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

Michael R. Pence
Governor

Carol S. Comer
Commissioner

VIA ELECTRONIC MAIL January 28, 2016

Mr. Scott Lods, President
American Suburban Utilities, Inc.
3350 N 250 W
West Lafayette, Indiana 47906

Dear Mr. Lods:

Re: Final NPDES Permit No. IN0043273
Carriage Estates III Wastewater Treatment Plant
Tippecanoe County

Your application for a National Pollutant Discharge Elimination System (NPDES) permit has been processed in accordance with Sections 402 and 405 of the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. The enclosed NPDES permit covers your discharges to Indian Creek. All discharges from this facility shall be consistent with the terms and conditions of this permit.

One condition of your permit requires monthly reporting of several effluent parameters. Reporting is to be done on the applicable state Monthly Report of Operation (MRO) form. This form is available on the internet at the following web site:

http://in.gov/idem/cleanwater/2339.htm

Once you are on this page, select the "IDEM Forms" page and locate the version of the MRO applicable to your plant under the "Wastewater Facilities" heading. We recommend selecting the "XLS" version as it will complete all of the calculations on the data entered.

Additionally, if you are not already using NetDMR, you will soon be receiving an email with a supply of the federal NPDES DMR form attached. Both the state and federal forms need to be completed and submitted. If you do not receive the DMR forms in a timely manner, please call this office at 317/232-8815. Please note that IDEM will no longer accept paper DMR or MRO forms after December 31, 2016. After that date all NPDES permit holders will be required to submit their monitoring data to IDEM using NetDMR.

Another condition which needs to be clearly understood concerns violation of the effluent limitations in the permit. Exceeding the limitations constitutes a violation of the permit and may bring criminal or civil penalties upon the permittee. (See Part II.A.1 and II.A.11 of this permit). It is very important that your office and treatment operator understand this part of the permit.

Please note that this permit issuance can be appealed. An appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed public notice. The appeal must be initiated by you within 18 days from the date this letter is postmarked, by filing a request for an adjudicatory hearing with the Office of Environmental Adjudication (OEA), at the following address:

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

Please send a copy of any such appeal to me at IDEM, Office of Water Quality-Mail Code 65-42, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.

Please reference the "Post Public Notice Addendum," on the final pages of the Fact Sheet for this Office's response to comments submitted during the public notice period.

The permit should be read and studied. It requires certain action at specific times by you, the discharger, or your authorized representative. One copy of this permit is also being sent to your operator to be kept at the treatment facility. You may wish to call this permit to the attention of your consulting engineer and/or attorney.

If you have any questions concerning your NPDES permit, please contact Jason House at 317/233-0470. Questions concerning appeal procedures should be directed to the Office of Environmental Adjudication, at 317/232-8591.

Sincerely,

Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

Enclosures
cc: Dennis Crandall, Certified Operator
Ed Serowka, Lakeland InnovaTech
U.S. EPA, Region 5

STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Act"), Title 13 of the Indiana Code, and regulations adopted by the Water Pollution Control Board, the Indiana Department of Environmental Management (IDEM) is issuing this permit to

AMERICAN SUBURBAN UTILITIES, INC.

hereinafter referred to as "the permittee." The permittee owns and/or operates the **Carriage Estates III Wastewater Treatment Plant**, a major semi-public wastewater treatment plant located at 4100 Bridgeway Drive, West Lafayette, Indiana, Tippecanoe County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters named Indian Creek in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the permit. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

Effective Date: February 1, 2016.

Expiration Date: January 31, 2021.

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and application forms as are required by the Indiana Department of Environmental Management. The application shall be submitted to IDEM at least 180 days prior to the expiration date of this permit, unless a later date is allowed by the Commissioner in accordance with 327 IAC 5-3-2 and Part II.A.4 of this permit.

Issued January 28, 2016, for the Indiana Department of Environmental Management.

Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

TREATMENT FACILITY DESCRIPTION

The permittee currently operates a Class III, 1.5 MGD sequential batch reactor treatment facility consisting of a lift station, inlet coarse screens, four sequential batch reactor tanks, two sludge holding lagoons, chlorination and dechlorination facilities, post aeration, and an effluent flow meter. Final sludge is aerobically digested and is land applied by a contractor.

The permittee received a Construction Approval No. 20788 on February 21, 2014, to upgrade the existing facility from a Class III, 1.5 MGD facility to a Class III, 4.0 MGD facility. The upgrade will add a parallel treatment system to consist of: a new continuous sequential batch reactor system for carbonaceous oxidation, nitrification, and organic phosphorus removal; an ultraviolet light disinfection system; a chemical feed system for back-up phosphorus removal; and a new effluent flow meter.

The collection system is comprised of 100% separate sanitary sewers by design with no overflow or bypass points.

PART I

A. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from the outfall listed below in accordance with the terms and conditions of this permit. The permittee shall take samples and measurements at a location representative of each discharge to determine whether the effluent limitations have been met. Refer to Part I.C of this permit for additional monitoring and reporting requirements.

1. During the period beginning on the effective date of this permit, and lasting until thirty (30) days following completion of the proposed construction, the permittee is authorized to discharge from Outfall 001, which is located at Latitude: 40° 27' 32" N, Longitude: 86° 59' 02" W. The discharge is subject to the following requirements:

INTERIM TABLE 1 [1]

	Quantity or Loading			**Quality or Concentration**			**Monitoring Requirements**	
Parameter	Monthly Average	Weekly Average	Units	Monthly Average	Weekly Average	Units	Measurement Frequency	Sample Type
Flow [2]	Report	----	MGD	----	----	----	5 X Weekly	24-Hr. Total
$CBOD_5$								
Summer [3]	175.2	262.9	lbs/day	14[6]	21	mg/l	5 X Weekly	24-Hr. Composite
Winter [4]	312.9	500.7	lbs/day	25[6]	40	mg/l	5 X Weekly	24-Hr. Composite
TSS								
Summer [3]	212.8	325.5	lbs/day	17[6]	26	mg/l	5 X Weekly	24-Hr. Composite
Winter [4]	375.5	563.3	lbs/day	30[6]	45	mg/l	5 X Weekly	24-Hr. Composite
Ammonia-nitrogen								
Summer [3]	16.3	25.0	lbs/day	1.3	2.0	mg/l	5 X Weekly	24-Hr. Composite
Winter [4]	23.8	36.3	lbs/day	1.9	2.9	mg/l	5 X Weekly	24-Hr. Composite
Phosphorus								
Interim [5]	----	----	----	Report	----	mg/l	5 X Weekly	24-Hr. Composite
Final [5]	----	----	----	1.0	----	mg/l	5 X Weekly	24-Hr. Composite

INTERIM TABLE 2 [1]

	Quality or Concentration				**Monitoring Requirements**	
Parameter	Daily Minimum	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
pH [7]	6.0	----	9.0	s.u.	5 X Weekly	Grab
Dissolved Oxygen [8]						
Summer [3]	6.0	----	----	mg/l	5 X Weekly	4 Grabs/24-Hrs.
Winter [4]	5.0	----	----	mg/l	5 X Weekly	4 Grabs/24-Hrs.
Total Residual Chlorine [9]						
Final Effluent [10]	----	0.01	0.02	mg/l	5 X Weekly	Grab
E. coli [11]	----	125 [12]	235 [13]	cfu/100 ml	5 X Weekly	Grab

[1] Refer to the Notification Requirement in Part I.F. of the permit.

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

[3] Summer limitations apply from May 1 through November 30 of each year.

[4] Winter limitations apply from December 1 through April 30 of each year.

