. You MUST provide a contact name. For complex projects or projects with multiple contractors and responsible parties, designation of a single point of contact will speed up the review process and enable more timely responses to requests for information.

Block 2 - Agent Information

If you choose to be represented by an agent, provide the agent's address and telephone information. You are not required to have an agent.

Block 3 - Project Location

Provide specific information relating to the location of your proposed project. Provide accurate maps depicting the project location. Try to keep detail on maps to a minimum, focusing instead on the location of structures and associated water bodies. Consult the USGS Quadrangle maps for information on the quarter, section, township and range of the project. IDEM may require that you submit full size plans to supplement the 8 1/2" by 11" map sheets if the project is large or complex.

Block 4 - Project Purpose and Description

Provide the proposed or actual 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. You should include any supplemental environmental reports, assessments, or other documents that explain or justify the proposed configuration of the project. Describe the purpose of the project (that is, what goal or outcome will be met by the construction of the project).

Block 5 - Avoidance, Minimization, and Mitigation Information

You must describe possible alternatives to the proposed project that would avoid impacts to the aquatic resource that were considered during the project planning process. You must also describe ways to minimize impacts considered during the project planning process, including a description of how you plan to contain any dredged/excavated material to prevent re-entry into waterways or wetlands. Examples of alternatives include construction on the upland portions of the property; rerouting a roadway to avoid a wetland; or alternate design plans. Minimization of the impacts may decrease any mitigation requirements that might otherwise apply. Minimization may include reduction of the amount of dredging, filling, or vegetative clearing. For isolated wetlands only, enclosure of a copy of (1) a resolution of the executive of the county or municipality in which the wetland is located or (2) a permit or other approval from a local government entity having authority over the proposed use of the property on which the wetland is located; that includes a specific finding that the wetland activity is part of a legitimate use proposed by the applicant on the property, substitutes for the information required on avoidance and minimization.

Answer all the questions in detail, providing example, drawings, or other supporting information to illustrate the steps taken to consider alternatives. Provide reasons why various alternatives were or were not considered.

In general, all impacts to wetlands or other waters that require the use of this form will require some form of compensatory mitigation. A detailed description of the mitigation plan must be provided, including: the location of the mitigation site, the size and type of mitigation to be performed, the construction sequence or timing of the mitigation, information on post construction monitoring, mitigation techniques, and success criteria of the mitigation site. A mitigation plan, with overview drawings, planting lists, cross sectional views, and other relevant information is recommended as a supplement to answer this question.

Block 6 - Drawing/Plan Requirements

You must submit drawings/plans that are consistent with the listed specifications. Your project will be delayed if these materials are not submitted in the formats specified in the application.

Block 7 – Supplemental Application Materials

All projects involving impacts to wetlands must be accompanied by 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). This delineation must be approved or reviewed by the Corps of Engineers in order for IDEM to determine the impacts to water bodies associated with the project. DO NOT submit an application involving impacts to wetlands without a wetland delineation. For projects that involve impacts to isolated wetlands, a letter from the Corps of Engineers that specifically makes this determination must be provided or the application will not be processed. Submittal of photographs depicting the project site is highly encouraged. Photos must be clearly labeled with the direction of the shot, the area depicted, and notes on relevant features. A map depicting the location of photos on the project site is also useful and should be included whenever photos are submitted.

For project sites with isolated wetlands, a tract history is also required. This history provides information on all the wetlands on the site prior to January 1, 2004, and describes any and all activities within these wetlands, including impacts allowed to wetlands exempt from regulation under the various provisions of federal and state law. Direct questions regarding this requirement to IDEM staff for clarification.

Block 8 - Additional Information That May Be Required

You are not required to submit the information specified in this section unless directed to do so by IDEM. However, you may submit the information if you anticipate that such information will be required. For example, if you are aware of issues on the proposed project site which may impact water resources, such as the presence of contaminated soils or sediments, endangered species, well field protection areas, or previously permitted activities on the project site, information regarding these points must be submitted with the certification application.

Block 9 - Permitting Requirements

Provide information regarding your application to the Corps of Engineers. If you have not yet contacted the Corps of Engineers, you must do so as soon as possible (SEE BLOCK 7). Provide information regarding any other federal, state, or local permits, variances, licenses, or certifications required for your project. Please indicate whether they were approved, denied, or are pending.

Block 10 - Adjoining Property Owners and Addresses

List the names and addresses of landowners adjacent to the property on which your project is located. Adjacent property owners are persons who share property lines with your property. Inclusion of names and addresses of other persons (or entities) potentially affected by your project must include persons within your neighborhood, lake association, or in the general vicinity that may have an interest in your project. Consult with IDEM for further clarification.

Block 11 - Signature - Statement of Affirmation

You must sign and date the application. If the applicant is a corporation, a responsible person from that corporation must sign. No other signatures will be accepted. The application will not be processed without the appropriate signature.

WORKSHEET

Note: When calculating any type of impact, all areas that are affected by placement of fill, bank armoring, culverting, excavation, or any other activity must be counted. When calculating open water impact, all areas within lakes, rivers, streams and the like must be counted. This includes areas under new bridge piers, beaches, and boat ramps, as examples. The Ordinary High Water Mark means that line on the shore of a water body established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, natural destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

- Fill out only the sections of this worksheet that apply to your project -

Section A - Wetlands

This section is for wetlands determined to be under the jurisdiction of the U.S. Army Corps of Engineers (Corps) and require a Section 404 permit as well as a Section 401 Water Quality Certification from IDEM. List the type of wetland as Emergent (EM), Scrub shrub (SS), or Forested (FO). "Emergent wetland" means a wetland characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. "Scrub shrub wetland" means a wetland dominated by woody vegetation having a height greater than three, two-tenths (3.2) feet, and a stem diameter less than three (3) inches. This includes true shrubs, young trees, and trees and shrubs stunted by environmental conditions. "Forested wetland" means a wetland dominated by woody vegetation that has a diameter, at breast height, greater than three (3) inches, regardless of total height. The size of the wetland must be determined by conducting a wetland delineation consistent with the protocols established in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual. The applicant must list whether or not the wetland will be impacted, the acreage of the impact, and the quantity of fill to be discharged into the wetland. The applicant must identify whether or not this is an after-the-fact (ATF) permit. An ATF permit is for impacts to wetlands or other water bodies under the jurisdiction of IDEM that did not receive authorization before the impacts occurred. Additionally, the applicant must describe the type and composition of material proposed to be discharged or removed from the wetland.

Section B - Isolated Wetlands

This section is for wetlands the Corps has determined to be isolated and no longer under their jurisdiction. The Corps jurisdictional determination letter must be included with the application. Isolated wetlands are considered State Regulated Wetlands and proposed impacts to these wetlands will be reviewed pursuant to IC 13-18-22. The class of wetland must be determined by the definitions outlined in IC-13-11-2-25.8. This is determined by assessing the vegetation type, hydrologic function, habitat functions, values of the wetland, and disturbances to the wetland. The applicant must determine the type of wetland by designating the wetland as either Non-Forested (NF) or Forested (F). The size of the wetland must be determined by conducting a wetland delineation consistent with the protocols established in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual. The applicant must list whether or not the wetland will be impacted, the acreage of the impact, and the quantity of fill to be discharged into the wetland. The applicant must identify whether or not this is an after-the-fact

(ATF) permit. An ATF permit is for impacts to wetlands or other water bodies under the jurisdiction of IDEM that did not receive authorization before the impacts occurred. Additionally, the applicant must describe the type and composition of material proposed to be discharged or removed from the wetland.

