DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

AGENDA
DeKalb County Board of Zoning Appeals
Commissioners Court – 2nd Floor DeKalb County Court House
Monday, April 8, 2024
6:00 PM

A livestream of the meeting can be found here: https://tinyurl.com/YouTubeDCPC

1. Call to order
2. Roll call
3. Approval of Minutes: March 11, 2024
4. Old Business: None
5. New Business:

   Petition #24-04 – Frank Nester requesting a Use Variance to allow for a dumping site of "slurry", which is the result or byproduct of removing soil and other debris with pressurized water. The property is located on the east side of County Road 9, approximately one-third of a mile north of the intersection of County Road 9 and US Highway 6, Corunna, Indiana and is zoned A2, Agricultural.
6. Reports of Planning Staff, Officers, of Committees
7. Comments from Public in attendance
8. Adjournment

Next Meeting: May 13, 2024

If you cannot attend, please contact Meredith Reith
mreith@co.dekalb.in.us | (260) 925-1923

PLEASE ENTER THROUGH THE NORTH DOOR OF THE COURTHOUSE LOCATED ON SEVENTH STREET

****Cellphones, tablets, laptops, & weapons are prohibited****

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday, March 11, 2024

A Meeting of the DeKalb County Board of Zoning Appeals was called to order at 6:00 p.m. in the Commissioner's Court of the DeKalb County Courthouse by Chairperson, Frank Pulver.

ROLL CALL:

Members present: Frank Pulver, Mary Diehl, Rory Walker, Larry Williams, and Jason Carnahan
Members absent: None.
Staff Present: BZA Attorney, Andrew Kruse, Director/Zoning Administrator, Chris Gaumer, and Secretary, Meredith Reith
Public in Attendance: James Zehr, Jesse Zehr, Nathan Eicher, Ben Schmucker, Dennis Schmucker, James Eicher, Victor Graber, Willis Graber, Martin Miller, Marlene Miller, Andy Wagner, James Witmer, Landon Roth, Janelle Roth, Dayne Roth, Brandon Wellman, Bettina Wellman, Brian Roth.

APPROVAL OF MINUTES:

Motion was made by Jason Carnahan and Seconded by Larry Williams to approve the Minutes of February 12, 2024 as submitted. Motion carried.

OLD BUSINESS:

Petition #24-02 – DeKalb #1 Amish School & Cemetery, Jesse Zehr & Martin Miller requesting a Use Variance to allow for an Amish Parochial School for up to 90 students. The property is located at 4366 County Road 64, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the petition continued from the previous meeting. Reviewing the updated site plan with proposed changes. He requested the public portion of the hearing be reopened for comments for or against this petition.

Frank Pulver reopened the public portion of the hearing.

Martin Miller approached the podium stating that he had met with neighbors on site. Having the proposed trees and landscaping agreed on by the neighbors.

Mr. Pulver requested that Jesse Zehr approach the podium. Mr. Zehr stepped forward adding that there meeting with the neighboring landowners was left on good terms. If approved by the board the site plan was agreed on by the neighbors.

Ben Schmucker approached the podium thanking the board for their interest in learning more about Amish Schools. Sharing what the agreements for a school are under state law. He would like to work faithfully with the government and county to come to an agreement.

Rory Walker asked if any neighbors in Allen County came forward with opposition or comment. Mr. Schmucker stated they have not faced a situation like this before in other counties.

Bettina Wellman approached the podium stating that her family was opposed to having this school brought forward. Thanking the board for the extended time regarding this petition. She stated that it is difficult to find appraisers when a meeting is involved. The neighbors, as stated before, had met with the petitioners to propose changes for 10-12 foot barriers and landscaping. Requesting that a barrier be added on the south side extending to the west of the property if approved by the board. The traffic flow on CR 43 will increase with concerns about the road needing to be paved. She also requested that there be an approval for no after-school activities.

Andy Wagner approached the podium stating he has lived in the Amish community and would be supportive of a school. Having concerns about the increased flow of traffic on CR 43 with the road not being paved.

Janelle Roth approached the podium stating her concerns for an Amish school located in Dekalb County. Stating that she doesn't want them coming into her community.

Brandon Wellman approached the podium stating the opposition to where this school is being placed. With the school not being in the Amish community.

Mr. Pulver closed the public portion of the meeting.

Mr. Gaumer stated that conditions of approval can be added to the findings requested from the board. The board has no authority over the roads being paved. Those requesting would need to contact the Highway Department or the Commissioners. As far as no after school activities taking place, was not sure how this would be enforced or addressed. If conditions of approval are to get added it will be stated in the minutes. Stating that he did request the petitioners have a meeting with the neighbors and have something agreed on in writing.

Mr. Carnahan stated that we're looking at this more as a finding of fact vs. paying reasonable regard to as recommended for approval.

Andrew Kruse added that these are just proposed findings from the Zoning Administrator and are not binding. The board doesn't need to use these recommended findings as stated they can state their own opinion.

Rory Walker stated that a 10- 12 foot mound buffer will take too much property to constructed and trees would probably be the better option. Seeing no reasons why hours of operation should be limited.

Mr. Pulver added that if there needs to be barriers what type are we looking at. A mound of that size would be a big undertaking with possible drainage issues. Adding that he needs a better understanding of who is for and who's against.

Larry Williams asked for clarification on the word "typical" or is this "common" for an Amish School and cemetery to be located on the same property.

Mr. Gaumer stated that these changes will need to be approved in the findings. He also asked Mr. Williams if he felt all his questions and concerns were answered.

Mr. Williams stated he was very appreciative that the groups met and discussed their concerns and differences. He added that there will be time needed for the buffer to mature.

Mr. Pulver added that under the conditions of approval there needs to be an agreement on a buffer.

Mr. Kruse stated that everyone agrees there needs to be a barrier as part of the conditions. A discussion on trees said height or size.

Mary Diehl stated that she lives in Concord Township being surrounded by Amish and have been easy to work with. Knowing a buffer will be the answer. She stated that the east side of the county is dirt roads and has been for quite some time. This will need to be addressed by the Highway Department or Commissioners if the road could be paved.

Mr. Carnahan stated if they agree on a landscape buffer this plan will need to go to the Drainage Board for approval. Not knowing what level of buffer can be required.

Mr. Kruse added that just planting the trees and shrubs will not require Drainage Board approval.

Mr. Gaumer suggested wrapping up the conditions that the landscape buffer on the south side be extended to the west edge of the softball field. Wanting the trees located on the east side to be reviewed by the Highway Department for right of way requirements. The landscape buffer on the east and south side be

planted at 8 foot minimum height and spaced per the site plan and the north side be planted at 10 foot minimum height. Adding that any landscape buffer must be maintained for the life of the project.

Mr. Kruse went through the Findings for this petition with the board. Stating the board can respond with their changes or opinion when read.

JURISDICTIONAL FINDINGS:

The petitioner has complied with the rules and regulations of the Board of Zoning Appeals in filing appropriate forms and reports.

1. Application completed and filed on **January 5, 2024**
2. Legal notice published in The Star on **February 2, 2024** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **January 16, 2024**
5. Letter from the County Highway Department, dated **January 11, 2024**
6. Letter from the Soil & Water Conservation District, dated **January 12, 2024**
7. Letter from the County Surveyor or Drainage Board, dated **January 11, 2024**
8. Letter from the DeKalb County Airport Authority, **not applicable**

FINDINGS OF FACT:

1. Will the approval be injurious to the public health, safety, morals, and general welfare of the community? Yes ( )* No (X)
   The approval of the school should not be injurious to the community. The cemetery was approved in March 2022 and it is typical and or common for an Amish Parochial School and cemetery on the same property. See letters from the county departments.
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? Yes ( )* No (X)
   The property values adjacent to the property should not be affected negatively. The school year runs similar to English schools. Traffic will be minimal with only 90 students.
3. Does the need arise from some condition peculiar to the property involved? Yes (X) No ( )*
   The cemetery was approved in March 2022 and it is typical and or common for an Amish Parochial School and cemetery on the same property.
4. Will the strict application of the Unified Development Ordinance result in an unnecessary hardship if applied to the property for which the variance is sought? Yes (X) No ( )*
   The cemetery was approved in March 2022 and it is typical and or common for an Amish Parochial School and cemetery on the same property. Unless the property would be approved for a Zone Map Amendment, there are no other locations in the County for this use.
5. Will the approval interfere substantially with policies of the Comprehensive Plan? Yes ( ) * No(X)
   The proposed use should not interfere with the Comprehensive Plan provided the petitioner meets the rules and regulations for the County Health Department and Surveyor. Additionally, the Comprehensive Plan promotes compatible uses be near each other. For the Amish community, it is typical and or common for an Amish Parochial School and cemetery to be located on the same property. See letters from the county departments.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

1. The Board retains continuing jurisdiction of this Use Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. Use Variance is approved for the Amish Parochial School.
3. The petitioner must acquire local permits from the Health Department for a septic system and the County Surveyor or Drainage Board for a drainage plan.
4. No offsite drainage, existing surface water or existing tiled water drainage crossing over said real estate should be obstructed by any development on this site. The Board of Zoning Appeals may enforce these conditions by injunctive relief with attorney fees.
5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies that were identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.
6. The landscape buffer on the East and South side is planted at 8 foot minimum height and spaced per the site plan. The landscape buffer on the North side is planted at 10 foot minimum and spaced per the site plan.
7. Maintain for the life of the project all trees and shrubs on North, East and South side.
8. Location of landscaping on the East side to be approved by the Highway Department.
9. Shrubs to be extended to the West edge of softball field.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS USE VARIANCE, PETITION #24-02 IS HEREBY APPROVED ON THIS 12TH DAY OF MARCH 2024.

