



State Revolving Fund Loan Programs

Drinking Water, Clean Water, Nonpoint Source

ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

COLUMBUS CITY UTILITIES WOODSIDE PHASE 1 & 2 SRF PROJECT WW 22 56 03 08

DATE: October 5, 2022

TARGET PROJECT APPROVAL DATE: November 7, 2022

I. INTRODUCTION

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

II. PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT (FNSI)

The SRF Wastewater Program has evaluated all pertinent environmental information regarding the proposed project and determined that an Environmental Impact Statement is not necessary. Subject to responses received during the 30-day public comment period, and pursuant to Indiana Code 5-1.2-3, it is our preliminary finding that the construction and operation of the proposed facilities will result in no significant adverse environmental impact. In the absence of significant comments, the attached EA shall serve as the final environmental document.

III. COMMENTS

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

**April Douglas
Environmental Review Coordinator
State Revolving Fund
100 N. Senate Ave. IGCN 1275
Indianapolis, IN 46204
317-234-7294
adouglas@ifa.in.gov**

ENVIRONMENTAL ASSESSMENT

I. PROJECT IDENTIFICATION

Project Name and Address: **Woodside Phase 1 & 2**
Columbus City Utilities
1111 McClure Road
Columbus, IN 47201

SRF Project Number: **WW 22 56 03 08**

Authorized Representative: Mr. Roger Kelso, P.E., Executive Director

II. PROJECT LOCATION

The Woodside and Inwood Lift Station is located in Bartholomew County, Wayne township, Columbus 24K USGS Quadrangle, township 8N, range 5E and section 15. Sandy Hook Lift Station is located in Bartholomew County, Columbus township, Columbus 24K USGS Quadrangle, township 9N, range 6E and section 20. The Walesboro Lift Station is located in Bartholomew County, Wayne township, Columbus 24K USGS Quadrangle, township 8N, range 5E and section 14. See **Figures 1, 2 and 3**.

III. PROJECT NEED AND PURPOSE

Existing flows within the Woodside South and Walesboro service areas exceed current sewer capacities for the International Drive and Inwood Drive sewers. The sewer replacement projects will provide required capacity to meet existing customer needs within the Woodside Industrial Park. The projects will also meet the local requirement for providing minimum of 12-inch diameter sewers in industrial areas.

The Sandy Hook Lift Station is at the end of its useful life and in poor condition. The demolition and regionalization of the Sandy Hook Lift Station will be in accordance with CCU's long-term goals to eliminate lift stations where feasible.

The Woodside Lift Station was last upgraded in 1989 and is in need of rehabilitation due to age and condition. Additionally, flows within the lift station basin are anticipated to exceed its existing capacity within the next 5 years. The proposed project will extend the useful life of the lift station and meet near-term capacity needs for the Woodside Industrial Park.

IV. PROJECT DESCRIPTION

Woodside Phase 1 project includes:

- International Drive Sewer Replacement, including replacement of approximately 2,600 linear feet of existing 8-inch gravity sewer with 18-inch gravity sewer.
- Inwood Drive Sewer Replacement, including replacement of approximately 4,000 linear feet of existing 8-inch and 12-inch gravity sewers with 12-inch and 15-inch gravity sewers.
- Sandy Hook Lift Station Demolition and Regionalization, including installation of approximately 900 linear feet of gravity sewer to direct flow to an existing manhole on the east side of Taylor Road.

Woodside Phase 2 project includes:

- International Drive Sewer Replacement, including replacement of approximately 2,400 linear feet of existing 8-inch gravity sewer with 12-inch gravity sewer.
- Inwood Drive Sewer Replacement, including replacement of approximately 3,200 linear feet of existing 10-inch and 15-inch gravity sewers with 18-inch gravity sewer.
- Woodside South Lift Station Improvements, including pump and rail replacement, electrical upgrades, piping and valve replacement, and lining of the structure.

V. ESTIMATED PROJECT COSTS, AFFORDABILITY AND FUNDING

A. Selected Plan Estimated Cost Summary

Project Costs

| | |
|----------------------------|--------------------|
| Woodside Phase 1 | \$4,720,000 |
| Woodside Phase 2 | <u>\$3,602,000</u> |
| Total Project Costs | \$8,322,000 |

- B. Total cost of this project is estimated to be approximately \$8,322,000. The City of Columbus will finance the project with a loan from the Clean Water SRF Loan Program for a term and annual fixed interest rate to be determined at loan closing. Monthly user rates and charges may need to be analyzed to determine if adjustments are required for loan repayment.

VI. DESCRIPTION OF EVALUATED ALTERNATIVES

The “**No Action**” alternative is not practical, environmentally sound, nor economical.

Phase 1 – International Drive, Inwood Drive Sanitary Sewer Upgrade, and Sandy Hook Lift Station Elimination:

The International Drive sewer includes the replacement of approximately 2,410 linear feet (LF) of the existing 8-inch sanitary sewer that extends from the gravity sewer manhole at the Woodside South Lift Station to just south of SR 58 with an 18-inch sewer to meet existing demands in Woodside Industrial Park. These improvements will bring this sewer into compliance with the City’s sewer sizing requirements and provide the required capacity to meet existing customer needs within the Woodside Industrial Park. The proposed improvements on International Drive are shown in Figure 3.

The Inwood Drive sewer includes the replacement of approximately 3,700 LF of the existing 8-inch sanitary sewer and 10-inch sanitary sewer that collects flows along Inwood Drive with a 12-inch and 15-inch sewer to serve the Walesboro service area. This project also includes replacement of 390 feet of 8-inch with 15-inch sewer to serve the existing businesses in the area. These improvements will bring this sewer into compliance with the City’s sewer sizing requirements and provide required capacity to meet existing customer needs within the Woodside Industrial Park. Proposed improvements on Inwood Drive are shown in **Figure 1**.

