

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO 20240327 – INJ063304– D

DATE OF NOTICE: March 27, 2024

DATE RESPONSE DUE: April 29, 2024

The Office of Water Quality proposes the following DRAFT PERMIT:

MINOR – RENEWAL :

Airgas USA LLC, Permit No. INJ063304, ST. JOSEPH COUNTY, 54354 Walnut Road, New Carlisle, IN. The facility manufactures gases at the plant involving an extraction process by means of compression, expanding and cooling the air through a process of liquefaction, and fractional distillation by computer-controlled operation. The wastewater discharge is comprised of cooling tower blowdown, compressor condensate and stormwater runoff. All wastewater sources discharge to an onsite infiltration basin, which does not have a direct discharge to a water of the state. Permit Manager: Jodi Wray, 317/447-4176, 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

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 27, 2024

VIA ELECTRONIC MAIL

Thomas Stringer, VP of Production & Project Execution
Airgas USA, LLC
54354 Walnut Road
New Carlisle, IN 46552

Dear Thomas Stringer:

Re: Draft Operational Permit No. INJ063304
Airgas USA, LLC
New Carlisle, IN – St. Joseph County

Your application and supporting documents have been reviewed and processed in accordance with rules adopted under 327 IAC 3. Enclosed is draft Operational Permit No. INJ063304 which applies to the discharges associated with the facility.

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 document carefully and become familiar with the proposed terms and conditions. Comments concerning the draft permit 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. If you have any questions concerning this proposed permit, please contact Jodi Wray 317/447-4176 or jwray@idem.in.gov.

Sincerely,

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

Enclosures

cc: St. Joseph County Health Department
Michael Jarvis, Plant Manager
Brooke Williams, Environmental Sustainability & Training Manager
Sarah Burns, IDEM

STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

AUTHORIZATION TO DISCHARGE UNDER THE OPERATION PERMIT PROGRAM

In accordance with IDEM's permitting authority under IC13-15, as amended (formerly IC 13-7), and 327 IAC 3-4,

AIRGAS USA, LLC

is authorized to discharge from an industrial gas manufacturing facility to an onsite infiltration basin from a facility located at 54354 Walnut Road, New Carlisle, Indiana in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

Effective Date: _____

Expiration Date: _____

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. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

Issued on _____ for the Indiana Department of Environmental Management.

Jerry Dittmer, Chief
Permits Branch
Office of Water Quality

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 is authorized to discharge from Outfall 001, located at Latitude 41° 42' 02", Longitude -86° 28' 17". The discharge is limited to cooling tower blowdown, compressor condensate and stormwater. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into the onsite infiltration basin. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [4]
Outfall 001

Table 1

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow [1]	Report	Report	MGD	----	----	----	1 X Monthly	24 Hr. Total
Oil and Grease [2]	----	----	----	----	Report	mg/l	1 X Monthly	Grab
TSS	----	----	----	----	Report	mg/l	1 X Monthly	Grab
Phosphorus	----	----	----	----	Report	mg/l	1 X Quarterly [3]	Grab
Nitrate-Nitrite	----	----	----	----	Report	mg/l	1 X Quarterly [3]	Grab

Table 2

Parameter	Quality or Concentration				Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
pH	6.0	----	9.0	s.u.	1 X Monthly	Grab

[1] Flow can be estimated and is considered the combination of cooling tower blowdown and condensate flows.

[2] If oil and grease is measured in the effluent in significant quantities, the source of such discharge is to be investigated and eliminated. The facility is required to

investigate and eliminate any significant or measured concentration of oil and grease (quantities in excess of 5 mg/l). The intent of this requirement is to assure that oil and grease is not added to once-through cooling water in measurable quantities (5 mg/l).

[3] Samples shall be taken once at any time during each of the four annual quarters.

- (A) January, February, March
- (B) April, May, June
- (C) July, August, September
- (D) October, November, December

For quarterly monitoring, in the first quarter for example, the permittee may conduct sampling within the month of January, February, or March. The result from this reporting timeframe shall be reported on the March DMR, regardless of which of the months within the quarter the sample was taken.

[4] See Part I.B. of the permit for the minimum narrative limitations.

