



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

December 15, 2025

VIA ELECTRONIC MAIL

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

Dear Mayor Kirkpatrick:

Re: 327 IAC 3 Construction
Permit Application
LTCP Phase 4, Division B Collection System
Permit Approval No. 25334R
Rockport, Indiana
Spencer County

The application, plans and specifications, and supporting documents for the above-referenced project have been reviewed and processed in accordance with rules adopted under 327 IAC 3. Enclosed is the Construction Permit (Approval No. 25334R), which applies to the construction of the above-referenced proposed sanitary sewer system improvements to occur at various locations throughout the City of Rockport. These include County Road 275 West to the west; adjacent to the Ohio River to the east; Center Street to the south; 5th Street and points to the north.

Please review the enclosed permit carefully and become familiar with its terms and conditions. In addition, it is imperative that the applicant, consulting architect/engineer (A/E), inspector, and contractor are aware of these terms, conditions, and reporting and testing requirements.

It should be noted that any person affected or aggrieved by the agency's decision in authorizing the construction of the above-referenced facility may, within fifteen (15) days from date of mailing, appeal this permit by filing a request with the Office of Administrative Law Proceedings for an adjudicatory hearing in accordance with IC 4-21.5-3-7 and IC 13-15-6. The procedure for appeal is outlined in more detail in Part III of the attached construction permit.

Plans and specifications were prepared by Commonwealth Engineers, Inc., certified by Aaron R. Rohner, P.E., and submitted for review on November 25, 2025.

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!

Letterhead INDY R-01.2024



Any questions concerning this permit may be addressed to Lauren Yumibe, of our staff, at 317/233-1764.

Sincerely,

A handwritten signature in black ink that reads "Kevin D. Czerniakowski". The signature is written in a cursive style with a horizontal line at the end.

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

Project No. M-26181R

Enclosures

cc: Spencer County Health Department

Aaron R. Rohner, P.E., Commonwealth Engineers, Inc.

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

DECISION OF APPROVAL

The City of Rockport, in accordance with the provisions of IC 13-15 and 327 IAC 3 is hereby issued a permit to construct the sanitary sewer system to be located at various locations throughout the City of Rockport (County Road 275 West to the west; adjacent to the Ohio River to the east; Center Street to the south; 5th Street and points to the north). The permittee is required to comply with requirements set forth in Parts I, II and III hereof. The permit is effective pursuant to IC 4-21.5-3-4(d). If a petition for review and a petition for stay of effectiveness are filed pursuant to IC 13-15-6, an Environmental Law Judge may be appointed for an adjudicatory hearing. The force and effect of any contested permit provision may be stayed at that time.

NOTICE OF EXPIRATION DATE

Authorization to initiate construction of this sanitary sewer system shall expire at midnight one year from the date of issuance of this construction permit. In order to receive authorization to initiate construction beyond this date, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management. It is requested that this information be submitted sixty (60) days prior to the expiration date to initiate construction. This permit shall be valid for a period of five (5) years from the date below for full construction completion.

Issued on December 15, 2025, for the Indiana Department of Environmental Management.



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

SANITARY SEWER SYSTEM DESCRIPTION

The City of Rockport was issued Construction Permit No. 25334 on March 20, 2024, for collection system upgrades consisting of 200 feet of 8-inch diameter PVC (ASTM D3034, SDR-26), 130 feet of 18-inch diameter PVC (ASTM F679, PS 115), 480 feet of 30-inch diameter PVC (ASTM F679, PS 115), and 2,320 feet of 36-inch diameter PVC (ASTM F679, PS 115) gravity sewer pipe, 250 feet of 2-inch diameter HDPE (AWWA C901, DR-9, 250 psi), 8,320 feet of 4-inch diameter PVC (ASTM D2241, SDR-21, 200 psi), 4,000 feet of 28-inch diameter HDPE (AWWA C906, DR-11, 200 psi) by open-cut installation, 3,800 feet of 28-inch diameter HDPE (AWWA C906, DR-11, 200 psi, HDD installation), and 430 feet of 28-inch diameter HDPE (AWWA C906, DR-11, 200 psi jack-and-bore installation) force main pipe. The combined sewer flows were to be captured by a proposed CSO diversion structure and connected to the proposed 5th Street Master Lift Station via a 30-inch diameter interceptor. The structure will be located approximately 180 feet east of the intersection of Washington Street and North 5th Street.

