

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO 20240314- IN0062022- D
DATE OF NOTICE: March 14, 2024
DATE RESPONSE DUE: April 16, 2024

The Office of Water Quality proposes the following DRAFT NPDES PERMIT:

MINOR – MODIFICATION:

Steel Dynamics, Inc- Engineered Bar Products Division, Permit No. IN0062022, HENDRICKS COUNTY, 8000 North County Road 225 East, Pittsboro, IN. This facility manufactures carbon steel bar and specialty bar quality products in various shapes, sizes and chemistry to meet customer specifications. The Permit Holder filed an adjudicatory appeal of SDI's NPDES Permit No. IN0062022, issued on March 11, 2021, which included a stay request for certain permit conditions. IDEM and Steel Dynamics, Inc. entered settlement negotiations to resolve the petition, and this proposed permit modification is the result of the negotiations. Permit Manager: Nicole Gardner at 317-232-8707, ngardner@idem.in.gov. Posted online at <https://www.in.gov/idem/public-notices/>.

PROCEDURES TO FILE A RESPONSE

You are hereby notified of the availability of a 30-day public comment period regarding the referenced draft permit, in accordance with 327 IAC 5-3-9. The application and draft permit documents are available for inspection at IDEM, Office of Water Quality, Indiana Government Center North - Room 1255, 100 N. Senate Ave, Indianapolis, IN 46204 from 9:00 a.m. until 4:00 p.m., Monday thru Friday, (copies 10¢ per page). The Draft Permit is posted online on the above-referenced IDEM public notice web page. A courtesy copy has also been sent via email to the local County Health Department. Please tell others whom you think would be interested in this matter. For more information about public participation including your rights & responsibilities, please see <https://www.in.gov/idem/public-notices/>. You may want to consult our online Citizens' Guide to IDEM: <https://www.in.gov/idem/resources/citizens-guide-to-idem/>.

Comments: The proposed decision to issue a permit is tentative. Interested persons are invited to submit written comments on the draft permit. All comments must be delivered to IDEM or postmarked no later than the Response Due Date noted to be considered in the decision to issue a final permit. Deliver or mail all requests or comments to the attention of the Permit Manager at the above address.

To Request a Public Hearing: Any person may request a public hearing. A written request must be submitted to the above address on or before the Response Due Date. The written request shall include: the name and address of the person making the request, the interest of the person making the request, persons represented by the person making the request, the reason for the request and the issues proposed for consideration at the hearing. The Department will determine whether to hold a public hearing based upon the comments and the rationale for the request. Public Notice of such a hearing will be

circulated in at least one newspaper in the geographical area of the discharge and to those persons submitting comments and/or on the mailing list at least 30 days prior to the hearing.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 14, 2024

VIA ELECTRONIC MAIL

Mr. Mike Brooks, Environmental Engineer
Steel Dynamics, Inc.
8000 North County Road 225 East
Pittsboro, IN 46167

Dear Mr. Brooks:

Re: NPDES Permit No. IN0062022
Draft Permit Modification
Engineered Bar Products Division
Pittsboro, IN – Hendricks County

A permit modification has been processed in accordance with rules adopted under 327 IAC 5. Enclosed is a copy of the draft permit modification.

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit document online at <https://www.in.gov/ide/public-notices/>. Additional information on public participation can be found in the "Citizens' Guide to IDEM", available at <https://www.in.gov/ide/resources/citizens-guide-to-ide/>. A 30-day comment period is available to solicit input from interested parties, including the public.

Please review this draft permit modification and associated documents carefully to become familiar with the proposed terms and conditions. Comments concerning the draft permit modification should be submitted in accordance with the procedure outlined in the enclosed public notice form. We suggest that you meet with us to discuss major concerns or objections you may have with the draft permit modification.

Questions concerning this draft permit modification may be addressed to Nikki Gardner, at 317/232-8707 or ngardner@idem.in.gov.