B. MINIMUM NARRATIVE LIMITATIONS

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

1. including waters within the mixing zone, to contain substances, materials, floating debris, oil, scum attributable to municipal, industrial, agricultural, and other land use practices, or other discharges that do any of the following:
 - a. will settle to form putrescent or otherwise objectionable deposits;
 - b. are in amounts sufficient to be unsightly or deleterious;
 - c. produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
 - d. are in amounts sufficient to be acutely toxic to , or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
 - e. are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.
2. outside the mixing zone, to contain substances in concentrations that on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the discharge.

2. Reporting

The permittee shall submit federal and state discharge monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month which shall be submitted no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report (DMR) and the Monthly Monitoring Report (MMR). All reports shall be submitted

electronically by using the NetDMR application, upon registration, receipt of the NetDMR Subscriber Agreement, and IDEM approval of the proposed NetDMR Signatory. Access the NetDMR website (for initial registration and DMR/MMR submittal) via CDX at: <https://cdx.epa.gov/>. 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. See Part II.C.10 of this permit for Future Electronic Reporting Requirements.

3. Definitions

- a. "Monthly Average" 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.

- b. "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 reasonably represents the calendar day for the purposes of sampling.
- c. "Daily Maximum" means the maximum allowable daily discharge for any calendar day.
- d. "Concentration" means the weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this permit, concentration values shall be expressed in milligrams per liter (mg/l).
- e. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, which is located at the following address: 100 North Senate Avenue, Indianapolis, Indiana 46204.

4. Test Procedure

The analytical and sampling methods used shall conform to the version of 40 CFR 136 incorporated by reference in 327 IAC 5. Different but equivalent methods are allowable if they receive the prior written approval of the Commissioner and the U.S. Environmental Protection Agency. When more

than one test procedure is approved for the purposes of the NPDES program under 40 CFR 136 for the analysis of a pollutant or pollutant parameter, the test procedure must be sufficiently sensitive as defined at 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv).

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The person(s) who performed the sampling or measurements;
- c. The date(s) 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.

6. 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 this monitoring shall be included in the calculation and reporting of the values required in the monthly discharge monitoring report. Such increased frequency shall also be indicated.

7. 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 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

- a. as requested by the Indiana Department of Environmental Management.

D. REOPENING CLAUSES

In accordance with 327 IAC 3-4-4(b), 327 IAC 5-3-6 and 327 IAC 5-2-16, this permit may be modified, or alternately, revoked and reissued, to reflect any conditions as specified in 327 IAC 5-2-16.

PART II
STANDARD CONDITIONS FOR OPERATIONAL PERMITS
FOR INDUSTRIAL FACILITIES

A. GENERAL CONDITIONS

1. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of IC 13 and is grounds for enforcement action or for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

Pursuant to IC 13-30, any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If the conviction is for a violation committed after a first conviction of such person under this provision, punishment shall be a fine of not more than fifty thousand dollars (\$50,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

Except as provided in permit conditions on "Bypass of Treatment Facilities," Part II.B.2., and "Upset Conditions," Part II.B.3., nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

4. Permit Actions

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. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of (i) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (ii) a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Duty to Provide Information

The permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.

6. 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 apply for and obtain a renewal of this permit. The application should be submitted at least 180 days before the expiration date of this permit. The Commissioner may grant permission to submit an application less than 180 days in advance of the expiration date of this permit but no later than the permit expiration date.

7. Transfers

This permit is nontransferable to any person except after notice to the Commissioner pursuant to Regulation 327 IAC 3-5-2. The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

8. Containment Facilities

When cyanide or cyanogen compounds are used in any of the processes at this facility, the permittee shall provide approved facilities for the containment of any losses of these compounds in accordance with the requirements of Water Pollution Control Board Regulation 327 IAC 2-2-1.

9. Wastewater Treatment Plant and Certified Operators

Pursuant to IC 13-18-11-11 and 327 IAC 5-23-6, a permittee's wastewater treatment plant must be under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as determined under 327 IAC 5-23-4.

A certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant if the requirements under 327 IAC 5-23-7(b) are met. "Operator in responsible charge" is defined at 327 IAC 5-23-2(16).

Pursuant to 327 IAC 5-23-6(4)(A), the permittee shall notify IDEM when there is a change in 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 and submitted via e-mail to the Compliance Data Section of the Office of Water Quality at WWReports@idem.IN.gov.