[5] Refer to the Schedule of Compliance for phosphorus in Part I.E. of this permit.

[6] The monthly average percent removal shall not be less than 85%. The percent removal shall be calculated from a comparison of raw influent to final effluent sampling results.

[7] If the permittee collects more than one grab sample on a given day for pH, the values shall not be averaged for reporting daily maximums or daily minimums. The permittee must report the individual minimum and the individual maximum pH value of any sample during the month on the Monthly Report of Operation forms.

[8] The daily minimum concentration of dissolved oxygen in the effluent shall be reported as the arithmetic mean determined by summation of the four (4) daily grab sample results divided by the number of daily grab samples. These samples are to be collected over equal time intervals.

[9] The effluent shall be disinfected on a continuous basis such that violations of the applicable bacteriological limitations (*E. coli*) do not occur from April 1 through October 31, annually. If the permittee uses chlorine for any reason, at any time including the period from November 1 through March 31, then the limits and monitoring requirements in Table 2 for Total Residual Chlorine (TRC) shall be in effect whenever chlorine is used.

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

Effluent concentrations greater than or equal to the LOD but less than the Limit of Quantitation (LOQ), shall be reported on the discharge monitoring report forms as the measured value. A note must be included with the DMR indicating that the value is not quantifiable. Effluent concentrations less than the limit of detection shall be reported on the discharge monitoring report forms as less than the value of the limit of detection. For example, if a substance is not detected at a concentration of 0.01 mg/l, report the value as < 0.01 mg/l. At present, two methods are considered to be acceptable to IDEM, amperometric and DPD colorimetric methods, for chlorine concentrations at the level of 0.06 mg/l.

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

Case-Specific MDL

The permittee may determine a case-specific Method Detection Level (MDL) using one of the analytical methods specified above, or any other test method which is approved by IDEM prior to use. The MDL shall be derived by the procedure specified for MDLs contained in 40 CFR Part 136, Appendix B, and the limit of quantitation shall be set equal to 3.18 times the MDL. Other methods may be used if first approved by the U.S. EPA and IDEM.

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

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

1. Coliscan MF® Method
2. EPA Method 1603 Modified m-TEC agar
3. mColi Blue-24®
4. Colilert® MPN Method or Colilert-18® MPN Method

[12]The monthly average *E. coli* value shall be calculated as a geometric mean. Per 327 IAC 5-10-6, the concentration of *E. coli* shall not exceed one hundred twenty-five (125) cfu or mpn per 100 milliliters as a geometric mean of the effluent samples taken in a calendar month. No samples may be excluded when calculating the monthly geometric mean.

[13]If less than ten samples are taken and analyzed for *E. coli* in a calendar month, no samples may exceed two hundred thirty-five (235) cfu or mpn as a daily maximum. However, when ten (10) or more samples are taken and analyzed for *E. coli* in a calendar month, not more than ten percent (10%) of those samples may exceed two hundred thirty-five (235) cfu or mpn as a daily maximum. When calculating ten percent, the result must not be rounded up. In reporting for compliance purposes on the Discharge Monitoring Report (DMR) form, the permittee shall record the highest non-excluded value for the daily maximum.

2. Minimum Narrative Limitations

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

a. including the mixing zone, to contain substances, materials, floating debris, oil, scum or other pollutants:

(1) that will settle to form putrescent or otherwise objectionable deposits;

(2) that are in amounts sufficient to be unsightly or deleterious;

(3) that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;

(4) which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;

(5) which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

b. outside the mixing zone, to contain substances in concentrations which on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

B. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from the outfall listed below in accordance with the terms and conditions of this permit. The permittee shall take samples and measurements at a location representative of each discharge to determine whether the effluent limitations have been met. Refer to Part I.C of this permit for additional monitoring and reporting requirements.

1. During the period beginning thirty (30) days following completion of the proposed construction activities, the permittee is authorized to discharge from Outfall 001, which is located at Latitude: 40° 27' 32" N, Longitude: 86° 59' 02" W. The discharge is subject to the following requirements:

FINAL TABLE 3 [1]

	Quantity or Loading			**Quality or Concentration**			**Monitoring Requirements**	
Parameter	Monthly Average	Weekly Average	Units	Monthly Average	Weekly Average	Units	Measurement Frequency	Sample Type
Flow [2]	Report	----	MGD	----	----	----	5 X Weekly	24-Hr. Total
$CBOD_5$								
Summer [3]	467	701	lbs/day	14[5]	21	mg/l	5 X Weekly	24-Hr. Composite
Winter [4]	835	1,335	lbs/day	25[5]	40	mg/l	5 X Weekly	24-Hr. Composite
TSS								
Summer [3]	567	868	lbs/day	17[5]	26	mg/l	5 X Weekly	24-Hr. Composite
Winter [4]	1,001	1,502	lbs/day	30[5]	45	mg/l	5 X Weekly	24-Hr. Composite
Ammonia-nitrogen								
Summer [3]	40.1	60.1	lbs/day	1.2	1.8	mg/l	5 X Weekly	24-Hr. Composite
Winter [4]	60.1	90.1	lbs/day	1.8	2.7	mg/l	5 X Weekly	24-Hr. Composite
Phosphorus	----	----	----	1.0	----	mg/l	5 X Weekly	24-Hr. Composite

FINAL TABLE 4 [1]

	Quality or Concentration				**Monitoring Requirements**	
Parameter	Daily Minimum	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
pH [6]	6.0	----	9.0	s.u.	5 X Weekly	Grab
Dissolved Oxygen [7]						
Summer [3]	6.0	----	----	mg/l	5 X Weekly	4 Grabs/24-Hrs.
Winter [4]	5.0	----	----	mg/l	5 X Weekly	4 Grabs/24-Hrs.
E. coli [8]	----	125 [9]	235 [10]	cfu/100 ml	5 X Weekly	Grab

[1] Refer to the Notification Requirement in Part I.F. of the permit.

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

[3] Summer limitations apply from May 1 through November 30 of each year.

[4] Winter limitations apply from December 1 through April 30 of each year.

[5] The monthly average percent removal shall not be less than 85%. The percent removal shall be calculated from a comparison of raw influent to final effluent sampling results.

[6] If the permittee collects more than one grab sample on a given day for pH, the values shall not be averaged for reporting daily maximums or daily minimums. The permittee must report the individual minimum and the individual maximum pH value of any sample during the month on the Monthly Report of Operation forms.

[7] The daily minimum concentration of dissolved oxygen in the effluent shall be reported as the arithmetic mean determined by summation of the four (4) daily grab sample results divided by the number of daily grab samples. These samples are to be collected over equal time intervals.

[8] The effluent shall be disinfected on a continuous basis such that violations of the applicable bacteriological limitations (*E. coli*) do not occur from April 1 through October 31, annually.

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

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

1. Coliscan MF® Method
2. EPA Method 1603 Modified m-TEC agar
3. mColi Blue-24®
4. Colilert® MPN Method or Colilert-18® MPN Method

[9]The monthly average *E. coli* value shall be calculated as a geometric mean. Per 327 IAC 5-10-6, the concentration of *E. coli* shall not exceed one hundred twenty-five (125) cfu or mpn per 100 milliliters as a geometric mean of the effluent samples taken in a calendar month. No samples may be excluded when calculating the monthly geometric mean.

[10]If less than ten samples are taken and analyzed for *E. coli* in a calendar month, no samples may exceed two hundred thirty-five (235) cfu or mpn as a daily maximum. However, when ten (10) or more samples are taken and analyzed for *E. coli* in a calendar month, not more than ten percent (10%) of those samples may exceed two hundred thirty-five (235) cfu or mpn as a daily maximum. When

calculating ten percent, the result must not be rounded up. In reporting for compliance purposes on the Discharge Monitoring Report (DMR) form, the permittee shall record the highest non-excluded value for the daily maximum.