The Sandy Hook Lift Station elimination project includes the demolition of the Sandy Hook Lift Station and the installation of approximately 910 LF of 8-inch gravity sewer along South Drive. CCU’s goal is to eliminate lift stations in the collection system whenever possible. The Sandy Hook Lift Station can be eliminated by installing a gravity sewer. A business case shall be submitted as part of the GPR for energy efficiency due to the elimination of a pumping station. Proposed improvements on South Drive are shown in **Figure 2**.

Phase 2 – Woodside South Lift Station Upgrade and Walesboro Western Gravity Sewer:

Phase 2 includes improvements to the Woodside South Lift Station to extend the life of the structure and meet sewer demand requirements. Improvements include pump and rail replacement, electrical upgrades, piping and valve replacement, and lining of the structure. Phase 2 also includes replacement of approximately 2,400 linear feet of existing 8-inch gravity sewer with 12-inch gravity sewer along International Drive and replacement of approximately 3,200 linear feet of existing 10-inch and 15-inch gravity sewers with 18-inch gravity sewer along Inwood Drive. These improvements will bring the sewers into compliance with the City’s sewer sizing requirements and provide required capacity to meet existing customer needs within the Woodside Industrial Park. Phase 2 improvements are shown in **Figure 3**.

VII. ENVIRONMENTAL IMPACTS OF THE FEASIBLE ALTERNATIVES

A. Direct Impacts of Construction and Operation

Disturbed/Undisturbed Land: Work related to the installation of storm and sanitary sewers will occur in disturbed rights-of-way, adjacent to and within roadways, alleys and existing utility trenches. All areas have been previously disturbed by previous construction activity.

Structural Resources: Construction and operation of the project will not alter, demolish or remove historic properties. If any visual or audible impacts to historic properties occur, they will be temporary and will not alter the characteristics that qualify such properties for inclusion in or eligibility for the National Register of Historic Places. The SRF’s finding pursuant to Section 106 of the National Historic Preservation Act is: “*no historic properties affected.*”

Surface Waters: The project will not adversely affect waters of high quality listed in 327 IAC 2-1-2(3), exceptional use streams listed in 327 IAC 2-1-11(b), Natural, Scenic and Recreational Rivers and Streams listed in 312 IAC 7-(2), Salmonid Streams listed in (327 IAC 2-1.5-5(a)(3), or waters on the Outstanding Rivers list (Natural Resources Commission Non-rule Policy Document).

Figures 1 and 2 show the locations of surface water near the proposed project areas. The proposed improvements may potentially cross a tributary of Denois Creek. It is anticipated that a permit will not be required for this crossing in accordance with the requirements of 312 IAC 10-5-4.

Figure 3 shows the locations of surface water near the proposed project areas. The stream is being rerouted in the area of the proposed gravity sewer. The proposed sewer will remain on the north side of a tributary of Denois Creek and not require a stream crossing as a part of this project.

Wetlands (Figures 4, 5 & 6): **Figures 4 and 5** show the locations of wetlands near the proposed project areas. A portion of the Inwood Drive sanitary sewer will potentially cross a wetland area. The connection for the South Drive gravity sewer may potentially be in a wetland area. The proposed improvements will be constructed to avoid all wetland locations whenever possible. Mitigation measures to lessen and compensate for wetland impacts will be implemented.

Figure 6 shows the locations of wetlands near the proposed project areas. There is an area where the gravity sewer will be close to potential wetlands. The proposed improvements will be constructed to avoid all wetland locations whenever possible. Mitigation measures to lessen and compensate for wetland impacts will be implemented.

Floodplain: The proposed improvements in Phase 1 will not be constructed within the 100-year floodplain; therefore, no negative impacts are anticipated.

The proposed sewer in Phase 2 will be constructed within the 100-year floodplain associated with a tributary of Denois Creek. No dredge or fill will be allowed in the floodway. There are no proposed above grade structures in the floodway as a part of this project.

No permanent borrow or fill will be placed within the floodway and other appropriate measures cited in the Construction in the Floodway permit will be implemented.

Groundwater: It is possible that dewatering may be required for the installation of the proposed project. The proposed project will not permanently affect a groundwater table or local wells during construction. If dewatering is required because of high groundwater, appropriate mitigation measures will be used to ensure dewatered flows do not introduce solids to surface waters.

Plants and Animals: The Preliminary Engineering Report (PER) states: *The proposed project will not negatively impact endangered species or their habitat. There is little to no wooded and scrub or shrub area suitable for good wildlife habitat within the project area. The extent of the clearing will be limited to the width required for the work and generally will only be needed at fence or property lines along the proposed project route.*

Prime Farmland: The project will not convert prime farmland.

Air Quality: Construction activities may generate some noise, fumes, and dust, but should not significantly affect air quality.

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

Lake Michigan Coastal Program: The project will not affect the Lake Michigan Coastal Zone.

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

B. Indirect Impacts

The City's Preliminary Engineering Report (PER) states: *The City, through the authority of its council, planning commission, or other means, will ensure that future development, as well as future collection system or treatment works projects connecting to State Revolving Fund (SRF)-funded facilities will not adversely affect wetlands, wooded areas, steep slopes, archaeological, historical, structural resources or other sensitive environmental resources. The City will require new development and treatment works projects to be constructed within the guidelines of the United States Fish and Wildlife Service (USFWS), Indiana Department of Natural Resources (IDNR), Indiana Department of Environmental Management (IDEM), and other environmental review authorities.*

C. Comments from Environmental Review Authorities

In correspondence dated June 16, 2022, the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology stated:

Pursuant to Indiana Code 5-1.2-10, Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") is conducting an analysis of the materials dated and received by the Indiana SHPO on May 20, 2022, for the above indicated project in Clay Township, Bartholomew County, Indiana.

Based on our analysis, it has been determined that no historic properties will be altered, demolished, or removed by the proposed project provided that all project activities remain within previously disturbed areas.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

In correspondence dated July 29, 2022, the Department of Natural Resources Environmental Unit stated:

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

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

*Regulatory Assessment: This proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile, unless it qualifies for a general license under Administrative Rule 312 IAC 10-5 that applies to utility line crossings (**see enclosure**). Please include a copy of this letter with the permit application, if required.*

*Natural Heritage Database: The Natural Heritage Program's data have been checked. The state endangered Kirtland's Snake (*Clonophis kirtlandii*) has been documented within the project area.*

Fish & Wildlife Comments: Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

1) Kirtland's Snake: To minimize impacts to this species, we recommend using the horizontal directional drilling method to install any new/replacement underground sewer lines in the area between Inwood Drive and CR 175 West that are not already under tillable cultivation as cultivated areas are already disturbed and not suitable for Kirtland's snakes.