10. Property Rights

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 private property or an invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

11. Severability

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 circumstance is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby.

12. Inspection and Entry

The permittee shall allow the Commissioner, or an authorized representative, 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 conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated

or required under this permit; and

- e. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized in accordance with 327 IAC 3-5-6(c), any substances or parameters at any location.

13. Construction Permit

The permittee shall not construct, install, or modify any water pollution control facility without a valid construction permit issued by the Indiana Department of Environmental Management pursuant to 327 IAC 3-2.

14. 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.

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 for wastewater 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.

2. Bypass of Treatment Facilities

a. Definitions:

- (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility normally utilized for treatment of the waste stream.
- (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 at the permittee's facility.

- b. Bypass may occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) or (d) of this subsection.
- c. Bypass which causes, or is likely to cause, applicable effluent limitations to be exceeded is prohibited unless the following three conditions are met:
 - (1) Bypass is unavoidable to prevent loss of life, personal injury or severe property damage;
 - (2) There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down-time; and
 - (3) The permittee submits notice of an unanticipated bypass to the Commissioner within 24 hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). Where the permittee knows or should have known in advance of the need for a bypass, this prior notification shall be submitted for approval to the Commissioner, if possible, at least ten days before the date of the bypass.
- d. An anticipated bypass which meets the three criteria of Paragraph b of this subsection, may be allowed under conditions determined to be necessary by the Commissioner to minimize any adverse effects.

3. Upset Conditions

- 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; and
 - (3) The permittee complied with any remedial measures required under Part II.A.3.

4. Removed Substances

Solids, sludge, 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 navigable waters and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new operational or NPDES permit application or, if such changes will not violate the effluent limitations specified in this permit, by advance notice to the Commissioner of such changes. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part I.B.2.

3. Compliance Schedules

Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

4. Twenty-Four Hour Reporting

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:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Commissioner in the permit; and
- c. Any noncompliance which may pose a significant danger to human health or the environment.

A written submission shall also be provided within 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.

5. Other Noncompliance

- a. 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.4, or and compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in the compliance schedule.
- b. The permittee shall report any instances of noncompliance not reported under Part II.C.3. or Part II.4., at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in Part II.C.4.

6. Other Information

Where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

7. Changes in Discharge of Toxic Substances

Pursuant to 327 IAC 5-2-9, the permittee shall notify the Commissioner as soon as it knows or has reason to know:

- a. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant that is not limited in the permit if that discharge will exceed the highest of the following notification levels.
 - (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - (4) A notification level established by the Commissioner on a case-by-case basis, either at the Commissioner's own initiative or upon a petition by the permittee. This notification level may exceed the level specified in subdivisions (1), (2), or (3) but may not exceed the level which can be achieved by the technology-based treatment requirements applicable to the permittee under the CWA (see 327 IAC 5-5-2).
- b. That it has begun or expects to begin to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant that was not reported in the permit application under 40 CFR 122.21(g)(9). However, this subsection b. does not apply to the permittee's use or manufacture of a toxic pollutant solely under research or laboratory conditions.

8. Signatory Requirements

- 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) The manager of one (1) or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty to make major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary

systems are established or actions taken to gather complete and accurate information for permit application requirements; and where 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.

b. Electronic Signatures. If documents described in this section are submitted electronically by or on behalf of the regulated facility, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR part 3 (including, in all cases, subpart D to part 3) (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

d. Certification. Any person signing a document identified under Part II.C.9., 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."

9. Availability of Reports

Except for data determined to be confidential under Water Pollution Control Board Regulation 327 IAC 12, 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. Permit applications, permits, and effluent data shall not be considered confidential.

10. Penalties for Falsification of Reports

IC 13-30 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 6 months per violation, or by both.

11. Future Electronic Reporting Requirements

IDEM is currently developing the technology and infrastructure necessary to allow compliance with the EPA Phase 2 e-reporting requirements per 40 CFR 127.16 and to allow electronic reporting of applications, notices, plans, reports, and other information not covered by the federal e-reporting regulations. IDEM will notify the permittee when IDEM's e-reporting system is ready for use for one or more applications, notices, plans, reports, or other information. This IDEM notice will identify the specific applications, notices, plans, reports, or other information that are to be submitted electronically and the permittee will be required to use the IDEM electronic reporting system to submit the identified application(s), notice(s), plan(s), report(s), or other information. See Part I.C.2. of this permit for the current electronic reporting requirements for the submittal of monthly monitoring reports such as the Discharge Monitoring Report (DMR) and the Monthly Monitoring Report (MMR).



