Appendix 1-1

City of Terre Haute NPDES Permit

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 TERRE HAUTE BOARD OF PUBLIC WORKS

hereinafter referred to as "the permittee." The permittee owns and/or operates a major municipal wastewater treatment plant located at 3200 South State Road 63, Terre Haute, Indiana, Vigo County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters named the Wabash River 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 Wabash River in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Attachment A.

The permit, as issued on May 23, 2005 is hereby amended as contained herein. The amended provisions shall become effective _____. All terms and conditions of the permit not modified at this time remain in effect. Further, any existing condition or term affected by the modifications will remain in effect until the modified provisions become effective.

This permit and authorization to discharge, as amended, shall expire at midnight, June 30, 2010. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Signed this ____ day of _____, for the Indiana Department of Environmental Management.

_____

Bruno Pigott
Assistant Commissioner
Office of Water Quality

Fact Sheet
June 20, 2006

City of Terre Haute Wastewater Treatment Plant
located at 3200 South State Road 63, Terre Haute, Indiana, Vigo County

NPDES Permit No. IN0025607

Background

This is the modification of NPDES permit IN0025607 for the City of Terre Haute Wastewater Treatment Plant. The facility's current permit was issued on May 23, 2005 and has an expiration date of June 30, 2010.

The May 23, 2005 issued NPDES permit for the City of Terre Haute Wastewater Treatment Plant contained a Part I.H. which required the permittee to notify IDEM if the decision was made to accept any process wastewater from the Marathon Oil Refinery into the Terre Haute Publicly Owned Treatment Works. Part I.H required that IDEM complete a NPDES permit modification before any process wastewater from the Marathon Oil Refinery could be accepted. These provisions were applicable to either a direct discharge of the wastewater into the wastewater treatment plant or an indirect discharge of the wastewater through an industrial contributor to the collection system.

On June 10, 2005, Terre Tech, Inc., filed a Petition for Administrative Review requesting the deletion of Part I.H of the permit. It is IDEM's decision, at this time, to remove Part I.H of the City of Terre Haute's NPDES permit in order to resolve the legal appeal of the permit by Terre Tech, Inc. It should be noted that the removal of Part I.H of the permit will not affect the permit in any way. The permittee is already required by Indiana Administrative Code [327 IAC 5-2-8(4)(B), 327 IAC 5-2-8(10)(B) and 327 IAC 5-2-8(10)(F)] and by other provisions in the permit (Part II.A.3 and Part II.A.6) to notify IDEM if they are going to accept wastewater which could significantly change the nature of their discharge.

Modification

The following changes were made for the modification of the NPDES permit:

Page 1 of 48	This page has been modified to reflect the modification effective date for the permit.
Page 22 of 48	This page has been modified to remove Part I.H. from the permit.

Expiration Date

The expiration date of the permit has not changed. The permit, as modified, will expire at midnight on June 30, 2010.

Drafted by: Leigh A. Voss
06/20/06

STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

AUTHORIZATION TO DISCHARGE UNDER THE

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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 TERRE HAUTE BOARD OF PUBLIC WORKS

hereinafter referred to as "the permittee." The permittee owns and/or operates a major municipal wastewater treatment plant located at 3200 South State Road 63, Terre Haute, Indiana, Vigo County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters named the Wabash River 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 Wabash River in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Attachment A.

Effective Date: July 1,2005.

Expiration Date: June 30,2010.

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 on May 23,2005, for the Indiana Department of Environmental Management.

Bruno Pigott
Assistant Commissioner
Office of Water Quality

TREATMENT FACILITY DESCRIPTION

The permittee currently operates a Class IV, 24 MGD activated sludge treatment facility consisting of aerated grit tanks, comminutors, pre-aeration, primary clarification, flow equalization, aeration tanks, secondary clarification, effluent flow measurement and chlorination and dechlorination facilities. Sludge treatment consists of gravity belt thickeners and anaerobic digestion with final sludge either being stored, land applied or landfilled.

The collection system is combined sanitary and storm sewers with ten Combined Sewer Overflows (CSOs) permitted in Attachment A of this permit. The treatment facility contains one internal bypass point which is identified and addressed in Part II.B.2.g of this permit.

The mass limits for $CBOD_5$, TSS and ammonia-nitrogen are based on the wet weather peak flow of 48 MGD, in accordance with this Office's CSO policy in order to facilitate the maximization of flow through the treatment facility.

