

**Matrix 5-7: Cross-reference of Economic Development Laws and Guidance Documents**

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Ports and Adjacent Development, Maintenance, and Expansion				
<p>DREDGING: Dredging activities are regulated by the ACOE under the Clean Water Act and the Rivers and Harbor Act. In addition, harbor dredging potentially requires an IDEM Section 401 Water Quality certification or a DNR construction in a floodway or navigable waters permit.</p> <p>Disposal of dredged material may also require permits from DNR and IDEM.</p>	<p>IC 14-28-1-22                      IC 14-29-1-8</p>	<p>See standards and criteria for construction in a floodway permit and Section 401 water quality certification program in the table titled Cross-reference for Water Quantity Laws and Guidance Documents.</p>	<p>IDEM, Office of Water Management                      100 N. Senate Ave.                      PO Box 6015                      Indianapolis, IN 46206                      (317) 233-8488                      1-800-451-6027</p> <p>DNR, Division of Water                      402 W. Washington St.,                      Rm. W264                      Indianapolis, IN 46204                      (317) 232-4160                      1-877-928-3755</p>	<p>IC 14-28-1                      IC 14-29-1</p> <p>310 IAC 6-1                      312 IAC 6</p> <p>401 water quality certification</p>
<p>EXTRACTION OF SAND AND GRAVEL FROM A NAVIGABLE WATERWAY: This activity is separately addressed under the Navigable Waterways Act and requires a permit to undertake this activity. In addition, a royalty fee may be assessed for materials dredged from Lake Michigan. A waiver of the fee is possible if suitable dredged materials are used as beach nourishment along the lakeshore.</p>	<p>IC 14-29-3</p> <p>312 IAC 6-5-8(b)</p>	<p>(1) Whether or not the project will impede navigation; (2) whether or not the project will damage or endanger a bridge, highway, railroad, public work, utility, or the property of a riparian owner or adjoining proprietor or adjacent permittee; and, (3) whether or not the project will endanger human</p>	<p>DNR, Division of Water                      402 W. Washington St.,                      Rm. W264                      Indianapolis, IN 46204                      (317) 232-4160                      1-877-928-3755</p>	<p>IC 14-29-3</p> <p>312 IAC 6-5-8(b)</p>

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		lives.  A project subject to permit under this statute does not require a separate permit under the Navigable Waterways Act (IC 14-29-1) provided the Navigable Waterways Act evaluation criteria are applied as well.		
LAKE MICHIGAN FILLS AND LAND PATENTS: The owner of real property, or the owner of an easement for public park purposes through real property, that borders Lake Michigan may seek a permit from the DNR to fill an adjacent portion of the Lake.	IC 14-18-6	Hazardous waste cannot be disposed on an area for which a fill permit is approved. After grant of the permit and the approval of a survey and plat by the county surveyor, and the payment of \$100 per acre, a person may obtain a land patent for the filled area. <sup>1</sup> This statutory authority does not, however, exempt an applicant from obtaining other needed approvals for filling navigable waters, waters of the United States, or waters of the State.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-18-6
Siting and Developing Energy Facilities				
POWERPLANT CONSTRUCTION: Construction of a powerplant requires a	IC 8-1-8.5	Before construction begins, certification from the IURC must	Indiana Utility Regulatory	IC 8-1-8.5

<sup>1</sup> IC 14-18-6.