2. Minimum Narrative Limitations

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

a. including the mixing zone, to contain substances, materials, floating debris, oil, scum or other pollutants:

(1) that will settle to form putrescent or otherwise objectionable deposits;

(2) that are in amounts sufficient to be unsightly or deleterious;

(3) that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;

(4) which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;

(5) which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

b. outside the mixing zone, to contain substances in concentrations which on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge flow and shall be taken at times which reflect the full range and concentration of effluent parameters normally expected to be present. Samples shall not be taken at times to avoid showing elevated levels of any parameters.

2. Data on Plant Operation

The raw influent and the wastewater from intermediate unit treatment processes, as well as the final effluent shall be sampled and analyzed for the pollutants and operational parameters specified by the applicable Monthly Report of Operation Form, as appropriate, in accordance with 327 IAC 5-2-13. Except where the permit specifically states otherwise, the sample frequency for the raw influent and intermediate unit treatment process shall be at a minimum the same frequency as that for the final effluent. The measurement frequencies specified in each of the tables in Part I.A. are the minimum frequencies required by this permit.

3. Monthly Reporting

The permittee shall submit accurate monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous monitoring period and shall be postmarked no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the monitoring period in which the permit becomes effective. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO). Until December 31, 2016, all reports shall be mailed to IDEM, Office of Water Quality –Compliance Data Section, 100 North Senate Ave., Indianapolis, Indiana 46204-2251or submitted to IDEM electronically by using the NetDMR application, upon registration and approval receipt. Electronically submitted reports (using NetDMR) have the same deadline as mailed reports. After December 31, 2016, all reports shall be submitted using NetDMR, and paper reports will no longer be accepted. The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit.

A calendar week will begin on Sunday and end on Saturday. Partial weeks consisting of four or more days at the end of any month will include the remaining days of the week, which occur in the following month in order to calculate a consecutive seven-day average. This value will be reported as a weekly average or seven-day average on the MRO for the month containing the partial week of four or more days. Partial calendar

weeks consisting of less than four days at the end of any month will be carried forward to the succeeding month and reported as a weekly average or a seven-day average for the calendar week that ends with the first Saturday of that month.

4. Definitions

a. Calculation of Averages

Pursuant to 327 IAC 5-2-11(a)(5), the calculation of the average of discharge data shall be determined as follows: For all parameters except fecal coliform and *E. coli*, calculations that require averaging of sample analyses or measurements of daily discharges shall use an arithmetic mean unless otherwise specified in this permit. For fecal coliform, the monthly average discharge and weekly average discharge, as concentrations, shall be calculated as a geometric mean. For *E. coli*, the monthly average discharge, as a concentration, shall be calculated as a geometric mean.

b. Terms

(1) "Monthly Average" -The monthly average discharge means the total mass or flow-weighted concentration of all daily discharges during a calendar month on which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar month. The monthly average discharge limitation is the highest allowable average monthly discharge for any calendar month.

(2) "Weekly Average" - The weekly average discharge means the total mass or flow weighted concentration of all daily discharges during any calendar week for which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar week. The average weekly discharge limitation is the maximum allowable average weekly discharge for any calendar week.

(3) "Daily Maximum" - The daily maximum discharge limitation is the maximum allowable daily discharge for any calendar day. The "daily discharge" means the total mass of a pollutant discharged during the calendar day or, in the case of a pollutant limited in terms other than mass pursuant to 327 IAC 5-2-11(e), the average concentration or other measurement of the pollutant specified over the calendar day or any twenty-four hour period that represents the calendar day for purposes of sampling.

(4) "24-hour Composite" - A 24-hour composite sample consists of at least four (4) individual flow-proportioned samples of wastewater, taken by the grab sample method over equal time intervals during the period of operator attendance or by

an automatic sampler, and which are combined prior to analysis. A flow proportioned composite sample shall be obtained by:

(a) recording the discharge flow rate at the time each individual sample is taken,

(b) adding together the discharge flow rates recorded from each individual sampling time to formulate the "total flow value,"

(c) dividing the discharge flow rate of each individual sampling time by the total flow value to determine its percentage of the total flow value, and

(d) multiplying the volume of the total composite sample by each individual sample's percentage to determine the volume of that individual sample which will be included in the total composite sample.

Alternatively, a 24-hour composite sample may be obtained by an automatic sampler on an equal time interval basis over a twenty-four hour period provided that a minimum of 24 samples are taken and combined prior to analysis. The samples do not need to be flow-proportioned if the permittee collects samples in this manner.

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

(6) TSS: Total Suspended Solids

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

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

(9) The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, located at the following address: 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.

(10) Limit of Detection or LOD is defined as a measurement of the concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix. The LOD is equivalent to the Method Detection Level or MDL.

(11) Limit of Quantitation or LOQ is defined as a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration about the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively

measured using a specified laboratory procedure for monitoring of the contaminant. This term is also called the limit of quantification or quantification level.

(12) Method Detection Level or MDL is defined as the minimum concentration of an analyte (substance) that can be measured and reported with a ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) as determined by the procedure set forth in 40 CFR Part 136, Appendix B. The method detection level or MDL is equivalent to the LOD.

5. Test Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136, unless otherwise specified within this permit. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods, however, 40 CFR Part 136 should be checked to ascertain if a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the State agency and the U.S. Environmental Protection Agency.

a. Standard Methods for the Examination of Water and Wastewater
18^{th}, 19^{th}, or 20^{th} Editions, 1992, 1995 or 1998 American Public Health Association, Washington, D.C. 20005.

b. A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis
1972 American Society for Testing and Materials, Philadelphia, PA 19103.

c. Methods for Chemical Analysis of Water and Wastes
June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.

6. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record and maintain records of all monitoring information on activities under this permit, including the following information:

a. The exact place, date, and time of sampling or measurements;

b. The person(s) who performed the sampling or measurements;

c. The dates and times the analyses were performed;

d. The person(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of all required analyses and measurements.

7. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monthly Discharge Monitoring Report and on the Monthly Report of Operation form. Such increased frequency shall also be indicated on these forms. Any such additional monitoring data which indicates a violation of a permit limitation shall be followed up by the permittee, whenever feasible, with a monitoring sample obtained and analyzed pursuant to approved analytical methods. The results of the follow-up sample shall be reported to the Commissioner in the Monthly Discharge Monitoring Report.

8. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three-year period shall be extended:

a. automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or

b. as requested by the Regional Administrator or the Indiana Department of Environmental Management.

D. REOPENING CLAUSES

In addition to the reopening clause provisions cited at 327 IAC 5-2-16, the following reopening clauses are incorporated into this permit:

1. This permit may be modified or, alternately, revoked and reissued after public notice and opportunity for hearing to incorporate effluent limitations reflecting the results of a

wasteload allocation if the Department of Environmental Management determines that such effluent limitations are needed to assure that State Water Quality Standards are met in the receiving stream.

2. This permit may be modified due to a change in sludge disposal standards pursuant to Section 405(d) of the Clean Water Act, if the standards when promulgated contain different conditions, are otherwise more stringent, or control pollutants not addressed by this permit.

3. This permit may be modified, or, alternately, revoked and reissued, to comply with any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:

   a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

   b. controls any pollutant not limited in the permit.