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 001, which is located at Latitude: 39°28'0", Longitude: 87°25'0"West. The discharge is subject to the following requirements:

TABLE 1

	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
Parameter	Monthly Average	Weekly Average	Units	Monthly Average	Weekly Average	Units	Measurement Frequency	Sample Type
Flow [1]	Report	Report	MGD	----	----	----	Daily	24-Hr. Total
$CBOD_5$	10014	16022	lbs/day	25	40	mg/l	Daily	24-Hr. Composite
TSS	12017	18025	lbs/day	30	45	mg/l	Daily	24-Hr. Composite
Interim Ammonia-nitrogen [8]								
Summer [2]	2003	3004	lbs/day	5.0	7.5	mg/l	Daily	24-Hr. Composite
Winter [3]	6008	9013	lbs/day	15.0	22.5	mg/l	Daily	24-Hr. Composite
Final Ammonia-nitrogen [8]								
Summer [2]	1843	2764	lbs/day	4.6	6.9	mg/l	Daily	24-Hr. Composite
Winter [3]	2604	3925	lbs/day	6.5	9.8	mg/l	Daily	24-Hr. Composite

TABLE 2

	Quality or Concentration				Monitoring Requirements	
Parameter	Daily Minimum	Daily Maximum	Monthly Average	Units	Measurement Frequency	Sample Type
pH [4]	6.0	9.0	----	s.u.	Daily	Grab
Total Residual Chlorine [5]						
Final Effluent [6]	----	0.04	0.02	mg/l	Daily	Grab
E. coli [4][7]	----	235	125	colonies/100 ml	Daily	Grab

[1] Effluent flow measurement is required per 327 IAC 5-2-13. The flow meter(s) shall be calibrated at least once annually.

[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 either pH or *E. coli*, the values shall not be averaged for reporting daily maximums or daily minimums. For pH and *E. coli,* the permittee must report the minimum or maximum value of any individual sample during the month on the Discharge Monitoring Report forms.

infection Requirements

[5] The effluent shall be disinfected on a continuous basis such that violations of the applicable bacteriological limitations (fecal coliform or *E. coli*) do not occur from April 1 through October 31, annually. The monthly average *E. coli* value shall be calculated as a geometric mean. If the permittee uses chlorine for any reason, at any time including the period from November 1 through March 31, then the limits and monitoring requirements in Table 2 for total residual chlorine shall be in effect whenever chlorine is used.

[6] In accordance with 327 IAC 5-2-11.1(f), compliance with this permit will be demonstrated if the measured effluent concentrations are less than the limit of quantitation (0.06 mg/l). If the measured effluent concentrations are above the water quality-based permit limitations and above the limit of detection (LOD) specified by the permit in any of three (3) consecutive analyses or any five (5) out of nine (9) analyses, the permittee is required to reevaluate its chlorination/dechlorination practices to make any necessary changes to assure compliance with the permit limitation for TRC. These records must be retained in accordance with the record retention requirements of Part I.B.8 of this permit.

Effluent concentrations greater than or equal to the LOD but less than the limit of quantitation (LOQ), shall be reported on the discharge monitoring report forms as the measured value. A note must be included with the DMR indicating that the value is not quantifiable. Effluent concentrations less than the limit of detection shall be reported on the discharge monitoring report forms as less than the value of the limit of detection. For example, if a substance is not detected at a concentration of 0.01 mg/l, report the value as < 0.01 mg/l. At present, two methods are considered to be acceptable

to IDEM, amperometric and DPD colorimetric methods, for chlorine concentrations at the level of 0.06 mg/l.

Parameter	LOD	MDL	LOQ
Chlorine	0.01 mg/l	0.02 mg/l	0.06 mg/l

Case-Specific MDL

The permittee may determine a case-specific method detection level (MDL) using one of the analytical methods specified above, 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. Other methods may be used if first approved by the U.S. EPA and IDEM.

[7] The *E. coli* limitations and monitoring requirements apply from April 1 through October 31 annually. The monthly average *E. coli* value shall be calculated as a geometric mean.

IDEM has specified the following methods as allowable for the detection and enumeration of *Escherichia coli (E. coli)*:

1. Coliscan MF® Method
2. EPA Method 1103.1 using original m-TEC agar.
3. EPA revised Method 1103.1 using modified m-TEC agar.
4. *Standard Methods* 20th Edition Method 9223 B using Colilert® - for use of this procedure, an initial comparison study must be conducted between Colilert® and an approved membrane filtration method. This comparison study must be approved by IDEM before this method can be used by the permittee.

[8] Refer to the Schedule of Compliance for Ammonia-nitrogen in Part I.D. of the permit.

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.

At all times the discharge shall not cause receiving waters, including waters within the mixing zone, to contain foam in an amount that is in excess of that associated with the normal course of operation of a properly maintained and efficiently operated facility.