Section C - Bridges and Stream Crossings

This section is for projects that impact streams in order to construct, maintain, or protect structures used to cross the stream. The applicant must list the name of the stream to be impacted by the proposed project. The stream name can be found on the USGS Topographic map. If the stream does not have a name, identify it as a tributary to the next stream or water body with a name. Describe the proposed impacts in detail. Include the lengths of bank impacts to both banks upstream and downstream. Determination of left and right banks is made in the following manner- at the point furthest upstream on the project site, face downstream - the left bank is on your left and the right bank is on your right. Identify the volume per running foot of material to be discharged below the Ordinary High Water Mark (OHWM). Identify the total area below the OHWM to receive a discharge of fill material.

Section D - Bank Stabilization

This section is for projects that discharge fill material in order to stabilize eroding land along streams, lakes, or other water bodies. The applicant must list the name of the water body to be impacted by the proposed project. The name of the water body can be found on the USGS Topographic map. If the water body does not have a name, identify it as a tributary to the next stream or water body with a name. Provide the length of shoreline or bank impact. Identify the volume per running foot of material to be discharged below the Ordinary High Water Mark (OHWM). Identify the total area below the OHWM to receive a discharge of fill material.

Section E - Stream Relocation

This section is for projects that propose to relocate a stream from its existing banks either by open channel construction or by stream piping. The applicant must list the name of the stream to be impacted by the proposed project. The stream name can be found on the USGS Topographic map. If the stream does not have a name, identify it as a tributary to the next stream or water body with a name. Describe the impacts to the stream. Provide the linear feet of existing channel to be relocated and the length of new channel to be constructed. The applicant must state whether the old channel is proposed to be filled and describe the type and quantity of fill to be used to fill the old channel. The applicant must also provide the type of relocation – new channel or piping.

Section F - Open Water Fill

This is for projects where the fill material extends beyond the edge of the shoreline into open water. Some examples include the filling of pit mines, borrow pits, and other land reclamation projects. Provide the name of the water body to be impacted. If the water body does not have a name, identify it as unnamed open water body. Describe the impacts to the water body including the area to be filled and the type and quantity of fill material to be discharged.

401 IDEM WQC – INDIVIDUAL PERMIT - CHECKLIST



401 Water Quality Certification (WQC) Checklist | 2013

INDOT Environmental Services (ES), Ecology and Waterway Permitting Office (EWPO)

1. PROJECT SPECIFIC INFORMATION

Project Route/Type	
INDOT Des. Number	
County	
Letting Date	

2. APPLICATION BACKGROUND

Designer/Firm			
Submittal Date		Submittal Number	
ES Reviewer/Contact Info.			
Review Date			

Review columns are abbreviated as follows: Sufficient (S), Deficient (D), and Not Applicable (NA). All items marked deficient require resolution from the designer prior to INDOT acceptance of the application.

3. WQC VERIFICATION

S	D	NA	NWP and RGP Requirements*
			A) This project does <u>not</u> meet the requirements of the Nationwide Permit (NWP) Program or the Regional General Permit (RGP) Program (refer to the 404/401 RGP checklist and NWP checklist). <i>Reviewer Notes:</i>

*If the project does meet the requirements of the NWP or RGP programs, the designer must revise their submittal to include the correct application form. Further review of the application is not required until a revised application has been submitted to INDOT-ES.

Comments: _____

4. STATE FORM 51821

S	D	NA	General Application Requirements
			A) Was the most recent State Form 51821 application used (version R/10-04)? If your project is in USACE Chicago District, was Corps Form 4345 included in the designer's submittal for the 404 application? The USACE Chicago District will not accept application on the state's form. <i>Reviewer Notes:</i>
			B) Was a waters of the U.S. report and/or wetland delineation included with the application and did this include the appropriate approved JD or pre-JD form signed by the preparer of the report or a representative of INDOT-ES? <i>Reviewer Notes:</i>
			C) Does the application reflect the waters report and/or wetland delineation prepared for this project? This includes:
			<input type="checkbox"/> Is the waters report and/or wetland delineation less than five years old ;
			<input type="checkbox"/> Accounting of all streams, wetlands, and/or other waters located within the project limits (including confirmation of any non-impacted waters);
			<input type="checkbox"/> Correct wetland boundary (or boundaries) used to calculate impacts;
			<input type="checkbox"/> Correct ordinary high water mark/s (OHWMs) noted in plans and used to calculate impacts;
			<input type="checkbox"/> Correct wetland type(s) (emergent, scrub-shrub, forested) referenced in the application. <i>Reviewer Notes:</i>
			D) Does your project impact more than 1,500' of a single stream or 1.0 acre of any waters of the U.S. and if so was USACE Form 4345 included in the designer's submittal (i.e. a 404 Individual Permit is

			required)? Note that in some cases the USACE can make a cumulative determination for impacts (waters in close proximity to each other, multiple impacts to the same stream, etc.). <i>Reviewer Notes:</i>
			E) Was a summary table provided for projects with multiple impacts to the same type of resources (for example: a project with multiple stream crossing impacts)? Did this table meet the following requirements:
			<input type="checkbox"/> Itemization of the impacts to each individual stream (total length and total acres below OHWM);
			<input type="checkbox"/> Volume of fill below OHWM (cubic yards) at each location;
			<input type="checkbox"/> Existing structure dimensions (length, width, and height);
			<input type="checkbox"/> Proposed structure dimensions (length, width, and height);
			<input type="checkbox"/> Length of the existing stream that will be impacted;
			<input type="checkbox"/> Length of the proposed stream channel;
			<input type="checkbox"/> Acres of impact and volume of fill that will be placed in each wetland. <i>Reviewer Notes:</i>
			F) Were temporary impacts included in the application attachments (only permanent impacts are quantified in the application worksheets)? The following must be included:
			<input type="checkbox"/> Type of temporary fill material (should be non-erosive);
			<input type="checkbox"/> Volume (cubic yards) and area (acres) associated with temporary measures below OHWM;
			<input type="checkbox"/> Plan or drawing showing the approximate location and dimensions of the proposed measure(s);
			<input type="checkbox"/> Expected amount of time the temporary measures will be in place;
			<input type="checkbox"/> Number and dimensions (diameter and length) of pipes required for a temporary stream crossing;
			<input type="checkbox"/> Acres of temporary impact to any wetland(s);
			<input type="checkbox"/> Restoration plan including an appropriate seed mix. Note that temporary measures should be designed to handle a two-year storm event. <i>Reviewer Notes:</i>
			G) If the project will impact wetlands, was any correspondence from the USACE indicating the jurisdictional status of these features (approved JD, USACE signed pre-JD form, RGP pending letter, or USACE email correspondence) provided? If not, the application must be submitted to the USACE first so that this correspondence can be obtained prior to submitting the 401 application. <i>Reviewer Notes:</i>
			H) Are there any additional INDOT projects that IDEM will consider “single and complete” with the proposed project (impacts considered cumulatively)? In general, a project is considered cumulatively if it is located in close proximity (same 8-digit watershed) and will be under construction at or around the same time. <i>Reviewer Notes:</i>
			I) Was documentation provided that demonstrates the project will not affect a property listed, or eligible for listing, in the National Register of Historic Places (i.e. Section 106 must be satisfied). <i>Reviewer Notes:</i>

