



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Bruno Pigott**  
Commissioner

VIA ELECTRONIC MAIL

March 29, 2017

The Honorable Timothy Neese, Mayor  
City of Elkhart  
229 South Second Street  
Elkhart, Indiana 46516

Dear Mayor Neese:

Re: Final NPDES Permit No. IN0025674  
City of Elkhart Wastewater Treatment Plant  
Elkhart County

Your application for a National Pollutant Discharge Elimination System (NPDES) permit has been processed in accordance with Sections 402 and 405 of the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. The enclosed NPDES permit covers your discharges to the St. Joseph River. All discharges from this facility shall be consistent with the terms and conditions of this permit.

One condition of your permit requires monthly reporting of several effluent parameters. You are required to submit both federal discharge monitoring reports (DMRs) and state Monthly Reports of Operation (MROs) on a routine basis. The MRO form is available on the internet at the following web site: <http://www.in.gov/idem/cleanwater/2396.htm>.

Once you are on this page, select the "IDEM Forms" page and locate the version of the MRO applicable to your plant under the "Wastewater Facilities" heading. We recommend selecting the "XLS" version as it will complete all of the calculations on the data entered.

All NPDES permit holders are required to submit their monitoring data to IDEM using NetDMR. Please contact Rose McDaniel at (317) 233-2653 or Helen Demmings (317) 232-8815 if you would like more information on NetDMR. Information is also available on our website at <http://IN.gov/idem/cleanwater/2422.htm>.

Another condition which needs to be clearly understood concerns violation of the effluent limitations in the permit. Exceeding the limitations constitutes a violation of the permit and may bring criminal or civil penalties upon the permittee. (See Part II.A.1 and II.A.11 of this permit). It is very important that your office and treatment operator understand this part of the permit.

Please note that this permit issuance can be appealed. An appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed public notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter by filing at the following addresses:

The Honorable Timothy Neese, Mayor  
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Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room 501  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Please reference the "Post Public Notice Addendum," on the final pages of the Fact Sheet, for this Office's response to comments submitted during the public notice period.

The permit should be read and studied. It requires certain action at specific times by you, the discharger, or your authorized representative. One copy of this permit is also being sent to your operator to be kept at the treatment facility. You may wish to call this permit to the attention of your consulting engineer and/or attorney.

If you have any questions concerning your NPDES permit, please contact Jason House at 317/233-0470 or via email at [jahouse@idem.in.gov](mailto:jahouse@idem.in.gov). Questions concerning appeal procedures should be directed to the Office of Environmental Adjudication, at 317/232-8591.

Sincerely,



Paul Novak, Chief  
Permits Branch  
Office of Water Quality

Enclosures

cc: Laura Kolo, Certified Operator  
Sarah Mitchell, City of Elkhart  
Scott Ireland and LouAnn Unger, U.S. EPA, Region 5  
State of Michigan DEQ

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Act"), Title 13 of the Indiana Code, and regulations adopted by the Water Pollution Control Board, the Indiana Department of Environmental Management (IDEM) is issuing this permit to the

**CITY OF ELKHART**

hereinafter referred to as "the permittee." The permittee owns and/or operates the **City of Elkhart Wastewater Treatment Plant**, a major municipal wastewater treatment plant located at 1201 S. Nappanee Street, Elkhart, Indiana, Elkhart County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters named the St. Joseph River, located within the Lake Michigan drainage basin, in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the permit. The permittee is also authorized to discharge from combined sewer overflow outfalls listed in Attachment A of this permit, to receiving waters named the Elkhart River, the St. Joseph River and Christina Creek in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

Effective Date: May 1, 2017.

Expiration Date: April 30, 2022.

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and application forms as are required by the Indiana Department of Environmental Management. The application shall be submitted to IDEM at least 180 days prior to the expiration date of this permit, unless a later date is allowed by the Commissioner in accordance with 327 IAC 5-3-2 and Part II.A.4 of this permit.

Issued March 29, 2017, for the Indiana Department of Environmental Management.



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Paul Novak, Chief  
Permits Branch  
Office of Water Quality

TREATMENT FACILITY DESCRIPTION

The permittee currently operates a Class IV, 20 MGD activated sludge treatment facility consisting of grit removal, primary clarification, secondary aeration, final clarification, and ultraviolet light disinfection. Solids are anaerobically digested and land applied, landfilled, or distributed through Marketing and Distribution permit number INLA000680. The permittee is required to dispose of its sludge in accordance with applicable solids disposal requirements and with Land Application Permit Approvals INLA000680 and INLA000226.

The collection system is comprised of combined sanitary and storm sewers with 29 Combined Sewer Overflow (CSO) locations. The CSO locations have been identified and permitted with provisions in Attachment A of the permit. The wastewater collection system has approximately 33 miles of separate sanitary sewers and 245 miles of combined sanitary and storm sewers.

The mass limits for CBOD<sub>5</sub>, TSS and ammonia-nitrogen have been calculated utilizing the peak design flow of 30 MGD. This is to facilitate the maximization of flow through the treatment facility in accordance with this Office’s CSO policy.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from the outfall listed below in accordance with the terms and conditions of this permit. The permittee shall take samples and measurements at a location representative of each discharge to determine whether the effluent limitations have been met. Refer to Part I.B of this permit for additional monitoring and reporting requirements.

1. Beginning on the effective date of this permit, the permittee is authorized to discharge from Outfall 035, which is located at Latitude: 41° 40' 48" N, Longitude: 85° 60' 4" W. The discharge is subject to the following requirements:

TABLE 1

<u>Parameter</u>	<u>Quantity or Loading</u>			<u>Quality or Concentration</u>			<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow [1]	Report	----	MGD	----	----	----	Daily	24-Hr. Total
CBOD <sub>5</sub>	6,259	10,014	lbs/day	25	40	mg/l	Daily	24-Hr. Composite
TSS	7,511	11,266	lbs/day	30	45	mg/l	Daily	24-Hr. Composite
Phosphorus [5]	----	----	----	1.0	----	mg/l	Daily	24-Hr. Composite

TABLE 2

<u>Parameter</u>	<u>Quality or Concentration</u>				<u>Monitoring Requirements</u>	
	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
pH [4]	6.0	----	9.0	s.u.	Daily	Grab
Dissolved Oxygen [6]	4.0	----	----	mg/l	Daily	3 Grabs/24-Hrs.
<i>E. coli</i> [7][8]						
April – Oct.	----	125 [9]	235 [10]	cfu/100 ml	Daily	Grab
Nov. - March	---	Report	Report	cfu100 ml	3 X Weekly	Grab

TABLE 3

<u>Parameter</u>	<u>Quantity or Loading</u>			<u>Quality or Concentration</u>			<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Ammonia-nitrogen								
Summer [2]	1,051	2,478	lbs/day	4.2	9.9	mg/l	Daily	24-Hr. Composite
Winter [3]	1,102	2,554	lbs/day	4.4	10.2	mg/l	Daily	24-Hr. Composite
Whole Effluent Toxicity [11]								
Chronic	----	----	----	8.0	----	TUc	2 X Annually	24-Hr. Composite

- [1] Effluent flow measurement is required per 327 IAC 5-2-13. The flow meter(s) shall be calibrated at least once every twelve months.
- [2] Summer limitations apply from May 1 through November 30 of each year.
- [3] Winter limitations apply from December 1 through April 30 of each year.
- [4] If the permittee collects more than one grab sample on a given day for pH, the values shall not be averaged for reporting daily maximums or daily minimums. The permittee must report the individual minimum and the individual maximum pH value of any sample during the month on the Monthly Report of Operation forms.
- [5] In accordance with 327 IAC 5-10-2(b), the facility must produce an effluent containing no more than 1.0 mg/l total phosphorus (P) any month that the average phosphorus level in the raw sewage is greater than 5 mg/l. Otherwise, a degree of reduction, as prescribed below, must be achieved. Such reduction is to be calculated based on monthly average raw and final concentrations.

<u>Phosphorus (P) Level in Raw Sewage (mg/l)</u>	<u>Required Removal (%)</u>
greater than or equal to 4	80%
less than 4, greater than or equal to 3	75%
less than 3, greater than or equal to 2	70%
less than 2, greater than or equal to 1	65%



2. Minimum Narrative Limitations

At all times the discharge from any and all point sources specified within this permit shall not cause receiving waters:

- a. including the mixing zone, to contain substances, materials, floating debris, oil, scum or other pollutants:
  - (1) that will settle to form putrescent or otherwise objectionable deposits;
  - (2) that are in amounts sufficient to be unsightly or deleterious;
  - (3) that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
  - (4) which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
  - (5) which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.
- b. outside the mixing zone, to contain substances in concentrations which on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

3. Additional Discharge Limitations and Monitoring Requirements

Beginning on the effective date of the permit, the effluent from Outfall 035 shall be limited and monitored by the permittee as follows:

TABLE 4

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Cadmium [1]	---	Report	lbs/day	---	Report	mg/l	Quarterly	24 Hr. Comp.
Chromium [1]	---	Report	lbs/day	---	Report	mg/l	Quarterly	24 Hr. Comp.
Copper [1]	6.0	12	lbs/day	0.036	0.073	mg/l	1 X Weekly	24 Hr. Comp.
Cyanide [1]	3.7	7.3	lbs/day	0.022	0.044	mg/l	1 X Weekly	See [2] Below
Lead [1]	---	Report	lbs/day	---	Report	mg/l	Quarterly	24 Hr. Comp.
Mercury [1][3]								
WQBELs [5]	0.00022	0.00053	lbs/day	1.3	3.2	ng/l	6 X Annually	Grab
Interim Discharge Limit [6]	----	----	----	1.6 [4]	Report	ng/l	6 X Annually	Grab
Nickel [1]	---	Report	lbs/day	---	Report	mg/l	Quarterly	24 Hr. Comp.
Silver [1]	---	Report	lbs/day	---	Report	mg/l	Quarterly	24 Hr. Comp.
Zinc [1]	---	Report	lbs/day	---	Report	mg/l	Quarterly	24 Hr. Comp.

Note: For measurement frequencies less than once per month, the permittee shall report the result from the monitoring period on the Discharge Monitoring Report (DMR) for the final month of the reporting timeframe, beginning with January of each year. For example, for quarterly monitoring, the permittee may conduct sampling within the month of January, February or March. The result from this reporting timeframe shall be reported on the March DMR, regardless of which of the months within the quarter the sample was taken.

[1] The permittee shall measure and report this parameter as Total Recoverable Metal. Cyanide shall be reported as Free Cyanide or Cyanide Amenable to Chlorination.

The following EPA test methods and/or Standard Methods and associated Limits of Detection (LODs) and Limits of Quantitation (LOQs) are recommended for use in the analysis of the effluent samples. Alternative 40 CFR 136 approved methods may be used provided the LOD is less than the monthly average and/or daily maximum effluent limitations.

The permittee may determine a case-specific Method Detection Level (MDL) using one of the analytical methods specified below, or any other test method which is approved by IDEM prior to use. The MDL shall be derived by the procedure specified for MDLs contained in 40 CFR Part 136, Appendix B, and the limit of quantitation shall be set equal to 3.18 times the MDL. NOTE: The MDL for purposes of this document, is synonymous with the "limit of detection" or "LOD" as defined in 327 IAC 5-1.5-26: "the minimum concentration of a substance that can be measured and reported with ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix".

<u>Parameter</u>	<u>EPA/Standard Method</u>	<u>LOD</u>	<u>LOQ</u>
Cadmium	3113 B	0.1 ug/l	0.32 ug/l
Chromium	3111 C or 3113 B	2.0 ug/l	6.4 ug/l
Copper	3113 B	1.0 ug/l	3.2 ug/l
Cyanide, Free	1677	0.5 ug/l	1.6 ug/l
Lead	3113 B	1.0 ug/l	3.2 ug/l
Mercury	1631, Revision E	0.2 ng/l	0.5 ng/l
Nickel	3113 B	1.0 ug/l	3.2 ug/l
Silver	3113 B	0.2 ug/l	0.64 ug/l
Zinc	200.7, Revision 4.4 or 3120 B	2.0 ug/l	6.4 ug/l

[2] The maximum holding time is 24 hours when sulfide is present. Therefore, initially the CN sample should be a grab sample that is tested with lead acetate paper before pH adjustments in order to determine if sulfide is present. If sulfide is present, it can be removed by the addition of cadmium nitrate powder until a negative spot test is obtained. The sample is filtered and then NaOH is added to pH 12. The sample may then be analyzed within 14 days. Alternatively, if the permittee can demonstrate that the wastewater contains no sulfide, the permittee may collect a composite sample and analyze it within 14 days.



[3] Mercury monitoring shall be conducted six times annually (i.e. every other month) for the term of the permit. Monitoring shall be conducted in the months of February, April, June, August, October, and December of each year. Mercury monitoring and analysis will be performed using EPA Test Method 1631, Revision E. If Method 1631, Revision E is further revised during the term of this permit, the permittee and/or its contract laboratory is required to utilize the most current version of the method immediately after approval by EPA.

The permittee shall measure and report this parameter as total recoverable metal.

[4] Annual average for the purpose of the mercury interim discharge limit.

[5] The permittee applied for, and received, a variance from the water quality criterion used to establish the referenced mercury WQBELs under the streamlined mercury variance (SMV) procedures of 327 IAC 5-3.5. Compliance with the interim discharge limit will demonstrate compliance with this permit.