3. Additional Discharge Limitations and Monitoring Requirements.

a. Beginning on the effective date of the permit, the effluent from Outfall 001 shall be limited and monitored by the permittee as follows:

TABLE 3

	Quality or Concentration			**Monitoring Requirements**	
Pollutant	Monthly Average	Daily Maximum	Unit	Measurement Frequency	Sample Type
Cadmium [1]	Report	Report	mg/l	2 X Monthly	24 Hr. Comp.
Chromium [1]	Report	Report	mg/l	2 X Monthly	24 Hr. Comp.
Interim Copper [1][4]	0.26	0.60	mg/l	1 X Weekly	24 Hr. Comp.
Final Copper [1][4]	0.044	0.103	mg/l	1 X Weekly	24 Hr. Comp.
Interim Cyanide [2][4]	0.05	0.12	mg/l	1 X Weekly	See [3] Below
Final Cyanide [2][4]	0.019	0.044	mg/l	1 X Weekly	See [3] Below
Lead [1]	Report	Report	mg/l	2 X Monthly	24 Hr. Comp.
Mercury [1][5]	Report	Report	ng/l	6 X Annually	Grab
Nickel [1]	Report	Report	mg/l	2 X Monthly	24 Hr. Comp.
Zinc [1]	Report	Report	mg/l	2 X Monthly	24 Hr. Comp.

[1] The permittee shall measure and report this parameter as total recoverable metal. Cyanide shall be reported as Total Cyanide.

the following EPA test methods and/or Standard Methods and associated LODs and LOQs are to be used in the analysis of the effluent samples. Alternative methods may be used if first approved by IDEM.

Parameter	EPA Method	LOD	LOQ
Cadmium	213.2	0.1 ug/l	0.32 ug/l
Chromium	218.2, 218.3	1.0 ug/l	3.2 ug/l
Copper	220.2	1.0 ug/l	3.2 ug/l
Cyanide, Total	335.2	0.005 ug/l	0.016 ug/l
Lead	239.2	1.0 ug/l	3.2 ug/l
Mercury	1631, Revision E	0.2 ng/l	0.5 ng/l
Nickel	249.2	1.0 ug/l	3.2 ug/l
Zinc	200.7	2.0 ug/l	6.4 ug/l

[2] The above-noted parameters are to be analyzed by a test method which measures the total quantity.

[3] For Method OIA-1677: specific directions are given in the method, refer to Sections 4.0, Interference and 8.0, Sample Collection, Preservation and Storage before collecting samples.

For other cyanide test methods: 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.

[4] Refer to the Schedule of Compliance for Copper and Cyanide in Part I.E of the permit.

[5] Mercury monitoring shall be conducted bi-monthly (i.e. every other month) for the term of the permit. Bi-monthly monitoring shall be conducted in the months of February, April, June, August, October, and December of each year. This monitoring shall commence no later than twelve (12) months from the effective date of this permit in accordance with the terms of the schedule of compliance outlined in Part I.F. of this permit. 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.

After six (6) samples have been collected over the course of the first year of monitoring, the permittee may submit a request to the commissioner to modify the permit to reduce the mercury monitoring frequency. Bi-monthly (6 times a year) monitoring shall continue until the permit modification request is issued. Any reduction in mercury monitoring will remain in effect only during the term of this renewed permit.

Furthermore, any reduction in mercury monitoring will remain in effect as long as there are no modifications to the wastewater treatment facilities and/or significant changes to the influent discharge characteristics to the wastewater treatment facilities.

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

4. Additional Monitoring Requirements

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

a. Influent Monitoring

The permittee shall monitor the influent to its wastewater treatment facility for the following pollutants. Samples shall be representative of the raw influent, prior to mixing with any other wastewater (recycle streams, supernatant return, etc.).

TABLE 4

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

[1] All metals shall be reported as Total Recoverable Metals. Cyanide shall be reported as Total Cyanide.

The following EPA test methods and/or Standard Methods and associated LODs and LOQs are to be used in the analysis of the effluent samples. Alternative methods may be used if first approved by IDEM.

Parameter	EPA Method	LOD	LOQ
Cadmium	213.2	0.1 ug/l	0.32 ug/l
Chromium	218.2, 218.3	1.0 ug/l	3.2 ug/l
Copper	220.2	1.0 ug/l	3.2 ug/l
Cyanide, Total	335.2	0.005 mg/l	0.016 mg/l
Lead	239.2	1.0 ug/l	3.2 ug/l
Mercury	1631, Revision E	0.2 ng/l	0.5 ng/l
Nickel	249.2	1.0 ug/l	3.2 ug/l
Zinc	200.7	2.0 ug/l	6.4 ug/l

[2] For Method OIA-1677: specific directions are given in the method, refer to Sections 4.0, Interference and 8.0, Sample Collection, Preservation and Storage before collecting samples.