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certificate of necessity.	170 IAC 4-7 170 IAC 4-8	be obtained which provides that energy facility siting laws in Indiana have been met and the analysis of the need for electricity has been determined.	Commission, Division of Pipeline Safety 302 W. Washington St., Ste. 306 Indianapolis, IN 46204 (317) 232-2701	170 IAC 4
ENERGY FACILITY DISCHARGES: Water quality standards apply to energy facility discharges.	IC 13-18-4-4 IC 13-18-4-5 IC 13-18-5-1 IC 13-18-5-2(3)	All energy facilities and the construction of new energy facilities must adhere to Indiana water quality standards.		IC 13-18  327 IAC 2-1.5
ANALYSIS OF LONG-RANGE ELECTRICITY NEEDS: Documentation of estimated needs for electricity due to growth. In addition the report includes information on the potential location of new generating facilities to meet demand, as well as arrangements for pooling of power among various utilities to achieve maximum efficiency of energy. A forecasting group develops and maintains methodologies to estimate future growth of the use of electricity in the State.	IC 8-1-8.5-3 IC 8-1-8.5-3.5  170 IAC 4-7	The IURC shall develop, publicize, and keep current an analysis of the long-range needs for expansion of facilities for the generation of electricity. The analysis must include an estimate of: (1) the probable future growth of the use of electricity; (2) the probable needed generating reserves; (3) the optimal extent, size, mix, and general location of generating plants; (4) the optimal arrangements for statewide or regional pooling of power and arrangements with other utilities and energy suppliers to achieve maximum efficiencies for the benefit of the people of Indiana; and, (5) the comparative costs of	Indiana Utility Regulatory Commission 302 W. Washington St., Ste. 306 Indianapolis, IN 46204 (317) 232-2701	Not applicable.

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		meeting future growth by other means of electric service. In making the analysis and developing the plan the IURC shall conduct public hearings and submit to the governor the analysis and plan.		
Storing and Transporting Energy Resources				
PIPELINE SAFETY: The Pipeline Safety Division of the IURC is charged with the regulation of the transportation of gas and of related pipeline facilities and operations to promote the public safety.	IC 8-1-22.5  170 IAC 5-3	Safety standards for the transportation of gas and related pipeline facilities address design, installation, inspection, testing, construction, extension, operation, and maintenance. Annual certification for compliance with federal safety standards is required from the IURC for owners, operators, or leasees of pipeline facilities.	Indiana Utility Regulatory Commission, Division of Pipeline Safety 302 W. Washington St., Ste. 306 Indianapolis, IN 46204 (317) 232-2701	IC 8-1-22.5  170 IAC 5-3
PIPELINE CONSTRUCTION: Pipelines that cross a floodway or navigable water may require a permit from the DNR. Petroleum tanks and connecting pipelines are regulated as underground storage tanks.	IC 14-28-1 IC 14-29-1  310 IAC 6-1-6 through 310 IAC 6-1-19 312 IAC 6  IC 13-23	See criteria for navigable waterway permits in section titled coastal hazards, cross-reference of coastal hazards laws and guidance documents.  See criteria for underground storage tanks in section titled pollution prevention, recycling,	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755  IDEM, Office of	IC 14-28-1 IC 14-29-1  310 IAC 6-1-6 through 310 IAC 6-1-19 312 IAC 6  IC 13-23

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	IC 13-11 329 IAC 9	reuse, and waste management, cross-reference of pollution prevention, recycling, reuse, and waste management laws and guidance documents.	Environmental Response PO Box 6015 Indianapolis, IN 46206 (317) 308-3080 1-800-451-6027	IC 13-11 329 IAC 9
TRANSPORTATION OF GAS: A certificate of necessity is required from IURC before a person can transport gas for sale or delivery.	IC 8-1-2-87.5	A certificate is provided if (1) the applicant has the power and authority to obtain the certificate and render requested services; (2) the applicant has the financial ability to provide the services; (3) public convenience and necessity require the providing of the service; and, (4) public interest will be served by the issuance of the necessity certification.	Indiana Utility Regulatory Commission 302 W. Washington St., Ste. 306 Indianapolis, IN 46204 (317) 232-2701	IC 8-1-2-87.5
Planning, Constructing, and Maintaining Transportation Facilities				
MOTOR VEHICLE HIGHWAY ACCOUNT: Provides fair distribution of funding among state and local governments for roadway maintenance.	IC 8-14-1	The money remaining after refunds, payment of expenses, appropriations to the INDOT for traffic safety, and the state police department, is allocated to cities, towns, and counties for construction, reconstruction, and maintenance of streets and alleys. Money in the fund may not be used for any toll road or	INDOT 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-5533	Not applicable.

