INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.
100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

February 18, 2015

VIA CERTIFIED MAIL 91 7190 0005 2710 0038 2566

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: 2012 Reissuance of Nationwide Permits

The Office of Water Quality has reviewed the Federal Register Notice dated February 21, 2012, announcing the reissuance of the Nationwide Permits (NWP). The Office of Water Quality has also reviewed the January 21, 2015, U.S. Army Corps of Engineers Joint Public Notice announcing the reinstatement of five (5) Nationwide Permits in the State of Indiana. According to the Joint Public Notice, you are proposing to reinstate NWP 7 (Outfall Structures), NWP 11 (Temporary Structures), NWP 15 (Coast Guard Approved Bridges), NWP 19 (Minor Dredging), and NWP 25 (Structural Discharges). Because these NWPs were suspended at the time of the 2012 NWP Reauthorization, IDEM must revoke and reissue the Section 401 Water Quality Certification dated April 5, 2012, which authorized the use of the NWP in the State of Indiana.

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 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 Stormwater Management Facilities
NWP 44 Mining Activities

It is the judgment of this office that NWPs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 15, 19, 21, 22, 24, 25, 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. Therefore, subject to the following conditions, the Indiana Department of Environmental Management (IDEM) hereby grants Section 401 Water Quality Certification (WQC) for these NWPs. Any changes in language or scope of any NWP not detailed in the aforementioned Federal Register, or as modified by the conditions below, are not authorized by this certification.

Section 401 Water Quality Certification decisions for NWPs in effect for the State of Indiana-2012

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
7	Outfall Structures and Associated Intake Structures	Approve	General & Specific
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
11	Temporary Recreational Structures	Approve	General
12	Utility Line Activities	Approve	General & Specific
15	U.S. Coast Guard Approved Bridges	Approve	General & Specific
16	Return Water from Upland Contained Disposal Areas	Deny	N/A
17	Hydropower Projects	Deny	N/A
19	Minor Dredging	Approve	General
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
25	Structural Discharges	Approve	General & Specific
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

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 run-off to any waterbody.

(2) The permittee shall 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 waterbodies 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 sever conditions, 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.

(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 fill[1] 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*).

[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.

(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 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) Upon request, the applicant will submit additional information necessary to IDEM to determine if a project will qualify under the terms and conditions of this certification. 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 will 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 applicant will submit an application for an individual certification if IDEM determines 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.

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 stream[2] 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.

[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.

(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;

(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 # 7, OUTFALL STRUCTURES AND ASSOCIATED INTAKE STRUCTURES, SPECIFIC CONDITIONS

The following conditions apply to NWP # 7. 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 permanently affect 300 linear feet or less of streambank or lake shoreline;
(4) The placement of riprap or other bank stabilization material shall be installed flush with the upstream and downstream bank and stream channel/lake bed elevations and grades;
(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;
(6) All areas disturbed by the construction of intake and outfall structures shall be immediately seeded and stabilized; and
(7) All outfalls shall be discharged in a manner that does not cause erosion at the outlet.

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. The applicant will be required to restore temporarily impacted 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 or 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 # 15, U.S. COAST GUARD APPROVED BRIDGES, SPECIFIC CONDITIONS

The following conditions apply to NWP # 15. 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 permanently affect 300 linear feet or less of streambank or lake shoreline;
(4) The placement of riprap or other bank stabilization material shall be installed flush with the upstream and downstream bank and stream channel/lake bed elevations and grades; 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 # 25, STRUCTURAL DISCHARGES, SPECIFIC CONDITIONS

The following conditions apply to NWP # 25. 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) New bridge piers, piles, shafts, or other support structures authorized under this NWP shall be located outside the low flow channel of the stream except where the bridge structure is located in an Army Corps of Engineers Section 10 Water;
(4) The material excavated from a tightly sealed form or cell will be disposed of in an upland disposal area;
(5) The dewatering of the tightly sealed form or cell will be discharged into a contained upland disposal area; and
(6) 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 #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-watershed [3] 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 impairment [4]; 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.

[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.

(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 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;
(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.

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 you. If an enforcement action is pursued, you could be assessed up to $25,000 per day in civil penalties. You 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.

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 or you may contact the Office of Water Quality through the IDEM Environmental Helpline (1-800-451-6027).

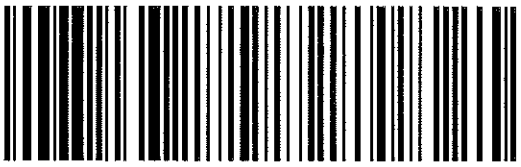
Sincerely,

Martha Clark Mettler

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

IDEM
Karla Kindrick
100 NORTH SENATE AVE.
INDIANAPOLIS IN 46204



91 7190 0005 2710 0038 2566

Lee Anne Devine
USACE - Louisville District
PO Box 59
Louisville KY 402010059

Z900000637542