For other cyanide test methods: 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 bi-monthly (i.e. every other month) for the term of the permit. Bi-monthly monitoring shall be conducted in the months of February, April, June, August, October, and December of each year. This monitoring shall commence no later than twelve (12) months from the effective date of this permit in accordance with the terms of the schedule of compliance outlined in Part I.F. of this permit. 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.

After six (6) samples have been collected over the course of the first year of monitoring, the permittee may submit a request to the commissioner to modify the permit to reduce the mercury monitoring frequency. Bi-monthly (6 times a year) monitoring shall continue until the permit modification request is issued. Any reduction in mercury monitoring will remain in effect only during the term of this renewed permit. Furthermore, any reduction in mercury monitoring will remain in effect as long as there are no modifications to the wastewater treatment facilities and/or significant changes to the influent discharge characteristics to the wastewater treatment facilities.

The permittee shall measure and report this parameter as <u>total recoverable</u> metal.

b. Organic Pollutant Monitoring

The permittee shall conduct an annual inventory of organic 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 in December 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 equivalent to methods 624, 625 and 608 in 40 CFR 136. 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 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 program effectiveness review, 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. of this permit are the minimum frequencies required by this permit.

3. Monthly Reporting

The permittee shall submit monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month and shall be postmarked 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 month in which the permit becomes effective. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report and the Monthly Report of Operation. Permittees with combined sewer overflow discharges must also submit the CSO Discharge Monitoring Report to IDEM by the 28th day of the month following each completed monitoring period. All reports shall be mailed to IDEM, Office of Water Quality – Mail Code 65-42, Data & Information Services Section, 100 North Senate Ave., Indianapolis, Indiana 46204-2251. Permittees with Pretreatment Programs, Non-delegated Pretreatment Programs or metals monitoring requirements shall also complete and submit the Indiana Monthly Monitoring Report Form (MMR-State Form 30530) to report their influent and/or effluent data for metals and other toxics. 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) 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, which are taken at approximately equally spaced time intervals for the duration of the discharge within a 24-hour period and which are combined prior to analysis. A flow proportioned composite sample may 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.

(5) $CBOD_5$: Five-day Carbonaceous Biochemical Oxygen Demand

(6) TSS: Total Suspended Solids

(7) *E. coli*: Escherichia coli bacteria

c. The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.

d. 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.

e. Limit of Detection or LOD means 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 matrrix. The LOD is equivalent to the method detection level or MDL.

f. Limit of Quantitation or LOQ means a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration about 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.

g. Method Detection Level or MDL means 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^{th}, 19^{th}, or 20^{th} 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 on 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 alternately, revoked and reissued after public notice and opportunity for hearing to include whole effluent toxicity limitations or to include limitations for specific toxicants if the results of the biomonitoring and/or the TRE study indicate that such limitations are necessary.

5. This permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing, to include a case-specific Method Detection Level (MDL). The permittee must demonstrate that such action is warranted in accordance with the procedure specified under Appendix B, 40 CFR Part 136, or approved by the Indiana Department of Environmental Management.

6. 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.3. a. or b. indicate that such additional requirements and/or limitations are necessary to assure that State Water Quality Standards are met in the receiving stream.

7. This permit may be modified, or, alternately, revoked and reissued, after public notice and opportunity for hearing to:

   a. reduce the mercury monitoring frequency, if 12 months (six (6) consecutive samples) of monitoring data indicates that there is not a reasonable potential for mercury to exceed water quality standards, or

   b. include effluent limitations for mercury, if the mercury is found to be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above a water quality criteria.

D. SCHEDULE OF COMPLIANCE FOR AMMONIA-NITROGEN

1. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality six (6) months from the effective date of the permit. The progress report shall include, among other items, a description of the method(s) selected for meeting the final requirements for ammonia-nitrogen. The final effluent limitations for ammonia-nitrogen are deferred for the term of this compliance schedule, unless the final effluent limitations can be met at an earlier date. The permittee shall notify the Compliance Evaluation Section of OWQ as soon as the final effluent limitations for ammonia-nitrogen can be met. Upon receipt of such notification by OWQ, the final limitations for ammonia-nitrogen will become effective, but no later than 36 months from the effective date of this permit. Monitoring, reporting and effluent limitations for ammonia-nitrogen as noted in Table 1 of the permit are in effect during the interim period.