[6] For the term of the NPDES permit, the permittee is subject to the interim discharge limit developed under the provisions of 327 IAC 5-3.5-8. Each reporting period (i.e., bi-monthly), the permittee shall report both a daily value and an annual average value for mercury. The annual average discharge value is to be calculated as the average of the measured effluent daily values for mercury over the most recent (rolling) twelve-month period. Compliance with the interim discharge limit will be achieved when the annual average discharge value for the most recent twelve-month period is less than the interim discharge limit.

#### 4. Additional Monitoring Requirements

Beginning on the effective date of this permit, the permittee shall conduct the following monitoring activities:

##### a. Influent Monitoring

In addition to the requirements contained in Part I.B.2 of the NPDES permit, the permittee shall monitor the influent to its wastewater treatment facility for the following pollutants. Samples shall be representative of the raw influent in accordance with 327 IAC 5-2-13(b).

TABLE 5

<u>Parameter</u>	<u>Quality or Concentration</u>			<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Unit</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Cadmium [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.
Chromium [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.
Copper [1]	Report	Report	mg/l	1 X Weekly	24 Hr. Comp.
Cyanide [1]	Report	Report	mg/l	1 X Weekly	See [2] Below
Lead [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.
Mercury [1][3]	----	Report	ng/l	6 X Annually	Grab
Nickel [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.
Silver [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.
Zinc [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.

Note: For measurement frequencies less than once per month, the permittee shall report the result from the monitoring period on the Discharge Monitoring Report (DMR) for the final month of the reporting timeframe, beginning with January of each year. For example, for quarterly monitoring, the permittee may conduct sampling within the month of January, February or March. The result from this reporting timeframe shall be reported on the March DMR, regardless of which of the months within the quarter the sample was taken.

[1] The permittee shall measure and report this parameter as Total Recoverable Metal. Cyanide shall be reported as Free Cyanide or Cyanide Amenable to Chlorination.

[2] The maximum holding time is 24 hours when sulfide is present. Therefore, initially the CN sample should be a grab sample that is tested with lead acetate paper before pH adjustments in order to determine if sulfide is present. If sulfide is present, it can be removed by the addition of cadmium nitrate powder until a negative spot test is obtained. The sample is filtered and then NaOH is added to pH 12. The sample may then be analyzed within 14 days. Alternatively, if the permittee can demonstrate that the wastewater contains no sulfide, the permittee may collect a composite sample and analyze it within 14 days.

[3] Mercury monitoring shall be conducted six times annually (i.e. every other month) for the term of the permit. Monitoring shall be conducted in the months of February, April, June, August, October, and December of each year. Mercury monitoring and analysis will be performed using EPA Test Method 1631, Revision E. If Method 1631, Revision E is further revised during the term of this permit, the permittee and/or its contract laboratory is required to utilize the most current version of the method immediately after approval by EPA.

b. Priority Pollutants Monitoring

The permittee shall conduct an annual inventory of priority pollutants (see 40 CFR 423, Appendix A) and shall identify and quantify additional organic compounds which occur in the influent, effluent, and sludge. The analytical report shall be sent to the

Pretreatment Group. This report is due no later than December 31st of each year. The inventory shall consist of:

(1) Sampling and Analysis of Influent and Effluent

Sampling shall be conducted on a day when industrial discharges are occurring at normal or maximum levels. The samples shall be 24-hour flow proportional composites, except for volatile organics, which shall be taken by appropriate grab sampling techniques. Analysis for the U.S. EPA organic priority pollutants shall be performed using U.S. EPA methods 624, 625 and 608 in 40 CFR 136, or other equivalent methods approved by U.S. EPA. Equivalent methods must be at least as sensitive and specific as methods 624, 625 and 608.

All samples must be collected, preserved and stored in accordance with 40 CFR 136, Appendix A. Samples for volatile organics must be analyzed within 14 days of collection. Samples for semivolatile organics, PCBs and pesticides must be extracted within 7 days of collection and analyzed within 40 days of extraction. For composite samples, the collection date shall be the date at the end of the daily collection period.

(2) Sampling and Analysis of Sludge

Sampling collection, storage, and analysis shall conform to the U.S. EPA recommended procedures in accordance with 40 CFR 503. Special sampling and/or preservation techniques will be required for those pollutants which deteriorate rapidly.

Sludge samples for volatile organics must be analyzed within 14 days of collection. Sludge samples for semivolatile organics, PCBs and pesticides must be extracted within 14 days of collection and analyzed within 40 days of extraction.

(3) Additional Pollutant Identification

In addition to the priority organic pollutants, a reasonable attempt shall be made to identify and quantify the ten most abundant constituents of each fraction (excluding priority pollutants and unsubstituted aliphatic compounds) shown to be present by peaks on the total ion plots (reconstructed gas chromatograms) more than ten times higher than the adjacent background noise. Identification shall be attempted through the use of U.S. EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be based on an order of magnitude estimate based upon comparison with an internal standard.

The annual pretreatment program report, required by Part III. A.7. of this permit, should identify the additional steps necessary to determine whether the pollutants that are present interfere, pass through, or otherwise violate 40 CFR 403.2. Upon such determination, the report must also identify the steps taken to develop and enforce local limitations on industrial discharges for those pollutants. This is a requirement of 40 CFR 403.5.

## B. MONITORING AND REPORTING

### 1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge flow and shall be taken at times which reflect the full range and concentration of effluent parameters normally expected to be present. Samples shall not be taken at times to avoid showing elevated levels of any parameters.

### 2. Data on Plant Operation

The raw influent and the wastewater from intermediate unit treatment processes, as well as the final effluent shall be sampled and analyzed for the pollutants and operational parameters specified by the applicable Monthly Report of Operation Form, as appropriate, in accordance with 327 IAC 5-2-13. Except where the permit specifically states otherwise, the sample frequency for the raw influent and intermediate unit treatment process shall be at a minimum the same frequency as that for the final effluent. The measurement frequencies specified in each of the tables in Part I.A. are the minimum frequencies required by this permit.

### 3. Monthly Reporting

The permittee shall submit accurate monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous monitoring period and shall be submitted no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the monitoring period in which the permit becomes effective. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO). Permittees with combined sewer overflow discharges must also submit the CSO Monthly Report of Operation to IDEM by the 28th day of the month following each completed monitoring period. All reports shall be submitted electronically by using the NetDMR application, upon registration, receipt of the NetDMR Subscriber Agreement, and IDEM approval of the proposed NetDMR Signatory. The NetDMR website (for initial registration and monthly DMR/MMR submittal) is: <https://netdmr.epa.gov/netdmr/public/home.htm>. The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit.

A calendar week will begin on Sunday and end on Saturday. Partial weeks consisting of four or more days at the end of any month will include the remaining days of the week, which occur in the following month in order to calculate a consecutive seven-day average. This value will be reported as a weekly average or seven-day average on the MRO for the month containing the partial week of four or more days. Partial calendar weeks consisting of less than four days at the end of any month will be carried forward to the succeeding month and reported as a weekly average or a seven-day average for the

calendar week that ends with the first Saturday of that month.

4. Definitions

a. Calculation of Averages

Pursuant to 327 IAC 5-2-11(a)(5), the calculation of the average of discharge data shall be determined as follows: For all parameters except fecal coliform and *E. coli*, calculations that require averaging of sample analyses or measurements of daily discharges shall use an arithmetic mean unless otherwise specified in this permit. For fecal coliform, the monthly average discharge and weekly average discharge, as concentrations, shall be calculated as a geometric mean. For *E. coli*, the monthly average discharge, as a concentration, shall be calculated as a geometric mean.

b. Terms

- (1) “Monthly Average” -The monthly average discharge means the total mass or flow-weighted concentration of all daily discharges during a calendar month on which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar month. The monthly average discharge limitation is the highest allowable average monthly discharge for any calendar month.
- (2) “Weekly Average” - The weekly average discharge means the total mass or flow weighted concentration of all daily discharges during any calendar week for which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar week. The average weekly discharge limitation is the maximum allowable average weekly discharge for any calendar week.
- (3) “Daily Maximum” - The daily maximum discharge limitation is the maximum allowable daily discharge for any calendar day. The “daily discharge” means the total mass of a pollutant discharged during the calendar day or, in the case of a pollutant limited in terms other than mass pursuant to 327 IAC 5-2-11(e), the average concentration or other measurement of the pollutant specified over the calendar day or any twenty-four hour period that represents the calendar day for purposes of sampling.
- (4) “24-hour Composite” - A 24-hour composite sample consists of at least ten (10) individual flow-proportioned samples of wastewater, taken by the grab sample method over equal time intervals during the period of operator attendance or by an automatic sampler, and which are combined prior to analysis. A flow proportioned composite sample shall be obtained by:
  - (a) recording the discharge flow rate at the time each individual sample is taken,
  - (b) adding together the discharge flow rates recorded from each individual sampling time to formulate the “total flow value,”

- (c) dividing the discharge flow rate of each individual sampling time by the total flow value to determine its percentage of the total flow value, and
- (d) multiplying the volume of the total composite sample by each individual sample's percentage to determine the volume of that individual sample which will be included in the total composite sample.

Alternatively, a 24-hour composite sample may be obtained by an automatic sampler on an equal time interval basis over a twenty-four hour period provided that a minimum of 24 samples are taken and combined prior to analysis. The samples do not need to be flow-proportioned if the permittee collects samples in this manner.

- (5) CBOD<sub>5</sub>: Five-day Carbonaceous Biochemical Oxygen Demand
- (6) TSS: Total Suspended Solids
- (7) *E. coli*: Escherichia coli bacteria
- (8) The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.
- (9) The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, located at the following address: 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.
- (10) Limit of Detection or LOD is defined as a measurement of the concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix. The LOD is equivalent to the Method Detection Level or MDL.
- (11) Limit of Quantitation or LOQ is defined as a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant. This term is also called the limit of quantification or quantification level.
- (12) Method Detection Level or MDL is defined as the minimum concentration of an analyte (substance) that can be measured and reported with a ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) as determined by the procedure set forth in 40 CFR Part 136, Appendix B. The method detection level or MDL is equivalent to the LOD.

5. Test Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136, unless otherwise specified within this permit. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods, however, 40 CFR Part 136 should be checked to ascertain if a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the State agency and the U.S. Environmental Protection Agency.

- a. Standard Methods for the Examination of Water and Wastewater  
18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, or 22<sup>nd</sup> Editions, 1992, 1995 or 1998  
American Public Health Association,  
Washington, D.C. 20005.
- b. A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis  
1972 American Society for Testing and Materials,  
Philadelphia, PA 19103.
- c. Methods for Chemical Analysis of Water and Wastes  
June 1974, Revised, March 1983, Environmental Protection  
Agency, Water Quality Office, Analytical Quality Control  
Laboratory, 1014 Broadway, Cincinnati, OH 45202.

6. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record and maintain records of all monitoring information and monitoring activities under this permit, including the following information:

- a. The exact place, date, and time of sampling or measurements;
- b. The person(s) who performed the sampling or measurements;
- c. The dates and times the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of all required analyses and measurements.

7. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monthly Discharge Monitoring Report and on the Monthly Report of Operation form. Such increased frequency shall also be indicated on these forms. Any such additional monitoring data which indicates a violation of a permit limitation shall be followed up by the permittee, whenever feasible, with a monitoring sample obtained and analyzed pursuant to approved analytical methods. The results of the follow-up sample shall be reported to the Commissioner in the Monthly Discharge Monitoring Report.

8. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three-year period shall be extended:

- a. automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b. as requested by the Regional Administrator or the Indiana Department of Environmental Management.

C. REOPENING CLAUSES

In addition to the reopening clause provisions cited at 327 IAC 5-2-16, the following reopening clauses are incorporated into this permit:

1. This permit may be modified or, alternately, revoked and reissued after public notice and opportunity for hearing to incorporate effluent limitations reflecting the results of a wasteload allocation if the Department of Environmental Management determines that such effluent limitations are needed to assure that State Water Quality Standards are met in the receiving stream.
2. This permit may be modified due to a change in sludge disposal standards pursuant to Section 405(d) of the Clean Water Act, if the standards when promulgated contain different conditions, are otherwise more stringent, or control pollutants not addressed by this permit.



3. This permit may be modified, or, alternately, revoked and reissued, to comply with any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:
  - a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
  - b. controls any pollutant not limited in the permit.
4. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to incorporate monitoring requirements and effluent limitations for cadmium, chromium, lead, nickel, silver, and/or zinc if the Department of Environmental Management determines that such monitoring requirements and effluent limitations are needed to assure that State Water Quality standards are met in the receiving streams.
5. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to incorporate additional requirements or limitations for specific toxicants if the required additional analyses in Part I.A. indicate that such additional requirements and/or limitations are necessary to assure that State Water Quality Standards are met in the receiving stream.
6. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to remove effluent limitations for copper and/or free cyanide if a Reasonable Potential to Exceed (RPE) evaluation reveals no RPE for copper and/or free cyanide.
7. This permit may be modified, or, alternately, revoked and reissued after public notice and opportunity for hearing to include revised SMV and/or PMPP requirements in the event that revisions to the SMV Requirements and Application Process under 327 IAC 5-3.5 occur.

## D. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

The 1977 Clean Water Act explicitly states, in Section 101(3) that it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited. In support of this policy the U.S. EPA in 1995 amended the 40 CFR 136.3 (Tables IA and II) by adding testing methods for measuring acute and short-term chronic toxicity of whole effluents and receiving waters. To adequately assess the character of the effluent, and the effects of the effluent on aquatic life, the permittee shall conduct Whole Effluent Toxicity Testing. Part 1 of this section describes the testing procedures, Part 2 describes the Toxicity Reduction Evaluation which is only required if the effluent demonstrates toxicity, as described in paragraph f.