Sincerely,

Richard Hamblin, Chief
Industrial NPDES Permits Section
Office of Water Quality

Enclosures

cc: Hendricks County Health Department
Jason Palin, IDEM
Sierra Alberts, IDEM
Thomas Baker, Hatchett and Hauck LLP

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AMENDED 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 "**Clean Water Act**" or "CWA"), and IDEM's permitting authority under IC 13-15,

STEEL DYNAMICS, INC. –
ENGINEERED BAR PRODUCTS DIVISION

is authorized to discharge from a steel manufacturing facility located at 8000 North County Road 225 East, Pittsboro, IN, to receiving waters identified as the Thompson-Shultz Legal Drain and the John G. McCord Legal Drain in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

The permit, as issued on March 11, 2021, 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 amendments will remain in effect until the amended provisions become effective. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

This permit and the authorization to discharge, as amended, shall expire at midnight March 31, 2026. 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.

Issued on _____ for the Indiana Department
of Environmental Management.

Jerry Dittmer, Chief
Permits Branch
Office of Water Quality

- b. A written spill response program, including the following:
- (1) Location, description, and quantity of all response materials and equipment.
 - (2) Response procedures for facility personnel to respond to a release.
 - (3) Contact information for reporting spills, both for facility staff and external emergency response entities.
- c. Non-Storm Water Discharges – The permittee must document that it has evaluated for the presence of non-storm water discharges not authorized by an NPDES permit. Any non-storm water discharges must either be eliminated or incorporated into this permit. Documentation of non-storm water discharges shall include a written non-storm water assessment, including the following:
- (1) A **statement** that storm water discharges entering a water of the state have been evaluated for the presence of illicit discharges and non-storm water contributions.
 - (2) Detergent or solvent-based washing of equipment or vehicles that would allow washwater additives to enter any storm water drainage system or receiving water shall not be allowed at this facility unless authorized under **a** NPDES permit.
 - (3) All interior maintenance area floor drains with the potential for maintenance fluids or other materials to enter storm sewers must be either sealed, connected to a sanitary sewer with prior authorization, or authorized under **a** NPDES permit. The sealing, sanitary sewer connecting, or permitting of drains under this item must be documented in the written non-storm water assessment program.
 - (4) The **statement** shall include a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during the test.
- d. If parameter reductions are not indicated in a comparison conducted under Part. I.D.2.b.(8) of this permit and they cannot be attributed to laboratory error or significant variability in the rainfall events, the source of the pollutant parameter must be investigated and either eliminated or reduced via a management practice or measure to the extent technologically practicable and cost beneficial. A lack of reduction does not, in and of itself, constitute a violation of this permit.

If parameter concentrations are at, or below, laboratory detection limitations, further reductions are not necessary.

4. Annual Review and Reports

At least once every twelve (12) months, the permittee shall conduct an annual review of the storm water control measures and practices to determine if modifications are necessary to meet the effluent limitations in this permit. The results of the annual review must be documented in a report that shall be retained within the SWPPP.

The permittee shall submit an annual report that contains the following information at a minimum:

- (a) Any changes from the original Form 2F application,
- (b) Any changes to the facility, the facility's operations or industrial activities **that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility,**
- (c) A copy of the comparison of all storm water sampling data results included in the facility's SWPPP and required under this permit,
- (d) Any additional best management practices (BMPs) implemented, or corrective measures taken, as a result of sampling data results, and
- (e) Any additional BMPs implemented, or corrective measures taken, as a result of the annual review.

The report must be submitted to the Industrial NPDES Permit Section, as well as the Compliance Branch, on an annual basis. The report may be submitted by email to the Industrial NPDES Permit Section at OWQWWPER@idem.in.gov and to the Compliance Branch at wwReports@idem.in.gov. The email subject line should include the NPDES Permit # and the type of report being submitted (Annual Storm Water Report). The permittee's first annual review report will be due twelve (12) months from the effective date of the permit. All subsequent annual review reports will be due no later than the anniversary of the effective date of the permit.