2. If construction is required, a construction permit application (including Plans and Specifications) for complying with final requirements shall be submitted (if required by 327 IAC 3-2) within fourteen (14) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality at this time.

3. Initiation of construction, if necessary, shall commence not later than the twenty-three (23) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality at this time.

4. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality thirty-two (32) months from the effective date of the permit.

5. Construction shall be completed within thirty-five (35) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality when construction has been completed.

6. The permittee shall comply with all final requirements no later than thirty-six (36) months from the effective date of the permit.

7. If the permittee fails to comply with any deadline contained in the foregoing schedule, the permittee shall, within fourteen (14) days following the missed deadline, submit a written notice of noncompliance to the Compliance Evaluation Section of the Office of Water Quality stating the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with final effluent limitations.

E. SCHEDULE OF COMPLIANCE FOR COPPER AND CYANIDE

1. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality nine (9) months from the effective date of the permit. The progress report shall include, among other items, a description of the method(s) selected for meeting new final requirements for copper and cyanide. The new effluent limits for copper and cyanide are deferred for the term of this compliance schedule, unless the new effluent limits can be met at an earlier date. The permittee shall notify the Compliance Evaluation Section of OWQ as soon as the newly imposed effluent limits for copper can be met. Upon receipt of such notification by OWQ, the final limits for copper will become effective, but no later than 36 months from the effective date of this permit. Monitoring, reporting and limitations for effluent copper and cyanide are required during the interim period as noted in Table 3 of the permit.

2. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality, no later than eighteen (18) months from the effective date of the permit.

3. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality twenty-seven (27) months from the effective date of the permit.

4. The permittee shall comply with all final requirements no later than thirty-six (36) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality, at this time.

5. If the permittee fails to comply with any deadline contained in the aforementioned schedule, the permittee shall, within fourteen (14) days following the missed deadline, submit a written notice of noncompliance to the Compliance Evaluation Section of the Office of Water Quality stating the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with the final effluent limits.

F. SCHEDULE OF COMPLIANCE FOR MERCURY MONITORING

1. The permittee shall begin mercury effluent (and influent) monitoring using Method 1631, Revision E in accordance with the following schedule. **The permittee shall inform IDEM of the progress the permittee is making toward using this method to monitor for mercury via the submittal of progress reports:**

   a. The permittee shall submit a progress report to the Compliance Evaluation Section of OWQ within six (6) months from the effective date of this permit.

b. The permittee shall begin monitoring for Mercury using Method 1631, Revision E no later than twelve (12) months from the effective date of this permit.

2. If the permittee fails to comply with any deadline contained in the aforementioned schedule, the permittee shall, within fourteen (14) days following the missed deadline, submit a written notice of noncompliance to the Compliance Evaluation Section of the Office of Water Quality stating the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with the final effluent limits.

G. CHRONIC BIOMONITORING PROGRAM 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 continue with their current schedule of the series of bioassay tests described below to monitor the toxicity of the discharge from Outfall 001. 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; Third 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 600-4-91-002, July 1994 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 Environmental Toxicology and Chemistry Section.

(3) The determination of effluent toxicity shall be made in accordance with the Data Analysis general procedures for acute and 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-600-4-91-002), Fourth Edition, July 1994 or most recent update.

b. Types of Bioassay Tests

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.

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 (control and effluent) shall be repeated. In addition, if in the *Ceriodaphnia* test the number of newborns produced per surviving female is less than fifteen, or if 60% of females have less than three broods; and in the fathead minnow test if the mean dry weight in the control group is less than 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. The analysis detailed under Part I.A. should be conducted for the effluent sample. Chemical analysis must comply with approved EPA test methods.

d. Testing Frequency and Duration

The toxicity tests specified in paragraph b. shall be conducted once annually for the duration of the permit. After three tests have been completed, the permittee may reduce the number of species tested to only include the most sensitive to the toxicity in the effluent.

If toxicity is demonstrated as defined under paragraph f, 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 600/4-91-002, Section 10 (Report Preparation). Two copies of the completed report for each test shall be submitted to the Data Management Section of the IDEM no later than sixty days after completion of the test.

(2) For quality control, the report shall include the results of appropriate standard reference toxic pollutant tests for acute and 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 LC_{50} of less than **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 No Observed Effect Level (NOEL) is less than **13%** for *Ceriodaphnia dubia* or *Pimephales promelas.*

(3) If acute or chronic 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 the completion of the failed test to confirm results. 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.

