INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

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

September 15, 2010

Mr. Trent Sanders
Irving Materials, Inc.
4312 East C.R. 350 North
Muncie, Indiana 47303

Dear Mr. Sanders:

Re: NPDES General Permit No. ING490078
IMI- Pipe Creek Sr.
1349 North County Road 700 West
Swayzee, Indiana
Grant County

Our office has received your Notice of Intent (NOI) submittal in regards to the above-referenced facility. We are pleased to inform you that the submittal is sufficient to comply with the NOI requirements in 327 IAC 15-12, Facilities Engaged in Sand, Gravel, Dimension Stone, or Crushed Stone Operations. The general permit rule requirements are contained in 327 IAC 15-1 through 15-4 and 15-12.

The NPDES general permit identification number assigned to this facility in the previous approval will be used again in this approval. This number will be used as an identification number and should be included on all correspondence submitted to IDEM in relation to this NPDES general permit. The NPDES general permit number which has been assigned to this facility is:

ING490078.

Due to the fact that 327 IAC 15-12 is a permit by rule, you will NOT be receiving an actual permit. However you will be responsible for following the general rule requirements contained in the 327 IAC 15-1 through 15-4 and 15-12, which were sent to you with your original approval letter. Included in general permit rule 327 IAC 15-12 is the requirement for periodic reporting of several effluent parameters. This reporting will continue to be required using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

http://www.in.gov/idem/5104.htm

327 IAC 15 is also available on the internet at the following website:

http://www.in.gov/idem/4087.htm

Additionally, you will soon be receiving a supply of the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317/232-8670.

Renewal of coverage for the facility will include all outfalls listed on Attachment 1 to this correspondence. Since the expiration date of IDEM's previous approval of your facility to operate under 327 IAC 15-12 is October 31, 2010, this renewal of coverage under 327 IAC 15-12 shall become effective on **November 1, 2010**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under this general permit rule expires on **October 31, 2015**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by this acceptance for coverage under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

Please note that in accordance with 327 IAC 15-12-5(c), IDEM shall public notice its decision to accept your facility for coverage under the general permit rule.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our staff at 317/232-8703.

Sincerely,

Catherine Hess

Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/
Attachment
cc: Grant County Health Department

ATTACHMENT 1

IMI- Pipe Creek Sr.

NPDES PERMIT NO. **ING490078**

EFFECTIVE DATE: **November 1, 2010**

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
002	N/A	40°, 33, 45"	85°, 48', 40"	N/A	Pipe Creek

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 9D -GP

DATE OF NOTICE: September 15, 2010

The Office of Water Quality issues the following **NPDES GENERAL PERMIT.**

RENEWAL

IMI – PIPE CREEK SR., Permit No. ING490078, GRANT COUNTY, Swayzee, IN. This facility will discharge non-process wastewater to Pipe Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-12, Facilities Engaged in Sand, Gravel, Dimension Stone, or Crushed Stone Operations. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

Indiana Department of Environmental Management

NPDES General Permit Notice of Intent (NOI) Letter Submittal Application

327 IAC 15-12 Facilities Engaged in Sand, Gravel, Dimension Stone, or Crushed Stone Operations

I. PURPOSE OF SUBMITTAL:

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
	X		ING490078	

II. GENERAL INFORMATION

Complete all boxes in sections a and b for **name of company and person who is to receive the permit.** Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for **the facility that the permit is to apply to.**

a. APPLICANT NAME (TO THE ATTENTION OF)	e. FACILITY SIC CODE	f. FACILITY COUNTY
Trent Sanders	1422	Grant

b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME: Irving Materials, Inc			Latitude			Longitude		
STREET ADDRESS: 4312 East CR 350 North			degree	minute	second	degree	minute	Second
CITY: Muncie	STATE: IN	ZIPCODE: 47303	40	34	00	85	48	40