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Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		toll bridge projects.		
<p>LOCAL ROAD AND STREET ACCOUNT: Established account which receives 45% of revenue generated from gasoline and special fuel taxes. Funds are allocated to cities, town, and counties.</p>	<p>IC 8-14-2</p>	<p>Funding may be used for (1) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of local and arterial street systems; (2) payment of principal and interest on bonds to finance road projects; (3) local costs required to undertake recreational or reservoir road projects; and, (4) purchase of rental or repair of highway equipment.</p>	<p>INDOT                      100 N. Senate St.,                      N901                      Indianapolis, IN 46204                      (317) 232-5533</p>	<p>Not applicable.</p>
<p>TRANSPORTATION ENHANCEMENT PROGRAM: Provides up to 80% matching reimbursing assistance to enhance the transportation system.</p>	<p>INDIANA TRANSPORTATION ENHANCEMENT PROGRAM: A GUIDE FOR CITIZENS AND LOCAL GOVERNMENTS (October 1998)</p>	<p>(1) The project must be a transportation project or facility.                      (2) The project must be adjacent to a site of an existing transportation project or facility.                      (3) The project must have a positive affect on other transportation systems or facilities</p>	<p>INDOT, Division of Planning and Programming                      100 N. Senate Ave.                      N901                      Indianapolis, IN 46204                      (317) 232-5224</p>	<p>Not applicable.</p>
<p>PUBLIC MASS TRANSPORTATION FUND: Promotes and develops public transportation in Indiana.</p>	<p>IC 8-23-2-8                       Public Mass Transportation Fund Program Management Plan</p>	<p>The PMTF can be used to match federal funds available under the Federal Transit Act, as amended, or local funds from and eligible grantee that provides public transportation in Indiana. Only applications for capital and</p>	<p>INDOT, Public Transit Section                      100 N. Senate Ave.                      N901                      Indianapolis, IN 46204                      (317) 232-1495</p>	<p>Not applicable.</p>

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		operating assistance may be approved. (2) The INDOT shall approve the formula for allocating funds. (3) The INDOT must forward approval for review by the State Budget Committee. The State Budget Committee forwards its review to the State Budget Agency and the Governor's office for final approval.		
RAIL ABANDONMENT: A railroad company must provide notice to INDOT of its intention to abandon any rights-of-way.	IC 8-3-1-21.1	INDOT communicates the notice of intent to: (1) county executives, county surveyors, and cities and towns affected; (2) the Department of Commerce; and, (3) the DNR. Within 90 days after receiving notice from INDOT, DNR "shall make a study of the feasibility of converting the right-of-way for recreational purposes." If DNR finds conversion to recreational purposes is feasible, DNR "shall urge the appropriate state and local authorities to acquire the right-of-way for recreational purposes."	INDOT, Intermodal Division, Railroad Section 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-1474	IC 8-3-1-21.1

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INDUSTRIAL RAIL SERVICE FUND: Makes loans available for acquisition of rail rights-of-way or track rehabilitation. Makes grants available for railroad relocation and planning activities.	IC 8-3-1.7	The INDOT considers (1) The importance of the railroad transportation services that the loan would affect, in the broad perspective of Indiana's overall transportation network. (2) The impact of a decision to not provide a loan on economic activity and employment in Indiana. (3) The long term viability of the proposed project.	INDOT, Intermodal Division, Railroad Section 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-1491	Not applicable.
GRADE CROSSING IMPROVEMENT FUND: Grant program to assist with match required for federal money directed to grade crossing improvements and improvements in safety of passive grade crossings.	IC 8-6-7.7-6.1	May be used by the DOT: (1) to carry out duties of DOT in IC 8-6-7.7, and (2) for passive railroad crossing safety improvements.	INDOT, Intermodal Div, Railroad Section 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-4786	Not applicable.
TALL STRUCTURES: The location and height of structures and the use of land near public-use airports is regulated by INDOT.	IC 8-21-10	Before issuing a permit for a structure or type of land use, INDOT considers if the proposed structure erected in the proposed location would have a substantial adverse effect upon the safe and efficient use of the navigable airspace and or whether the structure would be a hazard to air navigation if constructed.	INDOT 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-5533	IC 8-21-10