4. This permit may be modified, or alternately, revoked and reissued after public notice and opportunity for hearing to include Whole Effluent Toxicity (WET) limitations or to include limitations for specific toxicants if the results of the biomonitoring and/or the Toxicity Reduction Evaluation (TRE) study indicate that such limitations are necessary.

E. SCHEDULE OF COMPLIANCE FOR PHOSPHORUS

The permittee shall achieve compliance with the phosphorus limitation in accordance with the following schedule, unless the final effluent limitations for the 4.0 MGD facility become effective first, at which time the phosphorus limitation becomes effective immediately:

1. The permittee shall submit a written progress report to the Compliance Data Section, Office of Water Quality (OWQ) nine (9) months from the effective date of the permit. The progress report shall include, among other items, a description of the method(s) selected for meeting the final requirements for phosphorus. The final effluent limitations for phosphorus are deferred for the term of this compliance schedule, however the permittee must take steps to attempt to meet the final limitations as soon as reasonably possible. If the permittee determines prior to the conclusion of this compliance schedule that it can meet any of the final limitations, the permittee shall provide written notification to the Compliance Data Section of the Office of Water Quality. Monitoring and reporting of effluent phosphorus is required during the interim period in accordance with Part I.A. of the permit.

2. The permittee shall submit a written progress report to the Compliance Data Section, Office of Water Quality not later than the eighteen (18) months from the effective date of the permit.

3. The permittee shall submit a written progress report to the Compliance Data Section, Office of Water Quality not later than the twenty-seven (27) months from the effective date of the permit.

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

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

F. NOTIFICATION REQUIREMENT

The permittee is proposing to upgrade the existing facility from a Class III, 1.5 MGD facility to a Class III, 4.0 MGD facility. The permittee received a Construction Approval No. 20788 for the aforementioned construction activities on February 21, 2014. The permittee shall submit a written notice to the Compliance Data Section of the Office of Water Quality at 100 N. Senate Avenue, Indianapolis, IN 46204-2251 which specifies the expected facility construction completion date. This notice shall be submitted a minimum of thirty (30) days **prior** to completion of facility construction. Any deviation from the completion date specified in this notice will require a revised notice to be submitted to the same office. Notification of the facility construction completion date is necessary to ensure that the final effluent limitations contained in this permit become effective at the correct time.

G. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

The 1977 Clean Water Act explicitly states, in Section 101(3) that it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited. In support of this policy the U.S. EPA in 1995 amended the 40 CFR 136.3 (Tables IA and II) by adding testing methods for measuring acute and short-term chronic toxicity of whole effluents and receiving waters. To adequately assess the character of the effluent, and the effects of the effluent on aquatic life, the permittee shall conduct Whole Effluent Toxicity Testing. Part 1 of this section describes the testing procedures, Part 2 describes the Toxicity Reduction Evaluation which is only required if the effluent demonstrates toxicity, as described in paragraph f.

1. Whole Effluent Toxicity Tests

The permittee shall conduct a bioassay test as described below to monitor the toxicity of the discharge from Outfall 001.

If toxicity is demonstrated as defined under paragraph f below, the permittee is required to conduct a toxicity reduction evaluation (TRE).

a. Bioassay Test Procedures and Data Analysis

(1) All test organisms, test procedures and quality assurance criteria used shall be in accordance with the Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms; Fourth Edition Section 13, Cladoceran (*Ceriodaphnia dubia*) Survival and Reproduction Test Method 1002.0; and Section 11, Fathead Minnow (*Pimephales promelas*) Larval Survival and Growth Test Method, (1000.0) EPA 821-R-02-013, October 2002, or most recent update.

(2) Any circumstances not covered by the above methods, or that require deviation from the specified methods shall first be approved by the IDEM's Permits Branch Toxicologist.

(3) The determination of effluent toxicity shall be made in accordance with the Data Analysis general procedures for chronic toxicity endpoints as outlined in Section 9, and in Sections 11 and 13 of the respective Test Method (1000.0 and 1002.0) of Short-term Methods of Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms (EPA 821-R-02-013), Fourth Edition, October 2002 or most recent update.

b. Types of Bioassay Tests

(1) The permittee shall conduct a 7-day Cladoceran (*Ceriodaphnia dubia*) Survival and Reproduction Test and a 7-day Fathead Minnow (*Pimephales promelas*) Larval Survival and Growth Test on samples of the final effluent. All tests will be conducted on 24-hour composite samples of final effluent. All test solutions shall be renewed daily. On days three and five fresh 24-hour composite samples of the effluent collected on alternate days shall be used to renew the test solutions.

(2) If in any control more than 10% of the test organisms die in 96 hours, or more than 20% of the test organisms die in 7 days, that test shall be repeated. In addition, if in the *Ceriodaphnia* test control the number of newborns produced per surviving female is less than 15, or if 60% of surviving control females have less than three broods; and in the fathead minnow test if the mean dry weight of surviving fish in the control group is less than 0.25 mg, that test shall also be

repeated. Such testing will determine whether the effluent affects the survival, reproduction, and/or growth of the test organisms. Results of all tests regardless of completion must be reported to IDEM.

c. Effluent Sample Collection and Chemical Analysis

(1) Samples for the purposes of Whole Effluent Toxicity Testing will be taken at a point that is representative of the discharge, but prior to discharge. The maximum holding time for whole effluent is 36 hours for a 24 hour composite sample. Bioassay tests must be started within 36 hours after termination of the 24 hour composite sample collection. Bioassay of effluent sampling may be coordinated with other permit sampling requirements as appropriate to avoid duplication.

(2) Chemical analysis must accompany each effluent sample taken for bioassay test. Especially the sample taken for the repeat or confirmation test as outlined in paragraph f.3. The analysis detailed under Part I.A. should be conducted for the effluent sample. Chemical analysis must comply with approved EPA test methods.

d. Frequency and Duration

The toxicity tests specified in paragraph b. shall be conducted within the first six (6) months of the effective date of this permit. The results of the toxicity test are due eight (8) months from the effective date of this permit.

If toxicity is demonstrated as defined under paragraph f (1), (2) or (3), the permittee is required to conduct a Toxicity Reduction Evaluation (TRE) as specified in Section 2.

e. Reporting

(1) Results shall be reported according to EPA 821-R-02-013, Section 10 (Report Preparation). Two copies of the completed report for each test shall be submitted to the Compliance Data Section of the IDEM no later than sixty days after completion of the test. An electronic copy of the report may be submitted to wwreports@idem.IN.gov in lieu of the two copies to the Compliance Data Section.

(2) For quality control, the report shall include the results of appropriate standard reference toxic pollutant tests for chronic endpoints and historical reference toxic pollutant data with mean values and appropriate ranges for the respective test species *Ceriodaphnia dubia* and *Pimephales promelas*. Biomonitoring reports must also include copies of Chain-of-Custody Records and Laboratory raw data sheets.

(3) Statistical procedures used to analyze and interpret toxicity data including critical values of significance used to evaluate each point of toxicity should be described and included as part of the biomonitoring report.

f. Demonstration of Toxicity

(1) Acute toxicity will be demonstrated if the effluent is observed to have exceeded 1.0 TU_a (acute toxic units) based on 100% effluent for the test organism in 48 and 96 hours for *Ceriodaphnia dubia* or *Pimephales promelas*, respectively.

(2) Chronic toxicity will be demonstrated if the effluent is observed to have exceeded 1.0 TU_c (chronic toxic units) for *Ceriodaphnia dubia* or *Pimephales promelas* .

