

**STATE OF INDIANA**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**PUBLIC NOTICE NO 20240319 – IN0063924– D**  
**DATE OF NOTICE: March 19, 2024**  
**DATE RESPONSE DUE: April 19, 2024**

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

**MINOR – Modification :**

**Consolidated City of Indianapolis and Marion County**, Permit No. IN0063924, MARION COUNTY, 2950 Prospect Street, Indianapolis, IN. There was a former facility located at this site which manufactured coke products and various chemical byproducts for industrial use. This site has been in IDEM's voluntary remediation program. Consolidated City of Indianapolis and Marion County requested the elimination of monitoring Outfall 013. IDEM proposes to remove Outfall 013 because the stormwater discharged via this outfall is no longer exposed to industrial activity. Outfall 013 located at 39° 45' 23" N, -86° 06' 50" W. Permit Manager: Jodi Wray, 317/447-4176, [jwray@idem.in.gov](mailto:jwray@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](http://www.idem.IN.gov)

**Eric J. Holcomb**  
*Governor*

**Brian C. Rockensuess**  
*Commissioner*

March 19, 2024

VIA ELECTRONIC MAIL

Lauren Rodriguez, Principle Executive Officer  
Consolidated City of Indianapolis and Marion County  
200 E. Washington St.  
Indianapolis, IN 46204

Dear Lauren Rodriguez:

Re: NPDES Permit No. IN0063924  
Draft Permit Modification  
Consolidated City of Indianapolis and Marion  
County  
Indianapolis, IN – Marion County

Your request for a permit modification has been reviewed and 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/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.

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 Jodi Wray of my staff, at 317/447-4176 or [jwray@idem.in.gov](mailto:jwray@idem.in.gov).

Sincerely,

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

Enclosures

cc: Marion County Health Department  
Matthew Thomas, Midwest EHS Compliance Team Lead  
Tyler Henning, Project Manager  
Andy Schmidt, IDEM

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,

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY

is authorized to discharge from a former coke and natural gas production facility located at 2950 Prospect Street, Indianapolis, IN to receiving waters named Pleasant Creek in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

The permit, as issued on February 1, 2022, 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 February 28, 2027. 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

- The permittee is authorized to discharge stormwater from the outfall listed below in accordance with the terms and conditions of this permit. The permittee is authorized to discharge from Outfall 019, located at Latitude 39° 45' 14", Longitude -86° 06' 59". The discharge is limited to stormwater exposed to the former coal and coke storage areas, coke oven batteries, wastewater treatment plant, gas conditioning, and road and railways associated with the operations. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Pleasant Run Creek. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1][2][3]  
 Outfall 019

<u>Parameter</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Monitoring Requirements</u>	
			<u>Measurement Frequency[4]</u>	<u>Sample Type</u>
Flow	Report	MGD	Semi-Annually	Estimate Total
Total Suspended Solids	Report	mg/l	Semi-Annually	Grab
pH	Report	s.u.	Semi-Annually	Grab
Oil & Grease	Report	mg/l	Semi-Annually	Grab
COD	Report	mg/l	Semi-Annually	Grab
CBOD <sub>5</sub>	Report	mg/l	Semi-Annually	Grab
Total Kjeldahl Nitrogen	Report	mg/l	Semi-Annually	Grab
Nitrate plus Nitrite Nitrogen	Report	mg/l	Semi-Annually	Grab
Total Phosphorus	Report	mg/l	Semi-Annually	Grab
Free Cyanide [6]	Report	mg/l	Semi-Annually	Grab
Ammonia	Report	mg/l	Semi-Annually	Grab
Aluminum [5]	Report	mg/l	Semi-Annually	Grab
Zinc [5]	Report	mg/l	Semi-Annually	Grab
Lead [5]	Report	mg/l	Semi-Annually	Grab
Sulfate	Report	mg/l	Semi-Annually	Grab
Total Phenols	Report	mg/l	Semi-Annually	Grab
Napthalene	Report	mg/l	Semi-Annually	Grab
Benzo-a-pyrene [6]	Report	mg/l	Semi-Annually	Grab

[1] The Stormwater Monitoring and Non-Numeric Effluent Limits and the Stormwater Pollution Prevention Plan (SWPPP) requirements can be found in Part I.D. and I.E. of this permit.