5. General Requirements – The SWPPP must meet the following general requirements:

- (a) The plan shall be certified by a qualified professional. The term qualified professional means an individual who is trained and

experienced in storm water treatment techniques and related fields as may be demonstrated by state registration, professional certification, experience, or completion of course work that enable the individual to make sound, professional judgments regarding storm water control or treatment and monitoring, pollutant fate and transport, and drainage planning.

- (b) The plan shall be retained at the facility and be available for review by a representative of the Commissioner upon request
- (c) The plan must be revised and updated as required.
- (d) The permittee shall amend the plan when either of the following occur:
 - (1) Whenever there is a change in design, construction, operation, or maintenance at the facility, which may have a significant effect on the potential for the discharge of pollutants to surface waters of the state. **Within sixty (60) days of amending the plan as a result of the conditions above, the permittee shall make the required changes to the SWPPP.**
 - (2) Upon written notice by the Commissioner that the SWPPP proves to be ineffective in controlling pollutants in storm water discharges associated with industrial activity. Within sixty (60) days of such notification from the commissioner, the permittee shall make the required changes to the SWPPP and shall submit the amended plan to the Commissioner for review.
- (e) If the permittee has other written plans, required under applicable federal or state law, such as operation and maintenance, spill prevention control and countermeasures (SPCC), or risk contingency plans, which fulfill certain requirements of an SWPPP, these plans may be referenced, at the permittee's discretion, in the appropriate sections of the SWPPP to meet those section requirements.
- (f) The permittee may combine the requirements of the SWPPP with another written plan if:
 - (1) The plan is retained at the facility and available for review;
 - (2) All the requirements of the SWPPP are contained within the plan; and
 - (3) A separate, labeled section is utilized in the plan for the SWPPP requirements.

8. 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.

9. 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.

10. 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 Environmental Rules 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; **and** (2) the department's personnel or designated agent in the performance of an inspection or investigation performed under IC 13-14-2-2 commits a class C infraction.

Pursuant to IC 13-30-10-1.5(e), **except as provided in IC 13-30-10-1.5(f)**, a person who willfully or negligently violates any NPDES permit condition or filing requirement **under IC 13-18-19**, or any applicable standards or limitations of IC 13-18-3-2.4, IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or IC 13-18-16, commits a Class A misdemeanor.

Pursuant to IC 13-30-10-1.5(i), an offense under IC 13-30-10-1.5(e) is a Level 4 felony if the person knowingly commits the offense and knows that the commission of the offense places another person in imminent danger of death or serious bodily injury. The offense becomes a Level 3 felony if it results in serious bodily injury to any person, and a Level 2 felony if it results in death to any person.

Pursuant to IC 13-30-10-1.5(h), a person who willfully or recklessly violates any applicable standard or limitation of IC 13-18-9 commits a Class C misdemeanor.

11. Penalties for Tampering or Falsification

In accordance with 327 IAC 5-2-8(10), the permittee shall comply with monitoring, recording, and reporting requirements of this permit. **The Clean Water Act 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. IC 13-30-10-1 provides that any person who knowingly or intentionally: (a) makes a false material statement, representation, or certification in any form, notice or report; (b) destroys, alters, conceals, withholds, or falsely certifies a record, report, plan or other document; or (c) tampers with, falsifies, or renders inaccurate or inoperative a recording or monitoring device or method, including the data gathered from the device or method, that is required to be filed or maintained under the terms of this permit commits a Class B misdemeanor.**

12. 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.

13. Wastewater treatment plant and certified operators

The permittee shall have the wastewater treatment facilities under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-22. In order to operate a wastewater treatment plant the operator shall have qualifications as established in 327 IAC 5-22-7.

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

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

14. Construction Permit

In accordance with IC 13-14-8-11.6, a discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective NPDES permit.