(3) If toxicity is found in any of the tests specified above, a confirmation toxicity test using the specified methodology and same test species shall be conducted within two weeks of receiving the chronic toxicity test results. During the sampling for any confirmation tests the permittee shall also collect and preserve sufficient effluent samples for use in any Toxicity Identification Evaluation (TIE) and/or Toxicity Reduction Evaluation (TRE), if necessary. If any two (2) consecutive tests, <u>including any and all confirmation tests</u>, indicate the presence of toxicity, the permittee must begin the implementation of a Toxicity Reduction Evaluation (TRE) as described below. The whole effluent toxicity tests required above may be suspended (upon approval from IDEM) while the TRE is being conducted.

g. Definitions

(1) TU_c is defined as 100/NOEC or 100/IC_{25}, where the NOEC or IC_{25} is expressed as a percent effluent in the test medium.

(2) TU_a is defined as 100/LC_{50} where the LC_{50} is expressed as a percent effluent in the test medium of an acute Whole Effluent Toxicity (WET) test that is statistically or graphically estimated to be lethal to fifty percent (50%) of the test organisms.

(3)"Inhibition concentration 25" or "IC_{25}" means the toxicant (effluent) concentration that would cause a twenty-five percent (25%) reduction in a nonquantal biological measurement for the test population. For example, the IC_{25} is the concentration of toxicant (effluent) that would cause a twenty-five percent (25%) reduction in mean young per female or in growth for the test population.

(4)"No observed effect concentration" or "NOEC" is the highest concentration of toxicant (effluent) to which organisms are exposed in a full life cycle or partial life cycle (short term) test, that causes no observable adverse effects on the test

organisms, that is, the highest concentration of toxicant (effluent) in which the values for the observed responses are not statistically significantly different from the controls.

2. Toxicity Reduction Evaluation (TRE)

The development and implementation of a TRE (including any post-TRE biomonitoring requirements) is only required if toxicity is demonstrated as defined by Paragraph 1.f.

Development and Submittal of TRE Plan	Within 90 days of two failed toxicity tests.
Initiate Effluent TRE	Within 30 days of TRE Plan submittal to IDEM.
Progress Reports	Every 90 days from the initiation date of the TRE.
Submit Final TRE Results	Within 90 days of the completion of the TRE, not to exceed 3 years from the date of the initial determination of toxicity (two failed toxicity tests).
Post-TRE Biomonitoring Requirements	Immediately upon completion of the TRE, conduct 3 consecutive months of toxicity tests, if no toxicity is shown, reduce toxicity tests to once every 6 months for the duration of the permit term. If post – TRE biomonitoring demonstrates toxicity, revert to implementation of a TRE.

a. Development of TRE Plan

Within 90 days of determination of toxicity, the permittee shall submit plans for an effluent TRE to the Compliance Data Section of the IDEM. The TRE plan shall include appropriate measures to characterize the causative toxicant and the variability associated with these compounds. Guidance on conducting effluent toxicity reduction evaluations is available from EPA and from the EPA publications listed below:

(1) Methods for Aquatic Toxicity Identification Evaluations:

Phase I Toxicity Characterization Procedures, Second Edition (EPA/600/6-91/003), February 1991.

Phase II Toxicity Identification Procedures (EPA 600/R-92/080), September 1993.

Phase III Toxicity Confirmation Procedures (EPA/600/R-92/081), September 1993.

(2) Methods for Chronic Toxicity Identification Evaluations
Phase I Characterization of Chronically Toxic Effluents EPA/600/6-91/005F, May 1992.

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

(4) Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants (EPA/833-B-99-022), August 1999.

b. Conduct the TRE

Within 30 days after submittal of the TRE plan to IDEM, the permittee must initiate an effluent TRE consistent with the TRE plan. Progress reports shall be submitted every 90 days to the Compliance Data Section of the Office of Water Quality (OWQ) beginning 90 days after initiation of the TRE.

c. Reporting

Within 90 days of the TRE completion, the permittee shall submit to the Compliance Data Section of the Office of Water Quality (OWQ) the final study results and a schedule for reducing the toxicity to acceptable levels through control of the toxicant source or treatment of whole effluent.

d. Compliance Date

The permittee shall complete items a, b, and c from Section 2 and reduce the toxicity to acceptable levels as soon as possible but no later than three years after the date of determination of toxicity.

e. Post-TRE Biomonitoring Requirements (Only Required After Completion of a TRE)

After the TRE, the permittee shall conduct monthly toxicity tests with 2 or more species for a period of three months. Should three consecutive monthly tests demonstrate no toxicity, the permittee shall conduct chronic tests every six months for the duration of the permit. These tests shall be conducted in accordance with the procedures under the Whole Effluent Toxicity Tests Section. The results of these tests shall be submitted to the Compliance Data Section of the Office of Water Quality (OWQ).

If toxicity is demonstrated as defined in paragraph 1.f after the initial three month period, testing must revert to a TRE as in Part 2 (TRE).

PART II

STANDARD CONDITIONS FOR NPDES PERMITS

A. GENERAL CONDITIONS

1. Duty to Comply

The permittee shall comply with all terms and conditions of this permit in accordance with 327 IAC 5-2-8(1) and all other requirements of 327 IAC 5-2-8. Any permit noncompliance constitutes a violation of the Clean Water Act and IC 13 and is grounds for enforcement action or permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

2. Duty to Mitigate

In accordance with 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact to the environment resulting from noncompliance with this permit. During periods of noncompliance, the permittee shall conduct such accelerated or additional monitoring for the affected parameters, as appropriate or as requested by IDEM, to determine the nature and impact of the noncompliance.

3. Duty to Provide Information

The permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the facility that:

a. could significantly change the nature of, or increase the quantity of, pollutants discharged; or

b. the Commissioner may request to evaluate whether such cause exists.

In accordance with 327 IAC 5-1-3(a)(5), the permittee must also provide any information reasonably requested by the Commissioner.

4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must obtain and submit a renewal of this permit in accordance with 327 IAC 5-3-2(a)(2). It is the permittee's responsibility to obtain and submit the application. In accordance with 327 IAC 5-2-3(c), the owner of the facility or operation from which a discharge of pollutants occurs is responsible for applying for and obtaining the NPDES permit, except where the facility or operation is operated by a person other than an employee of the owner in which case it is the operator's responsibility to apply for and obtain the permit. The application must be submitted at least 180 days before the expiration date of this permit. This deadline may be extended if:

a. permission is requested in writing before such deadline;

b. IDEM grants permission to submit the application after the deadline; and

c. the application is received no later than the permit expiration date.

As required under 327 IAC 5-2-3(g)(1) and (2), POTWs with design influent flows equal to or greater than one million (1,000,000) gallons per day and POTWs with an approved pretreatment program or that are required to develop a pretreatment program, will be required to provide the results of whole effluent toxicity testing as part of their NPDES renewal application.

5. Transfers

In accordance with 327 IAC 5-2-8(4)(D), this permit is nontransferable to any person except in accordance with 327 IAC 5-2-6(c). This permit may be transferred to another person by the permittee, without modification or revocation and reissuance being required under 327 IAC 5-2-16(c)(1) or 16(e)(4), if the following occurs:

a. the current permittee notified the Commissioner at least thirty (30) days in advance of the proposed transfer date.

b. a written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to the Commissioner.

c. the transferee certifies in writing to the Commissioner their intent to operate the facility without making such material and substantial alterations or additions to the

facility as would significantly change the nature or quantities of pollutants discharged and thus constitute cause for permit modification under 327 IAC 5-2-16(d). However, the Commissioner may allow a temporary transfer of the permit without permit modification for good cause, e.g., to enable the transferee to purge and empty the facility's treatment system prior to making alterations, despite the transferee's intent to make such material and substantial alterations or additions to the facility.

d. the Commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

The Commissioner may require modification or revocation and reissuance of the permit to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act or state law.