### 1. Whole Effluent Toxicity Tests

The permittee shall conduct the series of bioassay tests described below to monitor the toxicity of the discharge from Outfall 035.

If toxicity is demonstrated as defined under paragraph f below, the permittee is required to conduct a Toxicity Reduction Evaluation (TRE).

#### a. Bioassay Test Procedures and Data Analysis

- (1) All test organisms, test procedures and quality assurance criteria used shall be in accordance with the Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms; Fourth Edition Section 13, Cladoceran (*Ceriodaphnia dubia*) Survival and Reproduction Test Method 1002.0; and Section 11, Fathead Minnow (*Pimephales promelas*) Larval Survival and Growth Test Method, (1000.0) EPA 821-R-02-013, October 2002, or most recent update.
- (2) Any circumstances not covered by the above methods, or that require deviation from the specified methods shall first be approved by the IDEM's Permits Branch Toxicologist.
- (3) The determination of effluent toxicity shall be made in accordance with the Data Analysis general procedures for chronic toxicity endpoints as outlined in Section 9, and in Sections 11 and 13 of the respective Test Method (1000.0 and 1002.0) of Short-term Methods of Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms (EPA 821-R-02-013), Fourth Edition, October 2002 or most recent update.

#### b. Types of Bioassay Tests

- (1) The permittee shall conduct a 7-day Cladoceran (*Ceriodaphnia dubia*) Survival and Reproduction Test and a 7-day Fathead Minnow (*Pimephales promelas*) Larval Survival and Growth Test on samples of the final effluent. All tests will be conducted on 24-hour composite samples of final effluent. All test solutions shall

be renewed daily. On days three and five fresh 24-hour composite samples of the effluent collected on alternate days shall be used to renew the test solutions.

- (2) If in any control more than 10% of the test organisms die in 96 hours, or more than 20% of the test organisms die in 7 days, that test shall be repeated. In addition, if in the *Ceriodaphnia* test control the number of newborns produced per surviving female is less than 15, or if 60% of surviving control females have less than three broods; and in the fathead minnow test if the mean dry weight of surviving fish in the control group is less than 0.25 mg, that test shall also be repeated. Such testing will determine whether the effluent affects the survival, reproduction, and/or growth of the test organisms. Results of all tests regardless of completion must be reported to IDEM.

c. Effluent Sample Collection and Chemical Analysis

- (1) Samples for the purposes of Whole Effluent Toxicity Testing will be taken at a point that is representative of the discharge, but prior to discharge. The maximum holding time for whole effluent is 36 hours for a 24 hour composite sample. Bioassay tests must be started within 36 hours after termination of the 24 hour composite sample collection. Bioassay of effluent sampling may be coordinated with other permit sampling requirements as appropriate to avoid duplication.
- (2) Chemical analysis must accompany each effluent sample taken for bioassay test, especially the sample taken for the repeat or confirmation tests as outlined in paragraph f.3. The analysis detailed under Part I.A. should be conducted for the effluent sample. Chemical analysis must comply with approved EPA test methods.

d. Frequency and Duration

The toxicity tests specified in paragraph b. shall be conducted once every six months for the duration of the permit. The results of the toxicity tests are due within each six month period as calculated from the effective date of the permit.

If toxicity is demonstrated as defined under paragraph f (1), (2) or (3), the permittee is required to conduct a toxicity reduction evaluation (TRE) as specified in Section 2.

e. Reporting

- (1) Results shall be reported according to EPA 821-R-02-013, Section 10 (Report Preparation). Two copies of the completed report for each test shall be submitted to the Compliance Data Section of the IDEM no later than sixty days after completion of the test. An electronic copy of the report may be submitted to [wwreports@idem.IN.gov](mailto:wwreports@idem.IN.gov) in lieu of the two copies to the Compliance Data Section.

- (2) For quality control, the report shall include the results of appropriate standard reference toxic pollutant tests for chronic endpoints and historical reference toxic pollutant data with mean values and appropriate ranges for the respective test species *Ceriodaphnia dubia* and *Pimephales promelas*. Biomonitoring reports must also include copies of Chain-of-Custody Records and Laboratory raw data sheets.
- (3) Statistical procedures used to analyze and interpret toxicity data including critical values of significance used to evaluate each point of toxicity should be described and included as part of the biomonitoring report.

f. Demonstration of Toxicity

- (1) Acute toxicity will be demonstrated if the effluent is observed to have exceeded **1.0** TU<sub>a</sub>(acute toxic units) based on 100% effluent for the test organism in 48 and 96 hours for *Ceriodaphnia dubia* or *Pimephales promelas*, which ever is more sensitive.
- (2) Chronic toxicity will be demonstrated if the effluent is observed to have exceeded **8.0** TU<sub>c</sub> (chronic toxic units) for *Ceriodaphnia dubia* or *Pimephales promelas* .
- (3) If toxicity is found in any of the tests specified above, a confirmation toxicity test using the specified methodology and same test species shall be conducted within two weeks of receiving the chronic toxicity test results. During the sampling for any confirmation tests the permittee shall also collect and preserve sufficient effluent samples for use in any Toxicity Identification Evaluation (TIE) and/or Toxicity Reduction Evaluation (TRE), if necessary. If any two (2) consecutive tests, including any and all confirmation tests, indicate the presence of toxicity, the permittee must begin the implementation of a Toxicity Reduction Evaluation (TRE) as described below. The whole effluent toxicity tests required above may be suspended (upon approval from IDEM) while the TRE is being conducted.

g. Definitions

- (1) TU<sub>c</sub> is defined as 100/NOEC or 100/IC<sub>25</sub>.
- (2) TU<sub>a</sub> is defined as 100/LC<sub>50</sub> where the LC<sub>50</sub> is expressed as a percent effluent in the test medium of an acute Whole Effluent Toxicity (WET) test that is statistically or graphically estimated to be lethal to fifty percent (50%) of the test organisms.
- (3) “Inhibition concentration 25” or “IC<sub>25</sub>” means the toxicant (effluent) concentration that would cause a twenty-five percent (25%) reduction in a nonquantal biological measurement for the test population. For example, the IC<sub>25</sub> is the concentration of toxicant (effluent) that would cause a twenty-five percent (25%) reduction in mean young per female or in growth for the test population.

(4)“No observed effect concentration” or “NOEC” is the highest concentration of toxicant (effluent) to which organisms are exposed in a full life cycle or partial life cycle (short term) test, that causes no observable adverse effects on the test organisms, that is, the highest concentration of toxicant in which the values for the observed responses are not statistically significantly different from the controls.

2. Toxicity Reduction Evaluation (TRE) Schedule of Compliance

The development and implementation of a TRE (including any post-TRE biomonitoring requirements) is only required if toxicity is demonstrated as defined by Paragraph 1.f.

Development and Submittal of TRE Plan	Within 90 days of two failed toxicity tests.
Initiate Effluent TRE	Within 30 days of TRE Plan submittal to IDEM.
Progress Reports	Every 90 days from the initiation date of the TRE.
Submit Final TRE Results	Within 90 days of the completion of the TRE, not to exceed 3 years from the date of the initial determination of toxicity (two failed toxicity tests).
Post-TRE Biomonitoring Requirements	Immediately upon completion of the TRE, conduct 3 consecutive months of toxicity tests, if no toxicity is shown, reduce toxicity tests to once every 6 months for the duration of the permit term. If post – TRE biomonitoring demonstrates toxicity, revert to implementation of a TRE.

a. Development of TRE Plan

Within 90 days of determination of toxicity, the permittee shall submit plans for an effluent TRE to the Compliance Data Section of the IDEM. The TRE plan shall include appropriate measures to characterize the causative toxicant and the variability associated with these compounds. Guidance on conducting effluent toxicity reduction evaluations is available from EPA and from the EPA publications listed below:

(1) Methods for Aquatic Toxicity Identification Evaluations:

Phase I Toxicity Characterization Procedures, Second Edition  
 (EPA/600/6-91/003), February 1991.

Phase II Toxicity Identification Procedures (EPA 600/R-92/080), September 1993.

Phase III Toxicity Confirmation Procedures (EPA/600/R-92/081), September 1993.

(2) Methods for Chronic Toxicity Identification Evaluations

Phase I Characterization of Chronically Toxic Effluents EPA/600/6-91/005F, May 1992.

(3) Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070), April 1989.

(4) Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants (EPA/833-B-99-022), August 1999

b. Conduct the TRE

Within 30 days after submittal of the TRE plan to IDEM, the permittee must initiate an effluent TRE consistent with the TRE plan. Progress reports shall be submitted every 90 days to the Compliance Data Section of the Office of Water Quality (OWQ) beginning 90 days after initiation of the TRE study.

c. Reporting

Within 90 days of the TRE study completion, the permittee shall submit to the Compliance Data Section of the Office of Water Quality (OWQ) the final study results and a schedule for reducing the toxicity to acceptable levels through control of the toxicant source or treatment of whole effluent.

d. Compliance Date

The permittee shall complete items a, b, and c from Section 2 and reduce the toxicity to acceptable levels as soon as possible but no later than three years after the date of determination of toxicity.

e. Post-TRE Biomonitoring Requirements (Only Required After Completion of a TRE)

After the TRE, the permittee shall conduct monthly toxicity tests with 2 or more species for a period of three months. Should three consecutive monthly tests demonstrate no toxicity, the permittee shall conduct chronic tests every six months for the duration of the permit. These tests shall be conducted in accordance with the procedures under the Whole Effluent Toxicity Tests Section. The results of these tests shall be submitted to the Compliance Data Section of the Office of Water Quality (OWQ).

If toxicity is demonstrated as defined in paragraph 1.f after the initial three month period, testing must revert to a TRE as in Part 2 (TRE).

## PART II

### STANDARD CONDITIONS FOR NPDES PERMITS

#### A. GENERAL CONDITIONS

##### 1. Duty to Comply

The permittee shall comply with all terms and conditions of this permit in accordance with 327 IAC 5-2-8(1) and all other requirements of 327 IAC 5-2-8. Any permit noncompliance constitutes a violation of the Clean Water Act and IC 13 and is grounds for enforcement action or permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

##### 2. Duty to Mitigate

In accordance with 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact to the environment resulting from noncompliance with this permit. During periods of noncompliance, the permittee shall conduct such accelerated or additional monitoring for the affected parameters, as appropriate or as requested by IDEM, to determine the nature and impact of the noncompliance.

##### 3. Duty to Provide Information

The permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the facility that:

- a. could significantly change the nature of, or increase the quantity of, pollutants discharged; or
- b. the Commissioner may request to evaluate whether such cause exists.

In accordance with 327 IAC 5-1-3(a)(5), the permittee must also provide any information reasonably requested by the Commissioner.

##### 4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must obtain and submit a renewal of this permit in accordance with 327 IAC 5-3-2(a)(2). It is the permittee's responsibility to obtain and

submit the application. In accordance with 327 IAC 5-2-3(c), the owner of the facility or operation from which a discharge of pollutants occurs is responsible for applying for and obtaining the NPDES permit, except where the facility or operation is operated by a person other than an employee of the owner in which case it is the operator's responsibility to apply for and obtain the permit. The application must be submitted at least 180 days before the expiration date of this permit. This deadline may be extended if:

- a. permission is requested in writing before such deadline;
- b. IDEM grants permission to submit the application after the deadline; and
- c. the application is received no later than the permit expiration date.

As required under 327 IAC 5-2-3(g)(1) and (2), POTWs with design influent flows equal to or greater than one million (1,000,000) gallons per day and POTWs with an approved pretreatment program or that are required to develop a pretreatment program, will be required to provide the results of whole effluent toxicity testing as part of their NPDES renewal application.

#### 5. Transfers

In accordance with 327 IAC 5-2-8(4)(D), this permit is nontransferable to any person except in accordance with 327 IAC 5-2-6(c). This permit may be transferred to another person by the permittee, without modification or revocation and reissuance being required under 327 IAC 5-2-16(c)(1) or 16(e)(4), if the following occurs:

- a. the current permittee notified the Commissioner at least thirty (30) days in advance of the proposed transfer date.
- b. a written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to the Commissioner.
- c. the transferee certifies in writing to the Commissioner their intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged and thus constitute cause for permit modification under 327 IAC 5-2-16(d). However, the Commissioner may allow a temporary transfer of the permit without permit modification for good cause, e.g., to enable the transferee to purge and empty the facility's treatment system prior to making alterations, despite the transferee's intent to make such material and substantial alterations or additions to the facility.



- d. the Commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

The Commissioner may require modification or revocation and reissuance of the permit to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act or state law.

## 6. Permit Actions

In accordance with 327 IAC 5-2-16(b) and 327 IAC 5-2-8(4), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts in the application, or during the permit issuance process; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge controlled by the permittee (e.g., plant closure, termination of the discharge by connecting to a POTW, a change in state law or information indicating the discharge poses a substantial threat to human health or welfare).

Filing of either of the following items does not stay or suspend any permit condition: (1) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (2) submittal of information specified in Part II.A.3 of the permit including planned changes or anticipated noncompliance.

The permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the permitted facility that:

1. could significantly change the nature of, or increase the quantity of, pollutants discharged; or
2. the commissioner may request to evaluate whether such cause exists.

## 7. Property Rights

Pursuant to 327 IAC 5-2-8(6) and 327 IAC 5-2-5(b), the issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to persons or private property or an invasion of rights, any infringement of federal, state, or local laws or regulations. The issuance of the permit also does not

preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made.

8. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of the permit which can be given effect without the invalid provision or application.

9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act or state law.

11. Penalties for Violation of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit, the water pollution control laws; environmental management laws; or a rule or standard adopted by the Water Pollution Control Board is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation. Pursuant to IC 13-30-5, a person who obstructs, delays, resists, prevents, or interferes with (1) the department; or (2) the department's personnel or designated agent in the performance of an inspection or investigation commits a class C infraction.

Pursuant to IC 13-30-10, a person who intentionally, knowingly, or recklessly violates any provision of this permit, the water pollution control laws or a rule or standard adopted by the Water Pollution Control Board commits a class D felony punishable by the term of imprisonment established under IC 35-50-2-7(a) (up to one year), and/or by a fine of not less than five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) per day of violation. A person convicted for a violation committed after a first conviction of such person under this provision is subject to a fine of not more than one hundred thousand dollars (\$100,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

12. Penalties for Tampering or Falsification

In accordance with 327 IAC 5-2-8(10), the permittee shall comply with monitoring, recording, and reporting requirements of this permit. The Clean Water Act, as well as IC 13-30-10, provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under a permit shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, or by imprisonment for not more than one hundred eighty (180) days per violation, or by both.

13. Toxic Pollutants

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant injurious to human health, and that standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5). Effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants injurious to human health are effective and must be complied with, if applicable to the permittee, within the time provided in the implementing regulations, even absent permit modification.

14. Operator Certification

The permittee shall have the wastewater treatment facilities under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-22. In order to operate a wastewater treatment plant the operator shall have qualifications as established in 327 IAC 5-22-7. The permittee shall designate one (1) person as the certified operator with complete responsibility for the proper operations of the wastewater facility.

327 IAC 5-22-10.5(a) provides that a certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant, if it can be shown that he will give adequate supervision to all units involved. Adequate supervision means that sufficient time is spent at the plant on a regular basis to assure that the certified operator is knowledgeable of the actual operations and that test reports and results are representative of the actual operations conditions. In accordance with 327 IAC 5-22-3(11), "responsible charge" means the person responsible for the overall daily operation, supervision, or management of a wastewater facility.

Pursuant to 327 IAC 5-22-10(4), the permittee shall notify IDEM when there is a change of the person serving as the certified operator in responsible charge of the wastewater treatment facility. The notification shall be made no later than thirty (30) days after a change in the operator.

15. Construction Permit

Except in accordance with 327 IAC 3, the permittee shall not construct, install, or modify any water pollution treatment/control facility as defined in 327 IAC 3-1-2(24). Upon completion of any construction, the permittee must notify the Compliance Data Section of the Office of Water Quality in writing.

16. Inspection and Entry

In accordance with 327 IAC 5-2-8(8), the permittee shall allow the Commissioner, or an authorized representative, (including an authorized contractor acting as a representative of the Commissioner) upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a point source, regulated facility, or activity is located or conducted, or where records must be kept pursuant to the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment or methods (including monitoring and control equipment), practices, or operations regulated or required pursuant to this permit; and
- d. Sample or monitor at reasonable times, any discharge of pollutants or internal wastestreams for the purposes of evaluating compliance with the permit or as otherwise authorized.

17. New or Increased Discharge of Pollutants

This permit prohibits the permittee from undertaking any action that would result in a new or increased discharge of a bioaccumulative chemical of concern (BCC) or a new or increased permit limit for a regulated pollutant that is not a BCC unless one of the following is completed prior to the commencement of the action:

- a. Information is submitted to the Commissioner demonstrating that the proposed new or increased discharges will not cause a significant lowering of water quality as defined under 327 IAC 2-1.3-2(50). Upon review of this information, the Commissioner may request additional information or may determine that the proposed increase is a significant lowering of water quality and require the submittal of an antidegradation demonstration.
- b. An antidegradation demonstration is submitted to and approved by the Commissioner in accordance with 327 IAC 2-1.3-5 and 327 IAC 2-1.3-6.

## B. MANAGEMENT REQUIREMENTS

### 1. Facility Operation, Maintenance and Quality Control

- a. In accordance with 327 IAC 5-2-8(9), the permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for collection and treatment that are:

- (1) installed or used by the permittee; and
- (2) necessary for achieving compliance with the terms and conditions of the permit.

Neither 327 IAC 5-2-8(9), nor this provision, shall be construed to require the operation of installed treatment facilities that are unnecessary for achieving compliance with the terms and conditions of the permit. Taking redundant treatment units off line does not violate the bypass provisions of the permit, provided that the permittee is at all times: maintaining in good working order and efficiently operating all facilities and systems; providing best quality effluent; and achieving compliance with the terms and conditions of the permit.

- b. The permittee shall operate the permitted facility in a manner which will minimize upsets and discharges of excessive pollutants. The permittee shall properly remove and dispose of excessive solids and sludges.
- c. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.
- d. Maintenance of all waste collection, control, treatment, and disposal facilities shall be conducted in a manner that complies with the bypass provisions set forth below.
- e. Any extensions to the sewer system must continue to be constructed on a separated basis. Plans and specifications, when required, for extension of the sanitary system must be submitted to the Facility Construction and Engineering Support Section, Office of Water Quality in accordance with 327 IAC 3-2-2. There shall also be an ongoing preventative maintenance program for the sanitary sewer system.

### 2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(12):

- a. Terms as defined in 327 IAC 5-2-8(12)(A):
- (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.

- (2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypasses, as defined above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless:
- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined above;
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices as required under Part II.B.2.d; or
  - (4) The condition under Part II.B.2.f below is met.
- c. Bypasses that result in death or acute injury or illness to animals or humans must be reported in accordance with the “Spill Response and Reporting Requirements” in 327 IAC 2-6.1, including calling 888/233-7745 as soon as possible, but within two (2) hours of discovery. However, under 327 IAC 2-6.1-3(1), when the constituents of the bypass are regulated by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.
- d. The permittee must provide the Commissioner with the following notice:
- (1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.
  - (2) The permittee shall orally report or fax a report of an unanticipated bypass within 24 hours of becoming aware of the bypass event. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance (i.e. the bypass) and its cause; the period of noncompliance, including exact dates and times; if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass event. If a

complete fax or email submittal is sent within 24 hours of the time that the permittee became aware of the unanticipated bypass event, then that report will satisfy both the oral and written reporting requirement.

- e. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.b. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.
  - f. The permittee may allow any bypass to occur that does not cause a violation of the effluent limitations in the permit, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Part II.B.2.b.,d and e of this permit.
3. Upset Conditions

Pursuant to 327 IAC 5-2-8(13):

- a. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this subsection, are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
  - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset;
  - (2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures;
  - (3) The permittee complied with any remedial measures required under “Duty to Mitigate”, Part II.A.2; and
  - (4) The permittee submitted notice of the upset as required in the “Incident Reporting Requirements,” Part II.C.3, or 327 IAC 2-6.1, whichever is applicable. However, under 327 IAC 2-6.1-3(1), when the constituents of the discharge are regulated by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

- d. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof pursuant to 40 CFR 122.41(n)(4).

#### 4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

- a. Collected screenings, slurries, sludges, and other such pollutants shall be disposed of in accordance with provisions set forth in 329 IAC 10, 327 IAC 6.1, or another method approved by the Commissioner.
- b. The permittee shall comply with existing federal regulations governing solids disposal, and with applicable provisions of 40 CFR Part 503, the federal sludge disposal regulation standards.
- c. The permittee shall notify the Commissioner prior to any changes in sludge use or disposal practices.
- d. The permittee shall maintain records to demonstrate its compliance with the above disposal requirements.

#### 5. Power Failures

In accordance with 327 IAC 5-2-10 and 327 IAC 5-2-8(14) in order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, or
- b. shall halt, reduce or otherwise control all discharge in order to maintain compliance with the effluent limitations and conditions of this permit upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit.

#### 6. Unauthorized Discharge

Any overflow or release of sanitary wastewater from the wastewater treatment facilities or collection system that results in a discharge to waters of the state and is not specifically authorized by this permit is expressly prohibited. These discharges are subject to the reporting requirements in Part II.C.3 of this permit.



## C. REPORTING REQUIREMENTS

### 1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(11)(F) and 5-2-16(d), the permittee shall give notice to the Commissioner as soon as possible of any planned alterations or additions to the facility (which includes any point source) that could significantly change the nature of, or increase the quantity of, pollutants discharged. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited. Material and substantial alterations or additions to the permittee's operation that were not covered in the permit (e.g., production changes, relocation or combination of discharge points, changes in the nature or mix of products produced) are also cause for modification of the permit. However those alterations which constitute total replacement of the process or the production equipment causing the discharge converts it into a new source, which requires the submittal of a new NPDES application.

### 2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(10), 327 IAC 5-2-13, and 327 IAC 5-2-15, monitoring results shall be reported at the intervals and in the form specified in "Data On Plant Operation", Part I.B.2.

### 3. Incident Reporting Requirements

Pursuant to 327 IAC 5-2-8(11) and 327 IAC 5-1-3, the permittee shall orally report to the Commissioner information on the following incidents within 24 hours from the time permittee becomes aware of such occurrence. If the incident meets the emergency criteria of item b (Part II.C.3.b) or 327 IAC 2-6.1, then the report shall be made as soon as possible, but within two (2) hours of discovery. However, under 327 IAC 2-6.1-3(1), when the constituents of the discharge are regulated by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Any emergency incident which may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the incident by calling 317/233-7745 (888/233-7745 toll free in Indiana). This number should only be called when reporting these emergency events;
- c. Any upset (as defined in Part II.B.3 above) that exceeds any technology-based effluent limitations in the permit;
- d. Any release, including basement backups, from the sanitary sewer system (including satellite sewer systems operated or maintained by the permittee) not specifically authorized by this permit. Reporting of known releases from private laterals not caused by a problem in the sewer system owned or operated by the permittee is not

required under Part II.C.3, however, documentation of such events must be maintained by the permittee and available for review by IDEM staff;

- e. Any discharge from any outfall from which discharge is explicitly prohibited by this permit as well as any discharge from any other outfall or point not listed in this permit; or
- f. Violation of a maximum daily discharge limitation for any of the following toxic pollutants: copper, free cyanide, and/or mercury.

The permittee can make the oral reports by calling 317/232-8670 during regular business hours. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. For incidents involving effluent limit violations or discharges, the written submission shall contain: a description of the event and its cause; the period of occurrence, including exact dates and times, and, if the event has not concluded, the anticipated time it is expected to continue; and steps taken or planned to reduce, mitigate and eliminate the event and steps taken or planned to prevent its recurrence. For sewer releases which do not meet the definition of a discharge, the written submission shall contain: a description of the event and its believed cause; the period of occurrence; and any steps taken or planned to mitigate the event and steps taken or planned to prevent its recurrence. The permittee may submit a "Bypass Overflow/Incident Report" or a "Noncompliance Notification Report", whichever is applicable, to IDEM at 317/232-8637 or 317/232-8406 or to [wwreports@idem.IN.gov](mailto:wwreports@idem.IN.gov). If a complete fax or email submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then that report will satisfy both the oral and written reporting requirements.

4. Other Noncompliance

Pursuant to 327 IAC 5-2-8(11)(D), the permittee shall report any instance of noncompliance not reported under the "Incident Reporting Requirements" in Part II.C.3 at the time the pertinent Discharge Monitoring Report is submitted. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent the noncompliance.

5. Other Information

Pursuant to 327 IAC 5-2-8(11)(E), where the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any report to the Commissioner, the permittee shall promptly submit such facts or corrected information to the Commissioner.

6. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5-2-8(15):

- a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:
  - (1) For a corporation: by a principal executive defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making functions for the corporation or the manager of one or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - (3) For a federal, state, or local governmental body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.
- b. A person is a duly authorized representative only if:
  - (1) The authorization is made in writing by a person described above.
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - (3) The authorization is submitted to the Commissioner.
- c. Certification. Any person signing a document identified under paragraphs a and b of this section, shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of

my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

7. Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

8. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-8(15) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 180 days per violation, or by both.

9. Progress Reports

In accordance with 327 IAC 5-2-8(11)(A), reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

10. Advance Notice for Planned Changes

In accordance with 327 IAC 5-2-8(11)(B), the permittee shall give advance notice to IDEM of any planned changes in the permitted facility, any activity, or other circumstances that the permittee has reason to believe may result in noncompliance with permit requirements.

11. Additional Requirements for POTWs and/or Treatment Works Treating Domestic Sewage

- a. All POTWs shall identify, in terms of character and volume of pollutants, any significant indirect discharges into the POTW which are subject to pretreatment standards under section 307(b) and 307 (c) of the CWA.
- b. All POTWs must provide adequate notice to the Commissioner of the following:
  - (1) Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to section 301 or 306 of the CWA if it were directly discharging those pollutants.

- (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by any source where such change would render the source subject to pretreatment standards under section 307(b) or 307(c) of the CWA or would result in a modified application of such standards.

As used in this clause, “adequate notice” includes information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of the effluent to be discharged from the POTW.