In addition to these proposed pipes, several upgrades to existing lift stations were proposed. Two (2) new submersible pumps rated for 300 GPM at 175 feet TDH were proposed for the Reo Lift Station. Two (2) new submersible pumps rated for 90 GPM at 146 feet TDH were proposed for the Country Ridge Lift Station. Two (2) new submersible pumps rated for 400 GPM at 148 feet TDH were proposed for the Base Road Lift Station. Two (2) new submersible pumps rated for 500 GPM at 129 feet TDH were proposed for the Silverdale Lift Station. Two (2) new submersible pumps rated for 100 GPM at 107 feet TDH were proposed for the Ike's Lift Station. The existing 2-inch diameter force main of the River Valley Lift Station was proposed to be redirected to an existing manhole on South Second Street 130 feet south of Seminary Street. A new lift station, the 5th Street Lift Station, was also proposed with three (3) submersible pumps, rated for 4,600 GPM at 75 feet TDH with 1 pump running, and 6,700 GPM at 100 feet TDH with 2 pumps running. Existing Lift Stations that were to receive new pumps were also proposed to have corresponding upgrades to their control panels, alarms, and emergency power systems.

On November 25, 2025, this office received a revised construction permit application and plans and specifications for review and approval. It is now proposed to realign 7,100 feet of the 28-inch diameter HDPE force main and change the pipe size and material to 24-inch diameter PVC (AWWA C900, DR-21, 200 psi). This realignment will obviate the need for horizontal directional drilling, leaving 9,341 feet of 24-inch diameter PVC (AWWA C900, DR-21, 200 psi) to be installed by open cut, and the remaining 260 feet of 24-inch diameter PVC to be installed through Jack & Bore with steel casing. Approximately 250 feet of the 36-inch diameter PVC sanitary gravity sewer (ASTM F679, PS 115) will be realigned to be closer to the existing sanitary sewer headwall north of Huffman Ditch. All connections to the collection system are unchanged. Additionally, demolition of the South WWTP has been moved from the downstream

infrastructure improvements project (Division "A") to the collection system improvements project (Division "B").

A variance is issued concurrently with this permit to allow for the construction while downstream infrastructure (Division "A") is being completed. The variance is attached to this permit.

Inspection during construction will be provided by Commonwealth Engineers, Inc. Maintenance after completion of construction will be provided by the City of Rockport. Wastewater treatment will be provided by the City of Rockport proposed North Wastewater Treatment Plant.

CONDITIONS AND LIMITATIONS TO THE AUTHORIZATION FOR
CONSTRUCTION OF SANITARY SEWERS

During the period beginning on the effective date of this permit and extending until the expiration date, the permittee is authorized to construct the above-described sanitary sewer system. Such construction shall conform to all provisions of State Rule 327 IAC 3 and the following specific provisions:

PART I

SPECIFIC CONDITIONS AND LIMITATIONS TO THE CONSTRUCTION PERMIT

Unless specific authorization is otherwise provided under the permit, the permittee shall comply with the following conditions:

1. Any local permits required for this project, along with easement acquisition, shall be obtained before construction is initiated.
2. If pollution or nuisance conditions are created, immediate corrective action will be taken by the permittee.
3. The separation of sanitary sewers from water mains and drinking water wells must comply with 327 IAC 3-6-9.
4. All gravity sewer pipe must be leak tested using either a hydrostatic test or air test in accordance with 327 IAC 3-6-19(d). If using a hydrostatic test, the rate of exfiltration or infiltration shall not exceed 200 gallons per inch of pipe diameter per linear mile per day. Air test shall be as prescribed.
5. The results of the gravity sewer leakage test and/or force main leakage test on the completed sewer shall be submitted to this office within three months of completion of construction.

6. Deflection tests must be performed on all flexible* pipe after the final backfill has been in place at least 30 days. No pipe shall exceed a vertical deflection of 5%. Deflection test results shall be submitted with the infiltration/exfiltration test results. (*The following are considered nonflexible pipes: vitrified clay pipe, concrete pipe, ductile iron pipe, cast iron pipe, asbestos cement pipe.)
7. Manholes shall be air tested in accordance with ASTM C1244-93, Standard Test Method for Concrete Sewer Manholes by the Negative Air Pressure (Vacuum) Test. The manhole test results shall be submitted with the gravity sewer leakage test results.

Failure to submit test results within the allotted time period or failure to meet guidelines as set forth in the above conditions could be subject to enforcement proceedings as provided by 327 IAC 3-5-3.

PART II

GENERAL CONDITIONS

1. No significant or material changes in the scope of the plans or construction of this project shall be made unless the following provisions are met:
 - a. Request for permit modification is made 60 days in advance of the proposed significant or material changes in the scope of the plans or construction;
 - b. Submit a detailed statement of such proposed changes;
 - c. Submit revised plans and specifications including a revised design summary; and
 - d. Obtain a revised construction permit from this agency.
2. This permit may be modified, suspended, or revoked for cause including, but not limited to the following:
 - a. Violation of any term or conditions of this permit:
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
3. Nothing herein shall be construed as guaranteeing that the proposed sanitary sewer system shall meet standards, limitations or requirements of this or any other agency of state or federal government, as this agency has no direct control over the actual construction and/or operation of the proposed project.

