



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

October 1, 2026

VIA ELECTRONIC MAIL

Mr. Mike Bowman
Northwest Shelby County RSD
105 South Walnut Street
Fairland, Indiana 46126

Dear Mr. Bowman:

Re: Variance Request for Construction Permit
Sanitary Sewer
Shelby County WWTP &
Collection System – Phase I
Permit Approval No. L-0823
Fairland, Indiana
Shelby, County

You are hereby notified that your request for a variance, received by this office on July 9, 2026, 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 Northwest Shelby County RSD, would cause undue hardship or burden. Northwest Shelby County RSD. proposes sanitary sewers for the Town of Fairland and Clover Village.

The variance being requested is to the construction of the sanitary sewer system prior to the completion of the downstream facilities, the proposed gravity sanitary sewer and sanitary force main will be connected to a lift station planned to be in Clover Village. This lift station is anticipated to be installed by the end of 2027, depending on availability of funding. No connections will be made to the proposed sanitary sewer until that lift station is installed and fully operational. The proposed force main will connect to the future lift station and extend to the proposed wastewater treatment plant south of 4800 West County Road 600 North in empty agricultural land. The treatment plant will be constructed by the end of 2027, depending on availability of funding. The new collection system in Clover Village will not be placed into service until treatment is available via the new wastewater treatment plant. Until then, wastewater conveyed through existing sanitary sewer systems will continue to be treated by the existing Triton School system.



Part A. Scope of Variance

1. This variance only applies to the following project:

<u>Development</u>	<u>Submitter</u>	<u>Connections Granted</u>
Shelby County WWTP Collection System Phase I	Northwest Shelby County Regional Sewer District	113 Single Family Homes

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. Northwest Shelby County RSD 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 Northwest Shelby County RSD to enforcement action.

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 41 IAC 2-2-1. 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 41 IAC 2-2-1 and 41 IAC 2-2-3.

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>

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 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

cc: Mr. Drew Wilson, P.E., Egis BLN USA, Inc.