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Brownfield Redevelopment and Associated Remediation				
<p>VOLUNTARY REMEDIATION PROGRAM: Provides for voluntary cleanup of contaminated property. When the cleanup is successfully completed, IDEM will issue a Certificate of Completion. The Governor's Office will issue a Covenant Not to Sue. These documents provide assurance that the cleaned areas will not become the subject of future IDEM enforcement action. Any site owner or operator, or prospective owner who wishes to clean up property contaminated with petroleum or hazardous substances is potentially eligible to participate in VRP.</p>	<p>IC 13-25-5</p> <p>VOLUNTARY REMEDIATION PROGRAM RESOURCE GUIDE (October 1995).</p>	<p>For an application to the program to be eligible, the following conditions must be met: (1) be on a form provided by the department; (2) contain general information concerning the person, the site, and other background information as requested by the department; (3) include an environmental assessment of the actual or threatened release of the hazardous substance or petroleum at the site; and, (4) be accompanied by an application fee of \$1,000. A political subdivision is not required to submit an application fee.</p>	<p>IDEM, Office of Environmental Response                      100 N. Senate Ave.                      PO Box 6015                      Indianapolis, IN 46206                      (317) 308-3363                      1-800-451-6027</p>	<p>IC 13-25-5</p>
<p>VOLUNTARY REMEDIATION FUND: Established to provide a source of funding to IDEM to implement the voluntary remediation program.</p>	<p>IC 13-25-5-21</p>		<p>IDEM, Office of Environmental Response                      100 N. Senate Ave.                      PO Box 6015                      Indianapolis, IN 46206                      (317) 308-3363                      1-800-451-6027</p>	<p>Not applicable.</p>
<p>BROWNFIELD REDEVELOPMENT: Through this program IDEM helps</p>	<p>IC 6-1.1-42                      IC 13-19-5</p>	<p>A brownfields site is an industrial or commercial</p>	<p>IDEM, Office of Environmental</p>	<p>Not applicable.</p>

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communities promote the reuse of existing properties, recognize and cleanup brownfields, and revitalize economically depressed areas.	IC 13-25-3 IC 13-30-9 IC 13-11-2-19.3	property that is abandoned, inactive, or underutilized, on which expansion or redevelopment is complicated due to the actual or perceived environmental contamination.	Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3131 1-800-451-6027	
ENVIRONMENTAL REMEDIATION REVOLVING LOAN FUND: Financial assistance available to political subdivisions for identification, assessment, remediation, demolition, and other costs related to brownfield redevelopment. <sup>2</sup>	IC 13-19-5-1	The Finance Authority has developed a priority ranking system for making loans and providing other financial assistance based on the following: (1) socioeconomic distress in an area, as determined by the poverty level and unemployment rate in the area; (2) a technical evaluation by the department under IC 13-19-5-1(A)-(B); (3) the number and quality of jobs that would be generated by a project; (4) housing, recreational, and educational needs of communities; and, (5) any other factors the authority determines will assist in the implementation of this fund.	Indiana Development Finance Authority One North Capitol Ste. 320 Indianapolis, IN 46204-2226 (317) 233-4332	Not applicable.
FEDERAL BROWNFIELDS TAX INCENTIVE: Allows a taxpayer to deduct	Federal Brownfields Tax Incentive	IDEM must determine: (1) the site is within a targeted area, and	IDEM, Office of Environmental	Not applicable.