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.

a. Development of TRE Plan

Within 90 days of determination of toxicity, the permittee shall submit plans for an effluent toxicity reduction evaluation (TRE) to the Data Management 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 600/3-88/035), February 1989.

Phase III Toxicity Confirmation Procedures (EPA/600/3-88/036), February 1989.

(2) Methods for Chronic Toxicity Identification
Phase I Characterization of Chronically Toxic Effluents EPA/600/6-91/005, June 1991.

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

(4) Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants (EPA/600/2-88/062), April 1989.

b. Conduct the Plan

Within 30 days after submission of the TRE plan to the IDEM, the permittee must initiate an effluent TRE consistent with the TRE plan. Progress reports shall be submitted every 90 days to the Data Management and Compliance Evaluation Sections 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 Data Management and Compliance Evaluation Sections 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 may reduce the number of species tested to only include the species demonstrated to be most sensitive to the toxicity in the effluent, and conduct chronic tests every six months for the duration of the permit.

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). These tests shall be conducted in accordance with the procedures under the Whole Effluent Toxicity Testing Section.

H. ADDITIONAL REQUIREMENTS

In the event that the permittee decides to accept any process wastewater from the Marathon Oil Refinery into the Terre Haute Publicly Owned Treatment Works, the permittee is required to submit a request to IDEM to modify its NPDES permit at least 180 days prior to the proposed commencement of such discharge into the Terre Haute POTW. The permittee cannot accept the proposed discharge until the requested NPDES permit modification has been issued by IDEM. This provision is applicable to either a direct discharge of the wastewater into the wastewater treatment plant or an indirect discharge of the wastewater through an industrial contributor to the collection system.

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 may reduce the number of species tested to only include the species demonstrated to be most sensitive to the toxicity in the effluent, and conduct chronic tests every six months for the duration of the permit.

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). These tests shall be conducted in accordance with the procedures under the Whole Effluent Toxicity Testing Section.

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 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 to 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 13-30-6, 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(9), the permittee shall comply with monitoring, recording, and reporting requirements of this permit. The Clean Water Act, as well as IC 13-30-6-2 and IC 35-50-3-3, 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 direct supervision 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(b) 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(10), "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(a), 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 Evaluation Section of the Office of Water Quality in writing.

16. Inspection and Entry

In accordance with 327 IAC 5-2-8(7), 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.

B. MANAGEMENT REQUIREMENTS

1. Facility Operation, Maintenance and Quality Control

a. In accordance with 327 IAC 5-2-8(8), 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(8), 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.

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 Section, Office of Water Quality in accordance with 327 IAC 3-2-1. 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(11):

a. Terms as defined in 327 IAC 5-2-8(11)(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. * 2 HOUR CALL ONCE NOTIFIED

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 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.

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 assure efficient operation. These bypasses are not subject to the provisions of Part II.B.2.b.,d and e of this permit.

g. The wastewater treatment facility has the following outfalls(s) which have been identified as a bypass, and the use which is prohibited except in compliance with the above provisions:

Outfall No.	Location	Receiving Stream
101	Primary Clarifiers to the Chlorine Contact Tank	Wabash River

3. Upset Conditions

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

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, if possible;

(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 "Twenty-Four Hour Reporting Requirements," Part II.C.3, or 327 IAC 2-6.1, whichever is applicable.

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(13) 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.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(10)(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(9), 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. Twenty-Four Hour Reporting Requirements

Pursuant to 327 IAC 5-2-8(10), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance. If the noncompliance meets the requirements of item b (Part II.C.3.b) or 327 IAC 2-6.1, then the report shall be made within those prescribed time frames.

a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

b. Any noncompliance 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 noncomplying circumstances by calling 317/233-7745 (888/233-7745 toll free in Indiana);

c. Any upset (as defined in Part II.B.3 above) that exceeds any technology-based effluent limitations in the permit;

d. Any discharge from the sanitary sewer system;

e. Any dry weather discharge from a combined sewer overflow which is identified in this permit; or

f. Violation of a maximum daily discharge limitation for any of the following toxic pollutants: copper and cyanide.

The permittee can make the oral reports by calling 317/232-8670 during regular business hours or by calling 317/233-7745 (888/233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. 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 and eliminate the noncompliance and prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively 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. If a complete fax submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the fax report will satisfy both the oral and written reporting requirements.