If a modification is for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, then, within thirty (30) days after commencement of operation, the discharger shall file with the Department of Environment Management a notice of installation for the additional pollutant control equipment and a design summary of any modifications.

The notice and design summary shall be sent to the Office of Water Quality, Industrial NPDES Permits Section, 100 North Senate Avenue, Indianapolis, IN 46204-2251.

15. Inspection and Entry

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

- a. Enter upon the permittee's premises where a regulated facility or activity is **located, 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 monitoring equipment or method; any collection, treatment, pollution management, or discharge facilities; or practices required or otherwise regulated under** this permit; and
- d. Sample or monitor, at reasonable times, any discharge of pollutants or internal wastestreams **(where necessary to ascertain the nature of a discharge of pollutants)** for the **purpose** of evaluating compliance with the permit or as otherwise authorized.

16. New or Increased Loading of Pollutants

New or increased loadings of regulated pollutants must comply with 327 IAC 2-1.3. The permittee is prohibited from undertaking any deliberate activity that would result in a new or increased loading of a regulated pollutant to surface waters of the state unless the new or increased loading qualifies for an exemption under 327 IAC 2-1.3-4(c)(2) or one of the following is completed prior to the commencement of the activity:

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

B. MANAGEMENT REQUIREMENTS

1. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for the collection and treatment which are installed or used by the permittee and which are necessary for achieving compliance with the terms and conditions of this permit in accordance with 327 IAC 5-2-8(9).

Neither 327 IAC 5-2-8(9), nor this provision, shall be construed to require the operation of installed treatment facilities that are **unessential** for achieving compliance with the terms and conditions of the permit. This provision does not act as an independent source of authority to set effluent limitations. Such limitations will be based on the design removal rates of installed treatment facilities only as required under 327 IAC 5.

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(12), the following are requirements for bypass:

- a. The following definitions:
 - (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. The permittee may allow a bypass to occur that does not **exceed any** effluent limitations contained in this permit, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to Part II.B.2.c. and d.
- c. 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) As required by 327 IAC 5-2-8(11)(C), the permittee shall orally report an unanticipated bypass that exceeds any effluent limitations in the permit within twenty-four (24) hours from the time the permittee becomes aware of such noncompliance. 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 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 noncompliance. If a complete report is submitted by e-mail within 24 hours of the noncompliance, then that e-mail report will satisfy both the oral and written reporting requirement. E-mails should be sent to wwreports@idem.in.gov.
- d. The following provisions are applicable to bypasses:

- (1) Except as provided by Part II.B.2.b., bypass is prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless the following occur:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - (B) 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 down time. 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.
 - (C) The permittee submitted notices as required under Part II.B.2.c.
 - (2) 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.d.(1). The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.
- e. Bypasses that result in death or acute injury or illness to animals or humans must be reported in accordance with the “Spill Response and Reporting Requirements” in 327 IAC 2-6.1, including calling 888/233-7745 as soon as possible, but within two (2) hours of discovery. However, under 327 IAC 2-6.1-3(1), when the constituents of the bypass are **covered** by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

3. Upset Conditions

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

- a. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.



National Pollutant Discharge Elimination System
Briefing Memo for
Steel Dynamics Inc. - Engineered Bar Products
Draft modification: February 2024
Final modification: TBD

Indiana Department of Environmental Management
 100 North Senate Avenue
 Indianapolis, Indiana 46204
 (317) 232-8603
 Toll Free (800) 451-6027
www.idem.IN.gov

Permittee:	Steel Dynamics, Inc. - Engineered Bar Products Division 8000 North County Road 225 East Pittsboro, IN 46167
Existing Permit Information:	Permit Number: IN0062022 Expiration Date: March 31, 2026
Facility Contact:	Mr. Mike Brooks, Environmental Engineer (317) 892-7000 Mike.Brooks@steeldynamics.com
Facility Location:	8000 North County Road 225 East Pittsboro, IN 46167 Hendricks County
Receiving Stream:	Thompson-Shultz Legal Drain John G. McCord Legal Drain
GLI/Non-GLI:	Non-GLI
Proposed Permit Action:	Modify
Date Appeal Filed:	March 26, 2021
Source Category	NPDES Minor – Industrial
Permit Writer:	Nikki Gardner 317/232-8707 ngardner@idem.in.gov