**National Pollutant Discharge Elimination System**  
**Briefing Memo for**  
**Consolidated City of Indianapolis and Marion County**  
**Draft modification: March 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](http://www.idem.IN.gov)

<b>Permittee:</b>	Consolidated City of Indianapolis and Marion County 200 E Washington Street Indianapolis, IN 46204
<b>Existing Permit Information:</b>	Permit Number: IN0063924 Expiration Date: February 28, 2027
<b>Facility Contact:</b>	Tyler Henning, Project Manager (317) 291-7020, <a href="mailto:tyler.henning@ghd.com">tyler.henning@ghd.com</a>
<b>Facility Location:</b>	2950 Prospect Street Indianapolis, IN 46203 Marion County
<b>Receiving Stream:</b>	Pleasant Run Creek
<b>GLI/Non-GLI:</b>	Non-GLI
<b>Proposed Permit Action:</b>	Modify
<b>Date Application Received:</b>	February 21, 2024
<b>Source Category</b>	NPDES Minor – Industrial
<b>Permit Writer:</b>	Jodi Wray (317) 447-4176; <a href="mailto:jwray@idem.in.gov">jwray@idem.in.gov</a>

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## 1.0 INTRODUCTION

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The Indiana Department of Environmental Management (IDEM) received a request from Consolidated City of Indianapolis and Marion County on February 21, 2024 to modify National Pollutant Discharge Elimination System (NPDES) Permit IN0063924. The current five year permit was issued with an effective date of March 1, 2022 in accordance with 327 IAC 5-2-6(a).

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 February 1, 2022.

## 2.0 FACILITY DESCRIPTION

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### 2.1 General

Consolidated City of Indianapolis and Marion County is classified under Standard Industrial Classification (SIC) Code 4925 – Gas Production/Distribution. After completion of construction, the following SIC Codes will apply: 9211 – Courts, 9221 – Police Protection, 9222 – Legal Counsel and Prosecution, and 9223 – Public Order and Safety, Correctional Institutions.

The facility formerly manufactured coke products and various chemical byproducts for industrial use. This facility is in IDEM's voluntary remediation program; therefore, remediation of the site has been in occurrence over a period of several years.

The active groundwater remediation system discharges to the CWA Authority, Inc. Publicly Owned Treatment Works (POTW) in accordance with Industrial Discharge Permit No. 331205. The Marion County Community Justice Center (CJC) is in the process of building a new courthouse, adult detention center, Marion County Sheriff's office, assessment and intervention center, and a professional campus on this property. On the east side of Pleasant Run Creek, the CJC is in the process of removing surficial coal, installing storm water systems that includes five underground detentions, and surficial cover.



The source water for the facility is groundwater.

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

**Figure 1: Facility Location**



2950 Prospect Street  
Indianapolis, IN – Marion County

## 2.2 Outfall Locations

Outfall 013	Latitude: 39° 45' 23" Longitude: -86° 06' 50"
Outfall 019	Latitude: 39° 45' 14" Longitude: -86° 06' 59"



## **3.0 PERMIT MODIFICATION**

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### **3.1 Modification Request**

The Consolidated City of Indianapolis and Marion County requested the elimination of Outfall 013 because the stormwater in the drainage area of Outfall 013 is no longer exposed to the former coal and coke storage areas, coke oven batteries, wastewater treatment plant, gas conditioning, road and railways associated with the operations, or any other industrial activities. Thus, monitoring of Outfall 013 is no longer necessary to ensure that stormwater discharges meet water quality standards.

### **3.2 IDEM's Proposed Modification**

IDEM proposes to remove Outfall 013 due to the fact that this outfall is no longer exposed to industrial activity.

### **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.