Motion made by Larry Williams, Seconded by Mary Diehl

Vote tally: Yes: 5 No: 0

Frank Pulver

Mary Diehl

Jason Carnahan

Rory Walker

Larry Williams

NEW BUSINESS: None

REPORTS OF PLANNING STAFF, OFFICERS, OR COMMITTEES

None

COMMENTS FROM PUBLIC IN ATTENDANCE

Bettina Wellman approached the podium stating clarification on the east side buffer setbacks.

Mr. Gaumer stated that the site plan was revised based on what was given at the last meeting.

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 7:07 p.m.

_____ _____

Frank Pulver, Chairperson Meredith Reith, Secretary

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-04
Date Application Filed: 2/28/2024
Fee Paid: 500 pd dc

Application for USE VARIANCE
(Section 9.28)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Frank Nester
Address: 2345 CR 9
Corunna IN 46730
Telephone Number: (260) 760-3199 E-Mail: frankjnester@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: (Im purchasing the property on land contract)
Address: See Land Contract & Consent form

Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____

Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: **Applicant** ✓ **Owner** ___ **Representative** ___

Zoning Classification of Property: Agricultural - A2

Overlay District of Property (if applicable): —

Address or common description of property:
10 Acre parcel north of St Rd 6 and east of CR 9
CR 9 Corunna IN 46730

Legal description of property affected (or provide property deed):
Pt NW 1/4 SE 1/4
Parcel ID 03-01-33-400-011

What use(s) are you requesting to have on the property and why:
I would like to construct a drying basin to be used for a Hydro-Vac excavation dump site. There are currently no sites in DeKalb county.

Please provide the following information to the best of you ability if it pertains to your petition to the BZA. All of this information should be located on the site plan as well.

A. Lighting (if any):
1. Style: _____
2. Height: _____
3. Location: _____

B. Signage (if any):
1. Dimensions: _____
2. Materials: _____
3. Placement: _____
4. Lighting: _____

C. Hours of Operation (if any):
24 hrs a day

D. Parking/Access (if any):
I will need to get a driveway permit to access dump site.

Parking Classification (office use only) _____

E. Landscaping/Buffer yards (if any):

Bufferyard Classification (office use only) _____

F. Number of Employees (if any): 0

The Applicant must address the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA. Please answer each question and give reasons for your answer.

A. Will the approval of this Use Variance request be injurious to the public health, safety, morals, and the general welfare of the community?
Yes ( ) No (✓) Why? Explain below:
There will be a turn around for trucks off the road and the dump area will be over 200 feet from road. The material being dumped is water and dirt (NO HAZMAT)

B. Will the use and value of the area adjacent to the property included in the Use Variance request be affected in a substantially adverse manner?
Yes ( ) No (✓) Why? Explain below:
The entire area around the dump site is agricultural There are no home near area.

C. Does the need for the Use Variance request arise from some condition peculiar to the property involved?
Yes ( ) No (✓) Why? Explain below:
This is just a ag field that the elevations make it a perfect location for this drying basin.

D. Will the strict application of the terms of the Unified Development Ordinance result in an unnecessary hardship if applied to the property for which the Use Variance is sought?
Yes (✓) No ( ) Why? Explain below:
No use in UDO which means no districts allowing such use. which ultimately means that DeKalb County doesn't have any properties for this use to go and the hardship is with the land involved and UDO not having the use permitted.

E. Will the approval of this Use Variance request interfere substantially with the Comprehensive Plan?
Yes ( ) No (✓) Why? Explain below:
This property is rural and will not have any effect on the comprehensive plan.

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature: _____
(If signed by representative for applicant, state capacity)

How does Hydro vac excavation work?

Hydro excavation relies on pressurized water to loosen soil and a Hydro excavation truck or Hydro vac, to vacuum the soil and water into the truck's container. At this point the truck can haul the soil and water mix to an approved dump location. (this is the reason for the proposed drying basin) This process reduces the risk to laborers and utility lines to make a much safer and cleaner excavation process. Nester

DEKALB COUNTY BOARD OF ZONING APPEALS CASE NUMBER: 24-04

This Staff Report is prepared by the DeKalb County Department of Development Services to provide information to the Board of Zoning Appeals to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

PROPERTY OWNER:	Frank Nester via Land Contract from William & Nancy Hartman
SUBJECT SITE:	east side of County Road 9, approximately one-third of a mile north of the intersection of County Road 9 and US Highway 6, Corunna
REQUEST:	Use Variance
PURPOSE:	To allow for a dumping site of "slurry", which is the result or byproduct of removing soil and other debris with pressurized water
EXISTING ZONING:	A2, Agricultural
SURROUNDING LAND USES AND ZONING:	North: Single Family Residential (A2) South: Farmground (A2) East: Farmground (A2) West: Farmground (A2)

ANALYSIS:

In an A2, Agricultural Zoning District, the UDO does not permit or allow a dumping site of any product. But this proposal is for a dumping site of "slurry". Which is the byproduct of removing soil and other material with pressurized water.

- The petitioner is requesting a Use Variance to allow for a dumping site of "slurry", which is the result or byproduct of removing soil and other debris with pressurized water via hydro vac.
- The site will receive the slurry from various agencies or companies that do hydro vac work.
- The site would be open 24 hours a day, 7 days a week, allowing agencies or companies to dump when needed.
    - For example, a NIPSCO gas line break may need to be hydro vac'ed to dig around the area of the gas line. NIPSCO would collect the slurry in a tank on a truck and take it to this site, dump the slurry and would filter down to the settling basin. The water & solids would separate – soil would settle down to the bottom and water to the top. There is a proposed spillway on the north side of the drying basin should it be needed. The spill way would flow into the property Mr. Nester owns to the north.
- The drying basin will be approximately 336 feet long x 123 feet wide and will be 5 feet deep.
- A berm will be constructed with the soil from excavating the drying basin.
- The trucks will back up into the drop off area and dump the slurry. The slurry will travel downhill to the drying basin.
- If the slurry overflows, there is a spillway to the property to the north. It is owned by Mr. Nester. He has received approval from the Indiana Department of Environmental Management to drain into the wetland on that property.
    - Staff is recommending an easement be added should this petition be approved.
    - The easement would be an "ingress/egress and maintenance easement" for the overflow from the spillway going into the neighboring property. This would be recorded and a copy given to the Zoning Administrator.

JURISDICTIONAL FINDINGS:

The petitioner has complied with the rules and regulations of the Board of Zoning Appeals in filing appropriate forms and reports.

1. Application completed and filed on **February 28, 2024**
2. Legal notice published in The Star on **March 29, 2024** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Health Department, dated **March 18, 2024**
5. Letter from the County Highway Department, dated **March 19, 2024**
6. Letter from the County Surveyor or Drainage Board, dated **March 14, 2024**
7. Letter from the Soil & Water Conservation District, dated **March 14, 2024**
8. Permit from Indiana Department of Environmental Management, dated **February 21, 2024**
9. Letter from the DeKalb County Airport Authority, if applicable, dated **not applicable**

PROPOSED FINDINGS OF FACT:

*These Findings of Fact proposed by staff are based off the knowledge and understanding of the proposed project. If any one of **your** answers is followed by an asterisk, under State Law (IC 36-7-4-918.4) and Section 9.28 G(3) of the DeKalb County Unified Development Ordinance you must deny the request.*

1. Will the approval be injurious to the public health, safety, morals, and general welfare of the community? Yes ( )* No (X)
   The approval of the dump site and drying basin should not be injurious to the community. The drying basin has been designed and engineered to safely unload the slurry with property overflow if necessary and approved/permitted by Indiana Department of Environmental Management.

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? Yes ( )* No (X)
   The property values adjacent to the property should not be affected negatively. The surrounding uses are farm ground.

3. Does the need arise from some condition peculiar to the property involved? Yes (X) No ( )*
   The drying basin has been designed and engineered to safely unload the slurry with property overflow if necessary and approved/permitted by Indiana Department of Environmental Management. The DeKalb County UDO does not have a use for this type of project, thus, there is no site in the County. The hardship comes with the lack of locations available in the region for this use.

4. Will the strict application of the Unified Development Ordinance result in an unnecessary hardship if applied to the property for which the variance is sought? Yes (X) No ( )*
   The DeKalb County UDO does not have a use for this type of project, thus, no site in the County. The hardship comes with the lack of locations available in the region for this use.

5. Will the approval interfere substantially with policies of the Comprehensive Plan? Yes ( ) * No(X)
   The proposed use should not interfere with the Comprehensive Plan provided the petitioner meets the rules and regulations for the Indian Department of Environmental Management.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Conditions of Approval:
Staff is recommending approval for this Use Variance and recommends the following conditions:

1. The Board retains continuing jurisdiction of this Use Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. Use Variance is approved for a dumping site of “slurry”, which is the result or byproduct of removing soil and other debris with pressurized water.

3. That the proper Drainage Plan be submitted to and approved by the DeKalb County Surveyor and Drainage Board prior to the start of construction for the project.
4. No permanent structures, including trees, will be installed within the John Potts Lateral 2 Spur 3 Branch 1 Regulated Tile Drain No. 39-02-3 75-foot right of way without first getting a variance from the DeKalb County Drainage Board.
5. No offsite drainage, existing surface water or existing tiled water drainage crossing over said real estate should be obstructed by any development on this site. The Board of Zoning Appeals may enforce these conditions by injunctive relief with attorney fees.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies that were identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.
7. An "ingress/egress, maintenance and use easement" be written and recorded that allows the owner of the property with the drying basin to access the northern property for maintenance of the spillway. The easement shall also not allow any structures to be built within the wetland area that IDEM is allowing the spillway to flow into. Should the easement no loner be needed, it shall have written consent from the Zoning Administrator to dissolve the easement.