Table of Contents

1.0 Introduction.....	3
2.0 Facility Description.....	3
2.1 General.....	3
2.2 Outfall Locations.....	5
3.0 Permit Modification	5
3.1 Appeal	5
3.2 IDEM's Proposed Modification.....	6
3.3 Antibacksliding.....	6
3.4 Antidegradation	7
3.5 Spill Response and Reporting Requirement.....	7
3.6 Permit Processing/Public Comment	7
3.7 Post Public Notice Addendum	7

1.0 INTRODUCTION

On March 26, 2021, Steel Dynamics, Inc. - Engineered Bar Products Division (SDI) filed with the Indiana Office of Environmental Adjudication (OEA) a Petition for Administrative Review, Request for Hearing, and Petition for Stay of Certain Conditions of SDI's NPDES Permit No. IN0062022, issued on March 11, 2021. IDEM and SDI entered settlement negotiations to resolve the petition, and this permit modification is the result of the negotiations.

The Federal Water Pollution Control Act (more commonly known as the Clean Water Act), as amended, (Title 33 of the United States Code (U.S.C.) Section 1251 et seq.), requires an NPDES permit for the discharge of pollutants into surface waters. Furthermore, Indiana law requires a permit to control or limit the discharge of any contaminants into state waters or into a publicly owned treatment works. This proposed permit action by IDEM complies with and implements these federal and state requirements.

In accordance with Title 40 of the Code of Federal Regulations (CFR) Section 124.7, as well as Title 327 of the Indiana Administrative Code (IAC) 327 Article 5-3-7, a Statement of Basis, or Briefing Memo, is required for certain NPDES permits. This document fulfills the requirements established in these regulations. This Briefing Memo was prepared in order to document the factors considered in the development of NPDES Permit effluent limitations. The technical basis for the Briefing Memo may consist of evaluations of promulgated effluent guidelines, existing effluent quality, receiving water conditions, Indiana water quality standards-based wasteload allocations, and other information available to IDEM. Decisions to award variances to Water Quality Standards or promulgated effluent guidelines are justified in the Briefing Memo where necessary. This Briefing Memo also identifies the modified pages of the permit as issued on March 11, 2021.

2.0 FACILITY DESCRIPTION

2.1 General

Steel Dynamics Inc. – Engineered Bar Products Division (SDI) is classified under Standard Industrial Classification (SIC) Code 3312 –Steel Works, Blast Furnaces (Including Coke Ovens), and Rolling. SDI is a steel manufacturing facility located in Pittsboro, Indiana (Hendricks County). This facility manufactures carbon steel bar and specialty bar quality steel products in various shapes, sizes and chemistries to meet customer specifications.

Current manufacturing operations include the receiving of scrap metal, operation of one single shell electric arc furnace, one ladle metallurgical furnace, one vacuum tank degasser, one 3-strand continuous caster, two bloom/billet reheat furnaces, hot mill rolling stands, product saws, heat treat furnaces, and inspection lines. Harsco Metals is contracted to process slag. The wastewater flows generated from the vacuum tank degassing and continuous casting processes are subject to the Categorical Pretreatment Standards for New Source Iron and Steel manufacturing operations: Subparts E and F (40 CFR 420.56 and 40 CFR 420.66). The facility

operates 24 hours per day, 7 days per week, 52 weeks per year. Intake water for process, fire protection and potable water use is provided by on-site wells and the Town of Pittsboro.