S	D	NA	Block 1: Applicant Information
			A) Does the applicant contact information reflect the appropriate EWPO Team Lead or Manager? <i>Reviewer Notes:</i>
S	D	NA	Block 2: Agent Information
			A) Is the agent contact information provided and does it appear to be accurate? <i>Reviewer Notes:</i>
S	D	NA	Block 3: Project/Tract Location
			A) Are the boxes in this section complete and accurate? <i>Reviewer Notes:</i>

			B) Are the type of aquatic resource(s) to be impacted accurately referenced (each applicable worksheet section should be referenced)? <i>Reviewer Notes:</i>
			C) Do the driving directions include distances (mileage)? <i>Reviewer Notes:</i>

S	D	NA	Block 4: Project Purpose and Description
			A) Is the appropriate box checked indicating whether or not construction has started? <i>Reviewer Notes:</i>
			B) Does the anticipated start date reflect the project’s current letting schedule? <i>Reviewer Notes:</i>
			C) Does the “ <i>purpose of project and overview of activities</i> ” box meet the following requirements:
			<input type="checkbox"/> Overall description clarifies the waters resource(s) that will be impacted and is not solely focused on the roadway or structure work;
			<input type="checkbox"/> Existing structure dimensions (length, width, and height);
			<input type="checkbox"/> Proposed structure dimensions (length, width, and height);
			<input type="checkbox"/> Total cumulative impacts to streams (linear feet);
			<input type="checkbox"/> Net gain or net loss of stream length associated within any stream relocation (linear feet);
			<input type="checkbox"/> Net increase or decrease in encapsulation (linear feet);
			<input type="checkbox"/> Total cumulative impacts to streams and wetlands (acres);
			<input type="checkbox"/> A short description of any temporary impacts associated with the project and a brief statement regarding the restoration of any areas impacted by temporary fill. Note that this information can be included as an attachment if adequate space is not available. <i>Reviewer Notes:</i>

S	D	NA	Block 5: Avoidance, Minimization, and Mitigation Information
			A) Are the two questions regarding Class II isolated wetlands (Part A) adequately answered? Note that a response is required in the application for each question even if it is “ <i>not applicable</i> .” <i>Reviewer Notes:</i>
			B) Are the two questions in Part B regarding all other wetland, stream, and lake impacts adequately answered? This includes:
			<input type="checkbox"/> Listing a practicable alternative or alternatives (Note that an alternative to construction will always be a no-build scenario so this should never be left blank in the application) and a brief description on why these alternatives were not feasible;
			<input type="checkbox"/> Statement(s) regarding all avoidance and minimization of impacts that has occurred (Note that this can include a statement regarding Rule 5 compliance during construction). <i>Reviewer Notes:</i>
			C) Is the block labeled “ <i>Describe all compensatory mitigation required for unavoidable impacts</i> ” adequate? Requirements include:
			<input type="checkbox"/> Reference to any attached mitigation and monitoring plan with a brief summary of the proposed mitigation; OR
			<input type="checkbox"/> A statement that mitigation is not provided and reasoning behind this conclusion. <i>Reviewer Notes:</i>

S	D	NA	Block 6: Drawing/Plan Requirements
			A) Have the requirements for Part A been adequately addressed (aerial/overhead views of the project site showing existing/proposed construction)? This should be provided for each impact. <i>Reviewer Notes:</i>
			B) Have the requirements for Part B been adequately addressed (cross sections of any areas of fill or alterations to all waters)? <i>Reviewer Notes:</i>

			<p>C) Have the requirements for Part C been adequately addressed? Location maps should include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Project location displayed sufficiently for the regulatory agency to locate the project (should include a landmark such as an intersection); <input type="checkbox"/> Property boundaries; <input type="checkbox"/> A north arrow, scale bar, title block, and appropriate references included on the map. <p><i>Reviewer Notes:</i></p>
			<p>D) Have the requirements for Part D been adequately addressed (wetland boundary and labels)?</p> <p><i>Reviewer Notes:</i></p>
			<p>E) Have the requirements for Part E been adequately addressed? This includes the location of all:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Surface waters (jurisdictional waters labeled on the plans with the appropriate USGS 7.5 minute series name); <input type="checkbox"/> Erosion control measures that will be used to protect each impacted waters; <input type="checkbox"/> Existing/proposed structures; <input type="checkbox"/> Fill/excavation locations (including a note on the plans regarding the length of fill placement); <input type="checkbox"/> Disposal areas for excavated material including quantities (INDOT standard specifications can be referenced as appropriate); <input type="checkbox"/> Wetland or stream mitigation site (if applicable). <p><i>Reviewer Notes:</i></p>
			<p>F) Have the requirements for Part F been adequately addressed (water depths and bottom configurations)? This includes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Cross sections provided for all stream impacts with a label for the OHWM elevation and flow-line elevation; <input type="checkbox"/> Cross sections provided for all wetland impacts showing the boundary of the wetland. <p><i>Reviewer Notes:</i></p>
			<p>G) All plans are submitted on 8.5" x 11" pages. Larger detailed plans can be submitted additionally if folded in half to be 8.5" x 11" pages.</p> <p><i>Reviewer Notes:</i></p>
S	D	NA	Block 7: Supplemental Application Materials
			<p>A) Have the requirements for Part A been adequately addressed (wetland delineation for all wetlands on the project site)? This document should be included as an attachment.</p> <p><i>Reviewer Notes:</i></p>
			<p>B) Have the requirements for Part B been adequately addressed (project photographs)? The following must be provided in the application:</p> <ul style="list-style-type: none"> <input type="checkbox"/> At least three photographs of each impacted resource should be provided. Captions for each photograph must include the direction taken, a statement of the image's content, and a description of any unusual circumstances shown in the photograph; <input type="checkbox"/> Photo locations are shown on the project plans or a photo-orientation map is provided. Any map must contain a north arrow, scale bar, title block, and appropriate references. <p><i>Reviewer Notes:</i></p>
			<p>C) To meet Part C, was a letter from the USACE provided to verify the presence of any isolated wetlands (if applicable)? This is required for all projects with wetland impacts. This can be in the form of an approved JD, a pre-JD signed by the USACE, RGP pending letter, or some other form of correspondence from the USACE stating the jurisdiction status of all wetlands involved.</p> <p><i>Reviewer Notes:</i></p>
			<p>D) Per Part D, a mitigation plan and monitoring report are provided (if applicable) that meets the 2008 USACE mitigation rule requirements. These include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A description of the resource type(s) and amounts(s) that will be compensated for by the mitigation plan and the method (s) of compensation (restoration, enhancement, preservation, etc.);