6. Permit Actions

In accordance with 327 IAC 5-2-16(b) and 327 IAC 5-2-8(4), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

a. Violation of any terms or conditions of this permit;

b. Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts in the application, or during the permit issuance process; or

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge controlled by the permittee (e.g., plant closure, termination of the discharge by connecting to a POTW, a change in state law or information indicating the discharge poses a substantial threat to human health or welfare).

Filing of either of the following items does not stay or suspend any permit condition: (1) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (2) submittal of information specified in Part II.A.3 of the permit including planned changes or anticipated noncompliance.

The permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the permitted facility that:

1. could significantly change the nature of, or increase the quantity of, pollutants discharged; or

2. the commissioner may request to evaluate whether such cause exists.

7. Property Rights

Pursuant to 327 IAC 5-2-8(6) and 327 IAC 5-2-5(b), the issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to persons or private property or an invasion of rights, any infringement of federal, state, or local laws or regulations. The issuance of the permit also does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made.

8. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of the permit which can be given effect without the invalid provision or application.

9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act or state law.

11. Penalties for Violation of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit, the water pollution control laws; environmental management laws; or a rule or standard adopted by the Water Pollution Control Board is liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) per day of any violation. Pursuant to IC 13-30-5, a person

who obstructs, delays, resists, prevents, or interferes with (1) the department; or (2) the department's personnel or designated agent in the performance of an inspection or investigation commits a class C infraction.

Pursuant to IC 13-30-10, a person who intentionally, knowingly, or recklessly violates any provision of this permit, the water pollution control laws or a rule or standard adopted by the Water Pollution Control Board commits a class D felony punishable by the term of imprisonment established under IC 35-50-2-7(a) (up to one year), and/or by a fine of not less than five thousand dollars ($5,000) and not more than fifty thousand dollars ($50,000) per day of violation. A person convicted for a violation committed after a first conviction of such person under this provision is subject to a fine of not more than one hundred thousand dollars ($100,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

12. Penalties for Tampering or Falsification

In accordance with 327 IAC 5-2-8(9), the permittee shall comply with monitoring, recording, and reporting requirements of this permit. The Clean Water Act, as well as IC 13-30-10, provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under a permit shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000) per violation, or by imprisonment for not more than one hundred eighty (180) days per violation, or by both.

13. Toxic Pollutants

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant injurious to human health, and that standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5). Effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants injurious to human health are effective and must be complied with, if applicable to the permittee, within the time provided in the implementing regulations, even absent permit modification.

14. Operator Certification

The permittee shall have the wastewater treatment facilities under the 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. The permittee shall designate one (1)

person as the certified operator with complete responsibility for the proper operations of the wastewater facility.

327 IAC 5-22-10.5(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" 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.

15. Construction Permit

Except in accordance with 327 IAC 3, the permittee shall not construct, install, or modify any water pollution treatment/control facility as defined in 327 IAC 3-1-2(24). Upon completion of any construction, the permittee must notify the Compliance Data Section of the Office of Water Quality in writing.

16. Inspection and Entry

In accordance with 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative, (including an authorized contractor acting as a representative of the Commissioner) upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a point source, regulated facility, or activity is located or conducted, or where records must be kept pursuant to the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;

c. Inspect at reasonable times any facilities, equipment or methods (including monitoring and control equipment), practices, or operations regulated or required pursuant to this permit; and

d. Sample or monitor at reasonable times, any discharge of pollutants or internal wastestreams for the purposes of evaluating compliance with the permit or as otherwise authorized.

17. New or Increased Discharge of Pollutants

This permit prohibits the permittee from undertaking any 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 one of the following is completed prior to the commencement of the action:

a. Information is submitted to the Commissioner demonstrating that the proposed new or increased discharges 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. Facility Operation, Maintenance and Quality Control

a. In accordance with 327 IAC 5-2-8(8), the permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for collection and treatment that are:

(1) installed or used by the permittee; and

(2) necessary for achieving compliance with the terms and conditions of the permit.

Neither 327 IAC 5-2-8(8), nor this provision, shall be construed to require the operation of installed treatment facilities that are unnecessary for achieving compliance with the terms and conditions of the permit. Taking redundant treatment units off line does not violate the bypass provisions of the permit, provided that the permittee is at all times: maintaining in good working order and efficiently operating all facilities and systems; providing best quality effluent; and achieving compliance with the terms and conditions of the permit.

b. The permittee shall operate the permitted facility in a manner which will minimize upsets and discharges of excessive pollutants. The permittee shall properly remove and dispose of excessive solids and sludges.

c. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.

d. Maintenance of all waste collection, control, treatment, and disposal facilities shall be conducted in a manner that complies with the bypass provisions set forth below.

e. Any extensions to the sewer system must continue to be constructed on a separated basis. Plans and specifications, when required, for extension of the sanitary system must be submitted to the Facility Construction and Engineering Support Section, Office of Water Quality in accordance with 327 IAC 3-2-1. There shall also be an ongoing preventative maintenance program for the sanitary sewer system.

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(11):

a. Terms as defined in 327 IAC 5-2-8(11)(A):

(1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypasses, as defined above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined above;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II.B.2.d; or

(4) The condition under Part II.B.2.f below is met.

c. Bypasses that result in death or acute injury or illness to animals or humans must be reported in accordance with the "Spill Response and Reporting Requirements" in 327 IAC 2-6.1, 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 regulated 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.

d. The permittee must provide the Commissioner with the following notice:

(1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.

(2) The permittee shall orally report or fax a report of an unanticipated bypass within 24 hours of becoming aware of the bypass event. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance (i.e. the bypass) and its cause; the period of noncompliance, including exact dates and times; if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass event. If a complete fax or email submittal is sent within 24 hours of the time that the permittee became aware of the unanticipated bypass event, then that report will satisfy both the oral and written reporting requirement.

e. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.b. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.

f. The permittee may allow any bypass to occur that does not cause a violation of the effluent limitations in the permit, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II.B.2.b.,d and e of this permit.

3. Upset Conditions

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

a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include

noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this subsection, are met.

c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(1) An upset occurred and the permittee has identified the specific cause(s) of the upset;

(2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures;

(3) The permittee complied with any remedial measures required under "Duty to Mitigate", Part II.A.2; and

(4) The permittee submitted notice of the upset as required in the "Incident Reporting Requirements," Part II.C.3, or 327 IAC 2-6.1, whichever is applicable. However, under 327 IAC 2-6.1-3(1), when the constituents of the discharge are regulated 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.

d. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof pursuant to 40 CFR 122.41(n)(4).

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

a. Collected screenings, slurries, sludges, and other such pollutants shall be disposed of in accordance with provisions set forth in 329 IAC 10, 327 IAC 6.1, or another method approved by the Commissioner.

b. The permittee shall comply with existing federal regulations governing solids disposal, and with applicable provisions of 40 CFR Part 503, the federal sludge disposal regulation standards.

c. The permittee shall notify the Commissioner prior to any changes in sludge use or disposal practices.

d. The permittee shall maintain records to demonstrate its compliance with the above disposal requirements.

5. Power Failures

In accordance with 327 IAC 5-2-10 and 327 IAC 5-2-8(13) in order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, or

b. shall halt, reduce or otherwise control all discharge in order to maintain compliance with the effluent limitations and conditions of this permit upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit.