PART III

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

Anyone wishing to challenge this construction permit must do so by filing a Petition for Administrative Review with the Office of Administrative Law Proceedings (OALP), and serving a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Administrative Law Proceedings (OALP) within fifteen (15) days of the issuance of this notice (eighteen (18) days if notice was received by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Administrative Law Proceedings
Indiana Government Center North
Room 802
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental
Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of the Petitioner's right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If Petitioner seeks to have a permit stayed during the administrative review, he or she may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OALP will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. Those who are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding must submit a written request to OALP at the address above.

More information on the review process is available at the website for the Office of Administrative Law Proceedings at <http://www.in.gov/oalp>.



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We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

December 15, 2025

VIA ELECTRONIC MAIL

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

Dear Mayor Kirkpatrick:

Re: Variance Request for Construction Permit
Sanitary Sewer
LTCP Phase 4, Division B Collection System
Permit Approval No. 25334R
Rockport, Indiana
Spencer, County

You are hereby notified that your request for a variance, received by this office on November 24, 2025, pursuant to IC 13-14-8-8, from portions of 327 IAC 3-6-4 and 327 IAC 3-6-7, is granted in accordance with the provisions set forth in this letter. IDEM has determined that imposition of these rules at this time on the City of Rockport, would cause undue hardship or burden. The City of Rockport proposes the upgrade to 5 existing lift stations and improvements to collection system.

The variance being requested is to the construction of the collection system prior to the completion of the downstream facilities. The objective of this project is to convey all combined sewer flows up to the 10-year, 1-hour event to the proposed 5th Street lift station and ultimately to an improved North WWTP. The objective of the project is also to upgrade five lift stations to better handle current flows.

Performing this work after the downstream infrastructure is complete would create hardship as the City would not meet the schedule established in the CSO LTCP and would risk losing funding. The City has secured funding from the US Department of Agriculture Rural Development and Indiana Finance Authority. Funding was based on a project scope that included both WWTP – Division A improvements at the wastewater plant, and Division B improvements to the collection system. To ensure sufficient funding is provided for the full scope of the work both projects are being constructed somewhat concurrently.

Wastewater LTCP, Phase 4, Division A - Rockport WWTP – permitted under construction permit # L-0747 issued March 21, 2024, is 80% complete and still ongoing.

Part A. Scope of Variance

1. This variance only applies to the following project:

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

2. This variance applies to 327 IAC 3-6-4, 327 IAC 3-6-7, and the following provisions of the certification statements in the wastewater facility construction permit rules:
 - a. 327 IAC 3-6-4(b) “Certification of Registered Professional Engineer or Land Surveyor”:

“The sewer at the point of connection is physically in existence and operational. Based upon information provided by the owner of the Wastewater System, the ability for this collection system to comply with 327 IAC 3 is not contingent on downstream water pollution/control facility construction that has not been completed and put into operation.”
 - b. 327 IAC 3-6-4(c) “Capacity Certification”:

“I certify that the ability for this collection system to comply with 327 IAC 3 is not contingent on water pollution/control facility construction that has not been completed and put into operation”

Part B. Conditions of Variance

1. City of Rockport must comply with all requirements of 327 IAC 3 other than those listed in Part A above.
2. Violation of any of the above conditions is grounds for revocation of the variance and may subject City of Rockport to enforcement action.

Notice of Right to Administrative Review

Anyone wishing to challenge this action must do so by filing a Petition for Administrative Review with the Office of Administrative Law Proceedings (OALP); and serving a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Administrative Law Proceedings (OALP) within fifteen (15) days of the issuance this notice (eighteen (18) days if notice was received by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Administrative Law Proceedings
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Room 802
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental
Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. An identification of each petitioner's interest in the subject of the petition.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the determination; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The facts, terms, or conditions of the action for which the petitioner requests review.
7. The identity of any persons represented by the petitioner.
8. The identity of the person against whom administrative review is sought.
9. A copy of the action that is the basis of the petition.
10. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of the Petitioner's right to seek administrative review. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If Petitioner seeks to have an action stayed during the administrative review, he or she may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OALP will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. Those who are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding must submit a written request to OEA at the address above.

More information on the review process is available at the website for the Office of Administrative Law Proceedings at <http://www.in.gov/oalp>.

Granting this variance does not relieve the applicant from the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from IDEM or any other agency or person. Granting of this variance does not represent a determination that subsequent requests will be considered an undue hardship under the situation, rules and orders that may exist at that time.

If you have any questions regarding this variance decision, please contact Missy Nunnery at 317-232-5579 or by e-mail at munnery@idem.in.gov.

Sincerely,

A handwritten signature in dark ink, reading "Kevin D. Czerniakowski". The signature is written in a cursive style with a horizontal line at the end.

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

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