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			<input type="checkbox"/> A description of the factors considered during the site selection process;
			<input type="checkbox"/> A description of the site protection instrument;
			<input type="checkbox"/> Baseline information of the proposed mitigation site (including a waters report and/or wetland delineation, QHEI assessments, etc.);
			<input type="checkbox"/> A brief summary of the number of credits provided at the mitigation site and a rationale for this determination;
			<input type="checkbox"/> An explanation on how the mitigation site will provide adequate compensation for unavoidable impacts to waters associated with the construction project;
			<input type="checkbox"/> Written specifications, construction methods, timing, and plans for the mitigation site (this should include quantities of plantings, planting rates, and spacing of plantings);
			<input type="checkbox"/> Maintenance requirements for the site;
			<input type="checkbox"/> Performance standards that will be used to determine whether or not the site is succeeding (Note that these should be provided for each planting area if multiples are included such as emergent and forested within a wetland mitigation);
			<input type="checkbox"/> A schedule of monitoring and reports to be sent to IDEM and USACE;
			<input type="checkbox"/> A long-term management plan indicating how the site will be managed after performance standards have been met;
			<input type="checkbox"/> Planting lists reflect the regional species recommended by IDNR for the north, central, and south planting zones.
			<i>Reviewer Notes:</i>
			E) A classification of all isolated wetlands is provided as required in Part E (if applicable). <i>Reviewer Notes:</i>
			F) Copies of all applicable local permits or resolutions pertaining to the project are included in the application per Part F. <i>Reviewer Notes:</i>
			G) A tract history is provided per Part G if the project will impact isolated wetlands. <i>Reviewer Notes:</i>

S	D	NA	Block 8: Additional Information That May Be Required
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IDEM will notify the applicant if any of the items in Block 8 are required. This information is typically not included in the original INDOT submittal unless early coordination has occurred with IDEM indicating it should be submitted. This information could include but is not limited to the following: erosion control or storm water management plans, sediment analysis, species surveys for endangered, threatened, or rare (ETR species), and/or stream habitat surveys).

S	D	NA	Block 9: Permitting Requirements
			A) In Part A, is the appropriate box checked for the 404 permitting needs of the project? <i>Reviewer Notes:</i>
			B) In Part B, is the appropriate box checked indicating the application status for any necessary 404 permit? This should be checked “Yes” if the submittal will be concurrent with the 401 application submittal with a note to this affect included within the box. <i>Reviewer Notes:</i>
			C) In Part C, is the appropriate box checked regarding any IDNR permit needed for the project? If “Yes” was checked, is the remaining information in this block accurate (permit number, issuance date, etc.)? <i>Reviewer Notes:</i>
			D) In Part D, is the appropriate box checked for any other federal, state, or local permits/licenses required for the project? If “Yes” was checked, is the remaining information in this block accurate? <i>Reviewer Notes:</i>

			<i>Reviewer Notes:</i>
			E) Are the acreage and fill quantity columns completed and do the impacts agree with the cumulative totals listed in Block 4? <i>Reviewer Notes:</i>
			F) Is the column “ATF” noted for any after-the-fact impacts (if applicable)? <i>Reviewer Notes:</i>
			G) Is a description of the type of fill material to be placed in the wetland(s) provided in the appropriate box? <i>Reviewer Notes:</i>
			H) Is a description of the type and quantity of material proposed to be dredged/excavated from the wetland(s) provided? <i>Reviewer Notes:</i>

S	D	NA	Worksheet Block C: Bridges and Stream Crossings (if applicable)
			A) Does the stream name (or names) reflect the correct USGS 7.5 minute series name and are all crossing impacts accounted for in the worksheet*? <i>Reviewer Notes:</i>
			B) Does the “ <i>Description of Impacts</i> ” box include the following: <input type="checkbox"/> Existing structure dimensions (length, width, and height); <input type="checkbox"/> Proposed structure dimensions (length, width, and height); <input type="checkbox"/> Reference to any temporary fill associated with crossing (Note: this should be quantified in an attachment). <i>Reviewer Notes:</i>
			C) Is the length of upstream bank impacts provided (as referenced from the center of the structure) and does this seem to match what is presented in the attached plans? The scale bar can be used to visually estimate impacts. <i>Reviewer Notes:</i>
			D) Is the length of downstream bank impacts provided (as referenced from the center of the structure) and does this seem to match what is presented in the attached plans? The scale bar can be used to visually estimate impacts. <i>Reviewer Notes:</i>
			E) Are the volume and area of bank protection fill below the OHWM provided? <i>Reviewer Notes:</i>
			F) Are the lengths and acreage impacts in Block C consistent with the cumulative totals listed in Block 4? <i>Reviewer Notes:</i>

* Separate worksheets for Block C can be completed for each stream impact. As an alternative, the cumulative impacts can be listed in this block and a summary table itemizing impacts to each stream can be attached to the application.

S	D	NA	Worksheet Block D: Bank Stabilization (if applicable)
			A) Does the water body name (or names) reflect the correct USGS 7.5 minute series name and are all bank stabilization impacts accounted for in the worksheet*? <i>Reviewer Notes:</i>
			B) Does the description of impacts adequately detail the proposed stabilization activity (or activities) and does it reference any temporary fill associated with this work (Note: temporary fill should be quantified in an attachment)? <i>Reviewer Notes:</i>
			C) Is the length of shoreline or bank protection provided and does this seem to match what is presented in the attached plans? The scale bar can be used to visually estimate impacts. <i>Reviewer Notes:</i>
			D) Are the volume and area of bank protection fill placed below the OHWM provided? <i>Reviewer Notes:</i>

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			E) Are the lengths and acreage impacts in Block D consistent with the cumulative totals listed in Block 4? <i>Reviewer Notes:</i>
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* Separate worksheets for Block D can be completed for each stream impact. As an alternative, the cumulative impacts can be listed in this block and a summary table itemizing impacts to each stream can be attached to the application

S	D	NA	Worksheet Block E: Stream Relocation (if applicable)
			A) Does the water body name (or names) reflect the correct USGS 7.5 minute series name and are all stream relocation impacts accounted for in the worksheet*. Stream relocation is defined as any shift to the existing center-line of a stream. <i>Reviewer Notes:</i>
			B) Does the description of impacts adequately outline the following for each stream relocation activity <input type="checkbox"/> Total length of impact; <input type="checkbox"/> Any net loss or gain in stream length; <input type="checkbox"/> Acres of impact below OHWM; <input type="checkbox"/> Reference any temporary fill associated with this work (Note: temporary fill should be quantified in an attachment)? <i>Reviewer Notes:</i>
			C) Is the length of existing stream channel provided and does this seem to match what is presented in the attached plans? The scale bar can be used to visually estimate impacts? <i>Reviewer Notes:</i>
			D) Is the length of new channel to be constructed provided and does this seem to match what is presented in the attached plans? The scale bar can be used to visually estimate impacts? <i>Reviewer Notes:</i>
			E) Are the appropriate boxes checked for backfilling of the existing stream channel (yes or no) and the type of relocation (piping, open channel, or other)? <i>Reviewer Notes:</i>
			F) Are the types of fill and volume of fill associated with the stream relocation provided? <i>Reviewer Notes:</i>
			G) Are the lengths and acreage impacts in Block E consistent with the cumulative totals listed in Block 4? <i>Reviewer Notes:</i>

* Separate worksheets for Block E can be completed for each stream impact. As an alternative, the cumulative impacts can be listed in this block and a summary table itemizing impacts to each stream can be attached to the application

S	D	NA	Worksheet Block F: Open Water Fill (if applicable)
			A) Does the water body name (or names) reflect the correct USGS 7.5 minute series name and are all open water fill impacts accounted for in the worksheet*? <i>Reviewer Notes:</i>
			B) Does the description of impacts adequately outline the proposed open water fill activity (or activities) and does it reference any temporary fill associated with this work (Note: temporary fill should be quantified in an attachment)? <i>Reviewer Notes:</i>
			C) Is the area of the water body to be filled provided (acres)? <i>Reviewer Notes:</i>
			D) Is the type and volume fill provided? <i>Reviewer Notes:</i>

* Separate worksheets for Block F can be completed for each stream impact. As an alternative, the cumulative impacts can be listed in this block and a summary table itemizing impacts to each stream can be attached to the application.