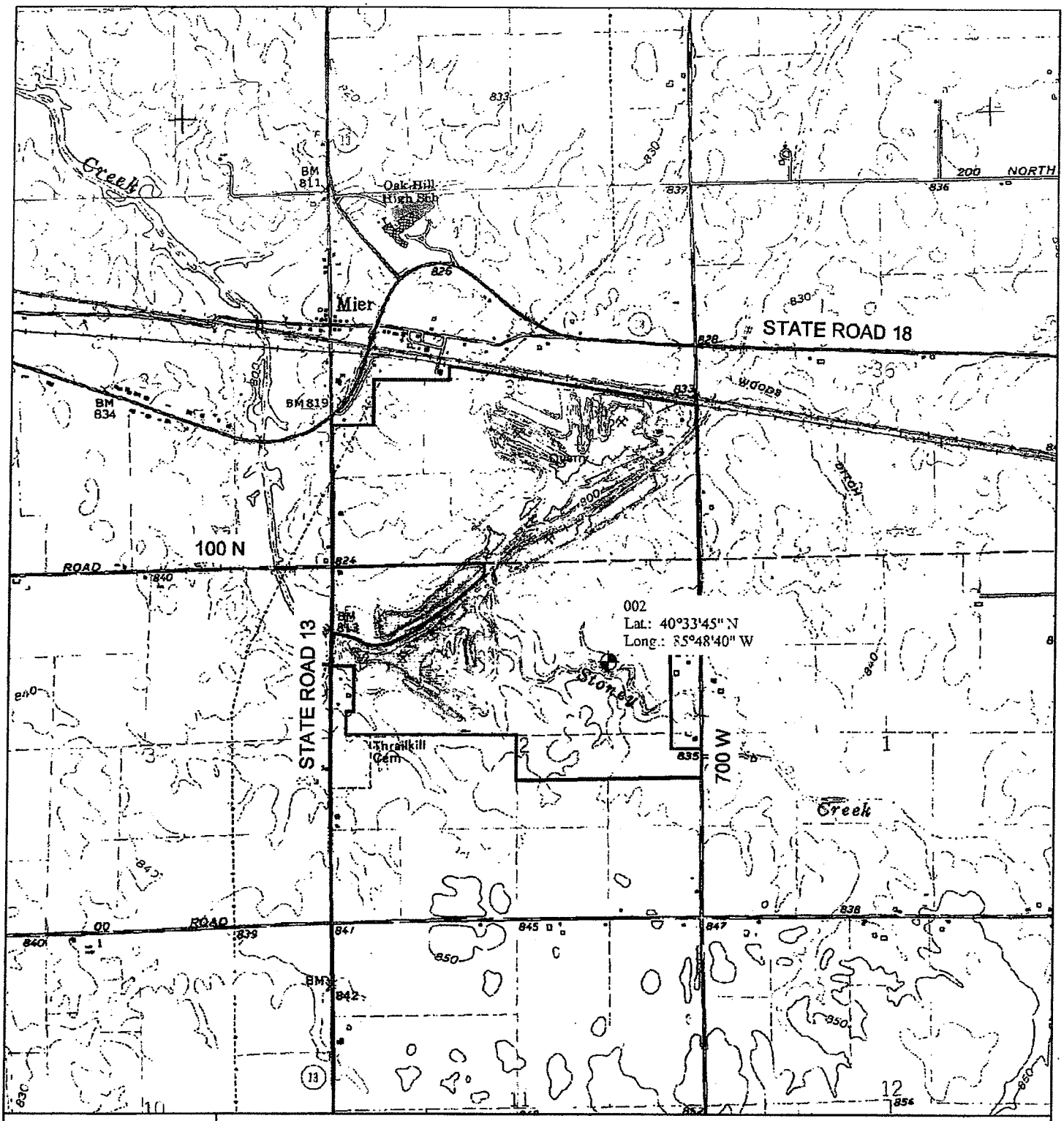
c. FACILITY NAME	i. FACILITY CENTER TOWNSHIP, RANGE, SECTION, QUARTER SECTION			
	Township	Range	Section	Quartersection
IMI / Pipe Creek Sr.	25N	6E	35	SE

d FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId		
STREET ADDRESS: 1349 North – 700 West			STREET ADDRESS:		
CITY: Swayzee	STATE: IN	ZIP CODE: 46986	CITY:	STATE:	ZIP CODE:

III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is Authorized to be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Trent Sanders QC/QA manager	N/A
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	**e. ALTERNATE PERSON'S TELEPHONE**
765-717-2030	N/A
c. APPLICANT EMAIL ADDRESS	**f. ALTERNATE PERSON'S EMAIL ADDRESS**
Trent.Sanders@irvmat.com	N/A



NPDES WASTEWATER OUTFALL MAP
IRVING MATERIALS INCORPORATED
PIPE CREEK SENIOR PLANT
SCALE: 1" = 2000'

IV. OTHER CONTACT INFORMATION

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION	c. CONTACT AND COMPANY NAME IMI / Muncie		
a. CONTACT TELEPHONE NUMBER 765-717-2030	d. STREET ADDRESS 4312 East CR 350 N.		
b. CONTACT EMAIL ADDRESS Trent.Sanders@irvmat.com	e. CITY Muncie	f STATE IN	g ZIP 47303
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS	j COMPANY AND CONTACT PERSON NAME E&B Paving / Steve Henderson		
h CONTACT TELEPHONE NUMBER 765-643-5358	K STREET ADDRESS 286 West 300 North		
i CONTACT EMAIL ADDRESS Steve.Henderson@ebpaving.com	l. CITY Anderson	m. STATE IN	n. ZIP 46012
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)	q. COMPANY AND CONTACT PERSON NAME		
o. CONTACT TELEPHONE NUMBER	r. STREET ADDRESS		
p. CONTACT EMAIL ADDRESS	s. CITY	t. STATE	u. ZIP

V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from sand, gravel, dimension stone, and crushed stone operations which utilize sedimentation basin treatment for: 1) pit dewatering; 2) channel machines; 3) broaching; 4) jet piercing; 5) scrubber water from wet scrubbers used for air pollution control; 6) dust suppression spray water; 7) wash water from spray bars for final screening operations; and 8) noncontact cooling water for cooling of crusher bearings; drills; saws; dryers; pumps; and air compressors. Is this consistent with the facility's operation and discharges?

(please check one) YES_X_____ NO_____

Please provide a brief description of the facility operation that results in the discharge if the answer to the above question is no or if you feel that further explanation is needed. You may attach additional sheets.

VI. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

(A) the location of the operation shown clearly and identified by name and by mark;
(B) the location of each numbered outfall shown clearly and identified by number and by mark;
(C) the receiving streams that each outfall discharges to shown clearly and identified by name;
(D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

VII. OUTFALL INFORMATION:

Please fill out the following information for all outfalls. You may attach additional sheets if necessary.

a. OUTFALL NO.	b. LATITUDE			c. LONGITUDE			d. TYPE OF WASTEWATER DISCHARGED	e. RECEIVING WATER	f. is the discharge to storm sewer?	g. NAME OF MUNICIPAL OPERATOR OF STORM SEWER
	deg.	min.	sec.	deg.	min.	sec.				
002A	40	33	45	85	48	40	Ground & Run-Off	Pipe Creek	Y / N	
									Y / N	
									Y / N	
									Y / N	
									Y / N	
									Y / N	
									Y / N	
									Y / N	

VIII. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form is attached.

Please fill out this form in its entirety and submit it with the application.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-12 to discharge wastewater associated with sand, gravel, dimension stone, or crushed stone operations. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;
(B) identify the interest of the person making the request;
(C) identify any persons represented by the person making the request;
(D) state with particularity the reasons for the request;
(E) state with particularity the issues proposed for consideration at the hearing; and
(F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

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

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

X. ANNUAL FEE:

A fee is required to be submitted with this application in accordance with IC 13-18-20-12. The fee is $50 for the initial submittal (for a new permit) or for an application for renewal or modification.

Please list amount submitted $ 50.00, attach to and submit with application.

Checks or money orders shall be made payable to IDEM.

XI. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3 (g) (3) that the following statement shall be included in the application. The authorized representative (as defined by 327 IAC 15-4-3(g)(2) and identified in item IIIa above) makes the following certification by signed and dating this section of the application below:

"I certify under penalty of law that this document and all its 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."

Trent Sanders QC/QA Manager Name and official title (type or print)	765-717-2030 Area Code and phone No.
Trent Sanders Signature	8/30/10 Date signed

Submit completed form and attachments to the following address:

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