



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 7, 2023

Via Certified Mail No.:
7017 0190 0000 9497 2987

Paul R. Sinderson, President
Clay County Commissioners
609 National Avenue
#106
Brazil, IN 47834

Dear Mr. Sinderson:

Re: Approval of Compliance Plan and Schedule
Indiana Department of
Environmental Management

v.

Clay County Commissioners
Discharge without a Permit
Case No. 2022-28798-W
Coalmont, Clay County

The Indiana Department of Environmental Management (IDEM) has completed the review of the Clay County Commissioners' Compliance Plan. It is hereby approved and incorporated into the Agreed Order and shall be deemed an enforceable part thereof. Clay County Commissioners should continue to implement the approved Compliance Plan and adhere to all milestone dates contained therein.

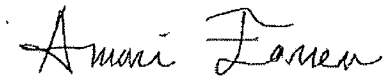
Beginning with the first calendar quarter following the date of this letter, Clay County Commissioners shall submit to IDEM a written progress report within 10 days of the end of each calendar quarter, which identifies the compliance actions implemented during each quarter ending on March 31st, June 30th, September 30th, and December 31st until completion of the Compliance Plan.



A State that Works

If you have any questions, please contact Aletha Lenahan, Environmental Manager at (317) 232-8407 or via email alenahan@idem.in.gov. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Amari Farren". The signature is written in a cursive, flowing style.

Amari Farren, Chief
Water Enforcement Section
Office of Water Quality

Enclosure

cc: Eric Somheil, Attorney
Eric Smith, P.E.
<http://www.in.gov/idem>

**COALMONT, CLAY COUNTY
WASTEWATER AGREED ORDER
PROPOSED COMPLIANCE PLAN
JANUARY 2023**

I. GENERAL

This Compliance Plan has been prepared pursuant to an Agreed Order (Case No. 2022-28798-W) between the Indiana Department of Environmental Management and the Clay County Commissioners. This Compliance Plan specifically addresses the deficiencies and violations described in the Agreed Order as follows:

- A. Evaluate and implement a means to eliminate unpermitted discharges from the Site and minimize their environmental impact.
- B. Apply for and obtain any necessary permits, which may include a construction permit and/or NPDES permit from IDEM, or approval from the Indiana State Department of Health.
- C. A schedule for securing financing for the project.
- D. A construction plan, which includes an implementation and completion schedule, including specific milestone dates.

II. TASK DESCRIPTION AND COMPLETION

- A. Evaluate and implement a means to eliminate unpermitted discharges from the Site and minimize their environmental impact.

The County Commissioners intend to file a petition to form a Regional Sewer District (RSD) for Coalmont. Following formation of a RSD, a Preliminary Engineering Report (PER) will be completed for USDA Rural Development to evaluate alternatives to eliminate the unpermitted discharges from the site and minimize their environmental impact. The anticipated plan is a new wastewater collection system within Coalmont and a new force main to pump the wastewater flows to the City of Jasonville for wastewater treatment (It should be noted that a PER for Coalmont was developed under an agreement with the Indiana Finance Authority given a correlated project to connect Shakamak State Park to the City of Jasonville, so some work to develop a solution for Coalmont/Clay County's violations has been completed). Upon approval

of a PER, design plans and specifications will be completed and submitted to IDEM for the necessary permits. Once a permit is obtained and bids have been received, the project shall be constructed and implemented to fully address the Agreed Order.

- B. Apply for and obtain any necessary permits, which may include a construction permit and/or NPDES permit from IDEM, or approval from the Indiana State Department of Health.

After completion of a PER and approval by the funding agencies, design plans and specifications for the project will be completed. Upon completion of the plans and specifications, a construction permit application will be submitted to IDEM. The construction permit will allow Clay County to construct the proposed wastewater improvements. An NPDES permit is not anticipated to be needed, since the proposed plan for wastewater treatment is regionalization with the City of Jasonville, which is contingent upon Shakamak connecting to the City, a project which is anticipated to begin construction in the second half of 2023.

- C. A schedule for securing financing for the project.

The attached Compliance Plan includes a schedule for coordination with the anticipated funding agencies and securing financing. It's anticipated that multiple funding agencies will be utilized for this project.

- D. A construction plan, which includes an implementation and completion schedule, including specific milestone dates.

Once the design plans and specifications are approved by IDEM and the construction permit has been issued, a bid opening for the construction of the wastewater improvements will be held. Upon approval of the bids by Clay County (and/or a Regional Sewer District) and the funding agencies, construction of the proposed improvements will begin. A detailed schedule with milestone dates for the implementation and completion of the project is included in the attached Compliance Plan schedule.

III. COMPLIANCE SCHEDULE

The compliance schedule on the following page is anticipated. It should be noted that some components of the schedule are contingent upon funding availability and agency review times. In accordance with the Agreed Order, the Clay County Commissioners shall submit to IDEM a written progress report within 10 days of the end of each calendar quarter, which identifies the compliance actions implemented during each quarter ending on March 31st, June 30th, September 30th, and December 31st until completion of the Compliance Plan.

**Coalmont, Clay County
Wastewater Agreed Order**

Proposed Compliance Plan Schedule - January 2023

Item	Description/Milestone	Estimated Duration/Target Completion	Estimated Date*
1	Public Meeting for Regional Sewer District	Within 90 Days of IDEM Approved Agreed Order	March 2023
2	File Petition for Regional Sewer District	Within 30 Days of Public Meeting	April 2023
3	Regional Sewer District Approval**	Within 300 Days of Filing RSD Petition	February 2024
4	Initiate Preliminary Engineering Report (PER)	Within 60 Days of RSD Approval	April 2024
5	Submit PER and Funding Applications to Funding Agencies	Within 90 days of NTP with PER	July 2024
6	Acceptance of PER by Funding Agencies	Within 90 days of PER Submittal	October 2024
7	Initiate Construction Plans & Bid Documents	Within 30 days of PER Approval	November 2024
8	Submit Construction Permit Applications	Within 150 Days of Starting Design	April 2025
9	Submit OCRA Grant Application	2025 Round 1 Funding Cycle with OCRA	June 2025
10	Finalize Construction Plans & Bid Documents & Secure Construction Permits	Within 90 Days of Permit Application Submittals	July 2025
11	OCRA Grant Award*	2025 Round 1 Funding Cycle	August 2025
12	Advertise for Bids	Within 60 Days After OCRA Grant Award	October 2025
13	Receive Bids	Within 30 Days of Advertising for Bids and 90 Days of Award of OCRA Grant.	November 2025
14	Loan Closing for Project Funding	Within 90 Days of Receiving Bids	February 2026
15	Award Construction Contract and Begin Construction	Within 30 Days of Loan Closing	March 2026
16	Complete Construction	400 Days Following Award of Construction	April 2027
17	Compliance with all Local, State, and Federal Permit Regulations	Within 30 Days of Completion of Construction	May 2027
18	Compliance Demonstration Period/Agreed Order Closeout	12 Months After Completion	May 2028

*The estimated dates assume an OCRA Grant Award in August 2025 and are contingent on agency review times.

**The Regional Sewer District approval timeframe includes 180 days as required for counter-petition, 60 days for public notice requirements, and an additional 60 days for other issues or delays.