- c. This permit incorporates any conditions imposed in grants made by the U.S. EPA and/or IDEM to a POTW pursuant to Sections 201 and 204 of the Clean Water Act, that are reasonably necessary for the achievement of effluent limitations required by Section 301 of the Clean Water Act.
- d. This permit incorporates any requirements of Section 405 of the Clean Water Act governing the disposal of sewage sludge from POTWs or any other treatment works treating domestic sewage for any use for which rules have been established in accordance with any applicable rules.
- e. POTWs must develop and submit to the Commissioner a POTW pretreatment program when required by 40 CFR 403 and 327 IAC 5-19-1, in order to assure compliance by industrial users of the POTW with applicable pretreatment standards established under Sections 307(b) and 307(c) of the Clean Water Act. The pretreatment program shall meet the criteria of 327 IAC 5-19-3 and, once approved, shall be incorporated into the POTW’s NPDES permit.

#### D. ADDRESSES

##### 1. Municipal NPDES Permits Section

Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
Municipal NPDES Permits Section  
100 N. Senate Avenue  
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Municipal NPDES Permits Section:

- a. NPDES permit applications (new, renewal or modifications) with fee
- b. Preliminary Effluent Limits request letters
- c. Comment letters pertaining to draft NPDES permits
- d. NPDES permit transfer of ownership requests
- e. NPDES permit termination requests

- f. Notifications of substantial changes to a treatment facility, including new industrial sources
  - g. Combined Sewer Overflow (CSO) Operational Plans
  - h. CSO Long Term Control Plans (LTCP)
  - i. Stream Reach Characterization and Evaluation Reports (SRCER)
2. Facility Construction and Engineering Support Section

Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
Facility Construction and Engineering Support Section  
100 N. Senate Avenue  
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Facility Construction and Engineering Support Section:

- a. Construction permit applications with fee

3. Compliance Data Section

Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
Compliance Data Section  
100 N. Senate Avenue  
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Compliance Data Section:

- a. Discharge Monitoring Reports (DMRs)
- b. Monthly Reports of Operation (MROs)
- c. Monthly Monitoring Reports (MMRs)
- d. CSO MROs
- e. Gauging station and flow meter calibration documentation
- f. Compliance schedule progress reports
- g. Completion of Construction notifications

- h. Whole Effluent Toxicity Testing reports
  - i. Toxicity Reduction Evaluation (TRE) plans and progress reports
  - j. Bypass/Overflow Reports
  - k. Anticipated Bypass/Overflow Reports
  - l. Streamlined Mercury Variance Annual Reports
4. Pretreatment Group

Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
Compliance Data Section – Pretreatment Group  
100 N. Senate Avenue  
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Pretreatment Group:

- a. Organic Pollutant Monitoring Reports
- b. Significant Industrial User (SIU) Quarterly Noncompliance Reports
- c. Pretreatment Program Annual Reports
- d. Sewer Use Ordinances
- e. Enforcement Response Plans (ERP)
- f. Sludge analytical results

## PART III

### REQUIREMENT TO OPERATE A PRETREATMENT PROGRAM

#### A. CONDITIONS

The permittee, hereinafter referred to as the “Control Authority,” is required to operate its approved industrial pretreatment program approved on **December 28, 1984**, and any subsequent modifications approved up to the issuance of this permit. To ensure the program is operated as approved and consistent with 327 IAC 5-16 through 5-21, the following conditions and reporting requirements are hereby established. The Control Authority (CA) shall:

##### 1. Legal Authority

The CA shall develop, enforce and maintain adequate legal authority in its Sewer Use Ordinance (SUO) to fully implement the pretreatment program in compliance with State and local law. As part of this requirement, the CA shall develop and maintain local limits as necessary to implement the prohibitions and standards in 327 IAC 5-18.

##### 2. Permit Issuance

In accordance with 327 IAC 5-19-3(1) the CA is required to issue/reissue permits to Significant Industrial User(s) (SIU) as stated in the SUO. The CA must issue permits to new SIUs prior to the commencement of discharge. A SIU is defined in the SUO.

##### 3. Industrial Compliance Monitoring

The CA is required to conduct inspection, surveillance, and monitoring activities to determine SIU compliance status with the approved program and the SUO independent of data supplied by the SIU. SIU compliance monitoring performed by the CA will be conducted in accordance with the program plan or yearly program plan. SIUs will be inspected once per year, at a minimum.

##### 4. Enforcement

The CA is required to initiate the appropriate enforcement action against a SIU violating any provision of the SUO and/or discharge permit in accordance with the Enforcement Response Procedures (ERP) adopted by the CA. The CA must investigate violations by collecting and analyzing samples and collecting other information with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions in accordance with 40 CFR 403.8(f)(1)(iii) and 327 IAC 5-19-3(1)(F).



5. SIU Quarterly Noncompliance Report

The CA is required to report the compliance status of each SIU quarterly. The report is due by the 28th of the following months: April, July, October, and January of each year. The report shall include a description of corrective actions that have or will be taken by the CA and SIU to resolve the noncompliance situations. This report is to be sent to the Compliance Branch of the Office of Water Quality.

6. Public Participation and Annual Publishing of SIUs in Significant Noncompliance

The CA is required to comply with the public participation requirements under 40 CFR 25 and 327 IAC 5-19-3(2)(L). The CA must publish annually, by February 28, in the largest daily newspaper in the area, a list of SIUs that have been in Significant Noncompliance (SNC) with the SUO during the calendar year. The CA shall include in the ANNUAL REPORT a list of the SIUs published along with the newspaper clipping.

6. Industrial User Survey

The CA shall prepare and maintain a list of its Industrial Users meeting the criteria in 40 CFR 403.3(v)(1). The list shall identify the criteria in 40 CFR 403.3(v)(1) applicable to each Industrial User and where applicable, shall also indicate whether the CA has made a determination pursuant to 40 CFR 403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User. Modifications to the list shall be submitted to the Approval Authority pursuant to 40 CFR 403.12(i)(1).

7. Annual Report

The CA is required to submit an annual report to the Pretreatment Group and EPA Region 5 by April 1, of each year. The CA shall also include a copy of the updated industrial user survey list. The annual report will be submitted in accordance with 40 CFR 403.12(i) to the following addresses:

Pretreatment Program Manager  
U.S. EPA Region 5, WN-16J  
NPDES Programs Branch  
77 W. Jackson Blvd.  
Chicago, IL 60604

Indiana Department of Environmental Management  
Office of Water Quality - Mail Code 65-42  
Compliance Data Section – Pretreatment Group  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

8. Records Retention

Pursuant to 327 IAC 5-16-5.3(b), the CA shall retain any pretreatment reports from an industrial user a minimum of three (3) years and shall make such reports available for inspection and copying by IDEM or the U.S. EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, the operation of the POTW pretreatment program or when requested by IDEM or the U.S. EPA.

9. Confidentiality

The CA is required to comply with all confidentiality requirements set forth in 40 CFR 403.14, as well as the procedures established in the SUO.

10. Program Resources

Pursuant to 327 IAC 5-19-3(3), The CA shall maintain sufficient resources and qualified personnel to carry out the pretreatment program requirements.

11. Interjurisdictional Agreements

The CA must maintain sufficient legal authority to ensure compliance with all applicable pretreatment limits and requirements by all SIUs discharging to the POTW, including SIUs within governmental jurisdictions outside the immediate jurisdiction of the POTW. The CA must maintain the interjurisdictional agreements necessary to ensure full compliance by SIUs located within other jurisdictions as discussed in 40 CFR 403.8(f)(1).

12. POTW Pretreatment Program Revision Requirements

No later than 6 months after the effective date of this permit, the permittee shall re-evaluate its SUO to determine whether it provides adequate legal authority to fully implement the pretreatment program. Any modifications to the permittee's SUO shall be consistent with U.S. EPA's EPA Model Pretreatment Ordinance, available at: [http://cfpub.epa.gov/npdes/docs.cfm?program\\_id=3&view=allprog&sort=name#model\\_ordinance](http://cfpub.epa.gov/npdes/docs.cfm?program_id=3&view=allprog&sort=name#model_ordinance).

In addition, the re-evaluation must include a technical re-evaluation of the local limits in accordance with 40 CFR 122.44(j)(2)(ii). The CA is to conduct the local limitations technical evaluation consistent with U.S. EPA's Local Limits Development Guidance (July 2004) document and U.S. EPA Region 5 Local Limits Spreadsheet (February 2011)

available at: <http://www.epa.gov/r5water/npdestek/npdprta.htm>. The permittee shall submit these re-evaluations to U.S. EPA Region 5 and IDEM Pretreatment Group for review.

### 13. Program Modification

Pursuant to 327 IAC 5-19-6 and 40 CFR 403.18, any significant proposed program modification shall be submitted to the Pretreatment Group and the U.S. EPA for approval. A significant modification shall include, but not be limited to, any change in the SUO, major modification in the approval program's administrative procedures, a significant reduction in monitoring procedures, a significant change in the financial/revenue system, a significant change in the local limitations contained in the SUO, and a change in the industrial user survey.

NOTE: A summary of the revisions to the General Pretreatment Regulations (40 CFR 403) is available from the Pretreatment Group of the Compliance Data Section.

ATTACHMENT A

Precipitation Related Combined Sewer Overflow Discharge Authorization Requirements

I. Discharge Authorization

A. Combined Sewer Overflows are point sources subject to both technology-based and water quality-based requirements of the Clean Water Act and state law. The permittee is authorized to have wet weather discharges from outfall(s) listed below subject to the requirements and provisions of this permit, including Attachment A.

<u>Outfall</u>	<u>Location</u>	<u>Receiving Water</u>
005	Arch & Bar 41° 40' 23.40" N 85° 56' 46.34" W	Elkhart River
006	Jackson Blvd, West of Bridge 41° 41' 16.05" N 85° 58' 20.70" W	Elkhart River
007	Jackson Blvd, East of Bridge 41° 41' 16.57" N 85° 58' 18.93" W	Elkhart River
008	Hug & East Boulevard 41° 41' 05.78" N 85° 58' 09.16" W	Elkhart River
009	Nibco Parkway 41° 41' 14.48" N 85° 58' 16.97" W	Elkhart River
011	Elkhart & Franklin 41° 41' 06.14" N 85° 58' 10.16" W	Elkhart River
012	Cassopolis & Beardsley 41° 41' 33.99" N 85° 58' 18.60" W	St. Joseph River
013	Johnson & Beardsley 41° 41' 37.60" N 85° 57' 57.18" W	St. Joseph River

014	Cone & Erwin 41° 41' 42.58" N 85° 58' 04.04" W	Christiana Creek
015	Michigan Street & Fulton 41° 41' 16.86" N 85° 59' 00.25" W	St. Joseph River
016	Goshen & Superior 41° 41' 20.28" N 85° 57' 21.59" W	Elkhart River
017	West Boulevard at McNaughton Park Drive 41° 40' 48.76" N 85° 59' 54.59" W	St. Joseph River
018	McNaughton Park West 41° 40' 43.89" N 85° 59' 50.13" W	St. Joseph River
019	Michigan at River, South of Lexington 41° 40' 57.56" N 85° 59' 08.79" W	St. Joseph River
020	Bridge & Hudson 41° 40' 36.86" N 85° 59' 25.44" W	St. Joseph River
023	Franklin & 8th 41° 40' 53.34" N 85° 58' 54.97" W	St. Joseph River
024	Indiana & Franklin 41° 40' 28.93" N 85° 59' 34.61" W	St. Joseph River
025	Potawatomi & Second 41° 41' 30.86" N 85° 58' 38.83" W	St. Joseph River
026	Main Street & Potawatomi 41° 41' 30.78" N 85° 58' 33.15" W	St. Joseph River

027	Edgewater & Navajo 41° 40' 35.60" N 85° 59' 47.70" W	St. Joseph River
028	Washington at River 41° 41' 21.44" N 85° 58' 52.36" W	St. Joseph River
029	Jefferson at River 41° 41' 15.97" N 85° 58' 56.50" W	St. Joseph River
031	Elizabeth & Lusher 41° 40' 02.76" N 85° 56' 47.41" W	Elkhart River
032	Edgewater & Okema 41° 40' 47.47" N 85° 59' 58.11" W	St. Joseph River
033	Evans & Grace 41° 40' 48.36" N 85° 57' 10.23" W	Elkhart River
034	Lexington & 6th 41° 41' 02.73" N 85° 58' 49.60" W	St. Joseph River
037	Franklin & Krau 41° 40' 32.26" N 85° 59' 26.86" W	St. Joseph River
039	West High at River 41° 40' 58.84" N 85° 58' 50.14" W	St. Joseph River
040	McNaughton Park South 41° 40' 37.28" N 85° 59' 45.26" W	St. Joseph River

Monitoring for the purpose of reporting on the CSO Monthly Report of Operation (State Form 50546 (R3/7-13)) shall be conducted at a location representative of untreated CSO discharges. Monitoring from a CSO regulator structure contributing flow to the CSO outfall is acceptable provided flows at this location are representative and comprised of untreated CSO flows ultimately discharged through the CSO outfall. Monitoring at the CSO outfall is considered representative except in those instances where non-CSO flows (treated effluents, separate stormwater, etc.)

are also discharged through a common outfall. All non-CSO flows shall be excluded from reporting on the CSO Monthly Report of Operation.

- B. At all times the discharge from any and all CSO outfalls herein shall not cause receiving waters:
1. including the mixing zone, to contain substances, materials, floating debris, oil, scum, or other pollutants:
    - a. that will settle to form putrescent or otherwise objectionable deposits;
    - b. that are in amounts sufficient to be unsightly or deleterious;
    - c. that produce color, visible oil sheen, odor, or other conditions in such a degree as to create a nuisance;
    - d. which are in amounts sufficient to be acutely toxic to, or otherwise severely injure or kill aquatic life, other animals, plants, or humans;
    - e. which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.
  2. outside the mixing zone, to contain substances in concentrations which on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.
- C. Dry weather discharges from any portion of the sewer collection system, except WWTP outfall No. 035, are prohibited. If such a prohibited discharge should occur, the permittee is required to report the discharge in accordance with the provisions in Part II.C.3 of this permit.