<sup>2</sup> Additional information regarding this program can be found at <http://www.state.in.us/idfa/programs/brp.html>.

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cleanup expenses in the year incurred. IDEM must certify the site is a “qualified contaminated site” to be eligible.	Qualified Contaminated Site Statement Policy (October 1998) <sup>3</sup>	<p>(2) there has been a release (or threat of release) or disposal of any hazardous substance at the site.</p> <p>Sites listed on the National Priorities List are not eligible for deduction.</p> <p>Targeted Areas: (1) census tracts with poverty rates of 20% or more; (2) census tracts with populations of less than 2,000 where more than 75% of the tract is zoned for commercial or industrial use, and the tracts are adjacent on one or more census tract(s) with poverty rates of 20% or more; (3) federally designated Empowerment Zones (EZ) and Enterprise Communities (EC); or, (4) EPA designated Brownfields Pilot sites announced before February 1, 1997.</p>	Response2525 N. Shadeland Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3126 1-800-451-6027	
BROWNFIELDS CLEANUP REVOLVING LOAN FUND: Provides public and private	IC 13-19-5-1	Applicants must show evidence of their intent to involve local	IDEM, Office of Environmental	Not applicable.

<sup>3</sup> The nonrule policy document *Federal Brownfields Tax Incentive Qualified Contaminated Site Statement Policy*, OER-0009-NPD, Indiana Department of Environmental Management, 22 IND. REG. 843 (December 1, 1998) can be read at <http://www.state.in.us/idem/olq/brownfields/>.

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entities with small amount of funding to clean up brownfields. <sup>4</sup> Administered by IDEM using the same structure as the Environmental Remediation Loan Fund.		residents and community organizations in the cleanup process, and describe how cleanup efforts will create and sustain jobs.	Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3126 1-800-451-6027	
INDIANA BROWNFIELDS PROGRAM: IDEM administers the Brownfield Program to assist potential purchasers of brownfield properties.		The Program works with the Voluntary Remediation Program to provide Covenant Not to Sue and Certificate of Completion. In addition, the Program offers workshops, environmental assessments, and organizes the Interagency Brownfields Task Force.	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3131 1-800-451-6027	Not applicable.
Economic Development and Tourism				
ECONOMIC DEVELOPMENT FUND: The fund is a revolving fund for the purpose of providing grants and loans for economic development activities in Indiana.	IC 4-4-7	Funding may be used for public works, technical assistance, economic adjustment assistance, and other economic development programs.  If a qualified entity proposes to use the funding for a loan program, the application from the qualified entity must contain the conditions under which loans	IDOC, Business Development One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8888	Not applicable.

<sup>4</sup> Further explanation of the Brownfields Cleanup Revolving Loan Fund is accessible at <http://www.state.in.us/idem/olq/brownfields/>

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		will be made and the interest rate that will be charged.		
<p>INDUSTRIAL DEVELOPMENT PROGRAM AND FUND: The State Board of Finance and the IDOC jointly administer the industrial development fund from which loans may be made to qualified entities, small business investment companies, and a state corporation.</p>	<p>IC 4-4-8</p>	<p>(1) An application is submitted to the State Board of Finance and the IDOC stating the need for the project and cost estimate; (2) the project is based upon sound engineering principles and is in the interest of industrial development; (3) the loan does not exceed 100% of the cost to the qualified entity of any approved project; and, (4) the qualified entity has agreed to furnish assurance that it will operate and maintain the program, after completion, in a satisfactory manner.</p> <p>The State Board of Finance and the IDOC will loan to any small business investment company or the state corporation under this chapter only if: (1) the small business investment company, minority enterprise small business investment company, or the state corporation has loaned to or invested in a business</p>	<p>IDOC, Business Development                      One North Capitol Ste. 700                      Indianapolis, IN 46204                      (317) 232-8888</p>	<p>Not applicable.</p>