IDEM RULE 5 – NOTICE OF INTENT – FORM 47487



RULE 5 - NOTICE OF INTENT (NOI)

State Form 47487 (R5 / 10-05)
Indiana Department of Environmental Management
Office of Water Quality
Approved by State Board of Accounts, 2005

Type of Submittal (Check Appropriate Box):

Initial Amendment Renewal

Permit Number:

(Note: The initial submittal does not require a permit number; the Department will assign a number. A permit number is required when filing an amendment, applying for renewal, or correspondence related to this permit).

Note: Submission of this Notice of Intent letter constitutes notice that the project site owner is applying for coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit Rule for Storm Water Discharges Associated with Construction Activity. Permitted project site owners are required to comply with all terms and conditions of the General Permit Rule 327 IAC 15-5 (Rule 5).

Project Name and Location		
Project Name:	County:	
Brief Description of Project Location:		
Project Location: Describe location in Latitude and Longitude (Degrees, Minutes, and Seconds or Decimal representation) <u>and</u> by legal description (Section, Township, and Range, Civil Township)		
Latitude:	Longitude:	
Quarter:	Section:	Township:
		Range:
		Civil Township:
Does <input type="checkbox"/> all or <input type="checkbox"/> part of this project lie within the jurisdictional boundaries of a Municipal Separate Storm Sewer System (MS4) as defined in 327 IAC 15-13? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name the MS4(s):		
Project Site Owner and Project Contact Information		
Company Name (If Applicable):		
Project Site Owner's Name: (An Individual)		Title/Position:
Address:		
City:	State:	ZIP Code:
Phone:	FAX:	E-Mail Address: (If Available)
Ownership Status (check one): Governmental Agency: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local Non-Governmental: <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Other: (Explain)		
Contact Person:		Company Name: (If Applicable)
Affiliation to Project Site Owner:		
Address: (if different from above)		
City:	State:	ZIP Code:
Phone:	FAX:	E-Mail Address: (If Available)
Project Information		
Project Description: <input type="checkbox"/> Residential-Single Family <input type="checkbox"/> Residential-Multi-Family <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Other: (Explain)		
Name of Receiving Water: <i>(Note: If applicable, name of municipal operator of storm sewer and the ultimate receiving water. If a retention pond is present on the property, the name of the nearest possible receiving water receiving discharge must be provided).</i>		
Project Acreage Total Acreage: Proposed Land Disturbance: (in acres) Total Impervious Surface Area: (in square feet, estimated for completed project)		
Project Duration Estimated Start Date: Estimated End Date for all Land Disturbing Activity:		

(Continued on Reverse Side)

Construction Plan Certification

By signing this Notice of Intent letter, I certify the following:

- A. The storm water quality measures included in the Construction Plan comply with the requirements of 327 IAC 15-5-6.5, 327 IAC 15-5-7, and 327 IAC 15-5-7.5;
- B. the storm water pollution prevention plan complies with all applicable federal, state, and local storm water requirements;
- C. the measures required under 327 IAC 15-5-7 and 327 IAC 15-5-7.5 will be implemented in accordance with the storm water pollution prevention plan;
- D. if the projected land disturbance is One (1) acre or more, the applicable Soil and Water Conservation District or other entity designated by the Department, has been sent a copy of the Construction Plan for review;
- E. storm water quality measures beyond those specified in the storm water pollution prevention plan will be implemented during the life of the permit if necessary to comply with 327 IAC 15-5-7; and
- F. implementation of storm water quality measures will be inspected by trained individuals.

In addition to this form, I have enclosed the following required information:

- Verification by the reviewing agency of acceptance of the Construction Plan.
- Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence, including all required elements contained in 327 IAC 15-5-5 (9). The Proof of Publication **Must** include company name and address, project name, address/location of the project, and the receiving stream to which storm water will be discharged. Following is a sample Proof of Publication:

"XERT Development Inc. (10 Willow Lane, Indianapolis, Indiana 46206) is submitting a Notice of Intent to the Indiana Department of Environmental Management of our intent to comply with the requirements of 327 IAC 15-5 to discharge storm water from construction activities associated with Water Garden Estates located at 24 Washout Lane, Indianapolis, Indiana 46206. Runoff from the project site will discharge to the White River. Questions or comments regarding this project should be directed to Walter Water of XERT Development Inc."

- \$100 check or money order payable to the Indiana Department of Environmental Management. A permit fee is required for all NOI submittals (initial and renewal). A fee is not required for amendments.

Project Site Owner Responsibility Statement

By signing this Notice of Intent letter, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information or violating the provisions of 327 IAC 15-5, including the possibility of fine and imprisonment for knowing violations.

Printed Name of Project Owner: _____

Signature of Project Owner: _____ Date: _____

This Notice of Intent must be signed by an individual meeting the signatory requirements in 327 IAC 15-4-3(g). All NOI submittals must include an original signature (FAX and photo copies are not acceptable).

Note: Within 48 hours of the initiation of construction activity, the project site owner must notify the appropriate plan review agency and IDEM, Office of Water Quality of the actual project start date if it varies from the date provided above.

Note: A permit issued under 327 IAC 15-5 is granted by the commissioner for a period of five (5) years from the date coverage commences. Once the five (5) year permit term duration is reached, a general permit issued under this rule will be considered expired, and as necessary for construction activity continuation, a new Notice of Intent letter (Renewal) is required to be submitted ninety (90) days prior to the termination of coverage. The submittal must include the NOI Letter, Proof of Publication, Fee, and verification that the plan for the project was approved (original verification of plan approval is acceptable provided the scope of the project has not changed from the original submittal).

**Mail this form to: Indiana Department of Environmental Management
Cashiers Office - Mail Code 50-10C
100 North Senate Avenue
Indianapolis, IN 46204-2251**

327 IAC 15-5-6 (a) also requires a copy of the completed Notice of Intent letter be submitted to the local Soil and Water Conservation District or other entity designated by the Department, where the land disturbing activity is to occur.

Questions regarding the development or implementation of the Construction Plan/Storm Water Pollution Prevention Plan should be directed to the local county Soil and Water Conservation District (SWCD). If you are unable to reach the SWCD or have other questions please direct those inquiries to the IDEM Rule 5 Coordinator at 317/233-1864 or 800/451-6027 ext.3-1864.

For information and forms visit: <http://www.in.gov/idem/permits/water/wastewater/wetwthr/storm/rule5.html>

RULE 5 GUIDANCE FOR CONSTRUCTION PLAN (SWPPP)

Storm Water Pollution Plan Development

Rule 5 requires the development of a Construction Plan. An integral part of the Construction Plan includes a Storm Water Pollution Prevention Plan. The Storm Water Pollution Prevention Plan addresses several issues. First, the plan outlines how erosion and sedimentation will be controlled on the project site to minimize the discharge of sediment off-site or to a water of the state. Second the plan addresses other pollutants that may be associated with construction activity. This can include disposal of building materials, management of fueling operations, etc. Finally, the plan should also address pollutants that will be associated with the post construction land use.