Commitments of Approval:
Staff is recommending approval. If the Board assigns commitments, they shall be given, signed and recorded with the DeKalb County Recorder's Office.

2312-01	Job No.
4 - EC3	Sheet No.
As Noted	Scale:
01/24/2024	Date:
	Drawn By:
	Checked By:

Revisions

Date	Description

DARRIN S. GOOD REGISTERED STATE OF INDIANA NO. PE19930345 PROFESSIONAL ENGINEER

3-12-24

Nester's Drying Basin of Corunna
Indiana

Section I

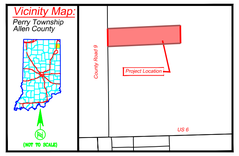
Allen County Indiana

DABEC
D.A. Brown Engineering Consultants
5491 County Road 427, P.O. Box 389, Auburn, IN 46706
Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
www.dabrownengineering.com

Erosion Control Plan

A. Assessment of Construction Plan Elements

Exhibit A2



A.1 Sheet Index

Sheet Index	
EC1	Erosion Control Measures
EC2	Erosion Control Details
EC3	Erosion Control Plan

A.2 Vicinity Map (See exhibit A2).

A.3 Project Narrative:

Frank Nester, 2427 County Road 9. Corunna, IN 46730 is submitting a NOI letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements of the Indiana Construction General Stormwater Permit INRA00000 to discharge storm water from construction activities for the following project: Nester's Drying Basin of Corunna Indiana locate east of CR 9 in Corunna, Indiana. Construction is scheduled to commence in March 2024. Run-off from the project site will discharge into the detention basin onsite and then overland to the John Potts Lateral 2, Spur 3, Branch 2 DeKalb Regulated Drain. Questions or comments should be directed to Frank Nester (260) 760-3199 or David Brown of D.A. Brown Engineering Consultants, Inc. (260) 925-2020.

A.4 Longitude -85.1461°W, Latitude 41.4431°N
A.5 See Deed for Legal Descriptions.
A.6 See 11x17 plat (Attached to the NOI)
A.7 According to FIRM panel 18033C0109E effective 09/29/2006 there is no flood plain located on this parcel..
A.8 There are no DeKalb County regulated drains on this property. Land uses surrounding the proposed property are as follows:
North: Existing Agricultural
East: Existing Agricultural
South:
West:
A.9 The Peckhart Ditch is on the list of TMDL report.
A.10 The Willow Creek is the receiving stream for this project.
A.11 The Peckhart Ditch is in Impaired condition according to "How is my waterway?" website for the EPA.
A.12 See Exhibit A12 for the predominate soil types.
A.13 Wetlands and Water Courses:
There are wetlands present adjacent to this site. A copy of the delineation report is available upon request. There are no existing ponds located on this property.
A.14 There will be no additional Federal permits required for construction activities.
A.15 The existing site is Farmland.
A.16 Existing Topography. See the erosion control plan for the existing grade and proposed grade for the entire project.
A.17 The disturbed area will drain to the north through an adjacent woods to a DeKalb County Regulated drainage system.
A.18 The drainage will leave the site via sheet flow to the north.
A.19 There are no structures on the site.
A.20 There is a settlement basin proposed with this project.
A.21 There are no known potential discharges to ground water within this project.
A.22 The total acreage for the project are as follows: 10.0 Acres.
A.23 The total expected disturbed area is 87,000 sq.ft.
A.24 The proposed final topographic surface is show on the erosion control.
A.25 The proposed disturbed areas are contained within the boundary of this project.
A.26 The proposed stormwater system is shown in the storm plans.
A.27 The final discharge point is to the north through the woods.
A.28 The final locations of the improvements are show within the erosion control plan.
A.29 The soil stockpiles are show in the erosion control plan.
A.30 No additional construction support activities are planned with this project.
A.31 No "in-stream activities" are planned with this project.

Additional information:

Unit Code (HUC) - 04100003090020 (John Diehl Ditch - Peckhart Ditch - Ober Ditch) (ref.-USGS Watershed Boundary Dataset)

Soil Map (Exhibit A12)

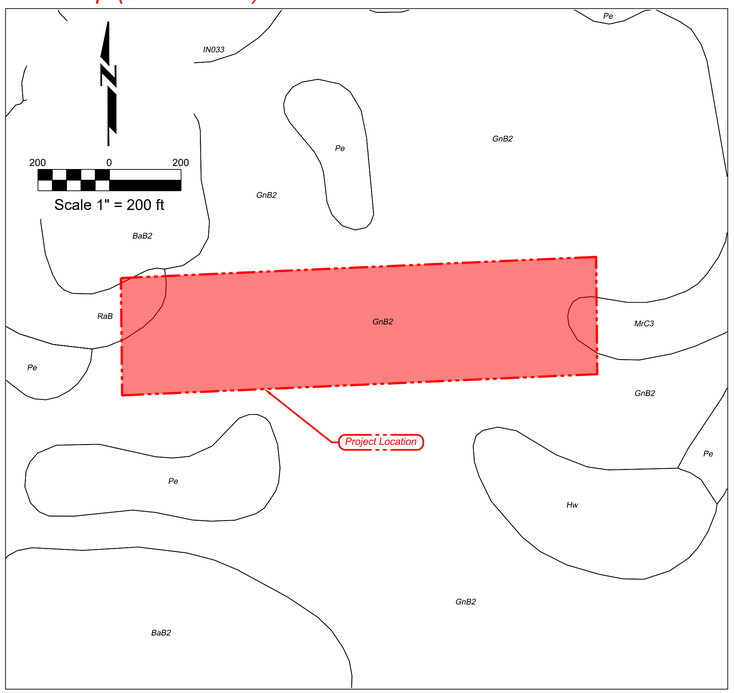


Table A12: SOIL DESCRIPTIONS

Glynwood loam (GnB2). The Glynwood series consists of very deep, moderately well drained soils that are moderately deep or deep to dense till. They formed in a thin layer of loess and the underlying till. These soils are on moraines.

Blount silt loam (BaB2). The Blount soils consist of deep, somewhat poorly drained, nearly level and gently sloping soils. Wetness is a major limitation. Erosion has removed 3 to 6 inches of the original surface. Maintaining and controlling runoff and erosion is a problem, and wetness is a limitation.

Rawson loam (RaB). The Rawson series consists of very deep, moderately well drained soils that formed in loamy sediments and till on till plains, outwash plains and lake plains. They are moderately deep or deep to dense till. Slope at this site ranges from 2 to 6 percent.

Morley Silty Clay Loam (MrC3). The Morley series consists of very deep, moderately well drained soils that are moderately deep to dense till. Morley soils formed in as much as 89 cm (35 inches) of loess and in the underlying clay loam or silty clay loam till. They are on till plains and moraines. Slope ranges from 2 to 6 percent.

Notes:
1. Soil limits are per soil survey provided by USDA Natural Resources Conservation Service (NRCS).
2. Zoning districts per DeKalb County
3. Vertical Datum is North American Vertical Datum of 1988.

B. Stormwater Pollution Prevention Plan Construction Components

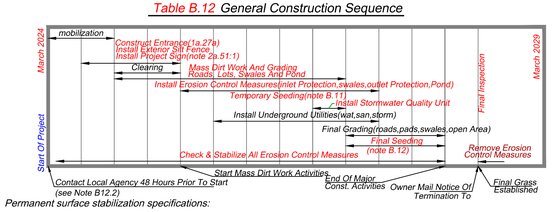
B.1 Potential construction pollutants: fuel storage, fueling locations, exposed soils, leaking vehicles and concrete washout areas are some expected construction pollutants. The developer and contractor should minimize the amount of these pollutants from entering the storm water system.
B.2 The construction entrance is located on Sheet EC4. The detail for the construction entrance is located on EC2.
B.3 The specifications for temporary and permanent stabilization is located on EC2.
B.4 See Sheet EC3, Plan View for location of all temporary and permanent storm water erosion and sediment control measures, See Sheet EC2 for dimensions, detailed specifications, and construction details.
B.5 See Sheet EC3, Plan View for location concentrated swale discharges. See Sheet EC2 for details and specifications.
B.6 See Sheet EC3, Plan View for location run-off control methods. See Sheet EC2 for details and specifications.
B.7 See Sheet EC3, Plan View for location of storm water outlet protection measures. See Sheet EC2 for details and specifications.
B.8 See Sheet EC3, Plan View for location of grade stabilization structures. See Sheet EC2 for details and specifications.
B.9 Dewatering is not proposed for this project.
B10. All of the earthwork will be completed prior to allowing the pond to fill. No work is expected within the body of water.
B.11 See Sheet EC3, Plan View for location of stormwater quality measures. See Sheet EC2 for details and specifications.

B.12 The construction sequence is as follows:

Recommended Installation Schedule (see Table B.12)
The installation of erosion control measures is dependent on the overall construction schedule. listed below is a list of major erosion control work in sequential order.