## II. Monitoring and Reporting Requirements

The permittee shall complete and submit accurate monitoring reports to the Indiana Department of Environmental Management. The permittee shall submit data specified on the CSO Monthly Report of Operation (MRO) for untreated CSO events (State Form 50546 (R3/7-13)), including but not limited to, WWTP data, precipitation data, and performance data for all discharges from untreated CSO Outfalls identified in Part I of this Attachment A. Submitted CSO MROs shall contain results obtained during each month (a monitoring period) and shall be submitted no later than 28 days following each completed monitoring period. All NPDES permit holders are now required to submit their monitoring data to IDEM using NetDMR.

## III. CSO Operational Plan

- A. The permittee shall comply with the following minimum technology-based controls, in accordance with EPA's National CSO Control Policy:
1. The permittee shall implement proper operation and regular maintenance programs for the sewer system and the CSOs. The purpose of the operation and maintenance programs is to reduce the magnitude, frequency and duration of CSOs. The programs shall consider regular sewer inspections; sewer, catch

- basin, and regulator cleaning; equipment and sewer collection system repair or replacement, where necessary; and disconnection of illegal connections.
2. The permittee shall implement procedures that will maximize the use of collection system for wastewater storage that can be accommodated by the storage capacity of the collection system in order to reduce the magnitude, frequency and duration of CSOs.
  3. The permittee shall review and modify, as appropriate, its existing pretreatment program to minimize CSO impacts from non-domestic users. The permittee shall identify all industrial users that discharge to the collection system upstream of any CSO outfalls; this identification shall also include the pollutants in the industrial user's wastewater and the specific CSO outfall(s) that are likely to discharge the wastewater.
  4. The permittee shall operate the POTW at the maximum treatable flow during all wet weather flow conditions to reduce the magnitude, frequency and duration of CSOs. The permittee shall deliver all flows to the treatment plant within the constraints of the treatment capacity of the POTW.
  5. Dry weather overflows from CSO outfalls are prohibited. Each dry weather overflow must be reported to IDEM as soon as the permittee becomes aware of the overflow. When the permittee detects a dry weather overflow, it shall begin corrective action immediately. The permittee shall inspect the dry weather overflow each subsequent day until the overflow has been eliminated.
  6. The permittee shall implement measures to control solid and floatable materials in CSO discharges.
  7. The permittee shall implement a pollution prevention program focused on reducing the impact of CSOs on receiving waters.
  8. The permittee shall implement a public notification process to inform citizens of when and where CSO discharges occur and their impacts. This notification must also be done in accordance with 327 IAC 5-2.1.
  9. The permittee shall monitor to effectively characterize CSO impacts and the efficacy of CSO controls.
- B. The permittee's implementation of each of the minimum controls in Part III.A of this Attachment A shall be documented in its approved CSO Operational Plan (CSOOP). The permittee shall update the CSOOP, as necessary, to reflect changes in its operation or maintenance practices; changes to measures taken to implement the above minimum requirements; and changes to the treatment plant or collection system, including changes in collection system flow characteristics, collection system or WWTP capacity or discharge characteristics (including volume, duration, frequency and pollutant concentration). All updates to the CSOOP must be submitted to IDEM, Office of Water Quality, Municipal NPDES Permits Section for approval.

The CSOOP update(s) shall include a summary of the proposed revisions to the CSOOP as well as a reference to the page(s) that have been modified. Any CSOOP updates shall not result in:



1. a lower amount of flow being sent to and through the plant for treatment, or
2. more discharges (measured either by volume, duration, frequency, or pollutant concentration) occurring from the CSO outfalls.

The permittee shall maintain a current CSO Operational Plan, including all approved updates, on file at the POTW.

IV. Sewer Use Ordinance Review/Revision and Enforcement

The permittee's Sewer Use Ordinance must contain provisions which: (1) prohibit introduction of inflow sources to any sanitary sewer; (2) prohibit construction of new combined sewers outside of the existing combined sewer service area; and (3) provide that for any new building the inflow/clear water connection to a combined sewer shall be made separate and distinct from sanitary waste connection to facilitate disconnection of the former if a separate storm sewer subsequently becomes available. The permittee shall continuously enforce these provisions.

V. Reopening Clauses

- A. This permit may be reopened to address changes in the EPA National CSO Policy or state or federal law.
- B. The permit may be reopened, after public notice and opportunity for hearing, to incorporate applicable provisions of IC 13-18.

ATTACHMENT B  
Streamlined Mercury Variance

I. Introduction

The permittee submitted an application for a streamlined mercury variance (SMV) in accordance with the provisions of 327 IAC 5-3.5. The SMV establishes a streamlined process for obtaining a variance from a water quality criterion used to establish a WQBEL for mercury in an NPDES permit. Based on a review of the SMV application, IDEM has determined the application to be complete as outlined in 327 IAC 5-3.5-4(e). Therefore, the SMV has been issued concurrently with the NPDES permit in accordance with 327 IAC 5-3.5-6.

II. Term of SMV

The SMV and the interim discharge limit will remain in effect until the NPDES permit expires under IC 13-14-8-9 (amended under SEA 620, May 2005). Pursuant to IC 13-14-8-9(d), when the NPDES permit is extended under IC 13-15-3-6 (administratively extended), the SMV will remain in effect as long as the NPDES permit requirements affected by the SMV are in effect.

III. Annual Reports

The annual report is a condition of the Pollutant Minimization Program Plan (PMPP) requirements of 327 IAC 5-3.5-9(a)(8). The annual report must describe the permittee's progress toward fulfilling each PMPP requirement, the results of all mercury monitoring within the previous year, and the steps taken to implement the planned activities outlined under the PMPP. The annual report will be due on September 1 of each year.

IV. SMV Renewal

As authorized under 327 IAC 5-3.5-7(a)(1), the permittee may apply for the renewal of an SMV at any time within 180 days prior to the expiration of the NPDES permit. In accordance with 327 IAC 5-3.5-7(c), an application for renewal of the SMV must contain the following:

- A. All information required for an initial SMV application under 327 IAC 5-3.5-4, including revisions to the PMPP, if applicable.
- B. A report on implementation of each provision of the PMPP.
- C. An analysis of the mercury concentrations determined through sampling at the facility's locations that have mercury monitoring requirements in the NPDES permit for the two (2) year period prior to the SMV renewal application.

- D. A proposed alternative mercury discharge limit, if appropriate, to be evaluated by the department according to 327 IAC 5-3.5-8(b) based on the most recent two (2) years of representative sampling information from the facility.

Renewal of the SMV is subject to a demonstration showing that PMPP implementation has achieved progress toward the goal of reducing mercury from the discharge.

V. Pollutant Minimization Program Plan (PMPP)

The PMPP is a requirement of the SMV application and is defined in 327 IAC 5-3.5-3(4) as the plan for development and implementation of Pollutant Minimization Program (PMP). The PMP is defined in 327 IAC 5-3.5-3(3) as the program developed by an SMV applicant to identify and minimize the discharge of mercury into the environment. PMPP requirements are outlined in 327 IAC 5-3.5-9. In accordance with 327 IAC 5-3.5-6, the requirements of the PMPP are appended with this Attachment.

**Part Two B - Plan and Schedule for a Complete Inventory of Potential Mercury Sources at the Wastewater Treatment Plant**

The Utility has completed a preliminary identification of areas at the WWTP that may have mercury containing equipment or chemicals being used. A complete detailed inventory will include a record of all confirmed mercury-bearing chemicals and equipment, including confirmed or estimated quantities for each item. Additionally, the inventory will include documentation from suppliers of the mercury content in the most commonly purchased items. This inventory will be accomplished by confirming the items identified from the preliminary checklist.

The complete inventory will be submitted within 9 months of the SMV approval.

**Part Two D - Plan and Schedule for Completion of the Evaluation of Possible Sources of Mercury in the WWTP Influent**

The Utility as completed a preliminary evaluation of sources of mercury in the WWTP's influent. Potential sources identified in the preliminary evaluation will be further investigated to determine if they are a source of mercury. All confirmed sources of mercury in the influent will be identified by name and address.

The complete evaluation will be submitted within 9 months of the SMV approval.

**Part Three - Pollutant Minimization Program Plan Planned Activities**

**Part Three A and B - Planned Activities to Eliminate or Minimize the Release of Mercury to Waters of the State - Measures and Schedule for Planned Activities**

The following activities will be undertaken to eliminate or minimize the release of mercury to the St. Joseph River at outfall 035.

<b>Planned Activity</b>	<b>Goal</b>	<b>Measure of Performance</b>	<b>Schedule of Action</b>
A review of purchasing policies and procedures	Review purchasing policies as appropriate to reduce or eliminate mercury-containing products. Train and Inform new City administration and Purchasing Agent	Implementation of any new policies and completion of training of new City staff and administration.	Complete within 9 months of approval of SMV
Necessary training and awareness for facility staff including an education program	Review and update program to educate staff on mercury-related purchasing policies, proper handling and disposal, and spill containment procedures. Provide refresher training to all Utility staff.	Number of staff trained and inclusion of mercury information in new employee packet	Review of education program within 9 months of approval of SMV  Complete within 12 months of approval of SMV
An education program for the public within the service area of the facility	Review and update program to educate the public about the use of mercury containing products and proper disposal practices. Attend local annual environmental festival to provide educational materials.	Documentation of attendance at event along with amount of outreach material shared with the public.	Review of education program within 9 months of approval of SMV Complete within 18 months of approval of SMV Education will be ongoing
Evaluation of alternatives to the use of mercury-containing equipment or materials	Review items previously identified to contain mercury and reevaluate potential alternatives that contain less or no mercury. Items will be prioritized based on the amount of mercury contained in the item, potential for release, and cost of replacement. Complete evaluation of alternatives.	Review of the plan to reduce the amount of materials and equipment that contain mercury  Completion of evaluations of alternatives that contain less or no mercury	Review of plan to review items that contain mercury within 9 months of approval of SMV  Complete within 18 months of approval of SMV
Sampling in the sewer system at designated lift stations.	Identify potential sources of mercury	Completion of sampling	Develop sampling plan within 9 months Complete sampling within 18 months

**The City attests to the fact that an identification of the City's responsibilities under P.L. 225-2001 has been undertaken.**

**Part Three C - Planned Activities to Reduce or Eliminate Mercury Loadings in WWTP Influent**

Sector	Planned Activity	Goal	Measure of Performance	Schedule of Action
Medical Facilities <ul style="list-style-type: none"> <li>• Hospitals</li> <li>• Clinics</li> <li>• Nursing homes</li> <li>• Veterinary facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Mail AHA BMP literature to new facilities</li> <li>• Mail mercury information to new facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Be mercury-free where practical</li> <li>• Education and awareness</li> </ul>	<ul style="list-style-type: none"> <li>• Participation</li> <li>• Date mailed and content</li> </ul>	Complete mailing of literature and mercury information within 9 months of SMV approval.
Dental Clinics	<ul style="list-style-type: none"> <li>• Mail ADA BMP literature to new facilities</li> <li>• Inform dentists of impending EPA rulemaking</li> </ul>	<ul style="list-style-type: none"> <li>• Minimize mercury discharges</li> <li>• Education and awareness</li> </ul>	<ul style="list-style-type: none"> <li>• Date mailed and content</li> </ul>	Complete mailing of ADA BMP literature within 9 months of SMV approval  Complete education on EPA rulemaking within 18 months of SMV approval
Public and Private Educational Laboratories	<ul style="list-style-type: none"> <li>• Review and Update list</li> <li>• Mail mercury information</li> </ul>	<ul style="list-style-type: none"> <li>• Education and awareness</li> </ul>	<ul style="list-style-type: none"> <li>• Participation</li> <li>• Date mailed and content</li> </ul>	Mail out mercury information within 9 months of SMV approval
General Industry and all SIUs including <ul style="list-style-type: none"> <li>• HVAC</li> <li>• Auto Repair</li> </ul>	<ul style="list-style-type: none"> <li>• Random on-site visits</li> <li>• Identify potential mercury contributor that are not currently permitted</li> <li>• Continue conducting mercury analysis of all permitted industries</li> <li>• Continue to incorporate mercury limit in permits</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure permit compliance</li> <li>• Education and awareness</li> <li>• Mercury reduction</li> </ul>	<ul style="list-style-type: none"> <li>• Compliance evaluation</li> <li>• Participation</li> </ul>	Complete site visits within 9 months of SMV approval.  Complete within 24 months of SMV approval
Retail and Residential Sources	<ul style="list-style-type: none"> <li>• Include mercury information in Utility bill</li> <li>• Review information about mercury on website</li> <li>• Display at public library</li> </ul>	<ul style="list-style-type: none"> <li>• Education and awareness</li> </ul>	<ul style="list-style-type: none"> <li>• Date mailed and content</li> </ul>	Post information on city website within 9 months of SMV approval  Complete within 18 months of SMV approval

**Fact Sheet**  
December 2016  
Updated: March 2017

City of Elkhart Wastewater Treatment Plant  
located at 1201 S. Nappanee Street, Elkhart, Indiana, Elkhart County

<u>Outfall Location</u>	Latitude:	41° 40' 48" N
	Longitude:	85° 60' 04" W

NPDES Permit No. IN0025674

**Background**

This is the proposed renewal of the NPDES permit for the City of Elkhart Wastewater Treatment Plant which was issued on April 18, 2012, and has an expiration date of April 30, 2017. The permittee submitted an application for renewal which was received on October 31, 2016. During the public notice period one comment letter was received by this Office. The comments received and this Office's corresponding responses are included in the "Post Public Notice Addendum" section of this Fact Sheet.

