



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

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 8, 2024

VIA ELECTRONIC MAIL

Mr. Joseph Marx
Pulte Homes of Indiana, LLC
11595 N. Meridian Street, Suite 700
Indianapolis, Indiana 46032

Dear Mr. Marx:

Re: 327 IAC 3 Construction
Permit Application
Sanitary Sewer
Peabody Farms East Section 1 & 2
Permit Approval No. 25455
Whitestown, Indiana
Boone 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. 25455), which applies to the construction of the above-referenced proposed sanitary sewer system to be located near the northeast corner of the intersection of County Road 575 East and Albert S. White Drive in Boone County.

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 HWC Engineering, certified by Mr. Brandon T. Burke, P.E., and submitted for review on June 20, 2024.

Any questions concerning this permit may be addressed to Mr. Mike Miles, of our staff, at 317/232-6548.

Sincerely,

A handwritten signature in black ink that reads "Kevin D. Czerniakowski". The signature is written in a cursive, slightly slanted style.

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

Project No. M-26368
Enclosures
cc: Boone County Health Department
HWC Engineering
Town of Whitestown
Attention: Mr. Danny Powers, DPW Director

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

DECISION OF APPROVAL

Pulte Homes of Indiana, LLC, 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 near the northeast corner of the intersection of County Road 575 East and Albert S. White Drive in Boone County. 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 July 8, 2024, 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 proposed project shall consist of the construction of approximately 3,944 feet of 8-inch diameter PVC (ASTM D3034 SDR-35 and SDR-26) and 156 feet of 10-inch diameter PVC (ASTM D3034 SDR-26) sanitary sewer at the referenced project location. The proposed sanitary sewer will provide service for 86 single-family homes and the average design flow is 26,660 GPD.

The sanitary sewer in this project will be connected to a 10-inch diameter sanitary sewer located approximately 1,900 feet north and 135 feet east of the intersection of Albert S. White Drive and County Road 575 East. The downstream sanitary sewer system was permitted in Construction Permit Approval No. 25399 issued May 16, 2024. A Variance is issued concurrent to this permit to allow the sanitary sewer construction in this permit, as the downstream infrastructure has not yet been completed.

Inspection during construction and maintenance after completion of construction will be provided by the Town of Whitestown. Wastewater treatment will be provided by the Town of Whitestown 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 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.
8. A drop pipe must be provided for all sewers entering a manhole at an elevation of 24 inches or more above the manhole invert.

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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July 8, 2024

VIA ELECTRONIC MAIL

Mr. Joseph Marx, VP Land Development
Pulte Homes of Indiana, LLC
11590 N Meridian Street, Suite 530
Carmel, Indiana 46032

Dear Mr. Marx:

Re: Variance Request for Construction Permit
Sanitary Sewer
Peabody Farms East Section 1 & 2
Permit Approval No. 25455
Whitestown, Indiana
Boone, County

You are hereby notified that your request for a variance, received by this office on June 18, 2024, 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 Pulte Homes of Indiana, LLC, would cause an undue hardship or burden. Pulte Homes of Indiana, LLC proposes a sanitary sewer collection system for Peabody Farms East – Section 1 & 2.

The variance being requested is to the construction of the collection system prior to the completion of the downstream facilities. This project is part of an overall larger development, there are two separate developers building within the overall Peabody Farms development. Farm Filed Holdings LLC is developing the west side of County Road 575 and Pulte Homes of Indiana, LLC is developing the east side of County Road 575. All Peabody Farms sanitary sewer service will be routed to a lift station being built within the Peabody Farms West – Section 1, which has a force main that is routed south along County Road 575 and then east along Albert S. White Road to the existing Walker Farms Lift Station (existing connection point). Peabody Farms West – Section 1 by Farm Field Holds LLC permitted the lift station and gravity conveyance system extending sanitary sewer east across County Road 575 for Peabody Farms East to connect.

If this variance were not to be granted, then significant hardships would be imposed upon the development due to unforeseen change in construction sequencing and additional delays and costs. The sequencing of sanitary sewer construction will be overseen by the local sanitary sewer district Whitestown Public Works. Whitestown Public Works will ensure the sanitary sewer cannot be made operational and used until the downstream infrastructure from Peabody Farms West has been completed, inspected and accepted.

Part A. Scope of Variance

1. This variance only applies to the following project:

<u>Development</u>	<u>Submitter</u>	<u>Connections Granted</u>
Peabody Farms East Sections 1 & 2	Pulte Homes of Indiana, LLC	86 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. Pulte Homes of Indiana, LLC 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 Pulte Homes of Indiana, LLC and Farm Field Holdings, LLC 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

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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 black ink that reads "Kevin D. Czerniakowski". The signature is written in a cursive style with a horizontal line underlining the name.

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

cc: Mr. Brandon T. Burke, P.E., HWC Engineering
Mr. Kristopher Eichhorn, P.E., HWC Engineering