The Construction Plan requirements can be found in [327 IAC 15-5-6.5 \[PDF\]](#) (Scroll to Page 10) of the Rule. The following information is an outline of items that are required to be contained in a Construction Plan that is submitted pursuant to 327 IAC 15-5. The items within this document have been divided into three distinct categories, including:

1. Basic Plan Elements,
2. Active Construction Component, and
3. Post Construction Component.

Each item is identified with a letter and number that can be directly related back to the review sheet that is utilized by staff reviewing a set of Construction Plans that have been submitted for 327 IAC 15-5. Each item also contains information that explains the expectation for each plan element and the level to which it should be described or represented within the plans.

Guidance on Each of the 23 Basic Plan Elements:

A1 - Plan Index showing locations of required items

The plan index should include a list of the required items in the rule and where they occur in the plan. Plan preparers often have their plan index mirror items in the IDEM standard plan review checklist.

A2 - 11 X 17 inch plat showing building lot numbers/boundaries and road layout/names

The reduced size plat of the project is intended to be a basic representation of the project layout. At a minimum it should include building lot boundaries, lot numbers, road layout, and road names. It is not intended to be a complete representation of the Construction Plan or the Storm water pollution prevention plan. The purpose of the reduced plat is primarily to provide staff a simplified layout of the project that can be used as an aide when conducting an inspection of the project site. The plat should be legible, therefore based on the size of the project it is acceptable to have multiple sheets of 11 X 17. (This item is not required for single-family residential developments of 4 lots or less and single-family residential strip developments)

A3 - Narrative describing project nature and purpose:

IDEM: Rule 5 Guidance for Construction Plan/Storm Water Pollution Plan Development Page 1 of 10 <http://www.in.gov/idem/4909.htm> 9/16/2010 The plan should include information regarding the nature and purpose of the project. Typically this information would appear in a narrative; however it is also acceptable for the narrative to include other plan requirements.

A4 - Vicinity map showing project location:

The plan should include a map that depicts the site in relation to other areas in the city or county and should be sufficient for someone not familiar with the area to find the project site location. Acceptable map types include USGS topographic maps, county road maps, city street maps, custom drawn maps, etc. (as long as they adequately depict the site location).

A5 - Legal Description of the Project Site:

The legal description of the project site should be identified to the nearest quarter section and include township and range coordinates, and Civil Township name. While the longitude and latitude coordinates are not a requirement of the plan; the checklist does mention these items to encourage inclusion by the plan preparer.

A6 - Location of all lots and proposed site improvements:

Lot boundaries and numbers are required to be shown on the plan. In addition, the plan should show all proposed site improvements, including but not limited to utilities, roads (names, if available), structures, and common areas. Single lot projects should show the location of any proposed structures.

A7 - Hydrologic unit code:

The hydrologic unit code should be identified to the 14 digit code. The code identified in the plan should represent the watershed(s) in which the project is located. One resource to obtain this information is available at: <http://igs.indiana.edu/arcims/statewide/index.html>.

A8 - Notation of any State or Federal water quality permits:

The plan should identify any permits required related to water quality, such as Construction in a Floodway from DNR, 401 Water Quality Certification from IDEM, 404 permits from US Army Corps of Engineers, etc. It is not necessary for the project site owner to possess permits applicable to his/her project to receive approval of their plan pursuant to 327 IAC 15-5.

A9 - Specific points where Storm water discharge will leave the site:

The plan should clearly identify where Storm water will exit the site. It is not necessary that the location be identified with a note on the plan, unless it is not clear from the topographic or storm drainage system information.

A10 - Location and name of all wetlands, lakes, and water courses on and adjacent to the site:

IDEM: Rule 5 Guidance for Construction Plan/Storm Water Pollution Plan Development Page 2 of 10 <http://www.in.gov/idem/4909.htm> 9/16/2010 This information is important in evaluating the proposed Storm water pollution prevention measures to insure that they are adequate and appropriate to reduce the impact to natural areas associated with the project site. Identification of nearby watercourses and lakes may place an additional importance on sediment control in a particular area of the project.

A11 - Identify all Receiving Waters:

The plan should identify all named streams, or other water bodies that will potentially receive runoff from the project site. If the discharge is to a municipal storm sewer, the plan should identify the owner of the storm drain system as well as the ultimate receiving water for the storm drain system.

A12 - Identification of potential discharges to groundwater:

The plan should include the location of all areas where Storm water may be potentially discharged to groundwater. These areas include sinkholes or uncapped abandoned wells, which may be located on the project site or downstream of the project site and could potentially be impacted by Storm water discharge. It could also include Storm water infiltration practices such

as drywells, which may be planned as part of the project. These areas need to be clearly located in the plan, with adequate protection measures to prevent contaminated runoff from entering the groundwater. Abandoned wells should be properly capped.

A13 - 100 Year Floodplains, floodways, and floodway fringes:

This information is relevant to the project if a stream is located on or near the property. If applicable to the project site, the plan should at a minimum include a discussion of their existence and to further extent delineation on the plan. If this element is not applicable to the project, the plan preparer should make reference to this in the plan.

A14 - Pre-construction and post construction estimate of Peak Discharge:

This information is a required element of the plan and has been included to place emphasis on the impact projects can have related to runoff quantities and velocities. There are several acceptable methods of calculating these figures, including the rational method, TR55, etc. (This item is not required for single-family residential developments of 4 lots or less and single family residential strip developments)

A15 - Adjacent land use, including upstream watershed:

This information provides a basis to evaluate the overall project including potential downstream impacts, but also other contributing factors that are discharging onto the project site. It is important to have an understanding of the impact the project may have on surrounding properties and sensitive areas, but also have an understanding of the runoff and other potential pollutants that may be discharged from areas in the watershed above the project. The intent of this element is to identify the types of land use, such as single-family residential, multi-family residential, commercial, agricultural, forested, etc.

A16 - Locations and approximate boundaries of all disturbed areas:

IDEM: Rule 5 Guidance for Construction Plan/Storm

Water Pollution Plan Development Page 3 of 10 <http://www.in.gov/idem/4909.htm> 9/16/2010

The plan should identify the construction limits of the project. The extent of disturbance has a profound impact on what practices may be necessary to adequately control erosion and the resulting sediment. If disturbance boundaries are not identified inside of the property boundary, the plan reviewer will consider the entire site as being disturbed for the purposes of evaluating the proposed Storm water quality measures.

A17 - Identification of existing vegetative cover:

The plan should delineate the boundaries of major vegetative cover types, such as grass, brush, trees, etc. It is not necessary for the plan to identify individual vegetative species.

A18 - Soils map including descriptions and limitations:

Each plan should provide a soil map for the project site. The map should be accompanied by descriptions of each soil type that occurs on the site. A legible copy of the appropriate soil map from the USDA soil survey for the county is sufficient. Boring logs and a geotechnical report or site mapping by a soil scientist should also be considered acceptable means of satisfying this requirement. In addition to a soil map and a description of the soil types, the plan should include a discussion of the soil characteristics and limitations associated with the project site and the measures that will be integrated into the project to overcome any limitations. For example, if sanitary sewer does not service the site and on-site septic systems will be used for waste disposal, the plan preparer should provide information concerning the suitability of the soil and the type of systems that will be required to overcome soil limitations.