1) Install project sign near the project construction entrance. Sign to include project name and contact information for developer and contractor. Sign shall also include a posted copy of the NOI letter to IDEM and the location (name of firm and address) of the erosion control plans. Developer (onsite operator or construction manager) shall hold pre construction meeting with site contractors to outline erosion control plan. Onsite operator shall conduct regular schedule inspections, record keeping and maintenance of erosion control measures. Inspections shall be conducted weekly and after rain events of more than 1/2 inch. Inspections shall be recorded in a amount, time, observations and any corrections made to erosion control measures.
2) Contractor shall contact the following agencies 48 hours before starting land disturbing activities.
The DeKalb County Surveyor's Office, 260-925-2222
3) Installation of construction entrances.
4) Clearing and demolition.
5) Cap if required, install any perimeter erosion control measures (silt fence).
6) Stripping and stockpiling of topsoil in designated area.
7) During mass grading, construction of swales and ponds shall be given priority as these are the primary sediment control practices. Stabilization of the ponds and swales shall be given priority.
8) If required, temporary seed any disturbed or excavated areas. Any excavated areas that remain inactive for more than 15 days shall be temporary seeded.
9) Install Underground Utilities (Sanitary, Water, Storm).
10) Install erosion control measures (inlet protect, outlet protection, etc.) for storm sewers.
11) Fine grade swales, yards, and streets.
12) Install temporary swale stabilization measures (straw wattles) if required.
13) Installation of final paved surfaces and building structures and post-construction erosion control measures.
14) Conduct final seeding of excavated areas.
15) Check and stabilize all inlet protect measures. All inlet protection in grass areas shall remain until grass is established. Contractor to remove measures upon establishment of grass in drainage areas.
16) Contact owner and notify that project is complete
17) Project site owner shall complete and submit a notice of termination (NOT) to the DeKalb County Surveyor's Office, 260-925-2222

Table B.12 General Construction Sequence



Permanent surface stabilization specifications:

Areas where final grading is completed will be seeded as soon as possible with a temporary or permanent grass cover. Inspect periodically, especially after storm events, until the stand is successfully established. (Characteristics of a successful stand include: vigorous dark green or bluish-green seedlings; uniform density with nurse plants, legumes, and grasses well intermixed; green leaves; and the perennials remaining green throughout the summer, at least at the plant base.) Plan to add fertilizer the following growing season according to soil test recommendations. Repair damaged, bare, or sparse areas by filling any gullies, re-fertilizing, over- or reseeding, and mulching. If plant cover is sparse or patchy, review the plants materials chosen, soil fertility, moisture condition, and mulching; then repair the affected area either by over-seeding or by re-seeding and mulching after re-preparing the seedbed. If vegetation fails to grow, consider soil testing to determine acidity or nutrient deficiency problems. If additional fertilization is needed to get a satisfactory stand, do so according to soil test recommendations.

All drainage paths and swales to be cut, graded and seeded prior to any utilities trenching. All drainage paths and excavated areas to be mulched upon completion of seeding. Straw wattles (sediment dam) to be placed perpendicular to flow in bottom of swale every 100 feet along drainage swale route. Straw wattles to remain in swale route until a substantial growth of grass has been established. Silt fence to be staked around all inlet rims where swale lines are excavated to route storm water flow into inlet. Where noted on sheet EC3 by ECB line 0.5 feet to 1.0 feet of flow depth of swale with erosion control blanket for erosion control. Erosion control requires immediate seeding and mulching of any stripped and un-vegetated areas, including unpaved right-of-way. Fertilizer apply a minimum of 600 lbs. of 12-12-12 fertilizer per acre. Increase rate to 1000 lbs/acre for areas with little or no topsoil (1-1/2" or less), work fertilizer into soil 2-4 inches deep with pick or rake.

Mulch shall consist of clean, seed-free threshed straw of wheat, rye, oats, or barley. Mulch to be spread uniformly to form a continuous blanket not less then 1-1/2" loose measurement over "Mixture A" and "Mixture C" seeded areas the mulch shall be held in place being mechanically crimped into the soil, tackified with a biodegradable tackifier, netted end stapled to the soil with a photo-degradable or biodegradable netting. The mulch should be applied at a minimum rate of 1500 lbs. per acre (hydromulch rate) or 4000 lbs per acre (loose straw mulch rate).

Seeding Schedule
It is recommended that all seeding, temporary and permanent, be done in the spring and fall. Spring seeding shall be done before July 1, of the calendar year. Fall seeding shall be done between the middle of August to the end of October.

B.12a Seed Mixture B:
Shall be used for all drainage paths, swales, side slopes, and all other areas where existing lawn is disturbed during construction. Seed mixture shall be as follows:
2 lbs/1000 sq.ft.-chewings fescue
2 lbs/1000 sq.ft.-kentucky bluegrass
2 lbs/1000 sq.ft.-perennial rye
Seed shall be sown at a rate of 6 lbs. per 1000 sq.ft. of area or 260#/acre. Maintain ends of check dam to be higher than center. Remove debris and replace straw bale if deterated. Continue inspection until vegetation becomes established.

B.12b Straw Tackifier - Mulch Tackifier:
The tackifier shall be a naturally derived product from all organic sources resulting in a strong resilient muciloid, non bitumen m-binder. The product can be used in a hydro-seeder with both 100% virgin wood fiber a paper wood cellulose mulch and can be sprayed on 100%. Wheat straw mulch for stabilization from the wind. Application rates vary between 60-140 lbs. per acre depending upon existing conditions. The product shall be packed in 40 lbs fiber bags.
Technical Specifications:

protein content	1.62
ash content.....	2.7
fiber,.....	4.0
ph of isb solvent.....	6.8
settleable solids.....	5.0

B.13 See Lot grading detail located on sheet GP2.

B.14/ B.15 Material handling and spill prevention plan:

Materials such as, fuel and oil are expected pollutants that need to be handled properly to minimize entering into the storm water system. Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 iac 2-6.1. In case of spill notify the project foreman immediately. The foreman shall notify the Kosciusko County Emergency Management Agency hazardous materials response team and IDEM's 24 hr Emergency Spill Line 888-233-7745. Contain the spill. For significant or hazardous spills that cannot be controlled by personnel in the immediate vicinity, notify the local emergency response team by dialing 911.

B.14a Equipment washout will be properly deposited at the indicated designated washout area. Area must be clearly marked and be located 50 feet from storm drains, open ditches, or water bodies. Do not allow runoff from this area by constructing a temporary pit or bermed area large enough for liquid and solid waste. washout area are to be maintain and material broken up and properly disposed. see plan view for location and see sheet ec1 for details and specifications.
B.14b All solid waste and non-stormwater material/pollutants to be properly contained and handled, prevented for entering the inlet and receiving waters. Contractor must have a stable access provided to the storage and pick-up area.
B.14c Fuel tanks and other hazardous materials to be safely stored, protected and properly handled by contractors fuel tanks to be stored in bermed area to reduce the probability of fuel spills into storm water conveyance systems.
B.14d All dewatering or water pumping operations must have measures in place to minimize sediment discharge with a stabilized outlet. Water is to be contained in a pond structure for a minimum of 4 hours, in a settling tank with sample ports, or filtered through a sieve or other filer media (swimming pool filter). The outlet path should stabilized. Filtered material should be appropriately disposed of based on nature and levels of any contaminants present.

C. Stormwater Pollution Prevention Plan Post Construction Components

C.1 Land use pollutant sources:
Pollutants from the roads and driveways, the general natural of residential use, and ground maintenance such as sediments, nutrients, trash and debris, oil and grease, auto fluids, fertilizer, pesticides, and any chemicals used in the subdivision need to be disposed of properly. This is to prevent pollutants from being conveyed into storm water runoff facilities.

C.2 See B.12 for installation sequence.

C.3 See sheet EC2 for erosion control details, also see EC3 for locations of the proposed stormwater measures.

C.4 See B.12 for the installation sequence.

C.5 Post Construction Maintenance guidelines

Storm water pollutants shall be evaluated on a weekly schedule and again within a 24 hour period after every ½" rain event. each erosion control measure can be inspected by the following practices.

1. Temporary construction entrance/exit pad (See Detail 1A.27A)
Inspect entrance pad and sediment disposal area weekly and after storm events or heavy use. Reshape pad as needed for drainage and runoff control. Top dress with clean stone as needed. Immediately remove mud and sediment tracked or washed onto public roads by brushing or sweeping. Flushing should only be used if the water is conveyed into a sediment trap or basin. Repair any broken road pavement immediately.
2. Temporary silt fence inlet protection (See Detail 1A.28A)
Inspect the fabric barrier after storm events, and make needed repairs immediately. Remove sediment from the pool area to provide storage for the next storm. Avoid damaging or undercutting the fabric during sediment removal. When the contributing drainage area has been stabilized, remove and properly dispose of all construction material and sediment, grade the area to the elevation of the top of the inlet, then stabilize.
3. Silt fence (See Detail 1A.26A)
Inspect the silt fence periodically and after each storm event. If fence fabric tears, starts to decompose, or in any way becomes ineffective, replace the affected portion immediately. Remove deposited sediment when it reaches half the height of the fence at its lowest point or is causing the fabric to bulge. Take care to avoid undermining the fence during clean out. After the contributing drainage area has been stabilized, remove the fence and sediment deposits, bring the disturbed area to grade, and stabilize.
4. Temporary culvert pipe protection (See Detail 1A.28E)
Inspect the riprap after each storm event. Remove debris and repair as necessary. If riprap becomes blocked, remove, wash and replace.
5. Concrete washout station (See Detail 1A.44A)

Inspect periodically and after each storm event. Facility should be maintained to provide adequate holding capacity with a minimum freeboard of 4 inches. Maintenance includes the removal of hardened concrete and returning the facility to a functional condition. Hardened concrete materials should be removed and disposed of properly.