2) Directional Boring: We also recommend that all creek or stream crossings be done using a trenchless method. The length of the bore should include any forested riparian areas along the creek to minimize impacts to forested habitat. Install erosion control measures such as silt fencing or other appropriate devices around directional drilling pits in order to prevent drilling mud from leaving the immediate area of the pit or entering the stream.

If the open-trench method is necessary and the only feasible option at any of the planned stream crossings due to the site conditions, then the following measures should be implemented:

a. Any open-trench stream crossing should be timed to coincide with the low-water time of year (typically mid- to late-summer).

b. Restore disturbed streambanks using bioengineering bank stabilization methods and revegetate disturbed banks with native trees, shrubs and herbaceous plants. Stream bank slopes after project completion should be restored to stable-slope steepness (not steeper than 2:1).

c. The cleared width through any forested area should be the minimum needed to install the line and no more than 20 feet wide through the forested area to allow the canopy to close over the line.

d. Use graded stone or riprap to protect the section of trench below the normal water level from scour or erosion (any stone or riprap fill in the streambed must not be placed above the existing streambed elevation to avoid creating a fish passage obstruction).

3) Riparian & Forest Habitat:

We recommend a mitigation plan be developed (and submitted with the permit application, if required) for any unavoidable habitat impacts that will occur. The DNR's Habitat Mitigation Guidelines (and plant lists) can be found online at:

<http://iac.iga.in.gov/iac/20200527-IR-312200284NRA.xml.pdf>.

Impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, 1 inch to 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10" dbh or greater (5:1 mitigation based on the number of large trees) or by using the 1:1 replacement ratio based on area depending on the type of habitat impacted (individual canopy tree removal in an urban streetscape or park-like environment versus removal of habitat supporting a tree canopy, woody understory, and herbaceous layer). Impacts under 0.10 acre in an urban area may still involve the replacement of large diameter trees but typically do not require any additional mitigation or additional plantings beyond seeding and stabilizing disturbed areas. There are exceptions for high quality habitat sites however.

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

- 1. Revegetate all bare and disturbed areas with a mixture of grasses, sedges, wildflowers, and also native hardwood trees and shrubs if any woody plants are disturbed during construction as soon as possible upon completion. Do not use any varieties of Tall Fescue or other non-native plants, including prohibited invasive species (see 312 IAC 18-3-25).*
- 2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.*
- 3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.*
- 4. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.*
- 5. Do not excavate in the low flow area except for the placement of riprap.*
- 6. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds.*
- 7. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.*
- 8. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.*
- 9. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.*

As of the publication of this document, there has not been a response from the Natural Resources Conservation Service or the United States Fish and Wildlife Service. Since it's been more than 30 days, it is assumed that they have no comments on this project.

VIII. MITIGATION MEASURES

Columbus' PER states:

No long-term negative erosion, situation, air quality, or odor impacts are expected from this project. Short-term erosion and situation impacts will be controlled and monitored by the contractor during the installation and construction of the proposed improvements. The contractor will take care to install the proposed sewer with minimal disturbance to scrub and shrub habitats and streams along the route.

IX. PUBLIC PARTICIPATION

A properly noticed public hearing was held on September 20, 2022 at 5 pm at the CCU Wastewater Treatment Plant at 3465 S Jonesville Road, Columbus, IN 47201. There were no questions on this project during the hearing. No written comments were received in the 5-day period following the hearing for this project.