4. Other Noncompliance

Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in Part II.C.3, not related to the failure to report planned changes in the permitted facility, or not relating to any compliance schedules 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(10)(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(14):

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(14) 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 or 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(10)(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(10)(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. Cashiers Office

Indiana Department of Environmental Management
Cashiers Office – Mail Code 50-10C
100 N. Senate Avenue
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Cashiers Office:

a. NPDES permit applications (new, renewal or modifications) with fee

b. Construction permit applications with fee

2. Municipal Permits Section

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

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

a. Preliminary Effluent Limits request letters

b. Comment letters pertaining to draft NPDES permits

c. NPDES permit transfer of ownership requests

d. NPDES permit termination requests

e. Notifications of substantial changes to a treatment facility, including new industrial sources

3. Data & Information Services Section

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

The following correspondence shall be sent to the Data & Information Services Section:

a. Gauging station and flow meter calibration documentation

b. Discharge Monitoring Reports (DMRs), Monthly Reports of Operation (MROs), and Monthly Monitoring Reports (MMRs)

c. CSO Discharge Monitoring Reports

d. Whole Effluent Toxicity Testing reports

e. Toxicity Reduction Evaluation (TRE) plans and progress reports

4. Compliance Evaluation Section

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

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

a. Compliance schedule progress reports

b. Completion of Construction notifications

c. Toxicity Reduction Evaluation progress reports

d. Anticipated Bypass reports

5. Wet Weather Section

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

The following correspondence shall be sent to the Wet Weather Section:

a. Combined Sewer Overflow (CSO) Operational Plans

b. CSO Long Term Control Plans (LTCP)

c. Stream Reach Characterization and Evaluation Reports (SRCER)

6. Pretreatment Group

Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
Compliance Evaluation 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 Guides (ERG)

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 July 24, 1986 and modified as approved on February 9, 1993. 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 January 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.

7. ANNUAL REPORT - The CA is required to submit an annual report to the Pretreatment Group by April 1, of each year. The annual report will be submitted in accordance with the State supplied "POTW PRETREATMENT PROGRAM ANNUAL REPORT GUIDANCE."

8. RECORDS RETENTION - Pursuant to 327 IAC 5-16-5(d), 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 - The CA is required to update its pretreatment program and SUO in accordance with the Pretreatment Implementation Review Task Force (PIRT) revisions and the Domestic Sewage Study (DSS) rule. The updating shall be completed according to the following schedule:

a. The CA shall re-evaluate its pretreatment program for consistency with 40 CFR 403, particularly the PIRT and DSS revisions, then submit a draft of any program modification, with a request for approval of the modification under 40 CFR 403.18, to the Pretreatment Group and the U.S. EPA, Region 5, within nine months of the effective date of this permit. The program modification must include a technical re-evaluation of the local limits.

   The request must identify or highlight the new provisions in the modification (or pre-existing provisions in the original program) that fulfill the requirements of the PIRT and DSS revisions. A guidance document is available from the Pretreatment Group that outlines the procedures for modifying POTW pretreatment programs and the PIRT and DSS provisions that must be in the programs.

b. The CA shall make any changes to its pretreatment program necessary for the program to be consistent with 40 CFR 403, particularly the PIRT and DSS revisions, within 90 days after approval by the approval authority.

c. The CA shall issue pretreatment permits to all SIUs (or modify existing SIU permits) that are affected by the revisions within one year after approval of the revisions by the approval authority.

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 survey.

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

ATTACHMENT A

Precipitation Related Combined Sewer Overflow Discharge Authorization Requirements

I. Discharge Requirements

A. The permittee is authorized to discharge from outfalls listed below subject to the requirements and provisions of this permit, including Attachment A.

Outfall	Location	Receiving Water
002	Main Pump Overflow N 39° 26' 17" W 87° 25' 41"	Wabash River
003	Turner Street Overflow N 39° 26' 17" W 87° 25' 41"	Wabash River
004	Hulman Street Overflow N 39° 26' 56" W 87° 25' 26"	Wabash River
005	Crawford Street Overflow N 39° 27' 25" W 87° 25' 12"	Wabash River
006	Oak Street Overflow N 39° 27' 43" W 87° 25' 08"	Wabash River
007	Walnut Street Overflow N 39° 27' 54" W 87° 25' 08"	Wabash River
008	Ohio Street Overflow N 39° 27' 58" W 87° 25' 12"	Wabash River
009	Chestnut Street Overflow N 39° 28' 16" W 87° 25' 12"	Wabash River
010	Spruce Street Overflow N 39° 28' 30" W 87° 25' 12"	Wabash River
011	Idaho Street Overflow N 39° 26' 53" W 87° 25' 34"	Wabash River

B. Discharges from CSOs shall not cause or contribute to violations of water quality standards or to the impairment of designated or existing uses. Combined Sewer Overflows are point sources subject to both technology-based and water quality-based requirements of the Clean Water Act and state law.