The designed stormwater quality and erosion control measures have been designed to remove and minimize pollutants and sediment from entering stormwater runoff and must be maintained to ensure proper working order. This will be accomplished using wet detention basins. Wet detention basins (a.k.a wet ponds, stormwater ponds, wet extended detention basins) are constructed basins that are designed to have a permanent pool of water year round. Ponds treat incoming stormwater runoff by allowing particles to settle and algae to take up nutrients. Wet ponds have been widely used as a best management practice due to allowing time for stormwater runoff reside while sediment settles and through the biological activity in the pond allowing for nutrient and pollutant uptake. To ensure functionality of the pond, the outlet must not be allowed to become plugged with debris. The banks of the pond must also be maintained with proper vegetation to eliminate erosion cuts in the banks. A rock check dam has also been added at the downstream discharge system of the pond to slow down the runoff for further sediment settling. To ensure sediment and pollutant removal, the rock check dam must be checked for structural integrity.

See Sheet EC3, Plan View for locations for post-construction stormwater management measures. See Sheet EC2 for details and specifications.

Proper maintenance of the pond is required to ensure long term functioning of the pond and its appurtenances. In general, the pond requires that the embankments be densely covered in grassy vegetation, the outlet system remains functioning properly, and that hydrocarbon and sediment build up not be allowed to take place. The pond embankments and outlet systems need to be checked regularly for structural integrity and soundness. Inlet discharge points into the pond need to be inspected frequently to remove debris/trash and sediment and to ensure safe unimpeded flow into the basin. More intense maintenance operations may require the removal of sediment from the basin if the basin volume is significantly reduced or the pond becomes eutrophic. Generally, the rock check dams require little in maintenance. They should be inspected for structural integrity and for sediment and debris removal.

C.6 See Sheet EC3 for areas of responsibility by home owners and the association. Portions in block area to be maintained by the association. Portions in easements to be maintained by home owners.

Developer:
Frank Nester
2345 County Road 9
Corunna, IN 46730
Tel: (260) 760-3199

Engineer:
D.A. Brown Engineering Consultants
5491 County Road 427
P.O. Box 389
Auburn, IN 46706
Tel: (260) 925-2020
Fax: (260) 925-1212

Erosion Control Measures

D.A. Brown Engineering Consultants
5491 County Road 427, P.O. Box 389, Auburn, IN 46706
Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
www.dabrownengineering.com

Nester's Drying Basin of Corunna Indiana — Section I — Allen County Indiana

DARRIN S. GOOD
REGISTERED
NO. PE19800345
STATE OF INDIANA
PROFESSIONAL ENGINEER
1-30-24

Revisions	
Date	Description

Date:	Drawn By:
01/24/2024	
Scale:	Checked By:
As Noted	
Job No.	Sheet No.
2312-01	20 - EC1

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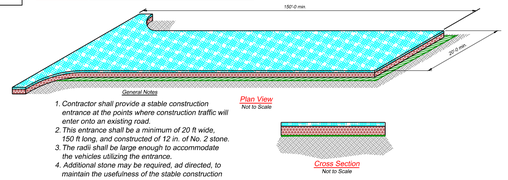
Erosion Control Details

Details and Specifications

D.A. Brown Engineering Consultants
5491 County Road 427, P.O. Box 389, Auburn, IN 46706
Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
www.dabrownengineering.com

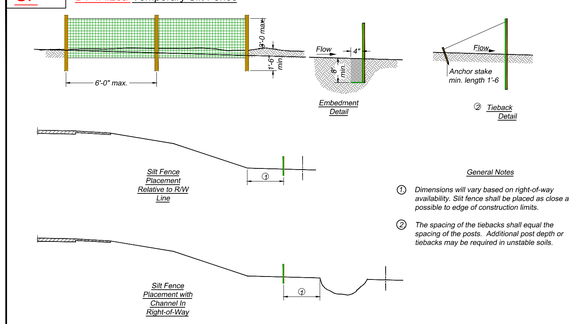
Nester's Drying Basin of Corunna — Indiana
Section I — Allen County, Indiana

TCE — Dt 1A.27a Temporary Construction Entrance



1. Contractor shall provide a stable construction entrance at the points where construction traffic will enter onto an existing road.
2. This entrance shall be a minimum of 20 ft wide, 150 ft long, and constructed of 12 in. of No. 2 stone.
3. The radii shall be large enough to accommodate the vehicles utilizing the entrance.
4. Additional stone may be required, ad directed, to maintain the usefulness of the stable construction entrance.

SF — DT 1A.26a Temporary Silt Fence

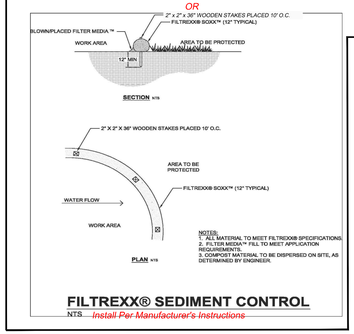


General Notes

① *Dimensions will vary based on right-of-way availability. Silt fence shall be placed as close as possible to edge of construction limits.*

② *The spacing of the tiebacks shall equal the spacing of the posts. Additional post depth or tiebacks may be required in unstable soils.*

OR

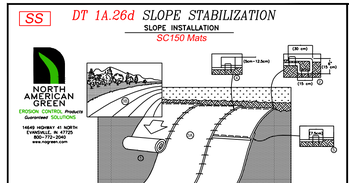


FILTREXX® SEDIMENT CONTROL
NTS *Install Per Manufacturer's Instructions*

SS — DT 1A.26d SLOPE STABILIZATION

SLOPE INSTALLATION

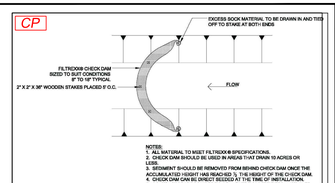
SC150 Mats



1. PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECP'S), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED.
NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECP'S IN A 6" (15 CM) DEEP X 6" (15 CM) WIDE TRENCH WITH APPROXIMATELY 12" (30CM) OF RECP'S EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE RECP'S WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" (30 CM) APART ACROSS THE WIDTH OF THE RECP'S. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" (30 CM) PORTION OF RECP'S BACK OVER SEED AND COMPACTED SOIL. SECURE RECP'S OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" (30 CM) APART ACROSS THE WIDTH OF THE RECP'S.
3. ROLL THE RECP'S (7.5 CM - 12.5 CM OVERLAP) DOWN OR HORIZONTALLY ACROSS THE SLOPE. RECP'S WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECP'S MUST BE SECURELY FASTENED TO SOIL SURFACE BY LAYING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING THE CCT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
4. THE EDGES OF PARALLEL RECP'S MUST BE STAPLED WITH APPROXIMATELY 2" - 5" (5 CM - 12.5 CM) OVERLAP DEPENDING ON RECP'S TYPE.
5. CONSECUTIVE RECP'S SPLICED DOWN THE SLOPE MUST BE PLACED END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" (7.5 CM) OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" (30 CM) APART ACROSS ENTIRE RECP'S WIDTH.
NOTE: IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" (15 CM) MAY BE NECESSARY TO PROPERLY SECURE THE RECP'S.

REV. 01/05

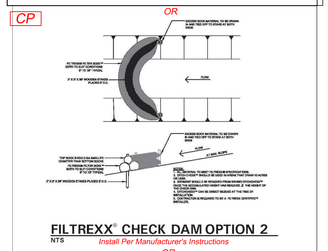
CP — FILTREXX® CHECK DAM



FILTREXX® CHECK DAM
NTS *Install Per Manufacturer's Instructions*

CP — FILTREXX® CHECK DAM OPTION 2

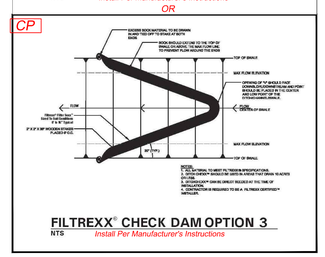
OR



FILTREXX® CHECK DAM OPTION 2
NTS *Install Per Manufacturer's Instructions*

OR

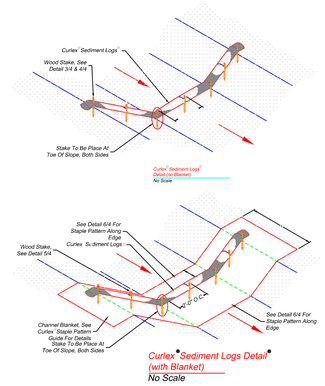
CP — FILTREXX® CHECK DAM OPTION 3



FILTREXX® CHECK DAM OPTION 3
NTS *Install Per Manufacturer's Instructions*

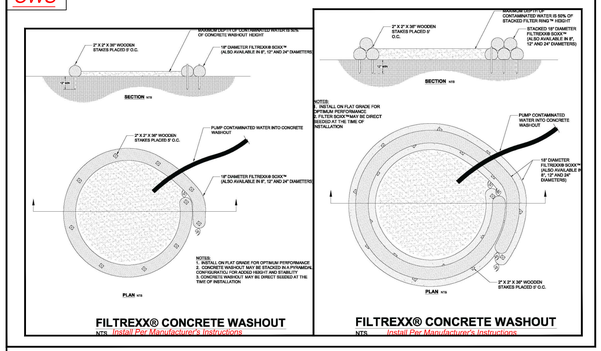
CP — Channel Protection

OR



Curlex® Sediment Logs Detail (with Blanket)
No Scale

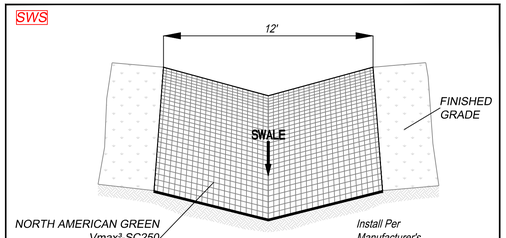
CWS



FILTREXX® CONCRETE WASHOUT
NTS *Install Per Manufacturer's Instructions*

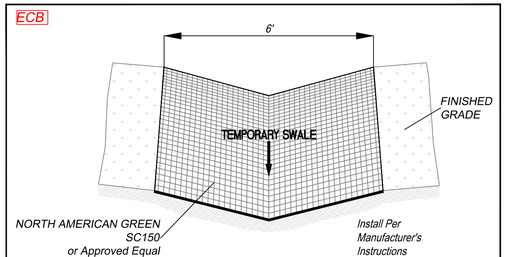
FILTREXX® CONCRETE WASHOUT
NTS *Install Per Manufacturer's Instructions*