A19 - Locations, size and dimensions of proposed Storm water systems:

All proposed Storm water systems, including swales, channels, piping, culverts, etc. should be clearly shown in the plan. In addition to location, the plan should include the size and dimensions of the specific Storm water systems.

A20 - Plan for any off-site construction activities associated with this project:

Any off-site services such as sanitary sewers, waterlines, other utilities, roads, etc. which are off of the proposed project site, but are necessary to provide service to the project must be included in the plan submitted for the project, if the project site owner is responsible for paying for the off-site service. If the utility or local government is paying for the construction of the off-site tie-in, then they do not need to be included as part of the project submittal, but should be submitted separately, if the disturbance will be one (1) acre or more. It is important that the project site owner realize that all land disturbance associated with their project is subject to compliance with the rule. The same burden of compliance is necessary for these off-site areas as they are for the project site itself. If there are not off-site activities, or others are conducting the off-site activities, a simple note to that affect should be sufficient to satisfy this requirement.

A21 - Locations of proposed soil stockpiles, borrow and/or disposal areas:

IDEM: Rule 5 Guidance for Construction Plan/Storm Water Pollution Plan Development Page 4 of 10 <http://www.in.gov/idem/4909.htm> 9/16/2010 Similar to item A20, this information needs to be submitted as part of the plan. Often times borrow and disposal areas occur off of the project site. Unless these areas are commercially operated facilities, they need to be included as part of the plan submittal. These areas must also be included when they occur on site. If there are no stockpile, borrow or disposal areas planned, a simple note to that affect should be sufficient to satisfy this requirement.

A22 - Existing site topography at an interval appropriate to show detailed drainage patterns:

This information is critical to properly evaluate the adequacy of the proposed Storm water pollution prevention measures. Site topography may be depicted in multiple ways such as continuous contour lines and spot elevations (as long as there are a sufficient number of locations to be able to visualize the site topography). A graphical profile of the project may also be acceptable for highway, road, utility and other lineal projects.

A23 - Proposed final topography at an interval appropriate to show detailed drainage patterns:

This information is critical to properly evaluate the adequacy of the proposed Storm water pollution prevention measures. Site topography may be depicted in multiple ways such as continuous contour lines and spot elevations (as long as there are a sufficient number of locations to be able to visualize the site topography). A graphical profile of the project may also be acceptable for highway, road, utility and other lineal projects.

Assessment of Storm water Pollution Prevention – Construction Component (Section B)

B1 - Description of potential pollutant sources associated with the

construction activities:

This item is included in the rule to place an emphasis on identification of pollutants that are associated with construction activity. In the past, the emphasis has been on sediment reduction; however the rule requires the plan preparer to identify other potential pollutants and their sources. Potential pollutant sources include material and fuel storage areas, fueling locations, exposed soils, leaking vehicles and equipment, etc. To satisfy this item, the plan needs to contain a written description of the expected pollutants that could enter Storm water during the construction operation, and where those potential pollutants might be generated. In addition, the plan preparer should include and discussion of measures or operational activities that will be initiated to minimize the danger of pollutants entering Storm water. (This item is not required for single-family residential developments of 4 lots or less and single family residential strip developments)

B2 - Sequence describing Storm water quality measure implementation relative to land disturbing activities:

Each plan should contain multiple Storm water pollution prevention measures. All measures will not be installed at the same time. Various measures will be installed at different times throughout the construction process. Some will installed prior to any land disturbance, such as the construction entrance and some initial perimeter sediment control measures. Others may not be necessary until work at the site progresses to an area where they are necessary. Each proposed measure should be IDEM: Rule 5 Guidance for Construction Plan/Storm Water Pollution Plan Development Page 5 of 10 <http://www.in.gov/idem/4909.htm> 9/16/2010 identified in the sequence as to when it is to be installed in relation to land disturbing activities. Specific dates of installation are not necessary or the intent of this requirement.

B3 - Stable construction entrance locations and specifications:

All projects with the exception of some lineal projects and residential strip developments should have a stable construction entrance. All access points to a project must have a stabilized entrance. The plan should clearly show the location of all proposed stable entrance locations, as well as specifications and construction details regarding how the stable entrance is to be constructed and maintained.

B4 - Sediment control measures for sheet flow areas:

This item is intended to evaluate the areas of the site where runoff will be primarily in a sheet flow condition. The reviewer should evaluate these areas and the proposed sediment control measures to insure that the proposed measures are adequate for the situation. Each proposed measure must be accompanied by construction details and specifications.

B5 - Sediment control measures for concentrated flow areas:

This item is intended to evaluate the areas of the site where runoff will be primarily in a concentrated flow condition. The reviewer should evaluate these areas and the proposed sediment control measures to insure that the proposed measures are adequate for the situation. Each proposed measure must be accompanied by construction details and specifications. In addition to the typical sediment control measures used to minimize sedimentation associated with surface water runoff, provisions should be made to address any dewatering and/or directional boring operations.

B6 - Storm sewer inlet protection measure locations and specifications:

If surface inlets, including curb inlets, are present, the plan should include protection measures to prevent sediment from entering the storm drain system. The proposed practices should be

appropriate for the type of inlet it is proposed to protect. Alternate measures, such as seeding and curbside protection may be considered as adequate protection, if sufficient to prevent sediments from entering the street and curb inlets. Each proposed measure must be accompanied by construction details and specifications.

B7 - Runoff control measures:

This item refers to measures such as diversions, rock check dams, slope drains, etc. These types of measures may not be necessary on every project. However, if the plan reviewer feels that they are necessary, the plan should be evaluated as to whether the issue was adequately addressed in the plan. Each proposed measure must be accompanied by construction details and specifications.

B8 - Storm water outlet protection specifications:

All Storm water discharge locations need to be adequately protected to prevent scour erosion. The plan should specify protection measures appropriate for the situation. Each proposed measure must be accompanied by construction details and specifications.

B9 - Grade Stabilization structure locations and specifications:

This item refers to measures such as rock chutes, toe wall and drop structures, etc. These types of IDEM: Rule 5 Guidance for Construction Plan/Storm Water Pollution Plan Development Page 6 of 10 <http://www.in.gov/idem/4909.htm> 9/16/2010 measures may not be necessary on every project. However, if the plan reviewer feels that they are necessary, the plan should be evaluated as to whether the issue was adequately addressed in the plan. Each proposed measure must be accompanied by construction details and specifications.

B10 - Location, dimensions, specifications and construction details of each Storm water quality measure:

Each proposed measure should be clearly located in the plan. Some plans may not provide the location in a pictorial format on the plan drawings, but may provide clear text or a table to depict where various practices should be located. This should be adequate to satisfy the requirement as long as the reviewer can determine the location in the plan. Each proposed measure must also be accompanied by construction details and specifications. Temporary or permanent surface stabilization is required on any bare or thinly vegetated area that is scheduled or likely to remain inactive for a period of 15 days or more.