6. Unauthorized Discharge

Any overflow or release of sanitary wastewater from the wastewater treatment facilities or collection system that results in a discharge to waters of the state and is not specifically authorized by this permit is expressly prohibited. These discharges are subject to the reporting requirements in Part II.C.3 of this permit.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(10)(F) and 5-2-16(d), the permittee shall give notice to the Commissioner as soon as possible of any planned alterations or additions to the facility (which includes any point source) that could significantly change the nature of, or increase the quantity of, pollutants discharged. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited. Material and substantial alterations or additions to the permittee's operation that were not covered in the permit (e.g., production changes, relocation or

combination of discharge points, changes in the nature or mix of products produced) are also cause for modification of the permit. However those alterations which constitute total replacement of the process or the production equipment causing the discharge converts it into a new source, which requires the submittal of a new NPDES application.

2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(9), 327 IAC 5-2-13, and 327 IAC 5-2-15, monitoring results shall be reported at the intervals and in the form specified in "Data On Plant Operation", Part I.B.2.

3. Incident Reporting Requirements

Pursuant to 327 IAC 5-2-8(10) and 327 IAC 5-1-3, the permittee shall orally report to the Commissioner information on the following incidents within 24 hours from the time permittee becomes aware of such occurrence. If the incident meets the emergency criteria of item b (Part II.C.3.b) or 327 IAC 2-6.1, then the report shall be made 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 discharge are regulated 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.

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

b. Any emergency incident which may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the incident by calling 317/233-7745 (888/233-7745 toll free in Indiana). This number should only be called when reporting these emergency events;

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

d. Any release, including basement backups, from the sanitary sewer system (including satellite sewer systems operated or maintained by the permittee) not specifically authorized by this permit. Reporting of known releases from private laterals not caused by a problem in the sewer system owned or operated by the permittee is not required under Part II.C.3, however, documentation of such events must be maintained by the permittee and available for review by IDEM staff; or

e. Any discharge from any outfall from which discharge is explicitly prohibited by this permit as well as any discharge from any other outfall or point not listed in this permit.

The permittee can make the oral reports by calling 317/232-8670 during regular business hours. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. For incidents involving effluent limit violations or discharges, the written submission shall contain: a description of the event and its cause; the period of occurrence, including exact dates and times, and, if the event has not concluded, the anticipated time it is expected to continue; and steps taken or planned to reduce, mitigate and eliminate the event and steps taken or planned to prevent its recurrence. For sewer releases which do not meet the definition of a discharge, the written submission shall contain: a description of the event and its believed cause; the period of occurrence; and any steps taken or planned to mitigate the event and steps taken or planned to prevent its recurrence. The permittee may submit a "Bypass Overflow/Incident Report" or a "Noncompliance Notification Report", whichever is applicable, to IDEM at 317/232-8637 or 317/232-8406 or to wwreports@idem.IN.gov. If a complete fax or email submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then that report will satisfy both the oral and written reporting requirements.

4. Other Noncompliance

Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Incident Reporting Requirements" in Part II.C.3 at the time the pertinent Discharge Monitoring Report is submitted. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent the noncompliance.

5. Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any report to the Commissioner, the permittee shall promptly submit such facts or corrected information to the Commissioner.

6. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5-2-8(14):

a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:

(1) For a corporation: by a principal executive defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making functions for the corporation or the manager of one or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a federal, state, or local governmental body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.

b. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above.

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(3) The authorization is submitted to the Commissioner.

c. Certification. Any person signing a document identified under paragraphs a and b of this section, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

8. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-8(14) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 180 days per violation, or by both.

9. Progress Reports

In accordance with 327 IAC 5-2-8(10)(A), reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

10. Advance Notice for Planned Changes

In accordance with 327 IAC 5-2-8(10)(B), the permittee shall give advance notice to IDEM of any planned changes in the permitted facility, any activity, or other circumstances that the permittee has reason to believe may result in noncompliance with permit requirements.

11. Additional Requirements for POTWs and/or Treatment Works Treating Domestic Sewage

a. All POTWs shall identify, in terms of character and volume of pollutants, any significant indirect discharges into the POTW which are subject to pretreatment standards under section 307(b) and 307 (c) of the CWA.

b. All POTWs must provide adequate notice to the Commissioner of the following:

(1) Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to section 301 or 306 of the CWA if it were directly discharging those pollutants.

(2) Any substantial change in the volume or character of pollutants being introduced into that POTW by any source where such change would render the source subject to pretreatment standards under section 307(b) or 307(c) of the CWA or would result in a modified application of such standards.

As used in this clause, "adequate notice" includes information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of the effluent to be discharged from the POTW.

c. This permit incorporates any conditions imposed in grants made by the U.S. EPA and/or IDEM to a POTW pursuant to Sections 201 and 204 of the Clean Water Act, that are reasonably necessary for the achievement of effluent limitations required by Section 301 of the Clean Water Act.

d. This permit incorporates any requirements of Section 405 of the Clean Water Act governing the disposal of sewage sludge from POTWs or any other treatment works treating domestic sewage for any use for which rules have been established in accordance with any applicable rules.

e. POTWs must develop and submit to the Commissioner a POTW pretreatment program when required by 40 CFR 403 and 327 IAC 5-19-1, in order to assure compliance by industrial users of the POTW with applicable pretreatment standards established under Sections 307(b) and 307(c) of the Clean Water Act. The pretreatment program shall meet the criteria of 327 IAC 5-19-3 and, once approved, shall be incorporated into the POTW's NPDES permit.

D. ADDRESSES

1. Municipal NPDES Permits Section

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

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

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

b. Preliminary Effluent Limits request letters

c. Comment letters pertaining to draft NPDES permits

d. NPDES permit transfer of ownership requests

e. NPDES permit termination requests

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

g. Combined Sewer Overflow (CSO) Operational Plans

h. CSO Long Term Control Plans (LTCP)

i. Stream Reach Characterization and Evaluation Reports (SRCER)

2. Facility Construction and Engineering Support Section

Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
Facility Construction and Engineering Support Section
100 N. Senate Avenue
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Facility Construction and Engineering Support Section:

Construction permit applications with fee

3. Compliance Data Section

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

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

a. Discharge Monitoring Reports (DMRs)

b. Monthly Reports of Operation (MROs)

c. Monthly Monitoring Reports (MMRs)

d. CSO MROs

e. Gauging station and flow meter calibration documentation

f. Compliance schedule progress reports

g. Completion of Construction notifications

h. Whole Effluent Toxicity Testing reports

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

j. Bypass/Overflow Reports

k. Anticipated Bypass/Overflow Reports

l. Streamlined Mercury Variance Annual Reports

4. Pretreatment Group

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

The following correspondence shall be sent to the Pretreatment Group:

a. Organic Pollutant Monitoring Reports

b. Significant Industrial User (SIU) Quarterly Noncompliance Reports

c. Pretreatment Program Annual Reports

d. Sewer Use Ordinances

e. Enforcement Response Plans (ERP)

f. Sludge analytical results

Fact Sheet
August 2015
Updated: January 2016

Carriage Estates III Wastewater Treatment Plant
located at 4100 Bridgeway Drive, West Lafayette, Indiana, Tippecanoe County

Outfall Location	Latitude:	40° 27' 32" N
	Longitude:	86° 59' 02" W

NPDES Permit No. IN0043273

Background

This is the proposed renewal of the NPDES permit for the Carriage Estates III Wastewater Treatment Plant which was issued on January 10, 2011, and has an expiration date of January 31, 2016. The permittee submitted an application for renewal which was received on August 21, 2015. During the public comment period, several comments and requests for public hearing were received by this Office. A public hearing was held by this Office on December 15, 2015, in which verbal and written testimony was provided. This Fact Sheet includes a "Post Public Notice Addendum" section that summarizes the comments received and this Office's corresponding responses.