SWS



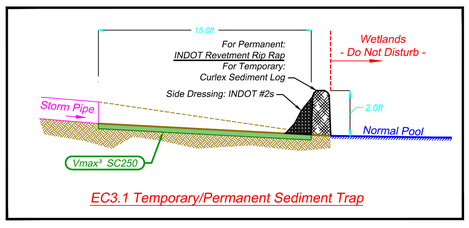
1A.31c Swale Stabilization
(Not to Scale)

ECB

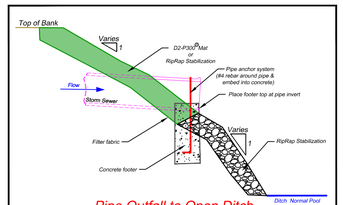


1A.31d Temporary Swale Stabilization
(Not to Scale)

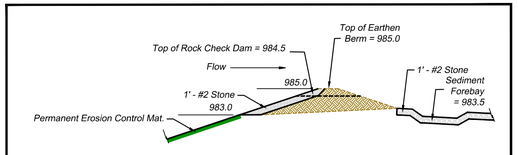
EC3.1 Temporary/Permanent Sediment Trap



Pipe Outfall to Open Ditch



EC3.11 Spillway Detail



Revisions

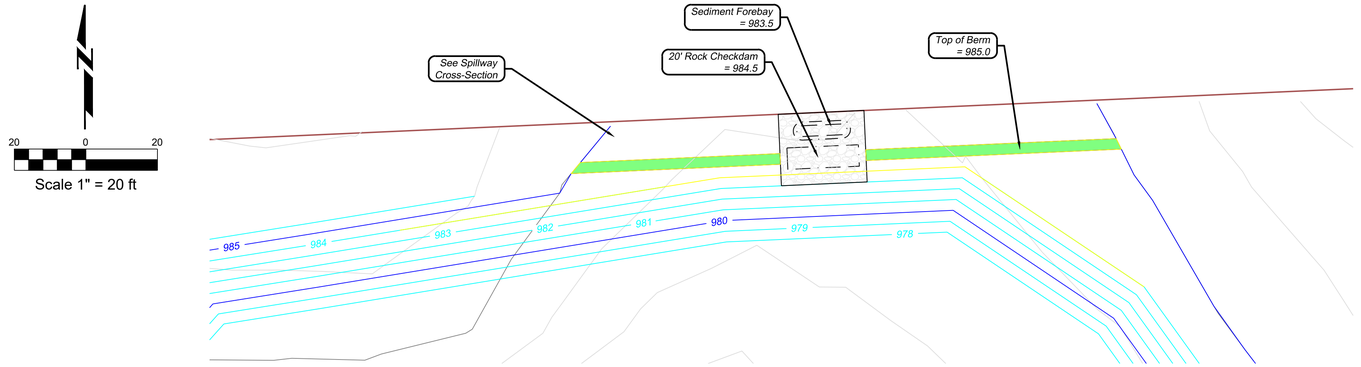
Date	Description

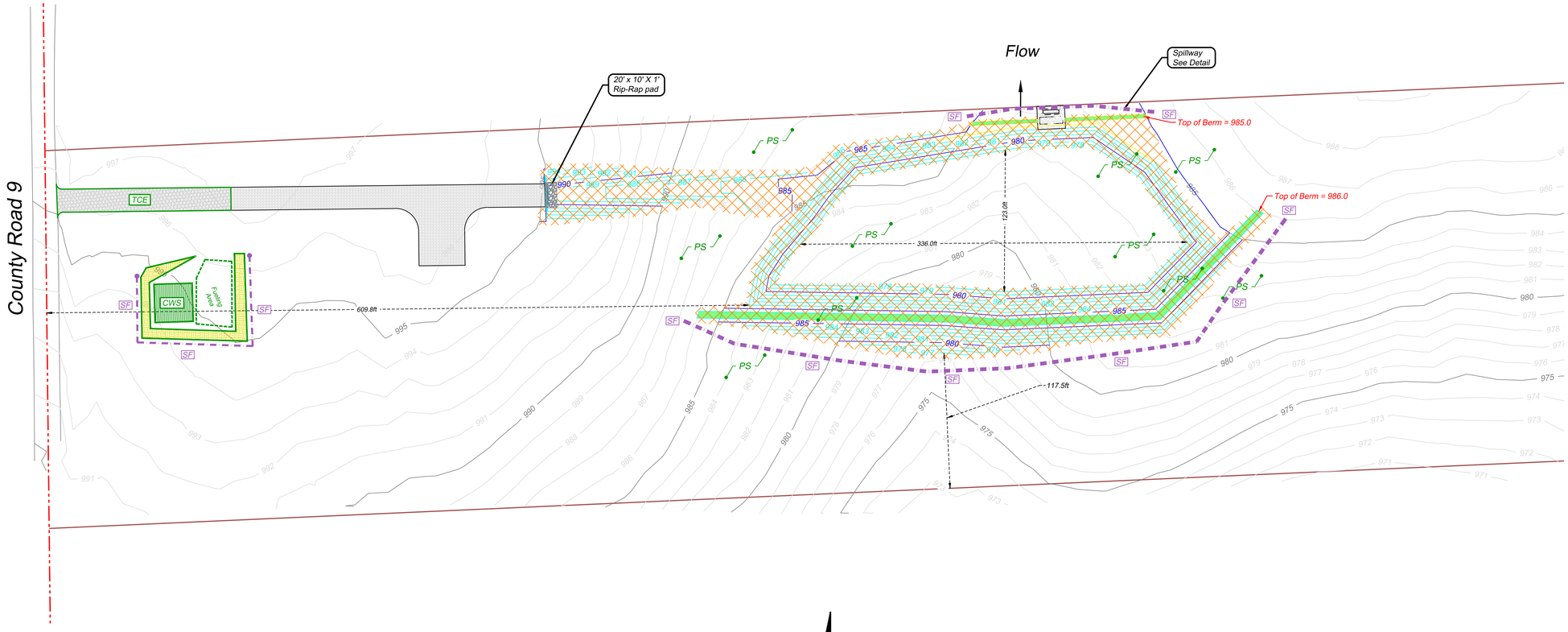
Date:	Drawn By:
01/24/2024	
Scale:	Checked By:
As Noted	
Job No.	Sheet No.
2312-01	21 - EC2

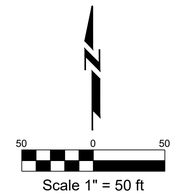
DARRIN S. GOOD — REGISTERED — NO. PE19800345 — STATE OF INDIANA — PROFESSIONAL ENGINEER

Darrin S. Good 1-30-24

Erosion Control Plan







Note:
Contractor to comply with all IDEM & Army Corps Placed on Project per IDEM Project # 2023-XXX-XX-XXX-X

Erosion Control Legend:

- PS — Permanent Seeding
- TS — Temporary Seeding
  - Areas where final grading is completed will be seeded as soon as possible with a temporary or permanent grass cover.
- Yard Inlet Protection
- Street Inlet Protection
- Silt Fence (placed For Sheet Erosion)
- Channel Protection
- =Future Storm
- Pipe End Protection
- Pipe Outlet Protection
- =Proposed Storm
- =Existing Storm
- Temporary Earth Berm
- CWS — Concrete Washout Station
- Temporary Construction Entrance (20'x150')
- Permanent Swale Stabilization
- Temporary Swale Stabilization
- Sediment Trap

Note: 20 feet along each curb, within swales, and within block areas will be temporary seeded upon completion of grading work.