**Operational Permit
Briefing Memo for
Airgas USA, LLC
Draft: March 2024
Final: 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:	Airgas USA, LLC 54354 Walnut Road New Carlisle, Indiana 46552
Existing Permit Information:	Permit Number: INJ063304 Expiration Date: March 31, 2024
Facility Contact:	Michael Jarvis, Plant Manager (574) 654-3682; michael.jarvis@airgas.com
Facility Location:	54354 Walnut Road New Carlisle, Indiana 46552 St. Joseph County
Receiving Stream:	Onsite Infiltration Basin
GLI/Non-GLI:	Non-GLI
Proposed Permit Action:	Renew
Date Application Received:	March 11, 2024
Source Category	Operational Permit
Permit Writer:	Jodi Wray (317) 447-4176; jwray@idem.in.gov

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1.0 OPERATIONAL PERMIT PROGRAM

Operational permits are regulated by the provisions of 327 IAC 3-4. The general regulatory authority under which IDEM administers the operational permit program is provided in 327 IAC 3-4-3. This rule states that the operational permit must contain the terms and conditions necessary to assure that the water pollution control facility will be operated in such a manner that any pollutants released or threatened to be released by the facility into the environment will not cause or contribute to violations of applicable water quality standards, or otherwise cause a significant adverse impact on the environment or the public health.

More specifically, 327 IAC 3-4-4(b) requires that the procedures for the issuance of NPDES permits under 327 IAC 5-3-2, 327 IAC 5-3-3, 327 IAC 5-3-6, 327 IAC 5-3-7, 327 IAC 5-3-14, 327 IAC 5-3-15, and 327 IAC 5-3-16, apply to the issuance of the operational permit. These rules address the application requirements, permit modifications, tentative permit decisions, briefing memos, permit issuance and effective dates, response to comment procedures, and judicial reviews applicable to the operational permit. 327 IAC 5-3-6 (applicable under 327 IAC 3-4-4(b) above) requires that the basic NPDES requirements addressed in 327 IAC 5-2-6, 327 IAC 5-2-8, 327 IAC 5-2-9, 327 IAC 5-2-10, 327 IAC 5-2-13, 327 IAC 5-2-14, and 327 IAC 5-2-15 be incorporated in the operational permit. Finally, 327 IAC 3-5 provides the regulatory authority specific to operational permits for various miscellaneous administrative provisions including enforcement, penalties and fees.

The operational permit includes NPDES regulatory citations where applicable as described above. In some instances, an NPDES regulation not directly applicable to the operational permit has been cited as applicable under the general regulatory authority of 327 IAC 3-4-3.

This Briefing Memo was prepared in order to document the factors considered in the development of Operational Permit effluent limitations. The technical basis for the Briefing Memo may consist of evaluations of promulgated effluent guidelines, existing effluent quality, receiving water conditions, and wasteload allocations to meet Indiana Water Quality Standards. Decisions to award variances to Water Quality Standards or promulgated effluent guidelines are justified in the Briefing Memo where necessary.