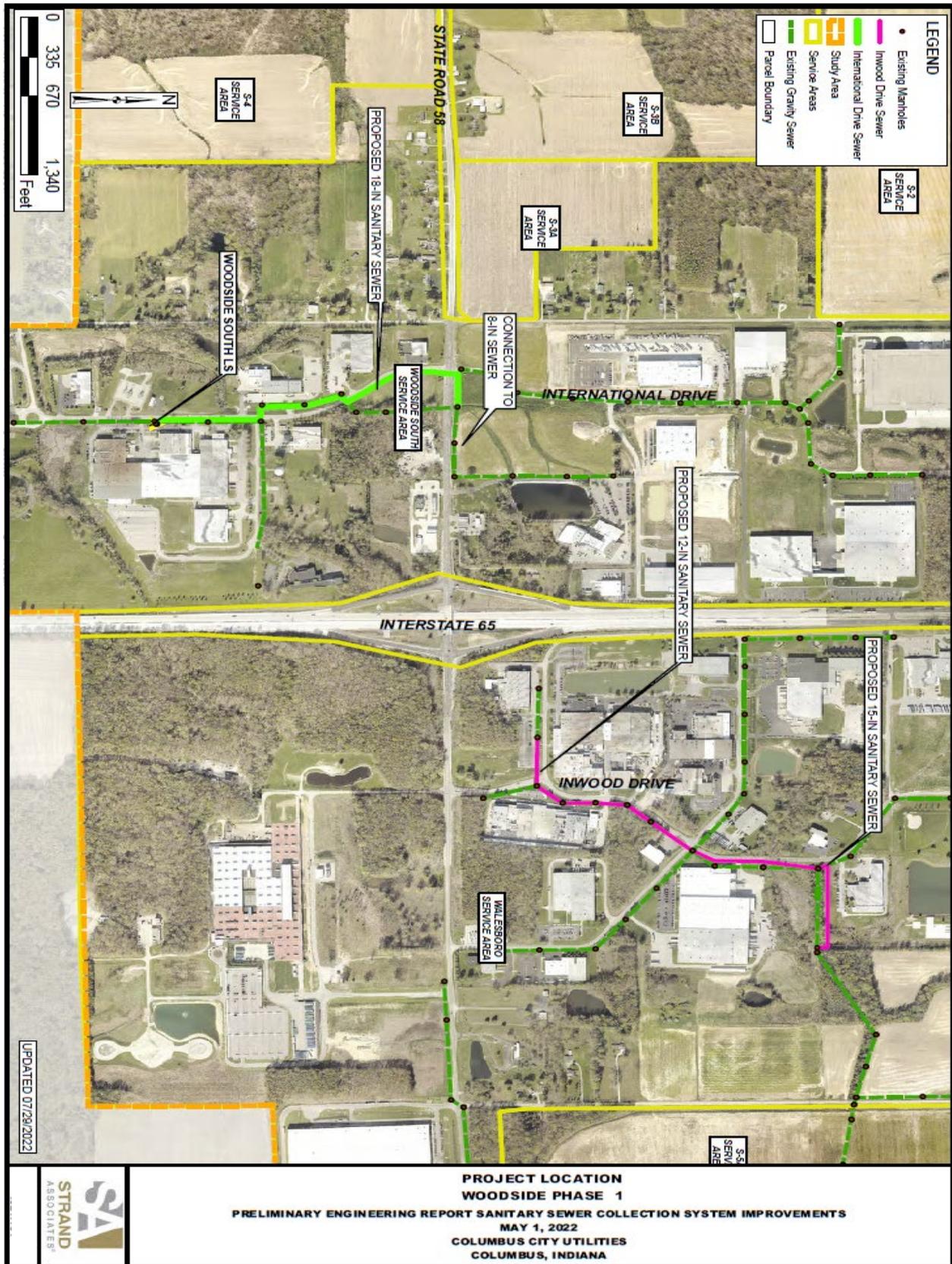


Figure 1

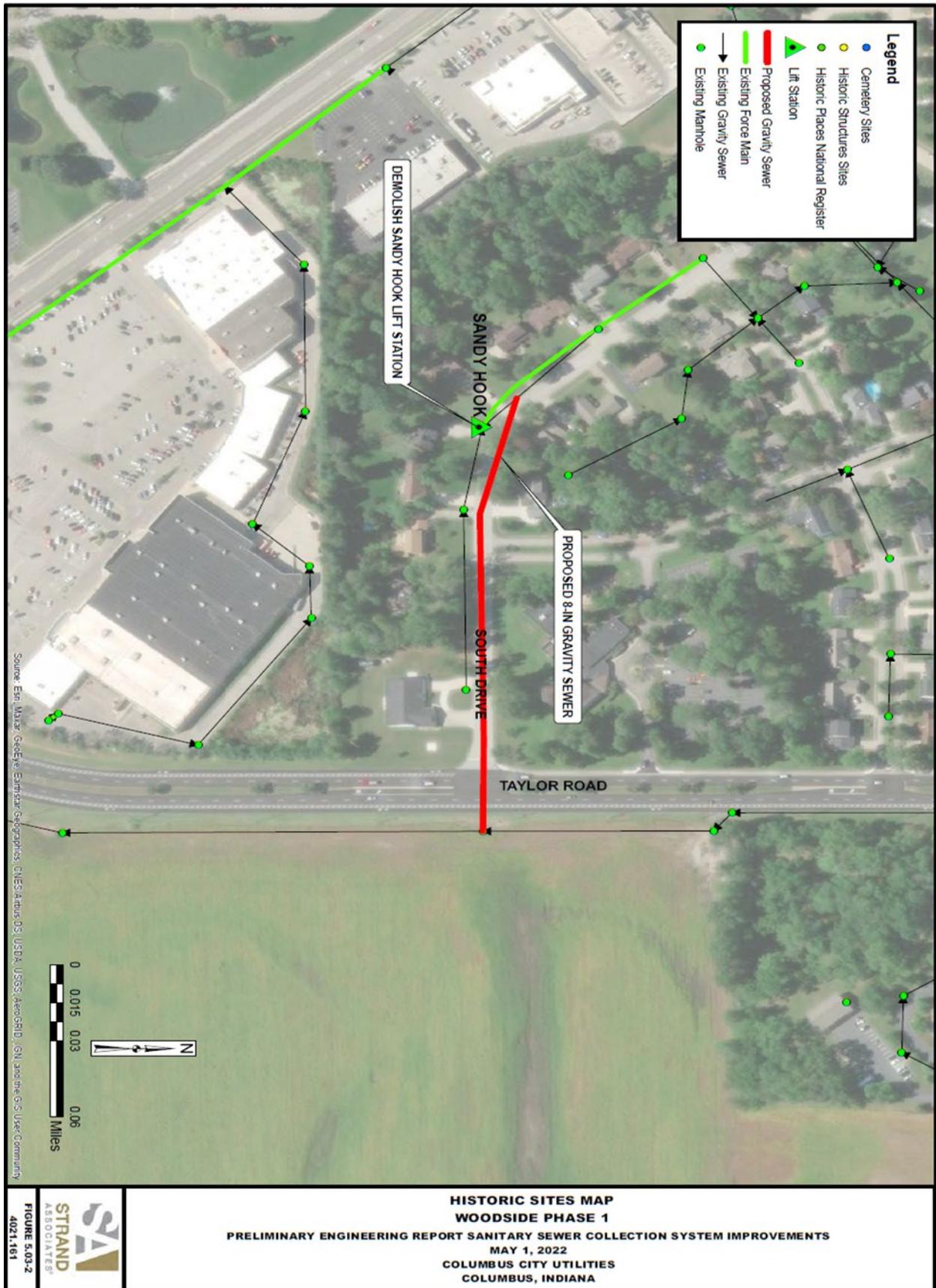


Figure 2

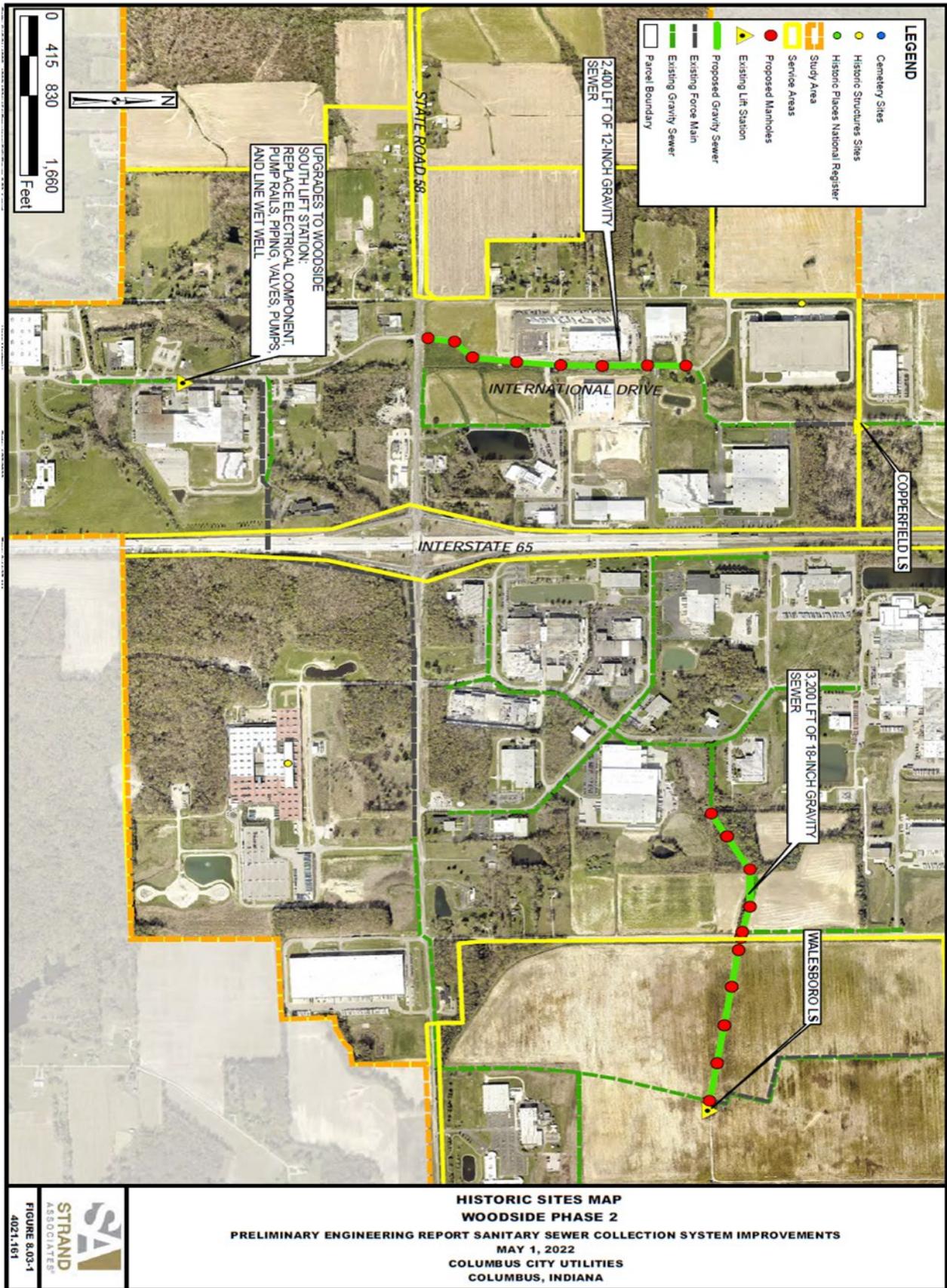


Figure 3

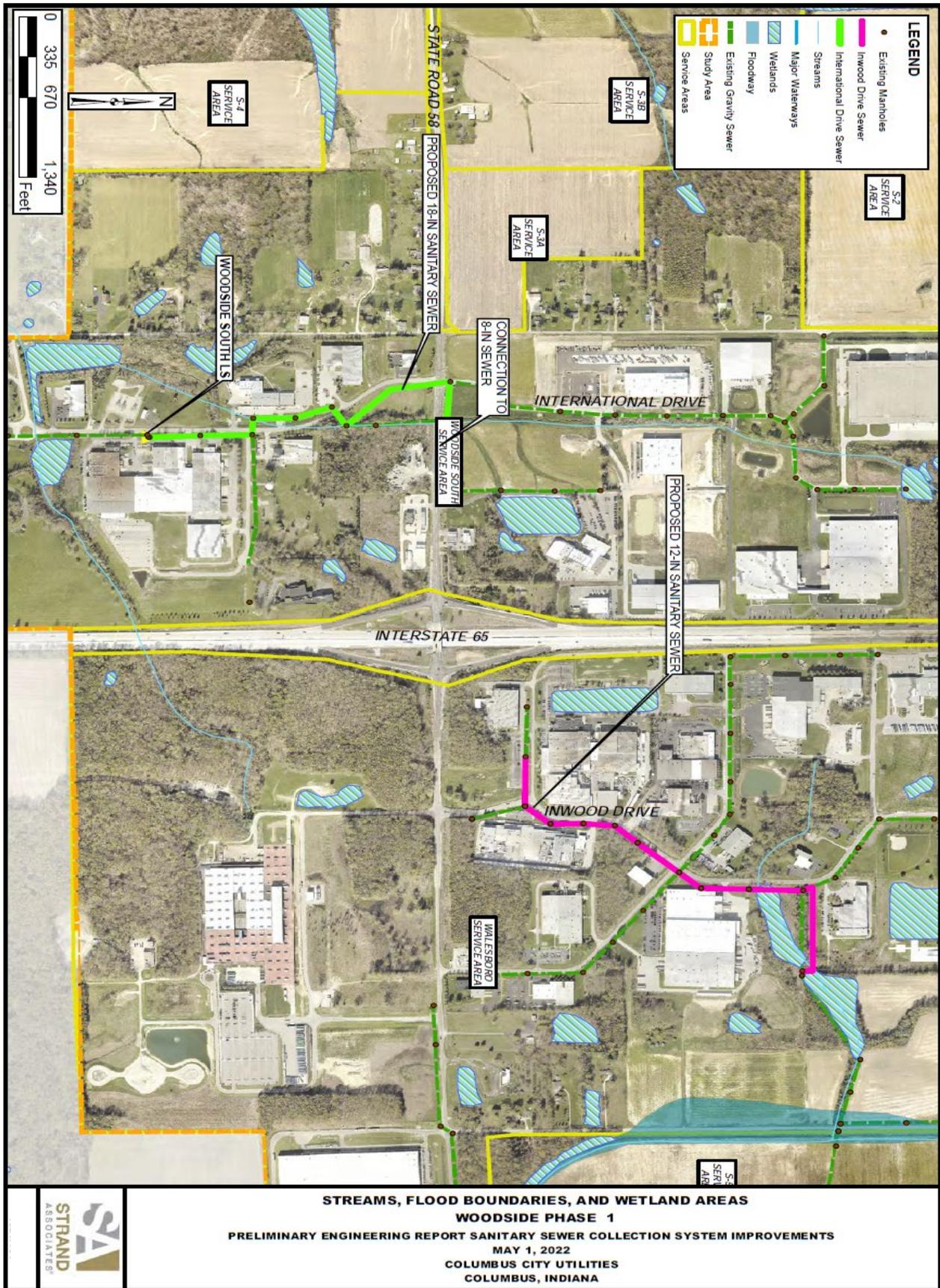


Figure 4

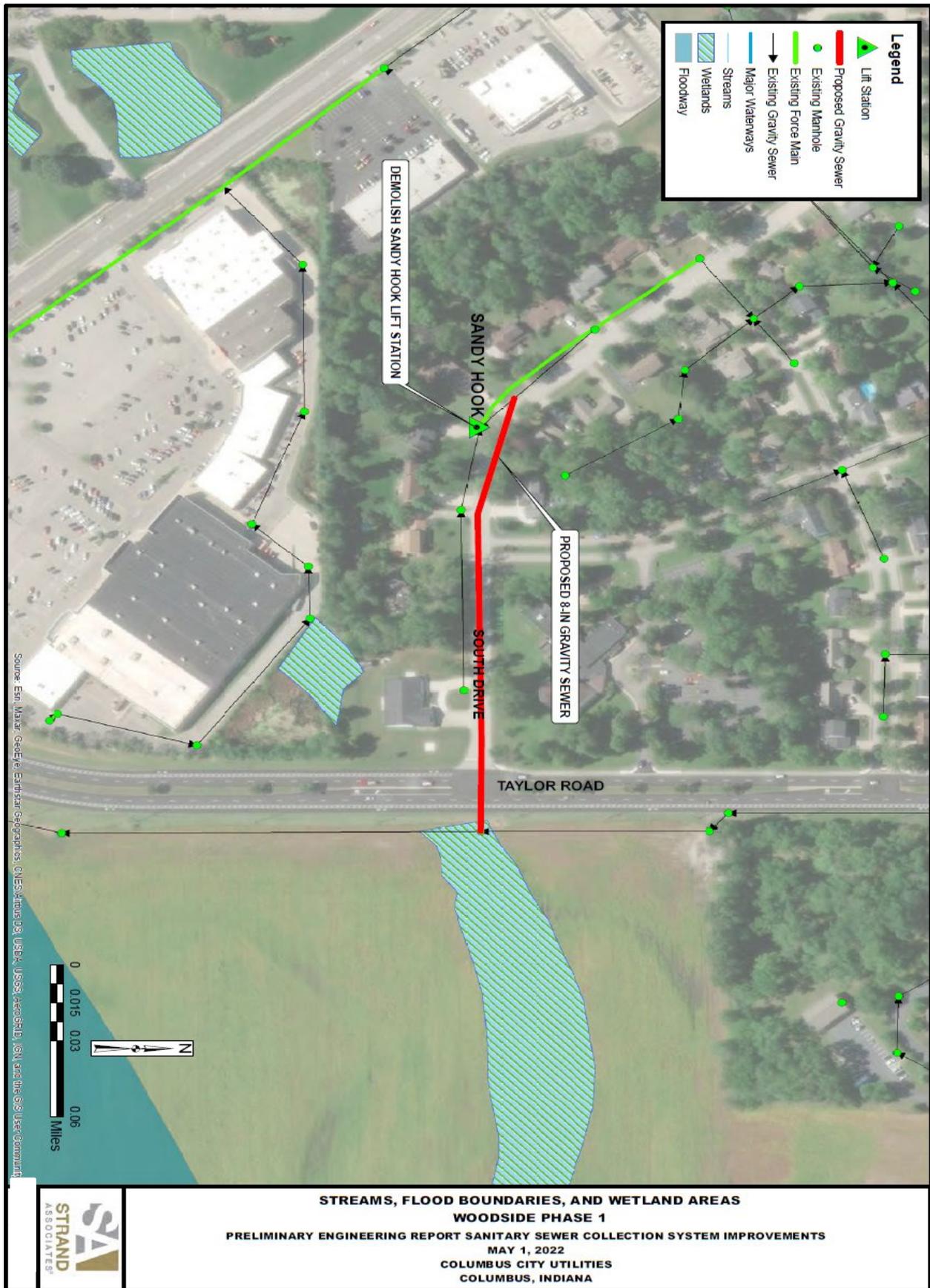


Figure 5

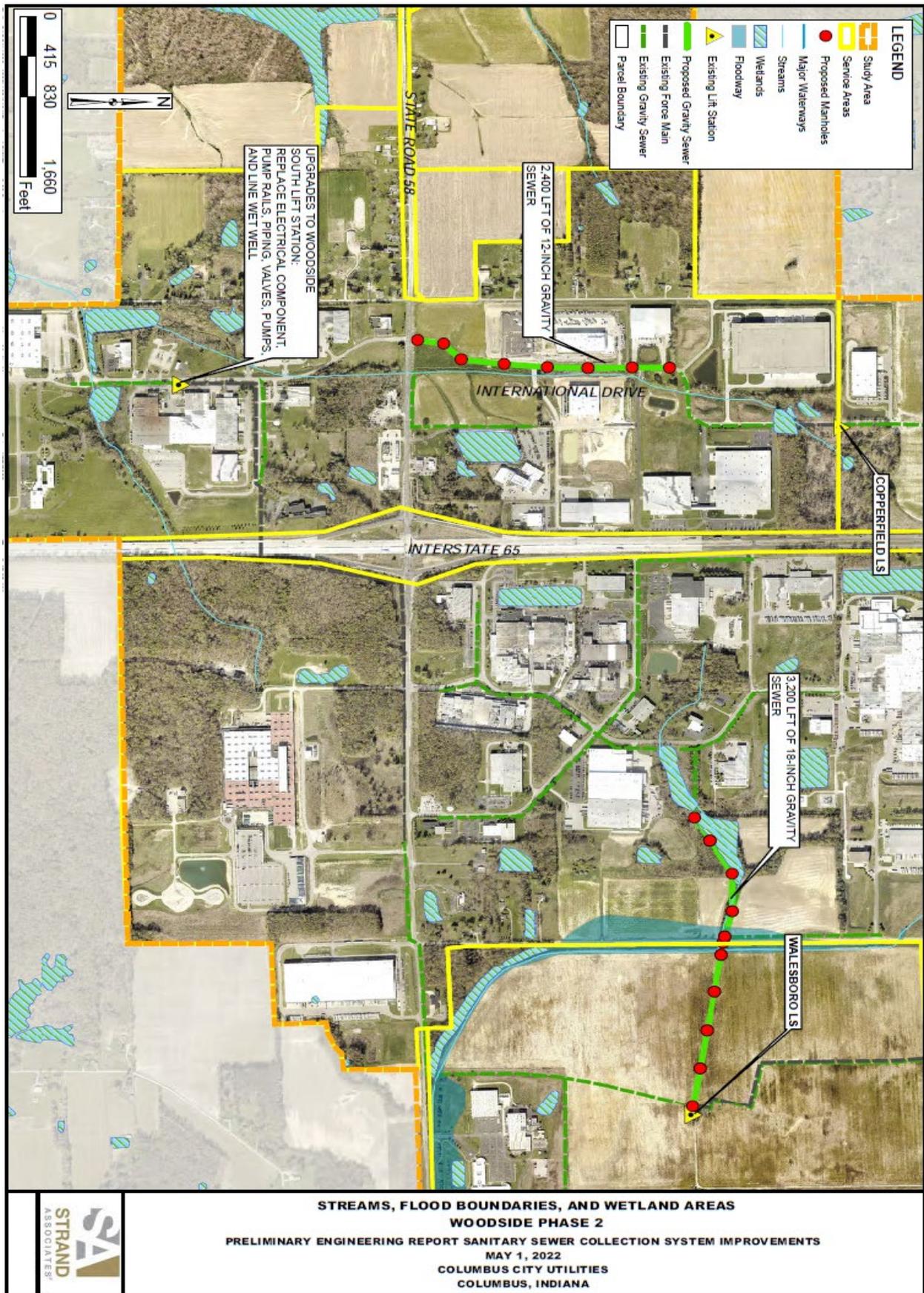


Figure 6

DNR Enclosure (Page 1)

ARTICLE 10. FLOOD PLAIN MANAGEMENT

312 IAC 10-2-42 “Utility line crossing” defined

Authority: IC 14-28-1-5; IC 14-28-3-2

Affected: IC 14-27-7; IC 14-28-1; IC 14-28-3

Sec. 42. “Utility line crossing” means the utility crosses the waterway in a straight line at an angle of between forty-five (45) degrees and one hundred thirty-five (135) degrees from the streambank and does not parallel the waterway for more than fifty (50) feet in the floodway before crossing unless the parallel portion of the line is contained within existing road right-of-way. (*Natural Resources Commission; 312 IAC 10-2-42; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3389, eff Jan 1, 2002*)