D.A. Brown Engineering Consultants
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Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
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Nester's Drying Basin of Corunna
Indiana

Section I

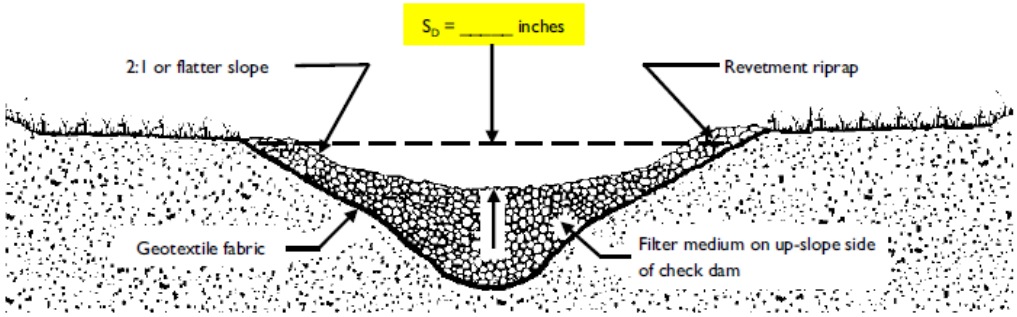
Indiana
Allen County

DARRIN S. GOOD
REGISTERED
NO. PE19800345
STATE OF INDIANA
PROFESSIONAL ENGINEER
1-30-24

Revisions	
Date	Description

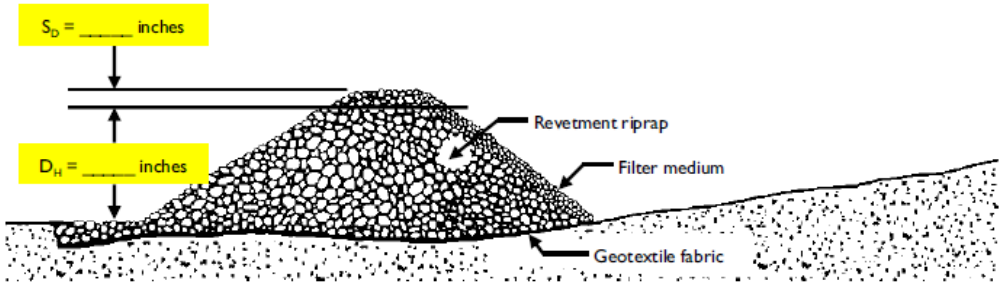
Date:	Drawn By:
01/24/2024	
Scale:	Checked By:
As Noted	
Job No.	Sheet No.
2312-01	22 - EC3

Rock Check Dam Worksheet



S_D = Spillway Depth

(NOTE: For minimum dimensions see the "Specifications" section of this measure.)



D_H = Dam Height

S_D = Spillway Depth

(NOTE: For minimum dimensions see the "Specifications" section of this measure.)

Source: Adapted from North Carolina Erosion and Sediment Control Planning and Design Manual, 1993

For information on this measure, see Chapter 7, page 97

Evan White, Wetlands Project Manager
Wetlands and Stormwater Section, Office of Water Quality
100 North Senate Avenue, Room 1255
Indianapolis Indiana 46204
Phone: (317) 671-6698
EVWhite@idem.IN.gov

Section 401 Water Quality Certification and Isolated Wetlands Program: http://www.in.gov/idem/wetlands
Stormwater Program: http://www.in.gov/idem/stormwater
Indiana Stormwater Quality Manual: http://www.in.gov/idem/stormwater/2363.htm

SECTION 401 WQC REGIONAL GENERAL PERMIT NOTIFICATION

State Form 51937 (R5 / 7-18)
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (IDEM) and U.S. ARMY CORPS OF ENGINEERS (USACE)

Authorities: Section 401 Water Quality Certification, Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbor Act

INSTRUCTIONS: *1. Familiarize yourself with the terms and conditions of this permit.*
2. Read the instructions before filling out this form.
3. All applicable sections of this two (2) page form must be completed.

AGENCY USE ONLY	
Date Received *(mm/dd/yyyy)*	2/2/2024
IDEM ID	2024-93-17-EJW-X
Processing Date *(mm/dd/yyyy)*	2/21/2024

APPLICANT INFORMATION

Name of Project: Nester's Drying Basin of Corunna, IN	Designation Number: N/A
Applicant: Frank Nester	Agent *(Name of Company)*: D.A. Brown Eng. Cons. Inc.
Contact Person: Frank Nester	Contact Person: Daniel Brown
Address *(number and street)*: 2345 County Road 9	Address *(number and street)* : 5491 County Road 427
City: Corunna State: IN ZIP Code: 46730	City: Auburn State: IN ZIP Code: 46706
Telephone Number: 260-760-3199	Telephone Number: 260-925-2020
E-mail Address: Frankjnester@gmail.com	E-mail Address: Danielb@dabrownengineering.com

PROJECT LOCATION

County: DeKalb		Nearest Town: Corunna	
Quad Name: Corunna	Section: 33	Township: 35N	Range: 12E
Latitude: 41.443732N		Longitude: 85.143841W	

Project Address and Driving Directions:
From the Post Office in Corunna, drive north on State Road 327/Bridge St. 0.15miles to the T-intersection of State Road 327/Bridge Street and U.S. Hwy. 6. Then turn right (eastbound) on U.S. Hwy 6, drive 0.05 miles to the T-intersection with County Road 9. Turn left (northbound) and drive 0.4miles to the project on the right (east side of County Road 9).

EXISTING CONDITIONS ON THE PROJECT SITE

Lake: ☐ Yes ☑ No	Name of Lake:
Stream: ☐ Yes ☑ No	Name of Stream: Stream Type: ☐ Perennial ☐ Intermittent ☐ Ephemeral
Wetlands: ☐ Yes ☑ No	Acreage on the site by Wetland Type(s): _____ Emergent _____ Scrub-Shrub _____ Forested
	Date *(mm/dd/yyyy)* of Wetland Delineation:
	Date *(mm/dd/yyyy)* of the U.S. Army Corps of Engineers Jurisdiction Correspondence:

PROJECT IMPACTS

Activity Description:
A drying basin is to be constructed in an existing farm field. Using excavated material from the drying basin area, a dike will be constructed on the south side of the drying basin to ensure any overflow is to the north. To ensure clean water from any overflow, a rock check dam with sediment forebay (see attached plans) will be constructed at the head of the existing overland flow path through Mr. Nester's woods.

Purpose of Project:
The drying basin is to take the discharge from hydrovac trucks with anticipated peak discharge to be less than 10,000 gallons/day.

IDEM-WATER QUALITY
FEB 02 2024
RECEIVED

For Lake Impact *(Acceptable fill is defined in the instructions)*:

(1) Linear feet of shoreline impact *(Example – Seawall)*: N/A

(2) Type of fill below the Ordinary High Water Mark: N/A Volume *(Cubic Yards)*: N/A Acres: N/A

(3) Does the shoreline or open water area have vegetation present? ☐ Yes ☐ No
If Yes, are you proposing natural shoreline stabilization? ☐ Yes ☐ No Description: N/A

(4) Open water fill beyond shoreline *(Examples – Boat Well, Underwater Beach)*: Type of Fill: N/A Acres: N/A

For Stream Impact *(Acceptable fill is defined in instructions)*:

(1) Total linear feet of stream impact *(Examples - bank stabilization, bridge construction or culvert placement, seawall work)*: N/A

(2) Total acre(s) of stream impact: N/A

(3) Type of fill below the Ordinary High Water Mark: N/A Volume *(Cubic Yards)*: ____

(4) Proposed start date of work in the stream *(mm/dd/yyyy)*: N/A Proposed end date of work in the stream *(mm/dd/yyyy)*: ____

(5) Channel width in feet *(See instructions)*: N/A Channel depth in feet *(See instructions)*: ____

(6) Cross-sectional area below the Ordinary High Water Mark: N/A

(7) For stream crossings, type of structure proposed to be installed *(Examples: three-sided or four-sided culvert, bridge, pipe)*: N/A

(8) For stream crossings, width of culvert structure/diameter of pipe to be installed *(feet)*: N/A Length of culvert structure/pipe *(feet)*: ____

(9) For stream crossings, substrate type (i.e. sand, soil or unconsolidated till, bedrock or consolidated till): N/A

(10) Open water fill that projects beyond the stream bank: Type of fill: N/A Acre(s) of open water impact: ____

For Wetland Impact *(Acceptable fill is defined in instructions)*:

(1) Type of fill: N/A

(2) Acre(s) of Impact: N/A Emergent N/A Scrub-Shrub N/A Forested

SIGNATURE OF APPLICANT – STATEMENT OF AFFIRMATION

I swear or affirm, under penalty of perjury as specified by IC 35-44.1-2-1 and other penalties specified by IC 13-30-10, that the statements and representations in this notification are true, accurate, and complete.

I certify that I have the authority to undertake and will undertake the activities exactly as described in this notification form. I am aware that there are penalties for submitting false information. I understand that any changes in project design subsequent to IDEM's and the USACE's granting of authorization to discharge to a water of the U.S. are not authorized, and that I may be subject to civil and criminal penalties for proceeding without proper authorization. I agree to allow representatives of IDEM and the USACE to enter and inspect the project site. I understand that the granting of other permits by local, state, or federal agencies does not release me from the requirement of obtaining the authorization requested herein before commencing the project.

Signature of Applicant: Frank Wester Date *(mm/dd/yyyy)*: 1-31-24

Printed Name of Applicant: Frank Wester Title: Owner

Enclose copies of the following documents *(all enclosures must be on 8.5" by 11" paper)*. Failure to provide all applicable documents and information may result in a determination that the proposed project is out of scope.

(1) ☐ Location Map

(2) ☐ Drawings of existing site and proposed project

(3) ☐ Cross sections of proposed activities showing extent of fill waterward *(for seawall, shoreline, and stream bank stabilization impacts)*

(4) ☐ Cross sections of proposed activities showing the bankfull width or Ordinary High Water Mark of the stream

(5) ☐ At least three photos of the site, labeled

(6) ☐ Copy of wetland delineation report *(for projects with wetland impacts)*

(7) ☐ Copies of all correspondence from the USACE *(for projects with wetland impacts)*

(8) ☐ Copies of all correspondence from the Indiana Department of Natural Resources, Division of Nature Preserves *(required)*

Please Note:

(1) It is recommended that you send this form and the attachments **via certified mail.** The agencies will **not** notify you when this form is received.