2.0 FACILITY DESCRIPTION

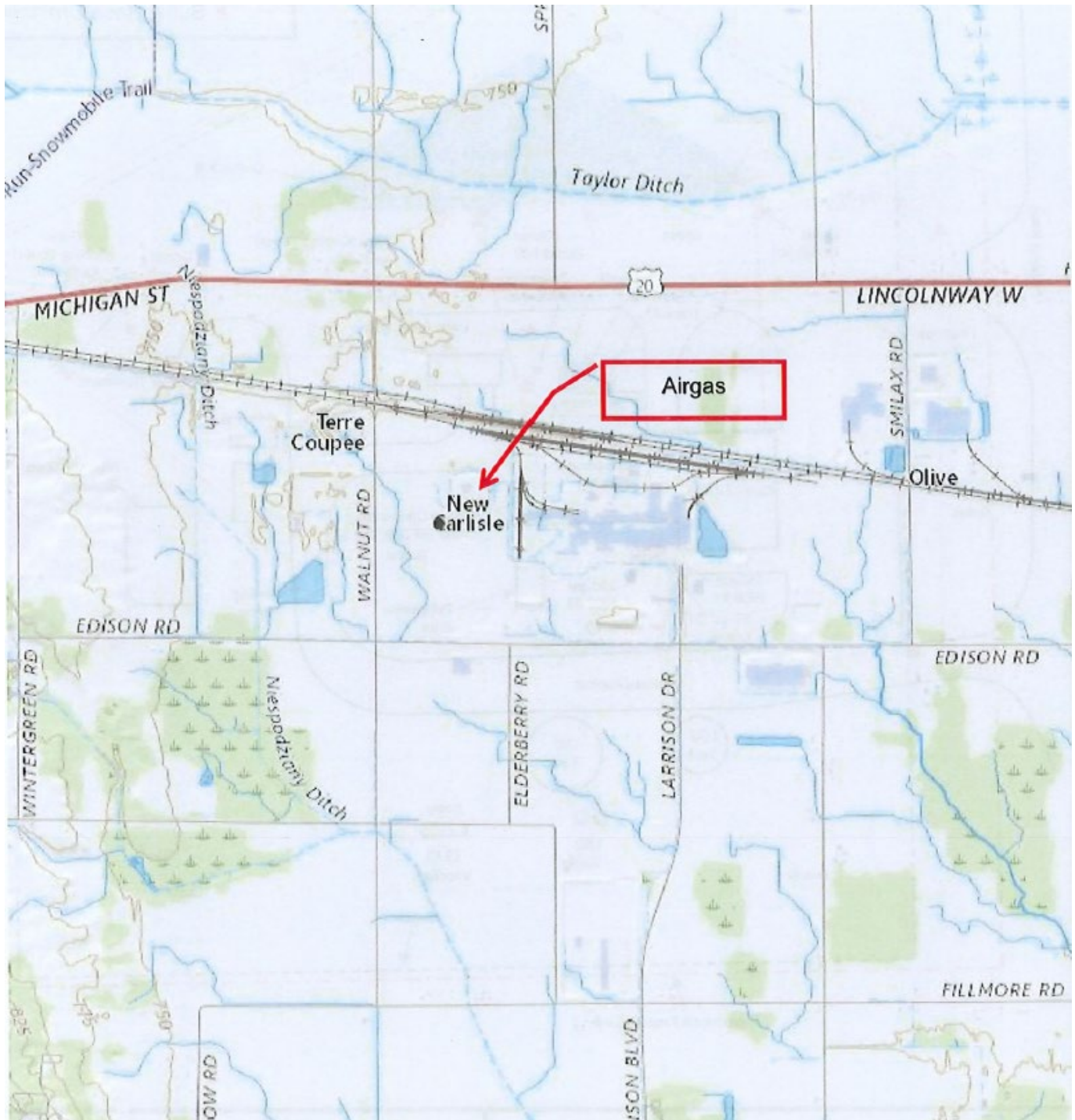
2.1 General

The Indiana Department of Environmental Management (IDEM) received an Operational Permit application from Airgas USA, LLC on March 11, 2024. The current five year permit was issued with an effective date of April 1, 2019 in accordance with 327 IAC 5-2-6(a). A five year permit is proposed in accordance with 327 IAC 5-2-6(a).

Airgas USA, LLC is classified under Standard Industrial Classification (SIC) Code 2813-Industrial Gas Manufacturing, by which air is separated into its principal constituents, oxygen, nitrogen, and argon. The facility manufactures gases at the plant involving an extraction process by means of compression, expanding and cooling the air through a process of liquefaction, and fractional distillation by computer controlled operation.

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

Figure 1: Facility Location



Airgas USA, LLC
54354 Walnut Road
New Carlisle, IN – St. Joseph County

2.2 Outfall Locations

Outfall 001	Latitude: 41° 42' 02"
	Longitude: -86° 28' 17"