The permittee currently operates a Class IV, 20 MGD activated sludge treatment facility consisting of grit removal, primary clarification, secondary aeration, final clarification, and ultraviolet light disinfection. Solids are anaerobically digested and land applied, landfilled, or distributed through Marketing and Distribution permit number INLA000680. The permittee is required to dispose of its sludge in accordance with applicable solids disposal requirements and with Land Application Permit Approvals INLA000680 and INLA000226.

**Collection System**

The collection system is comprised of combined sanitary and storm sewers with 29 Combined Sewer Overflow (CSO) locations. The CSO locations have been identified and permitted with provisions in Attachment A of the permit. The wastewater collection system has approximately 33 miles of separate sanitary sewers and 245 miles of combined sanitary and storm sewers.

Previously, four (4) additional CSO Outfalls were permitted with provisions in Attachment A. CSO Outfalls 004, 030 and 041 were converted into stormwater outfalls. CSO Outfall 021 was permanently closed. These changes were recognized in a permit modification issued January 24, 2014.

**CSO Statutory or Regulatory Basis for Permit Provisions**

CSOs are point sources subject to NPDES permit requirements, including both technology-based and water quality-based requirements of the CWA and state law. Thus the permit contains provisions IDEM deems necessary to meet water quality standards, as well as technology-based treatment requirements, operation and maintenance requirements, and best management practices.

This permit is based on various provisions of state and federal law, including (1) Title 13 of the Indiana Code; (2) the water quality standards set forth in 327 IAC 2-1.5; (3) the NPDES rules set forth in 327 IAC 2 and 327 IAC 5, including 327 IAC 5-2-8 and 327 IAC 5-2-10; and (4) section 402(q) of the CWA (33 USC § 1342), which requires all permits or orders issued for discharges from municipal CSOs to conform with the provisions of EPA's National CSO Control

Policy (58 Fed. Reg. 18688, April 19, 1994). EPA's CSO Policy contains provisions that, among other things, require permittees to develop and implement minimum technological and operational controls and long term control plans to meet state water quality standards. The permit's penalty provisions are based in large part on IC 13-30. In addition to the regulatory provisions previously cited, the data collection and reporting requirements are based in part on 327 IAC 5-1-3, 327 IAC 5-2-13 and section 402(q) of the CWA.

### Explanation of Effluent Limitations and Conditions

The effluent limitations set forth in Part I of Attachment A are derived in part from the narrative water quality standards set forth in 327 IAC 2-1.5-8. The narrative standards are minimum standards that apply to all waters at all times, and therefore are applicable to all discharges of pollutants. Because EPA has not issued national effluent limitation guidelines for this category of discharges, the technology-based BAT/BCT provisions are based on best professional judgment (BPJ) in addition to section 402(q) of the CWA. (CSO discharges are not subject to the secondary treatment requirements applicable to publicly owned treatment works because overflow points have been determined to not be part of the treatment plant. *Montgomery Environmental Coalition v. Costle*, 646 F.2d 568 (D.C. Cir. 1980).)

### CSO Long Term Control Plan

The City of Elkhart is currently implementing their approved CSO Long Term Control Plan (LTCP). The LTCP includes a combination of partial or complete sewer separation in several CSO basins; sewer flow redirection which will send some flows to the wastewater treatment plant via a route that avoids the combined sewer area; regional storage tanks to capture and store sewage overflows during wet weather; sewer system conveyance improvements; and Wastewater Treatment Plant (WWTP) improvements.

The LTCP has an implementation schedule of approximately 18 years and is expected to result in no single outfall activating more than nine (9) times during wet weather in a typical year; (nine (9) CSO events to the St. Joseph River, nine (9) CSO events to the Elkhart River and one (1) CSO event to Christiana Creek). Full LTCP implementation is anticipated to be completed in 2029. The implementation schedule is enforced through Federal Consent Decree 2:11-cv-00328-JVB-APR.

### Spill Reporting Requirements

Reporting requirements associated with the Spill Reporting, Containment, and Response requirements of 327 IAC 2-6.1 are included in Part II.B.2.c. and Part II.C.3. of the NPDES permit. Spills from the permitted facility meeting the definition of a spill under 327 IAC 2-6.1-4(15), the applicability requirements of 327 IAC 2-6.1-1, and the Reportable Spills requirements of

327 IAC 2-6.1-5 (other than those meeting an exclusion under 327 IAC 2-6.1-3 or the criteria outlined below) are subject to the Reporting Responsibilities of 327 IAC 2-6.1-7.

It should be noted that the reporting requirements of 327 IAC 2-6.1 do not apply to those discharges or exceedences that are under the jurisdiction of an applicable permit when the substance in question is covered by the permit and death or acute injury or illness to animals or humans does not occur. In order for a discharge or exceedence to be under the jurisdiction of this NPDES permit, the substance in question (a) must have been discharged in the normal course of operation from an outfall listed in this permit, and (b) must have been discharged from an outfall for which the permittee has authorization to discharge that substance.

### **Solids Disposal**

The permittee is required to dispose of its sludge in accordance with 329 IAC 10, 327 IAC 6.1, or 40 CFR Part 503. The permittee maintains a land application permits (INLA000680 and INLA000226) for the disposal of solids. Information on the land application of solids can be obtained by contacting IDEM's Office of Land Quality.

### **Receiving Stream**

The facility discharges to the St. Joseph River via Outfall 035. The receiving water is located within the Lake Michigan drainage basin. The receiving water has a seven day, ten year low flow ( $Q_{7,10}$ ) of 878 cubic feet per second (568 MGD) at the outfall location. This provides a dilution ratio of receiving stream flow to treated effluent of 28:1. The receiving stream is designated for full body contact recreational use and shall be capable of supporting a well-balanced warm water aquatic community in accordance with 327 IAC 2-1.5-5.

The St. Joseph River is on the 2014 303(d) impaired waterbodies list for PCBs in fish tissue. A TMDL study for the St. Joseph River was approved by EPA on July 21, 2004, for *E. coli*.

### **Industrial Contributions**

The permittee accepts industrial flow from multiple industries (please refer to the NPDES permit application for a complete list). Based on the industrial flow received by the treatment facility, the permittee is required to operate its approved industrial pretreatment program approved on December 28, 1984. Provisions for the industrial pretreatment program are included in Part III of this permit renewal. In addition, monitoring requirements for cadmium, chromium, copper, free cyanide, lead, mercury, nickel, silver, zinc, and Whole Effluent Toxicity are being included in the permit renewal.

### **Antidegradation**

327 IAC 2-1.3 outlines the state's Antidegradation Standards and Implementation Procedures. The Tier 1 antidegradation standard found in 327 IAC 2-1.3-3(a) applies to all surface waters of the state regardless of their existing water quality. Based on this standard, for all surface waters of the state, existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. IDEM implements the Tier 1 antidegradation standard by requiring NPDES permits



to contain effluent limits and best management practices for regulated pollutants that ensure the narrative and numeric water quality criteria applicable to the designated use are achieved in the water and any designated use of the downstream water is maintained and protected.

The Tier 2 antidegradation standard found in 327 IAC 2-1.3-3(b) applies to surface waters of the state where the existing quality for a parameter is better than the water quality criterion for that parameter established in 327 IAC 2-1.5. These surface waters are considered high quality for the parameter and this high quality shall be maintained and protected unless the commissioner finds that allowing a significant lowering of water quality is necessary and accommodates important social or economic development in the area in which the waters are located. IDEM implements the Tier 2 antidegradation standard for regulated pollutants with numeric water quality criteria quality adopted in or developed pursuant to 327 IAC 2-1.5 and utilizes the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6.

According to 327 IAC 2-1.3-1(b), the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6 apply to a proposed new or increased loading of a regulated pollutant to surface waters of the state from a deliberate activity subject to the Clean Water Act, including a change in process or operation that will result in a significant lowering of water quality.

This permit includes new permit limitations for copper and free cyanide. In accordance with 327 IAC 2-1.3-1(b), the new permit limitations are not subject to the Antidegradation Implementation Procedures in 327 IAC 2-1.3-5 and 2-1.3-6 as the new permit limitations are not the result of a deliberate activity taken by the permittee.

### **Effluent Limitations and Rationale**

The effluent limitations proposed herein are based on Indiana Water Quality Standards, NPDES regulations, and Wasteload Allocation (WLA) analyses performed by this Office's Permits Branch staff on July 11, 2011 and November 18, 2016. These limits are in accordance with antibacksliding regulations specified in 327 IAC 5-2-10(a)(11)(A). Monitoring frequencies are based upon facility size and type. IDEM has waived the 85% removal requirement for CBOD<sub>5</sub> and TSS under the provisions of 40 CFR 133.103(a). The periodic improvements required under the permittee's LTCP would make the percent removal level a dynamic measurement and any limitation based on percent removal impractical.

The final effluent limitations to be limited and/or monitored include: Flow, Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>), Total Suspended Solids (TSS), Ammonia-nitrogen (NH<sub>3</sub>-N), Phosphorus, pH, Dissolved Oxygen (DO), *Escherichia coli* (*E. coli*), cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, zinc, and Whole Effluent Toxicity.

### **Final Effluent Limitations**

The summer monitoring period runs from May 1 through November 30 of each year and the winter monitoring period runs from December 1 through April 30 of each year. The disinfection season runs from April 1 through October 31 of each year.

The mass limits for CBOD<sub>5</sub>, TSS and ammonia-nitrogen have been calculated utilizing the peak design flow of 30 MGD. This is to facilitate the maximization of flow through the treatment facility in accordance with this Office's CSO policy.

### Influent Monitoring

The raw influent and the wastewater from intermediate unit treatment processes, as well as the final effluent shall be sampled and analyzed for the pollutants and operational parameters specified by the applicable Monthly Report of Operation Form, as appropriate, in accordance with 327 IAC 5-2-13 and Part I.B.2 of the permit. Except where the permit specifically states otherwise, the sample frequency for the raw influent and intermediate unit treatment process shall be at a minimum the same frequency as that for the final effluent. The measurement frequencies specified in each of the tables in Part I.A. are the minimum frequencies required by the permit.

### Flow

Flow is to be measured daily as a 24-hour total. Reporting of flow is required by 327 IAC 5-2-13.

### CBOD<sub>5</sub>

CBOD<sub>5</sub> is limited to 25 mg/l (6,259 lbs/day) as a monthly average and 40 mg/l (10,014 lbs/day) as a weekly average.

Monitoring is to be conducted daily by 24-hour composite sampling. The CBOD<sub>5</sub> concentration limitations included in this permit are retained in accordance with 327 IAC 5-2-10(a)(11) and are the same as the concentration limitations found in the facility's previous permit.

### TSS

TSS is limited to 30 mg/l (7,511 lbs/day) as a monthly average and 45 mg/l (11,266 lbs/day) as a weekly average.

Monitoring is to be conducted daily by 24-hour composite sampling. The TSS concentration limitations included in this permit are set in accordance with 327 IAC 5-2-10(a)(11) and are the same as the concentration limitations found in the facility's previous permit.

### Ammonia-nitrogen

Ammonia-nitrogen is limited to 4.2 mg/l (1,051 lbs/day) as a monthly average and 9.9 mg/l (2,478 lbs/day) as a daily maximum during the summer monitoring period. During the winter monitoring period, ammonia-nitrogen is limited to 4.4 mg/l (1,102 lbs/day) as a monthly average and 10.2 mg/l (2,554 lbs/day) as a daily maximum.

Monitoring is to be conducted daily by 24-hour composite sampling. The ammonia-nitrogen concentration limitations included in this permit are set in accordance with 327 IAC 5-2-10(a)(11) and are the same as the concentration limitations found in the facility's previous permit.

### Phosphorus

In accordance with 327 IAC 5-10-2(a) & (b), as the treatment facility discharges into receiving waters located within the Lake Michigan drainage basins, phosphorus removal facilities shall achieve a degree of reduction as prescribed in the sliding scale of phosphorus removal in Footnote 5 of the permit, or produce an effluent containing no more than 1.0 mg/l total phosphorus (P), whichever is more stringent. Monitoring is to be conducted daily by 24-hour composite sampling. These phosphorus limitations are the same as the limitations found in the facility's previous permit.

### pH

The pH limitations have been based on 40 CFR 133.102 which is cross-referenced in 327 IAC 5-5-3. To ensure conditions necessary for the maintenance of a well-balanced aquatic community, the pH of the final effluent must be between 6.0 and 9.0 standard units in accordance with provisions in 327 IAC 2-1.5-8(c)(2).

pH must be measured daily by grab sampling. These pH limitations are the same as the limitations found in the facility's previous permit.

### Dissolved Oxygen

Dissolved oxygen shall not fall below 4.0 mg/l as a daily minimum average.

This dissolved oxygen limitation is retained in accordance with 327 IAC 5-2-10(a)(11) and is the same as the concentration limitation found in the facility's previous permit. Dissolved oxygen measurements must be based on the average of three (3) grab samples taken within a 24-hr. period. This monitoring is to be conducted daily. The reduced number of grab samples is being continued in the permit renewal based upon continued compliance with this effluent limitation.