B11 - Temporary surface stabilization methods appropriate for each season:

The plan should provide detailed specifications, including sequencing information, regarding which stabilization methods are to be employed. There should be multiple methods, as the various seasons need to be considered. Even if the project is expected to be short lived, these seasonal options must be supplied. Delays are common in the construction industry and projects take longer than expected. The plan needs to cover these contingencies. For applications that include seeding, the plan preparer should provide application rates for soil amendments and seed mixtures. The type and application rate for anchored mulch.

B12 - Permanent surface stabilization specifications:

The permanent stabilization methods should be clearly specified, including sequencing information, in the plan. The plan preparer should provide application rates for soil amendments and seed mixtures and the type and application rate for anchored mulch.

B13 - Material handling and spill prevention plan:

The plan should include a list of expected materials that may be present on the site during construction operations. A written description of how these materials will be handled to minimize

the potential the materials will enter Storm water runoff should accompany the list of materials. There should also be procedures directing the contractor on the required response to any spills that may occur during construction operations. (This item is not required for single-family residential developments of 4 lots or less and single family residential strip developments)

B14 - Monitoring and maintenance guidelines for each proposed pollution prevention measure:

Each proposed measure must be accompanied by instructions for evaluating the practice for maintenance needs once installed. The maintenance guidelines for the project should also include instructions on how the monitoring and maintenance procedures are to be carried out. The Phase II IDEM: Rule 5 Guidance for Construction Plan/Storm Water Pollution Plan Development Page 7 of 10 <http://www.in.gov/idem/4909.htm> 9/16/2010 version of the rule requires that the project site owner or their representative, knowledgeable in erosion and sediment control, inspect the site for Storm water pollution prevention deficiencies at least weekly and again within 24 hours of every ½ inch rain event. The plan should clearly describe these required maintenance procedures.

B15 - Erosion & Sediment control specifications for individual building lots:

If the project has multiple lots where independent activities are likely to occur, the plan should provide clear guidance as to the required minimum standards for erosion and sediment control during construction operations on the individual lots. The Phase II version of the rule places specific requirements on activities conducted on individual building lots. The minimum standards in the plan should meet the minimum lot requirements established in Section 7.5 of the rule, and should follow the standards set forth in the "Erosion and Sediment Control for Individual Building Lots" brochure available on the Division of Soil Conservation's website. The plan reviewer should also take into account the relative size of the lots and steepness of the lots when determining whether provisions in the plan appear to be adequate.

Assessment of Storm Water Pollution Prevention – Post Construction Component (Section C)

There are several new requirements in the revised version of 327 IAC 15-5. Several of these new requirements involve the potential pollutants that will be generated from the completed project. Every land use has certain pollutants that are generated simply based on the facility or the activities being conducted on the property. The intent of the Clean Water Act rules established by US EPA is to minimize pollutants generated from new construction projects, including the post construction pollutants that will be generated by the proposed land use change. 327 IAC 15-5 has incorporated requirements to address these issues. The post construction Storm water pollution prevention plan must include the implementation of storm water quality measures to address pollutants that will be associated with the final land use of the project. Post construction Storm water quality measures should be functional upon completion of the project. Long-term functionality of the measures is critical to their performance and should be monitored and maintained. The intent of these provisions in the regulation is not to just simply plug in practices to treat the expected post construction pollutants. Emphasis should be on designing the project, or modifying the design of a project, to minimize the generation of pollutants in the first place. It will be impossible for current and future landowners to eliminate all potential pollutants. Once design considerations have been made to minimize the generation, then additional practices may need to be added to the project to treat the runoff and trap the pollutants that could not be prevented. The main objective is that everyone realizes that all types of land use carry with them pollutants and pollutant sources, and that it is possible to modify the project site design to reduce the pollutant sources and, with additional treatment practices, reduce the amount of pollutants potentially impacting the environment. (This section of items is not required for

single-family residential developments of 4 lots or less and single-family residential strip developments)

C1 - Description of pollutants and their sources associated with the proposed land use.

(This checklist item relates to 327 IAC 15-5-6.5(a)(8)(A) - A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount IDEM: Rule 5 Guidance for Construction Plan/Storm Water Pollution Plan Development Page 8 of 10 <http://www.in.gov/idem/4909.htm> 9/16/2010 of pollutants to Storm water discharges.) The plan should include a narrative description that discusses the proposed project and the expected pollutants that typically are generated by this type of land use. The description should also discuss the sources of these pollutants within the finished project site (e.g., oil, grease, antifreeze, brake fluid, brake dust, rubber fragments, gasoline, diesel fuel and other hydrocarbons, and metals from vehicular and other sources, grit (sediment) from wearing of the road surface and falling or washing off of vehicles, trash (including bacteria and other biological agents contained in the trash) from littering and other types of improper disposal or storage, and elevated receiving water temperatures from Storm water runoff contact with impervious surfaces).

C2 - Sequence describing storm water quality measure implementation.

This checklist item relates to 327 IAC 15-5-6.5(a)(8)(D) - A sequence describing when each post construction Storm water quality measure will be installed.) The plan should provide a sequence of when the proposed post construction Storm water quality measures will be installed. Pay close attention to practices, like basins or ponds that could be utilized during construction for sediment control. They should not be installed late in the project simply to reduce cleanout burdens.

C3 - Description of proposed post construction storm water quality measures.

(This checklist item relates to 327 IAC 15-5-6.5(a)(8)(C) A description of measures that will be installed to control pollutants in Storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and Storm water retention and detention ponds, 327 IAC 15-5-6.5(a)(8)(E) Storm water quality measures that will remove or minimize pollutants from Storm water run-off, and 327 IAC 15-5-6.5 (a)(8)(F) Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.) Items C, E & F from the rule listed above require similar information and may be provided in a single narrative description within the plan. The plan should include a narrative description that discusses how the project was designed to minimize the generation of post construction pollutants, and how the proposed post construction Storm water quality measures will improve the quality of the Storm water discharge from the finished project. Many times, it will be possible for a project to comply without installing elaborate and expensive treatment systems. Reducing impervious surfaces and increasing vegetative surfaces to trap pollutants may be sufficient. Sometimes, management practices, such as more frequent street sweeping or reduced fertilizer and pesticide applications, may have a significant positive impact on Storm water quality.

C4 - Location, dimensions, specifications and construction details of each Storm water quality measure.

(This checklist item relates to 327 IAC 15-5-6.5(a)(8)(B) Location, dimensions, detailed specifications, and construction details of all post construction Storm water quality measures.)

All proposed post construction Storm water quality measures should be clearly shown on the plan, and should include specifications and construction details similar to those that have long been required for erosion and sediment control measures during construction.

C5 - Description of maintenance guidelines for proposed post
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measures.

(This checklist item relates to 327 IAC 15-5-6.5(a)(8)(G) A narrative description of the maintenance guidelines for all post construction Storm water quality measures to facilitate their proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post construction Storm water quality measures.) All proposed measures must be accompanied by guidelines for monitoring and maintenance. If manufactured products are involved, the manufacturer should be able to provide detailed information about monitoring and maintenance procedures and frequencies. The plan should also identify the parties or individuals that will be responsible for the future long-term maintenance. This identification does not need to be a name of an individual, as they may not be known at the time of plan submittal. A description of the entity (e.g., homeowner's association, name of the government department, if the measures will be turned over to the local government, etc.) should be sufficient. IDEM: Rule 5 Guidance for Construction Plan/Storm Water Pollution Plan Development Page 10 of 10
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