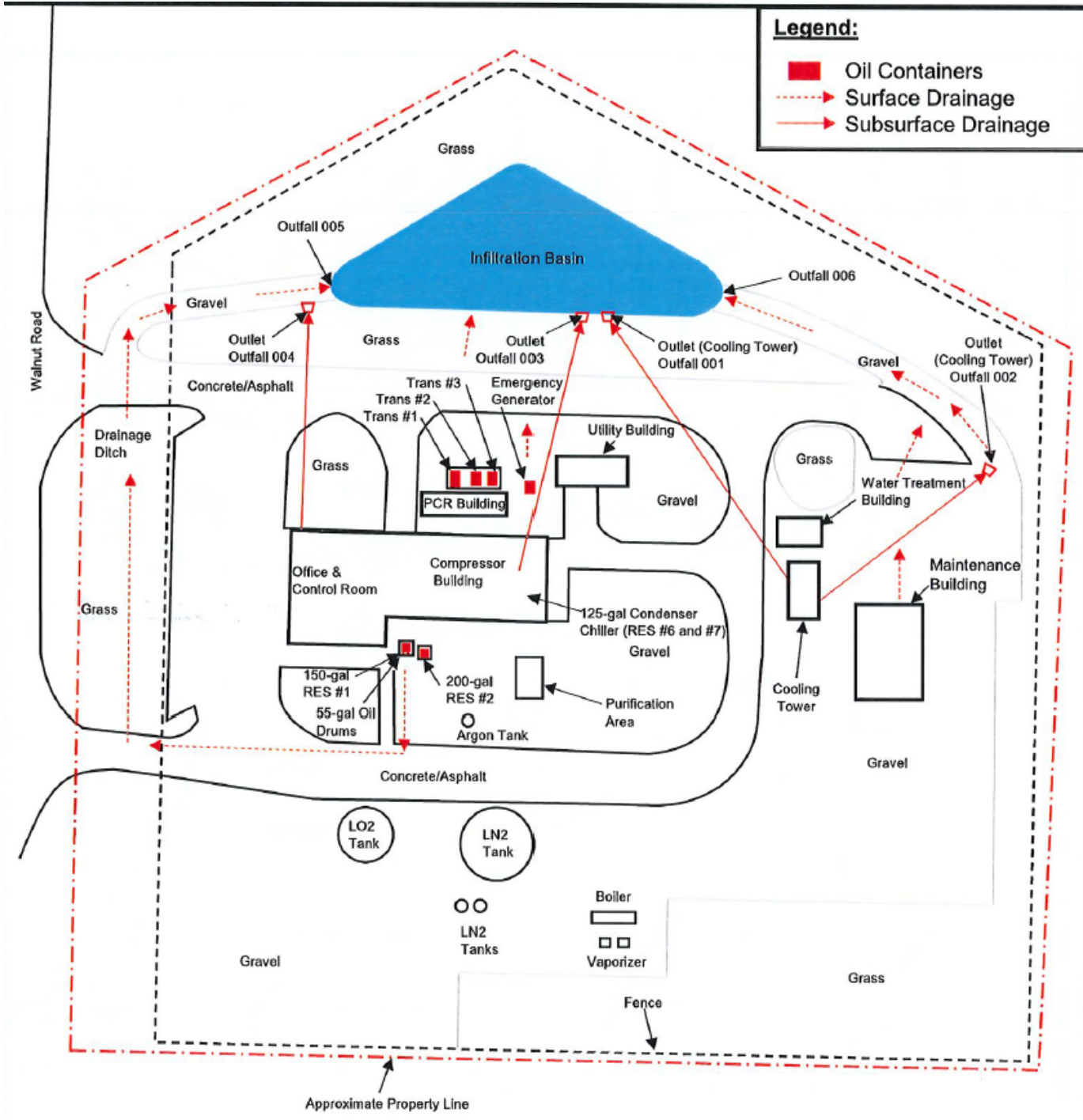
2.3 Wastewater Treatment

The wastewater discharge is comprised of cooling tower blowdown, compressor condensate and stormwater runoff. All wastewater sources discharge to an onsite infiltration basin, which does not have a direct discharge to a water of the state. The water in the basin slowly infiltrates through the bottom and percolates through the soil to the groundwater.

The infiltration basin is designed so that only 60% of the volume of the basin is required to receive stormwater from a 100 year storm event and the remaining capacity can be used for the discharge of cooling tower blowdown and compressor condensate.

The facility has an average discharge of approximately 0.04 MGD. A Site Map has been included as Figure 2.

Figure 2: Site Map



IDEM has determined that the permittee doesn't qualify for an industrial wastewater treatment plant classification because the wastewater is not treated prior to discharge.