C. Discharge from the 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; and
   e. which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such 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.

At all times the discharge shall not cause receiving waters, including waters within the mixing zone, to contain foam in an amount that is in excess of that associated with the normal course of operation of a properly maintained and efficiently operated facility.

D. Dry weather discharges from any portion of the sewer collection system, including the outfalls listed in Part I.A of this Attachment A, are prohibited. If a dry weather discharge occurs, the permittee shall notify the Office of Water Quality, Compliance Section, by phone within 24 hours and in writing within five days of the occurrence. The correspondence shall include the duration and cause of the discharge as well as the remedial action taken to end the discharge.

II. Monitoring and Reporting Requirements

A. The permittee shall monitor and report, using a flow measurement device, discharges from each outfall listed in Part I.A, of this Attachment A. The flow measurement device shall be placed at a location (the outfall or relevant regulator structure) that will provide the most reliable measurement for a particular outfall. The report shall be submitted on a monthly basis and include the volume and duration of the CSO discharge, as well as the time at which the CSO discharge began. The permittee shall also report the amount of

precipitation for each day of the month; if multiple rain gauges are used, the information from each rain gauge shall be reported. This information shall be reported on the CSO Discharge Monitoring Report (DMR) form provided by IDEM and submitted to IDEM prior to the 28th day of the following month. All submittals under this provision shall be subject to the reporting requirements of this permit, including, but not limited to, Part II, Section C.6 ("Signatory Requirements"), C.7 ("Availability of Reports"), and C.8 ("Penalties for Falsification of Reports") of this permit.

B. Upon written request, IDEM may approve the use of a method, in lieu of monitoring the discharges from each outfall with a flow measurement device, to provide the above information, if IDEM determines that the proposed method is an acceptable practice and is likely to provide reliable information. Any approval by IDEM shall be in writing and may be terminated by IDEM if it determines that the method or its implementation is no longer likely to provide reliable information.

III. CSO Operational Plan

A. The permittee shall comply with the following minimum technology-based controls, in accordance with the federal 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 program 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 the 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 nondomestic 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 treatment plant at 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 shall be documented in its CSO Operational Plan (CSOOP). The Terre Haute CSOOP was approved by IDEM in a February 16, 1998 letter. The permittee shall update the approved CSOOP to reflect changes in its operation or maintenance practices; 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). The permittee shall update the CSOOP and submit the updates to IDEM, Office of Water Quality, Permits Branch, Wet Weather Section (WWS) annually, beginning 12 months from the effective date of this permit. Updates to the approved plan are subject to comment and approval by IDEM. The permittee may implement changes to the approved plan before receiving approval by IDEM, unless the changes would result in a lower amount of flow being sent to and through the plant for treatment or more discharges (measured either by volume, duration, frequency, or pollutant concentration) occurring from the CSO outfalls. The permittee shall maintain a current Operational Plan, including all approved updates, on file at the POTW.

C. The permittee shall maximize the volume of flows transported to and through the wastewater treatment plant (WWTP) for treatment before and during a CSO discharge. The permittee shall also maximize the volume of flow through the relevant portion of the collection system before collection system overflows may occur. The maximization of flow must continue for the duration of the discharge or diversion.

IV. Sewer Use Ordinance Review/Revision

The permittees 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. Long-term CSO Requirements

The permittee shall develop a CSO Long Term Control Plan (LTCP) that ensures its CSO discharges will comply with the technology-based and water quality-based requirements of the Clean Water Act (CWA) (including section 402(q) of the CWA) and state law (IC 13-11-2-120.5 and applicable state water quality standards). The City of Terre Haute submitted a LTCP document to IDEM on April 29, 2002. IDEM staff are in the process of conducting a substantive review of the LTCP document to determine whether it meets the requirements of state and federal law.

Minimum elements of the LTCP include the following:

A. Characterization, Monitoring, and Modeling of the CSS;

B. Consideration of Sensitive Areas;

C. Evaluation of Alternatives;

D. Cost/Performance Considerations;

E. Revised CSO Operational Plan;

F. Maximizing Treatment at the WWTP;

G. Implementation Schedule;

H. Post-Construction Compliance Monitoring Program; and

I. Public Participation.

VI. Reopening Clauses

A. If IDEM believes that CSO discharges may be causing or contributing to exceedences of water quality standards, then additional control measures, effluent limitations, and/or monitoring requirements may be imposed through a modification of this permit, after public notice and opportunity for hearing. This permit may be reopened to address changes in the federal CSO Control Policy or state or federal law.

B. The permit may be reopened, after public notice and opportunity for hearing, to incorporate elements of an approved LTCP.