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		located in an enterprise zone for a purpose directly related to the enterprise zone an amount that is at least twice the amount of the requested loan; and (2) the small business investment company or state corporation has submitted an application, before the beginning of the phase out period of the enterprise zone, that shows the amount of the loan requested.		
INDUSTRIAL DEVELOPMENT GRANT FUND:	IC 4-4-12		IDOC, Business Development One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8888	Not applicable.
RURAL DEVELOPMENT PROGRAM AND FUNDING: Funding to aid the growth of rural areas.	IC 4-4-9	A county, city, or town can receive a grant from the fund in an amount equal to the amount that the county, city, or town contributes to a project for the construction of a sewer system, sewer system extension, water distribution system, or water distribution system extension if: (1) the county has imposed a county adjusted gross income tax under IC 6-3.5-1.1, a county	IDOC One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8800	Not applicable.

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		option income tax under IC 6-3.5-6, or a county economic development income tax under IC 6-3.5-7; (2) the county, city, or town establishes an interest bearing account known as the sewer system or water distribution system development account; (3) money in the sewer system or water distribution system development account may be used only to pay for a project for the construction of a sewer system, sewer system extension, water distribution system, or water distribution system extension; (4) the amount of the county, city, or town contribution is deposited in the sewer system or water distribution system development account; (5) the project will result in sanitary sewer service or water service being available to an area that did not previously have the service; and, (6) an existing public sanitary sewer service or water service is available within a one mile radius from the proposed project,		

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		and the provider of that service has agreed to allow the project to be connected to and become part of the existing public service.		
<p>STEEL INDUSTRY ADVISORY COMMISSION: A 13-member board chaired by the Lt. Governor which is charged with examining:</p> <p>(1) existing Indiana and federal statutes, rules, and regulations that either encourage or discourage production and consumption of Indiana steel; (2) the problems currently faced by the Indiana steel industry, including foreign competition and the economic climate for the steel industry in Indiana; and (3) any other matters considered relevant to the future of the steel industry in Indiana.</p>	IC 4-4-16.5	<p>The commission shall prepare an annual report to the legislative council and a summary letter to the General Assembly through the legislative council no later than December 1 each year. The report must address the following issues: (1) Ways in which the utilization of Indiana steel can be expanded within Indiana and the world. (2) Ways in which any additional problems included in the examination conducted by the commission may be remedied. (3) Recommend modification, if any, of state statutes or rules.</p>	<p>IDOC, Business Development                      One North Capitol Ste. 700                      Indianapolis, IN 46204                      (317) 232-8888</p>	Not applicable.
<p>PERMIT ASSISTANCE CENTER: The State Information Center maintains an information file on all state agency permit requirements that affect Indiana businesses. Materials are developed to help applicants understand permit requirements. The Center also advises applicants on the requirements of federal and local permit requirements.</p>	IC 4-4-17	<p>Duties of the Center include: (1) providing comprehensive information on permits required for business activities in Indiana, and making this information available to any person; (2) working with other offices within the department in assisting applicants in obtaining</p>	<p>State Information Center                      402 W. Washington St., Rm. W160A                      Indianapolis, IN 46204                      (317) 233-0800                      1-800-45-STATE</p>	Not applicable.



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		timely and efficient permit review and the resolution of issues arising from permit review; and, (3) encouraging the participation of federal and local government agencies in permit coordination.		
TOURISM INFORMATION AND PROMOTION FUND: Financial assistance available to tourism groups for the promotion of tourist resources and facilities in the State. Each grant must be matched by funds provided by the applicant, and the IDOC may not provide more than one-half the funds for a project. The matching funds required by the applicant may be provided by any source except other state funds.	IC 4-4-3.5	Consideration is given to the general merits, potential effectiveness, and total cost of the activity.	IDOC, Tourism One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8860	Not applicable.