2.4 Changes in Operation

No changes in operation were identified in the application as occurring since the previous permit renewal.

2.5 Facility Stormwater

All stormwater run-off exposed to industrial activity at the site drains to the onsite infiltration basin. The basin has no outfall, therefore, there is no stormwater associated with industrial activity that discharges to a water of the state.

3.0 PERMIT HISTORY

3.1 Compliance history

A review of this facility's discharge monitoring data was conducted for compliance verification and shows no permit limitation violations at Outfall 001 between January/2021 and March/2024. There are no pending or current enforcement actions regarding this NPDES permit.

4.0 LOCATION OF DISCHARGE/RECEIVING WATER USE DESIGNATION

The receiving stream for Outfall 001 is an onsite infiltration basin.

5.0 PERMIT LIMITATIONS

5.1 Technology-Based Effluent Limits (TBEL)

TBELs require every individual member of a discharge class or category to operate their water pollution control technologies according to industry-wide standards and accepted engineering practices. TBELs are developed by applying the National Effluent Limitation Guidelines (ELGs) established by EPA for specific industrial categories. Technology-based treatment requirements established pursuant to sections 301(b) and 306 of the CWA represent the minimum level of control that must be imposed in an NPDES permit (327 IAC 5-5-2(a)).

In the absence of ELGs, TBELs can also be established on a case-by-case basis using best professional judgment (BPJ) in accordance with 327 IAC 5-2-10 and 327 IAC 5-5 (which implement 40 CFR 122.44, 125.3, and Section 402(a)(1) of the Clean Water Act (CWA)).

BEST PROFESSIONAL JUDGEMENT (BPJ)

EPA develops effluent limitation guidelines (ELGs) for existing industrial and commercial activities as directed in the 1972 amendments of the Clean Water Act. The federal effluent

limitation guidelines and standards are located at 40 CFR 403 through 471, inclusive, and are incorporated into Indiana law at 327 IAC 5-2-1.5. In Indiana, NPDES permits are required to ensure compliance with these federal effluent limitation guidelines and standards under 327 IAC 5-2-10(a)(1), 327 IAC 5-2-10(a)(2), and 327 IAC 5-5-2. ELGs are technology-based effluent limitations (TBELs). The intent of a TBEL is to require a minimum level of treatment for industrial point sources based on currently available treatment technologies. Where EPA has not yet developed guidelines for a particular industry, best professional judgment (BPJ) may be used to develop case-by-case technology-based permit limitations under 327 IAC 5-5-2 and 5-2-10 (see also 40 CFR 122.44 and 125.3, and Section 402(a)(1) of the Clean Water Act).

ELGs have not yet been developed specifically for this type of discharge. Therefore, as provided by law, IDEM may use BPJ to establish TBELs in the proposed permit which meet the requirements of the best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT) or best available technology economically achievable (BAT). There are no technology-based effluent limits associated with this discharge.

5.2 Water Quality-Based Effluent Limits

The discharge from the basin is not directly to waters of the state but ultimately to groundwater. Therefore, the following parameters are standard for all NPDES permits with cooling water blowdown in the discharge.

5.3.1 All External Outfalls (001)

Narrative Water Quality Based Limits

The narrative water quality criteria contained under 327 IAC 2-1-6(a)(1) and (2) have been included in this permit to ensure that these minimum water quality conditions are met.

Flow

The effluent flow is to be monitored in accordance with 327 IAC 5-2-13(a)(2).

pH

Discharges to waters of the state are limited to the range of 6.0-9.0 s.u., in accordance with 327 IAC 2-1-6(b)(2).

Oil and Grease (O & G)

The monitoring for Oil and Grease is required for permits regulating the discharge of non-contact cooling water or cooling tower blowdown. If oil and grease is found in the discharge, at levels greater than 5 mg/l, its source should be investigated. When cooling water systems are properly operated and maintained, oil and grease should not be present in the effluent.

Total Suspended Solids (TSS), Nitrate-Nitrite, Phosphorus

Monitoring for TSS, Nitrate-Nitrite, and Phosphorus have been required since the original permit was issued in 2009, based on their potential to be present in the discharge. Therefore, monitoring requirements will be retained.

5.4 Whole Effluent Toxicity Testing (WETT)

The permit does not contain a requirement to conduct Whole Effluent Toxicity Testing (WETT).