SDI currently operates under an Industrial Wastewater Pretreatment (IWP) Permit (INP000238) issued by IDEM. SDI is authorized to discharge process wastewater through IWP Permit Outfalls 102 and 104. Outfall 102 is designated as the industrial process wastewater discharge from the Gravel and Sand Gravity Filter. This wastewater is discharged to the POTW through Outfall 001. Outfall 104 is designated as the industrial process wastewater from the Heat Treat Quench Tank. This wastewater along with domestic sanitary wastewater is discharged to the POTW through Outfall 006.

SDI also operates under a National Pollutant Discharge Elimination System (NPDES) Permit (IN0062022). Under IN0062022, SDI is authorized to discharge non-contact cooling water and stormwater through Outfalls 004 and 005. Internal Outfall 103 also discharges intermittently, which consists of emergency overflow water from the Slag Quench Pond.

A map showing the location of the facility has been included as Figure 1.

Figure 1: Facility Location



8000 North County Road 225 East
Pittsboro, IN
Hendricks County

2.2 Outfall Locations

Internal Outfall 103	Latitude: 39° 52' 27.34" Longitude: -86° 29' 16.80"
Outfall 004	Latitude: 39° 52' 20.25" Longitude: -86° 29' 11.5"
Outfall 005	Latitude: 39° 52' 24.16" Longitude: -86° 28' 31.88"

3.0 PERMIT MODIFICATION

3.1 Appeal

The appeal as filed with OEA on March 26, 2021, requested changes to the following parts of the permit:

Permit Part	Description	Permit Page #
Part I.A.1.(1)	Effluent Limitations And Monitoring Requirements	2 of 53
Part I.A.3.(1)	Effluent Limitations And Monitoring Requirements	7 of 53
Part I.A.1.(7)	Effluent Limitations And Monitoring Requirements	4 of 53
Part I.A.3.(5)	Effluent Limitations And Monitoring Requirements	8 of 53
Part I.A.2.(1)	Effluent Limitations And Monitoring Requirements	5 of 53
Part I.B	Minimum Narrative Limitations	11 of 53
Part I.D.3.c.(1),(2),(3),(4)	Storm Water Pollution Prevention Plan (SWPPP)	23 of 53
Part I.D.4.(b)	Storm Water Pollution Prevention Plan (SWPPP)	24 of 53
Part I.D.5.(d)(1)	Storm Water Pollution Prevention Plan (SWPPP)	25 of 53
Part I.E.1.c.(2)	Whole Effluent Toxicity Testing Requirements	28 of 53
Part I.E.1.d	Whole Effluent Toxicity Testing Requirements	29 of 53
Part I.E.1.f.(3),(4)	Whole Effluent Toxicity Testing Requirements	32 / 33 of 53
Part I.E.2	Whole Effluent Toxicity Testing Requirements	33 of 53
Part I.E.2.c.(4)	Whole Effluent Toxicity Testing Requirements	35 of 53
Part I.E.2.d.(2)(B)	Whole Effluent Toxicity Testing Requirements	36 of 53
Part I.E.2.e	Whole Effluent Toxicity Testing Requirements	36 of 53
Part I.F.3	Reopening Clauses	37 of 53
Part I.F.4	Reopening Clauses	37 of 53
Part II.A.4	Permit Transfers	39 of 53
Part II.C.3.d	Twenty-Four Hour Reporting Requirements	48 of 53
Part II.C.9	Changes in Discharge of Toxic Substances	52 of 53
Part II.C.9.(a)	Changes in Discharge of Toxic Substances	52 of 53

3.2 Agreed Order and IDEM's Proposed Modification

SDI and IDEM reached an agreement and IDEM proposes to modify the permit. Parts of the permit to be modified are listed below. Changes are identifiable in the permit by **bold** and underlined text.