### *E. coli*

The *E. coli* limitations and monitoring requirements apply from April 1 through October 31, annually. *E. coli* is limited to 125 count/100 ml as a monthly average, and 235 count/100 ml as a daily maximum. The monthly average *E. coli* value shall be calculated as a geometric mean. This monitoring is to be conducted daily by grab sampling. These *E. coli* limitations are set in accordance with regulations specified in 327 IAC 5-10-6.

### Disinfection Requirements

Year-round effluent disinfection is required. This requirement is in response to a joint State of Michigan and State of Indiana Total Daily Maximum Load (TMDL) study completed for the St. Joseph River on February 28, 2004. The TMDL study indicated elevated levels of *E. coli* bacteria downstream of Elkhart, Mishawaka, and South Bend. Federal regulations require that the State of Indiana not issue NPDES permits which could cause or contribute to violations of other State's water quality standards. The State of Michigan has year-round bacteriological standards; therefore, the effluent from the City of Elkhart WWTP must be disinfected year-round to ensure that the discharge from the City of Elkhart is in compliance with the applicable State of Michigan requirement for disinfection from November 1 through March 31, as required by 40 CFR 122.4(d). In addition to the year-round effluent disinfection requirement, the permit requires that bacteria levels be monitored and reported from November 1 through March 31 three (3) times weekly. From April 1 through October 31 effluent limitations for bacteria are based upon the State of Indiana's water quality standards.

### Streamlined Mercury Variance (SMV) Renewal

The permittee applied for a Streamlined Mercury Variance (SMV) on April 19, 2012. The SMV was initially incorporated into the NPDES Permit with a modification that became effective on September 1, 2012. The SMV renewal has been incorporated into this permit renewal.

The SMV establishes a streamlined process for obtaining a variance from a water quality criterion used to establish a WQBEL for mercury in an NPDES permit. The goal of the SMV is to reduce the effluent levels of mercury towards, and achieve as soon as practicable, compliance with the mercury WQBELs through implementation of a pollutant minimization program plan (PMPP). The SMV renewal will remain in effect until the permit expires under IC 13-14-8-9. Pursuant to IC 13-14-8-9(c), when the SMV renewal is incorporated into a permit extended under IC 13-15-3-6 (administratively extended), the renewal will remain in effect until the permit expires.

### Interim Discharge Limit

The permit includes an interim discharge limit for mercury of 1.6 ng/l. Compliance with the interim discharge limit will be achieved when average of the measured effluent daily values over the rolling twelve month period is less than the interim limit. The NPDES permit requires that mercury sampling be conducted bi-monthly (every other month) for the term of the permit (influent and effluent).

### Pollutant Minimization Program Plan (PMPP)

PMPP requirements are outlined in 327 IAC 5-3.5-9 and are included in Attachment B of the NPDES permit in accordance with 327 IAC 5-3.5-6. The PMPP focuses on pollution prevention and source control measures to achieve mercury reduction in the effluent. The PMPP was public noticed prior to submittal to IDEM in accordance with 327 IAC 5-3.5-9(c). No comments were

received during the public notice period. The goal of the PMPP is to reduce the effluent levels of mercury towards, and achieve as soon as practicable, compliance with the mercury WQBELs established for the permitted facility.

### SMV Annual Reports

The permittee is required to submit annual reports to IDEM by September 1 of each year in which the SMV is in effect. The annual report must describe the SMV applicant's progress toward fulfilling each PMPP requirement, the results of all mercury monitoring within the previous year, and the steps taken to implement the planned activities outlined under the PMPP.

### Metals/Non-conventional Pollutants

Effluent metals data was evaluated as part of the NPDES permit renewal. The evaluation of the monitoring data revealed that the discharge from the wastewater treatment plant did not show potential to exceed the water quality criterion for chromium and nickel within the receiving waters. Therefore, effluent limitations have not been included in the permit renewal for these parameters. However, the effluent and influent is to be monitored for chromium and nickel at a frequency of one (1) time quarterly.

Reasonable Potential Evaluations (RPE) were performed in conjunction with the Wasteload Allocation Analysis performed by this Office's Permits Branch staff on November 18, 2016. In reviewing the RPE, the projected effluent quality (PEQ) for cadmium, lead, silver, and zinc is less than the projected effluent limitations (PEL). Therefore, effluent limitations have not been included in the permit renewal. However, due to the industrial contributors to the collection system, monitoring requirements for these metals are being retained, at a reduced frequency of one (1) time quarterly in both the influent and effluent.

The RPE performed by this Office's Permits Branch staff on November 18, 2016, revealed that the projected effluent quality (PEQ) for copper and cyanide was greater than the projected effluent limitations (PELs). Therefore, effluent limitations for copper and cyanide are being included in this permit. Copper is limited to 0.036 mg/l (6.0 lbs/day) as a monthly average and 0.073 mg/l (12 lbs/day) as a daily maximum. This monitoring is to be conducted weekly by 24-Hr. composite sampling in both the wastewater influent and effluent. Cyanide is limited 0.022 mg/l (3.7 lbs/day) as a monthly average and 0.044 mg/l (7.3 lbs/day) as a daily maximum. This monitoring is to be conducted weekly in both the influent and effluent. Sampling for cyanide must be in accordance with Table 5, Footnote 2 of the permit.

### Whole Effluent Toxicity Testing

The permittee submitted a Whole Effluent Toxicity Tests (WETT) with the renewal application as required in 327 IAC 5-2-3(g).

Indiana's regulations for the Great Lakes system include narrative criteria with numeric interpretations for acute (2-1.5-8(b)(1)(E)(ii)) and chronic (2-1.5-8(b)(2)(A)(iv)) whole effluent toxicity (WET) and a procedure for conducting reasonable potential for WET (5-2-11.5(c)(1)). The U.S. EPA did not approve the reasonable potential procedure for WET so Indiana is now required under 40 CFR Part 132.6(c) to use the reasonable potential procedure in Paragraphs C.1 and D of

Procedure 6 in Appendix F of 40 CFR Part 132. IDEM used this procedure in conducting the reasonable potential analysis for WET. The analysis is included in the Wasteload Allocation Analysis conducted by this Office's Permits Branch staff on July 11, 2011.

The results of the reasonable potential analysis for WET show that the discharge from Outfall 035 has a reasonable potential to exceed the numeric interpretation of the narrative criterion for chronic WET. Therefore, WQBELs are required for WET.

Once a determination is made that WQBELs are required for WET, the WQBELs are established in accordance with 327 IAC 5-2-11.6(d). This provision allows a case-by-case determination of whether to establish a WQBEL for only acute or chronic WET, or WQBELs for both acute and chronic WET. The chronic WQBEL was established as a monthly average limit and set equal to the chronic wasteload allocation in accordance with 327 5-2-11.6(d)(1)(E). The monthly average WQBEL for WET is **8.0** chronic toxicity units (TUc) and chronic WET testing is required twice annually.

The permittee shall conduct the whole effluent toxicity tests described in Part I.D. of the permit to monitor the toxicity of the discharge from Outfall 035. If acute or chronic toxicity is found in any of the tests specified above, another toxicity test using the specified methodology and same test species shall be conducted within two weeks. If any two tests indicate the presence of toxicity, the permittee must begin the implementation of a toxicity reduction evaluation (TRE) as is described in Part I.D.2. of the permit.

### **Backsliding**

None of the concentration limits included in this permit conflict with antibacksliding regulations found in 327 IAC 5-2-10(a)(11)(A), therefore, backsliding is not an issue.

### **Reopening Clauses**

Seven reopening clauses were incorporated into the permit in Part I.C. One clause is to incorporate effluent limits from any further wasteload allocations performed; a second clause is to allow for changes in the sludge disposal standards; a third clause is to incorporate any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act; a fourth clause is to incorporate monitoring requirements and effluent limitations for cadmium, chromium, lead, nickel, silver, and/or zinc, if warranted; a fifth clause is to incorporate additional requirements or limitations for specific toxicants if the required additional analyses in Part I.A. indicate that such additional requirements and/or limitations are

necessary; a sixth clause is allow the permit to be reopened to include the results of a RPE analysis for copper and cyanide, if data indicates that limits can be removed from the permit; and a seventh clause is to include a revised SMV and/or PMPP, if necessary.

### **Compliance Status**

The permittee is subject to Federal Consent Decree (2:11-CV-00328-JVB-APR) for Clean Water Act violations.

### **Expiration Date**

A five-year NPDES permit is proposed.

Drafted by: Jason House  
December 2016

Updated by: Jason House  
March 2017

## POST PUBLIC NOTICE ADDENDUM: March 2017

The draft NPDES permit renewal for the City of Elkhart Wastewater Treatment Plant was made available for public comment from February 17, 2017, through March 17, 2017, as part of Public Notice No. 2017-2C-RD. During this comment period, a comment letter dated March 14, 2017, from Laura Kolo, City of Elkhart Public Works and Utilities Department, was received. The comments submitted by Ms. Kolo, and this Office's corresponding responses are listed below: Any changes to the permit and/or Fact Sheet are so noted below.

**Comment 1: "Page 2 - Paragraph 1 - In sentence 2 please add the following underlined language:**

Solids are anaerobically digested and land applied, landfilled or distributed through Marketing and Distribution permit number INLA000680."

**Response 1:**

**The requested change has been made to Page 2 – Paragraph 1.**

**Comment 2: "Page 7 - [6] – the 4th sentence reads: "Reporting of the annual average value for mercury is not required during the first year of the permit term."**

Is this an artifact from the previous permit or would IDEM like us not to report the average mercury value for the first year of the permit?"

**Response 2:**

**This sentence was inadvertently left in the permit language and is meant for new Streamlined Mercury Variance approvals. The referenced sentence has been removed from Footnote [6] on Page 7 of the permit.**

**Comment 3: "Page 8 - Table 5 - There is no requirement to analyze and report silver for the influent. Is this intentional or was silver inadvertently left out?"**

**Response 3:**

**Influent silver monitoring was inadvertently left out of the influent Table 5. This mistake has been corrected on Page 8-Table 5.**

**Comment 4: "Page 9 - first full sentence – Please change the language to reflect the underlined language:**

This report is due no later than December 31st of each year."



**Response 4:**

**The requested change has been made to Page 9 of the permit.**

**Comment 5: “Page 10 - 3. Monthly Reporting** – This section requires us to submit the MMR form No. 30530. This is a reporting form for Industrial dischargers. We request this language be struck from the permit and the required form be MRO form No. 10829.”

**Response 5:**

**The referenced language has been struck from Page 10, 3. Monthly Reporting as requested. The permittee may use MRO form No. 10829 as long as all applicable monitoring requirements can be included on the form.**

**Comment 6: “Page 13 - 5. a.** – Please add the 21st and 22nd Editions. There are acceptable analytical methods contained in these editions.”

**Response 6:**

**The referenced Editions have been added as requested to Page 13 of the permit.**

**Comment 7: “Page 17 - d.** – Please change this section to read as follows:

The toxicity tests specified in paragraph b. shall be conducted once every six months for the duration of the permit. A six month period is defined as January through June and July through December. The results of the toxicity tests are due no later than sixty days after completion of the test. ~~within each six month period as calculated from the effective date of the permit.”~~

**Response 7:**

**The language referenced cannot be changed due to data entry requirements for tracking submission of effluent data. IDEM and EPA data tracking systems require specific due dates for submittal of reports, including Whole Effluent Toxicity Testing. It is suggested that the permittee work with its testing laboratory to ensure that the timelines for submittal can be met within each 6 month timeframe.**

**No changes have been made to the permit due to this comment.**

**Comment 8: “Page 39 - 6. second sentence – Please change the sentence to read as follows:**

The CA must publish annually, by February 28, in the largest daily newspaper in the area a list of SIUs that been in Significant Noncompliance (SNC) with the SUO during the calendar year.

We do not have the necessary information to determine SNC by January 28.”

**Response 8:**

**The requested change has been made to Page 39 of the permit.**

**Comment 9: “FactSheet Page 1 Background – Please add the following language to sentence 4:**

Solids are anaerobically digested and land applied, landfilled or distributed through Marketing and Distribution permit number INLA000680.”

**Response 9:**

**The requested change has been made to Page 1 of the Fact Sheet.**

No substantial changes have been made to the permit due to the comments received by this Office. Therefore, no additional public notice is required.

Drafted by: Jason House  
March 2017

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO: 2017 – 3E – F

DATE OF NOTICE: MARCH 29, 2017

The Office of Water Quality issues the following NPDES FINAL PERMIT.

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**MAJOR – RENEWAL**

**ELKHART (city) WWTP**, Permit No. IN0025674, ELKHART COUNTY, 1201 S Nappanee St, Elkhart, IN. This major municipal facility discharges 20 million gallons daily of sanitary, industrial & combined sewer wastewater into the St. Joseph River and incorporates a streamlined mercury variance. Permit Manager: Jason House, [jahouse@idem.in.gov](mailto:jahouse@idem.in.gov), 317/233-0470.

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**Notice of Right to Administrative Review [Permits]**

If you wish to challenge this Permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the Petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room 501  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Avenue  
Indianapolis, Indiana 46204

The Petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the Permit.
3. A statement of facts demonstrating that each petitioner is:
  - a. a person to whom the order is directed;
  - b. aggrieved or adversely affected by the Permit; or
  - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the Permit.
7. The Permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the Permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the Permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a Permit stayed during the Administrative Review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with Notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to Notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review you may contact the Office of

Environmental Adjudication at (317) 232-8591 or see OEA's website at <http://www.in.gov/oea>.