5.5 Antibacksliding

Pursuant to 327 IAC 5-2-10(a)(11), unless an exception 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. 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).

5.6 Antidegradation

327 IAC 2-1.3 outlines the state's Antidegradation Standards and Implementation procedures, which are applicable to a proposed new or increased loading of a regulated pollutant to surface waters of the state from a deliberate activity subject to the Clean Water Act, including a change in process or operation that will result in a significant lowering of water quality.

The permittee does not discharge to a water of the state, therefore, the state's Antidegradation Standards and Implementation procedures are not applicable.

5.7 Stormwater

According to 40 CFR 122.26(b)(14) and 327 IAC 15-6-2 facilities classified under Industrial Classification (SIC) Code 2813, are considered to be engaging in "industrial activity" for purposes of 40 CFR 122.26(b). Since all storm water discharges to an onsite infiltration basin and not to a water of the state, additional storm water monitoring and additional storm water pollution prevention activities are not required at this time.

5.8 Water Treatment Additives

In the event that changes are to be made in the use of water treatment additives that could significantly change the nature of, or increase the discharge concentration of any of the additives contributing to an outfall governed under the permit, the permittee must apply for and obtain approval from IDEM prior to such discharge. Discharges of any such additives must meet Indiana water quality standards. The permittee must apply for permission to use water treatment additives by completing and submitting State Form 50000 (Application for Approval to Use Water Treatment Additives) available at: <http://www.in.gov/idem/5157.htm> and submitting

any needed supplemental information. In the review and approval process, IDEM determines, based on the information submitted with the application, whether the use of any new or changed water treatment additives/chemicals or dosage rates could potentially cause the discharge from any permitted outfall to cause chronic or acute toxicity in the receiving water.

The authority for this requirement can be found under one or more of the following: 327 IAC 5-2-8(11)(B), which generally requires advance notice 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; 327 IAC 5-2-8(11)(F)(ii), which generally requires notice as soon as possible of any planned physical alterations or additions to the permitted facility if the alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharged; and 327 IAC 5-2-9(2) which generally requires notice as soon as the discharger knows or has reason to know that the discharger has begun or expects to begin to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant that was not reported in the permit application.

The following is a list of water treatment additives currently approved for use at the facility:

<u>Supplier</u>	<u>WTA</u>	<u>Outfall</u>	<u>Purpose</u>
ChemTreat	CL4894	001	Cooling Water Treatment
ChemTreat	CL49	001	Cooling Water Microbiocide
ChemTreat	CL2030	001	Cooling Water Microbiocide and Algaecide
ChemTreat	CO5898	001	Cooling Water Treatment

6.0 PERMIT DRAFT DISCUSSION

6.1 Discharge Limitations, Monitoring Conditions and Rationale

The proposed final effluent limitations are based on the more stringent of the Indiana water quality-based effluent limitations (WQBELs), technology-based effluent limitations (TBELs), or approved total maximum daily loads (TMDLs) and NPDES regulations as appropriate for each regulated outfall. Section 5.3 of this document explain the rationale for the effluent limitations at each Outfall.

Analytical and sampling methods used shall conform to the version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1) and 327 IAC 5-2-1.5.

Nothing has changed to warrant modifying the monitoring conditions.

The monitoring frequency proposed is comparable to the monitoring frequencies included in permits regulating similar types of discharges.

Outfall 001:

Parameter	Monthly Average	Daily Maximum	Units	Minimum Frequency	Sample Type
Flow	Report	Report	MGD	1 X Monthly	24 Hr. Total
Oil and Grease	----	Report	mg/l	1 X Monthly	Grab
TSS	----	Report	mg/l	1 X Monthly	Grab
Phosphorus	----	Report	mg/l	1 X Quarterly	Grab
Nitrate-Nitrite	----	Report	mg/l	1 X Quarterly	Grab

Parameter	Daily Minimum	Daily Maximum	Units	Minimum Frequency	Sample Type
pH	6.0	9.0	Std Units	1 X Monthly	Grab

6.2 Schedule of Compliance

The circumstances in this NPDES permit do not qualify for a schedule of compliance.

6.3 Special Conditions and Other Permit Requirements

There are no special conditions on this permit.

6.4 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 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 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.

6.5 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-notice/>. 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.