Permit Part	Description	Permit Page #
Part I.D.3.c.(1),(2),(3),(4)	Storm Water Pollution Prevention Plan (SWPPP)	23 of 53
Part I.D.4.(b)	Storm Water Pollution Prevention Plan (SWPPP)	24 of 53
Part I.D.5.(d)(1)	Storm Water Pollution Prevention Plan (SWPPP)	25 of 53
Part II.A.10.	Penalties for Violation of Permit Conditions	41 of 53
Part II.A.11.	Penalties for Tampering or Falsification	42 of 53
Part II.A.14.	Construction Permit	43 of 53
Part II.A.15.,(a),(c),(d)	Inspection and Entry	43 / 44 of 53
Part II.A.16.	New or Increased Loading of Pollutants	44 of 53
Part II.B.1	Proper Operation and Maintenance	44 of 53
Part II.B.2.(b),(e)	Bypass of Treatment Facilities	45 / 46 of 53

3.3 Antibacksliding

Indiana's prohibitions on backsliding under 327 IAC 5-2-10(a)(11) are applicable to BPJ case-by-case technology-based effluent limitations, when proposed to be increased based on subsequently promulgated effluent guidelines under Section 304(b) of the CWA, and limitations based on Indiana water quality standards or treatment standards (327 IAC 5-10). Prohibitions on other types of backsliding (e.g., backsliding from limitations derived from effluent guidelines, from existing case-by-case limitations to new case-by-case limitations, and from conditions such as monitoring requirements that are not effluent limitations) are covered under federal regulation at 40 CFR 122.44(l)(1).

Under 327 IAC 5-2-10(a)(11), unless an exception under 327 IAC 5-2-10(a)(11)(B) applies, a permit may not be renewed, reissued or modified to contain effluent limitations that are less stringent than the comparable effluent limitations in the previous permit. For effluent limitations based on Indiana water quality or treatment standards, less stringent effluent limitations may also be allowed if they are in compliance with Section 303(d)(4) of the CWA. Under 40 CFR 122.44(l)(1), a permit may not be renewed or reissued to contain less stringent interim effluent limitations, standards or conditions than the final effluent limitations, standards or conditions in the previous permit unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR 122.62.

None of the limits included in this permit are less stringent than the comparable effluent limitations in the previous permit, therefore, backsliding is not an issue in accordance with 327 IAC 5-2-10(a)(11) and 40 CFR 122.44(l)(1).

3.4 Antidegradation

Indiana's Antidegradation Standards and Implementation procedures are outlined in 327 IAC 2-1.3. The antidegradation standards established by 327 IAC 2-1.3-3 apply to all surface waters of the state. The permittee is prohibited from undertaking any deliberate action that would result in a new or increased discharge of a bioaccumulative chemical of concern (BCC) or a new or increased permit limit for a regulated pollutant that is not a BCC unless information is submitted to the commissioner demonstrating that the proposed new or increased discharge will not cause a significant lowering of water quality, or an antidegradation demonstration submitted and approved in accordance 327 IAC 2-1.3-5 and 2-1.3-6.

The NPDES permit does not propose to establish a new or increased loading of a regulated pollutant; therefore, the Antidegradation Implementation Procedures in 327 IAC 2-1.3-5 and 2-1.3-6 do not apply to the permitted discharge.

3.5 Spill Response and Reporting Requirement

Reporting requirements associated with the Spill Reporting, Containment, and Response requirements of 327 IAC 2-6.1 are included in Part II.B.2.(d), Part II.B.3.(c), and Part II.C.3. of the NPDES permit. Spills from the permitted facility meeting the definition of a spill under 327 IAC 2-6.1-4(15), the applicability requirements of 327 IAC 2-6.1-1, and the Reportable Spills requirements of 327 IAC 2-6.1-5 (other than those meeting an exclusion under 327 IAC 2-6.1-3 or the criteria outlined below) are subject to the Reporting Responsibilities of 327 IAC 2-6.1-7.

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

3.6 Permit Processing/Public Comment

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit document online at <https://www.in.gov/idem/public-notices/>. Additional information on public participation can be found in the "Citizens' Guide to IDEM", available at <https://www.in.gov/idem/resources/citizens-guide-to-idem/>. A 30-day comment period is available to solicit input from interested parties, including the public.