(2) IDEM and the USACE will review this form and all attachments for completeness and accuracy. You will not be contacted during the application process unless deficiencies are identified at which time the agencies may require additional information to verify that the project meets all conditions of the Regional General Permit and the Section 401 Water Quality Certification (WQC). If you are not contacted by IDEM within thirty (30) days of the date IDEM receives this notification form, your project is authorized, subject to the terms and conditions of the Section 401 Water Quality Certification and its conditions. You will not receive a written confirmation of authorization from IDEM, however the USACE will issue written authorization.

(3) Read all the terms and conditions of the IDEM Regional General Permit, including all USACE and IDEM conditions. The terms and conditions of this general permit as instituted by IDEM can be found at: http://www.in.gov/idem/wetlands/2353.htm . Do not submit this notification form or commence work on the proposed project until you understand and are familiar with the limitations and restrictions of the IDEM Regional General Permit Notification Form.

(4) Consult this webpage for more information: http://www.in.gov/idem/wetlands/index.htm

Upon completion of the application, mail this form and all enclosures to:

Indiana Department of Environmental Management
Office of Water Quality, Wetlands and Stormwater Section
Section 401 WQC/Isolated Wetlands Program
100 North Senate Avenue, IGCN, Room 1255
Indianapolis, Indiana 46204-2251

U.S. Army Corps of Engineers
Regulatory Branch

For office locations serving Indiana, please visit:
http://www.usace.army.mil/Locations.aspx

Instructions for Completing the IDEM Regional General Permit Notification

Please read these instructions carefully before completing the notification form. Sections labeled as mandatory must be completed accurately and completely in order for IDEM to process this notification form. IDEM will reject your notification form should you fail to complete all mandatory sections of the form.

DO NOT use this form if your project will impact ANY isolated wetlands. Consult with IDEM staff to determine the correct application form for use with your project.

If you have any questions or are unsure if your project qualifies for or requires this authorization, contact IDEM:

Indiana Department of Environmental Management
Office of Water Quality, Wetlands and Stormwater Section
Section 401 WQC / Isolated Wetlands Program
100 North Senate Avenue, IGCN 1255
Indianapolis, Indiana 46204-2251
Telephone: (317) 233-8488

Print clearly or type.
Attach additional information on 8.5" x 11" sheets or folded 11" x 17" sheets only.

BLOCK 1 – APPLICANT INFORMATION

1. **MANDATORY:** Provide the applicant's name, address, email address, and telephone number. Applicants MUST provide a contact name. Provide a specific project name for any future correspondence.

2. **OPTIONAL:** Provide the agent's address and telephone information *(an agent is anyone representing the applicant on the project, such as an attorney or consultant)*. Applicants are not required to have an agent. This information should be included if a person other than the applicant is submitting the form and that person is designated as the contact point for questions regarding the proposed project. If the project is fully or partially funded by Federal Highway funds provide the specified Designation Number.

BLOCK 2 – PROJECT LOCATION

MANDATORY: Complete all blocks within this section. Most information required in this section can be obtained from the United States Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle maps, your local Soil and Water Conservation District (SWCD) office, or similar computer desktop mapping software and geo-positioning software. An address or descriptive location must be provided in order to allow for compliance inspections of the project.

BLOCK 3 – EXISTING CONDITIONS ON THE PROJECT SITE

MANDATORY: This section provides information on the types of aquatic resources present on the project site PRIOR TO any proposed impacts.

Check the appropriate box as to whether or not lakes, streams, or wetlands are present on the site. For wetlands, provide the acreage of each wetland type – your wetland delineation report will state the acreage of each wetland type delineated on the site.

For wetlands, acreages and types must be confirmed with a wetland delineation conducted in accordance with the 1987 U.S. Corps of Engineers Wetland Delineation Manual and Regional Supplements. Please attach a copy of this delineation and letter of confirmation from the U.S. Corps of Engineers for all projects that will impact wetlands. Correspondence from the U.S. Army Corps of Engineers confirming that the Waters in question are regulated under the Clean Water Act must be provided. Any letter or email from the U.S. Army Corps of Engineers that describes the extent of Waters of the U.S. on the site will be considered acceptable by IDEM. Common examples include: a jurisdictional determination verification letter, a U.S. Army Corps of Engineers Public Notice, an "RGP pending" letter.

BLOCK 4 – PROJECT IMPACTS

MANDATORY: Complete both "Activity Description" and "Purpose of Project" blocks within this section. Attach additional sheets if needed.
1. Activity description refers to WHAT you intend to do – examples include filling a certain acreage of wetland, placing a certain quantity of riprap into a stream, constructing bridge piers, or installing a specific type of culvert.
2. Project description refers to WHY you need to do this activity – to create a driveway, to stabilize a streambank, to install a bridge or culvert in a stream to access a site, to develop a site for commercial use, for example:

When calculating stream impacts, all areas that are affected by placement of fill, bank armoring, piping, installing culverts, excavation, or any other activity must be counted. Any proposed project involving the creation of dams or in-channel pools CANNOT use this notification form.

When calculating impacts, all areas within lakes, rivers, streams and the like, must be counted. This includes areas under new bridge piers, footprints of underwater beaches, and footprints of boat ramps, as examples.

The Ordinary High Water Mark means that line on the shore of a waterbody established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, natural destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Channel width means the average distance from one bank of the stream to the other bank measured on the level at the bankfull stage elevation.
IDEM will accept the Ordinary High Water Mark as a surrogate measurement for the bankfull stage elevation.

Channel depth means the average distance from the bankfull stage elevation to the deepest part of the channel (thalwag). IDEM will accept the Ordinary High Water Mark as a surrogate measurement for the bankfull stage elevation.

Bankfull stage elevation means the elevation where any additional increase in stage elevation would result in water leaving the channel and entering the floodplain. The bankfull discharge is the same as the *effective discharge*. Determining the bankfull stage elevation from field indicators is also acceptable. The U.S. Army Corps of Engineers has information available for determining the ordinary high water mark at http://www.nap.usace.army.mil/Portals/39/docs/regulatory/jd/jd_guidebook_051207final.pdf.
In addition, the website (http://feh.iupui.edu/tools/determining-bankfull-stage/terminology/) will provide information related to bankfull stage elevation. IDEM will also accept the Ordinary High Water Mark as a surrogate measurement for the bankfull stage elevation. Note that IDEM does not require that a responsible party survey the bankfull stage elevation, but rather requires that width and depth measurements be taken relative to this elevation.

Acceptable fill material must be clean earthen fill that is free from any hazardous waste or regulated solid waste. Examples: clean earthen fill dirt, glacial stone, riprap, sand, freshly poured concrete.

BLOCK 5 – SIGNATURE OF APPLICANT - STATEMENT OF AFFIRMATION

MANDATORY: The name and signature must match the name of the applicant on the first page. Notification forms signed by any person other than the applicant will not be approved.
NOTE - The listed supplemental information must be provided in order to verify that your project qualifies for the terms and conditions of this regional general permit.
You may wish to hire a private environmental consultant to assist you with the completion of this form, assessing impact totals, and the creation of all required submittals (maps, photos, plans, cross-sections, IDNR and U.S. Army Corps of Engineers correspondence, etc.).
Upon request, IDEM can provide you with a list of private environmental consultants that work in Indiana. If you are proposing impacts to wetlands, you will need to hire an environmental consultant to complete a wetland delineation for your property.

BLOCK 6 – ENCLOSURES

MANDATORY: Complete all applicable sections and include with notification submission.
1. **Location Map** should include a general overview as well as zoomed in location with nearest intersections shown.
2. **Drawings of existing site and project** should include existing conditions and impact areas.
3. **Cross sections showing water ward fill** should show the extent of fill from top of bank to below the Ordinary High Water Mark with the Ordinary High Water Mark shown.
4. **Cross sections showing encapsulation or open water fill** should show the full bank to bank cross section as well as the structure to be placed and all stream dimensions along with the Ordinary High Water Mark.
5. **Photos of the Site:** Include at least three photos with descriptions of all impact locations.
6. **Wetland Delineation for Wetland Impacts:** Supply a copy of the wetland delineation completed of the project site using the 1987 US Army Corps of Engineers Wetland Delineation Manual and appropriate Regional Supplement, completed during the growing season for all projects with wetland impacts or avoided wetland impacts.
7. **Copy of all USACE correspondence:** This may be in the form of an Approved Jurisdictional Determination, Preliminary Jurisdictional Determination, or in rare instances, e-mail correspondence.
8. **Copies of all DNR correspondence:** You must submit, with this notification form, correspondence from the IDNR, Division of Nature Preserves, which states that no state endangered, threatened, or rare species is documented on a permanent or seasonal basis within a ½ (0.50) mile radius of the proposed project site by the Indiana Natural Heritage Data Center. Alternately, you may provide written documentation from the IDNR, Division of Nature Preserves, which states that the proposed activities will not constitute a violation of state laws protecting state endangered, threatened, or rare species if they are documented on a permanent or seasonal basis within a ½ (0.50) mile radius of the proposed project site. Additional information regarding how to request Indiana Natural Heritage Data, including fees, required information, and timeframes, is available at the following:

IDNR - Division of Nature Preserves
Attn: Natural Heritage Data Manager
402 W. Washington St., Room W267
Indianapolis, IN 46204
Fax number: 317-233-0133
https://www.IN.gov/dnr/naturepreserve/4746.htm
TClark2@DNR.IN.Gov


On County Road 9 facing East looking at proposed drive


At proposed dry point for Hydrovac Trucks


Proposed drying basin location


Proposed overflow point of existing saddle


Existing overflow path through woods

Existing overflow path through woods