Rule 5. General Licenses and Specific Exemptions from Floodway Licensing

312 IAC 10-5-0.3 Determining project eligibility for a general license; general criteria

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

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

Sec. 0.3. (a) Except as provided in subsections (b) and (c), a project for a utility line crossing, the removal of logjams and obstructions, or the placement of outfall projects within a floodway is eligible for a general license if the project satisfies the requirements of this rule. For the removal of logjams and obstructions, these requirements include the procedures established by section 0.6 of this rule.

(b) Subsection (a) does not authorize a project in any of the following circumstances:

(1) Within a river or stream listed in the Indiana Register at 16 IR 1677 in the Outstanding Rivers List for Indiana unless prior written approval from the division of water’s environmental unit has been obtained.

(2) Within a salmonid stream designated under 327 IAC 2-1.5-5(a)(3).

(3) Within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.

(4) For a utility line crossing, below the ordinary high watermark of a navigable waterway listed in the Indiana Register at 20 IR 2920 in the Roster of Indiana Waterways Declared Navigable or Nonnavigable unless the utility line is placed beneath the bed of the waterway under section 4(b) of this rule.

(5) Where the project requires an individual permit from the United States Army Corps of Engineers under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

(c) Subsection (a) does not authorize the removal of logjams or obstructions within one-half (½) mile of any of the following:

(1) A species listed in the Indiana Register at 15 IR 1312 in the Roster of Indiana Animals and Plants Which Are Extirpated, Endangered, Threatened, or Rare.

(2) A known mussel resource.

(3) An outstanding natural area, as contained on the registry of natural areas maintained in the natural heritage data center of the department.

(d) The limitations contained in subsection (b) and subsection (c) [subsections (b) and (c)] do not apply to section 7 of this rule.

(*Natural Resources Commission; 312 IAC 10-5-0.3; filed Aug 2, 2004, 3:18 p.m.: 27 IR 3875*)

312 IAC 10-5-2 General licensing for utility line crossings

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

Affected: IC 14-27-7; IC 14-28-1; IC 14-29-1

Sec. 2. Except as provided in sections 3 and 4 of this rule, a license is required under IC 14-28-1, IC 14-29-1, and 312 IAC 10-4 to place a utility line in or on a floodway where:

(1) the drainage area of a river or stream is at least one (1) square mile at the downstream end of the line’s floodway segment; or

(2) a dam or levee regulated under IC 14-27-7 is affected.

(*Natural Resources Commission; 312 IAC 10-5-2; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3394, eff Jan 1, 2002*)

312 IAC 10-5-3 Aerial electric, telephone, or cable television lines; general license

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

Affected: IC 14-28-1; IC 14-29-1; IC 14-29-6

Sec. 3. The placement of an aerial electric, telephone, or cable television line is authorized without a written license issued by the department under IC 14-28-1, IC 14-29-1, and 312 IAC 10-4 if:

(1) the activity does not disturb the bed of the waterway beneath the line;

(2) the activity conforms with the minimum clearance requirements of section 4(b)(9) of this rule;

(3) the support mechanisms are located at least seventy-five (75) feet from the top of the bank; and

(4) the utility line crossing is not within the floodway of a natural river, scenic river, or recreational river designated under 312 IAC 7-2.

(*Natural Resources Commission; 312 IAC 10-5-3; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3394, eff Jan 1, 2002; filed Aug 2, 2004, 3:18 p.m.: 27 IR 3876*)

DNR Enclosure (Page 2)

312 IAC 10-5-4 Qualified utility line crossings; general license

Authority: IC 14-10-2-4

Affected: IC 13-11-2-260; IC 14-27-7; IC 14-28-1-29; IC 14-33; IC 36-9-27

Sec. 4. (a) This section establishes a general license for the placement of a qualified utility line crossing in a floodway.

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

- (1) Tree removal and brush clearing shall be contained and minimized within the utility line crossing area. No more than one (1) acre of trees shall be removed within the floodway.
- (2) Construction activities within the waterway from April 1 through June 30 shall not exceed a total of two (2) calendar days.
- (3) Best management practices shall be used during and after construction to minimize erosion and sedimentation.
- (4) Following the completion of construction, disturbed areas shall be reclaimed and revegetated. Disturbed areas shall be mulched with straw, wood fiber, biodegradable erosion blanket, or other suitable material. To prevent erosion until revegetated species are established, loose mulch shall be anchored by crimping, tackifiers, or netting. To the extent practicable, revegetation must restore species native to the site. If revegetation with native species is not practicable, revegetation shall be performed by the planting of a mixture of red clover, orchard grass, timothy, perennial rye grass, or another species that is approved by the department as being suitable to site and climate conditions. In no case shall tall fescue be used to revegetate disturbed areas.
- (5) Disturbed areas with slopes of three to one (3:1) or steeper, or areas where run-off is conveyed through a channel or swale, shall be stabilized with erosion control blankets or suitable structural armament.
- (6) No pesticide will be used on the banks.
- (7) If a utility line transports a substance that may cause water pollution as defined in IC 13-11-2-260, the utility line will be equipped with an emergency closure system.
- (8) If a utility line is placed beneath the bed of a river or stream, the following conditions are met:
 - (A) Cover of at least three (3) feet measured perpendicularly to the utility line is provided between the utility line and the banks.
 - (B) If the placement of a utility line is not subject to regulation under IC 14-28-1-29, IC 14-33, or IC 36-9-27, cover is provided as follows:
 - (i) At least three (3) feet, measured perpendicularly to the utility line, between the lowest point of the bed and the top of the utility line or its encasement, whichever is higher, if the bed is composed of unconsolidated materials.
 - (ii) At least one (1) foot, measured perpendicularly to the line, between the lowest point of the bed and the top of the utility line or its encasement, whichever is higher, if the bed is composed of consolidated materials.
 - (C) If the placement of the utility line is subject to regulation under IC 14-28-1-29, IC 14-33, or IC 36-9-27, cover is provided as follows:
 - (i) At least three (3) feet, measured perpendicularly to the utility line, between the design bed and the top of the line or its encasement, whichever is higher, if the bed is composed of unconsolidated materials.
 - (ii) At least one (1) foot, measured perpendicularly to the line, between the design bed and the top of the line or its encasement, whichever is higher, if the bed is composed of consolidated materials.
 - (D) Negative buoyancy compensation is provided where the utility line has a nominal diameter of at least eight (8) inches and transports a substance having a specific gravity of less than one (1).
- (9) If a utility line is placed above the bed of a river or stream, the following conditions are met:
 - (A) Except as provided in clauses (B) and (C), minimum clearance is provided from the lowest point of the utility line (determined at the temperature, load, wind, length of span, and type of supports that produce the greatest sag) calculated as the higher of the following:
 - (i) Twelve and one-half (12½) feet above the ordinary high watermark.
 - (ii) Three (3) feet above the regulatory flood elevation.
 - (B) If the river or stream is a navigable waterway that is subject to IC 14-28-1, the utility line that crosses over the waterway must be placed to provide the greater of the following:
 - (i) The minimum clearance required under clause (A).
 - (ii) The minimum clearance required for the largest watercraft that is capable of using the waterway. The utility must consult in advance with the department to determine the minimum clearance for watercraft at the crossing.
 - (C) If a utility line is attached to or contained in the embankment of an existing bridge or culvert, no portion of the utility line or its support mechanism may project below the low structure elevation or otherwise reduce the effective waterway area.
- (10) A utility line placed in a dam or levee regulated under IC 14-27-7 does not qualify for a general license under this subsection.

(c) A person who elects to act under this section must comply with the general conditions under subsection (b). Failure to comply with these terms and conditions may result in the revocation of the general license, a civil penalty, a commission charge, and any other sanction provided by law for the violation of a license issued under IC 14-28-1 and, if the waterway is navigable, the violation of a license issued under IC 14-29-1. (*Natural Resources Commission; 312 LAC 10-5-4; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3394, eff Jan 1, 2002; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1545; errata filed Mar 13, 2002, 11:51 a.m.: 25 IR 2521; filed Aug 2, 2004, 3:18 p.m.: 27 IR 3876*)