The permittee currently operates a Class III, 1.5 MGD sequential batch reactor treatment facility consisting of a lift station, inlet coarse screens, four sequential batch reactor tanks, two sludge holding lagoons, chlorination and dechlorination facilities, post aeration, and an effluent flow meter. Final sludge is aerobically digested and is land applied by a contractor.

The permittee received a Construction Approval No. 20788 on February 21, 2014, to upgrade the existing facility from a Class III, 1.5 MGD facility to a Class III, 4.0 MGD facility. The upgrade will add a parallel treatment system to consist of: a new continuous sequential batch reactor system for carbonaceous oxidation, nitrification, and organic phosphorus removal; an ultraviolet light disinfection system; a chemical feed system for back-up phosphorus removal; and a new effluent flow meter.

Collection System

The collection system is comprised of 100% separate sanitary sewers by design with no overflow or bypass points.

Spill Reporting Requirements

Reporting requirements associated with the Spill Reporting, Containment, and Response requirements of 327 IAC 2-6.1 are included in Part II.B.2.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 exceedences 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 exceedence 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.

Solids Disposal

The permittee is required to dispose of its sludge in accordance with 329 IAC 10, 327 IAC 6.1, or 40 CFR Part 503.

Receiving Stream

The facility discharges to Indian Creek via Outfall 001. The receiving water has a seven day, ten year low flow ($Q_{7,10}$) of 0.0 cubic feet per second at the outfall location. The receiving stream is designated for full body contact recreational use and shall be capable of supporting a well-balanced warm water aquatic community in accordance with 327 IAC 2-1.

Industrial Contributions

There is no industrial flow to the wastewater treatment plant. This NPDES permit does not authorize the facility to accept industrial contributions until the permittee has provided the Indiana Department of Environmental Management with a characterization of the waste, including volume amounts, and this Office has determined whether effluent limitations are needed to ensure the State water quality standards are met in the receiving stream.

Antidegradation

327 IAC 2-1.3 outlines the state's Antidegradation Standards and Implementation Procedures. The Tier 1 antidegradation standard found in 327 IAC 2-1.3-3(a) applies to all surface waters of the state regardless of their existing water quality. Based on this standard, for all surface waters of the state, existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. IDEM implements the Tier 1 antidegradation standard by requiring NPDES permits to contain effluent limits and best management practices for regulated pollutants that ensure the narrative and numeric water quality criteria applicable to the designated use are achieved in the water and any designated use of the downstream water is maintained and protected.

The Tier 2 antidegradation standard found in 327 IAC 2-1.3-3(b) applies to surface waters of the state where the existing quality for a parameter is better than the water quality criterion for that parameter established in 327 IAC 2-1-6. These surface waters are considered high quality for the parameter and this high quality shall be maintained and protected unless the commissioner finds that

allowing a significant lowering of water quality is necessary and accommodates important social or economic development in the area in which the waters are located. IDEM implements the Tier 2 antidegradation standard for regulated pollutants with numeric water quality criteria quality adopted in or developed pursuant to 327 IAC 2-1 and utilizes the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6.

According to 327 IAC 2-1.3-1(b), the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6 apply 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 new or increased loading of the regulated pollutant ammonia-nitrogen established in the NPDES permit does not result in a significant lowering of water quality as defined in 327 IAC 2-1.3-2(50). The finding of no significant lowering was determined by conducting wasteload allocation (WLA) analyses. The WLAs were completed by Office of Water Quality (OWQ) Permits Branch staff on March 8, 2013 and December 30, 2015.

Effluent Limitations and Rationale

The permit contains two different sets of effluent limitations. The first set, found in Part I.A., Tables 1 and 2 of the permit, are in accordance with Indiana Water Quality Standards, NPDES regulations, and a Wasteload Allocation (WLA) analysis performed by this Office's Permits Branch staff on March 22, 1999. These limitations are representative of the permittee's existing 1.5 MGD facility. These limitations are effective commencing on the effective date of this permit reissuance and continuing until thirty (30) days following completion of facility construction (Refer to the Notification Requirement, Part I.F. of the permit). These limitations are equivalent to the limitations found in the facility's existing NPDES permit. Therefore, these limitations are not described further in this Fact Sheet.

The second set of limitations, the final limitations, becomes effective thirty (30) days following completion of construction of the 4.0 MGD facility. These limitations are found in Part I.B., Tables 3 and 4 of the permit. These limitations are set in accordance with Indiana Water Quality Standards, NPDES regulations, the antibacksliding regulations found at 327 IAC 5-2-10(a)(11), Antidegradation Wasteload Allocation (WLA) analyses performed by this Office's Permits Branch staff on March 8, 2013, and December 30, 2015, and a Preliminary Effluent Limitations letter dated March 26, 2013. Monitoring frequencies are based upon facility size and type.

The final effluent limitations to be limited and/or monitored include: Flow, Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), Total Suspended Solids (TSS), Ammonia-nitrogen (NH_3-N), Phosphorus, pH, Dissolved Oxygen (DO), *Escherichia coli* (*E. coli)*, and whole effluent toxicity testing.

Final Effluent Limitations

The summer monitoring period runs from May 1 through November 30 of each year and the winter monitoring period runs from December 1 through April 30 of each year. The disinfection season runs from April 1 through October 31 of each year.

The mass limits for $CBOD_5$, TSS, and ammonia-nitrogen are calculated by multiplying the average design flow (in MGD) by the corresponding concentration value and by 8.345.

Influent Monitoring

The raw influent and the wastewater from intermediate unit treatment processes, as well as the final effluent shall be sampled and analyzed for the pollutants and operational parameters specified by the applicable Monthly Report of Operation Form, as appropriate, in accordance with 327 IAC 5-2-13 and Part I.C.2 of the permit. Except where the permit specifically states otherwise, the sample frequency for the raw influent and intermediate unit treatment process shall be at a minimum the same frequency as that for the final effluent. The measurement frequencies specified in each of the tables in Part I.A. and I.B. are the minimum frequencies required by the permit.

Flow

Flow is to be measured five (5) times weekly as a 24-hour total. Reporting of flow is required by 327 IAC 5-2-13.

$CBOD_5$

$CBOD_5$ is limited to 14 mg/l (467 lbs/day) as a monthly average and 21 mg/l (701 lbs/day) as a weekly average during the summer monitoring period. During the winter monitoring period, $CBOD_5$ is limited to 25 mg/l (835 lbs/day) as a monthly average and 40 mg/l (1,335 lbs/day) as a weekly average. The permit requires a monthly average percent removal of not less than 85%. The percent removal is to be calculated from a comparison of raw influent to final effluent sampling results and is to be reported as a monthly average.

Monitoring is to be conducted five (5) times weekly by 24-hour composite sampling. The $CBOD_5$ concentration limitations included in this permit are set in accordance with the Wasteload Allocation (WLA) analysis performed by this Office's Permits Branch staff on December 30, 2015, and are the same as the concentration limitations found in the facility's previous permit in accordance with 327 IAC 5-2-10(a)(11). The 85% removal requirement is included in accordance with 40 CFR 133.102 and is a new requirement for this facility.

TSS

TSS is limited to 17 mg/l (567 lbs/day) as a monthly average and 26 mg/l (868 lbs/day) as a weekly average during the summer monitoring period. During the winter monitoring period, TSS is limited to 30 mg/l (1,001 lbs/day) as a monthly average and 45 mg/l (1,502 lbs/day) as a weekly average.

The permit requires a monthly average percent removal of not less than 85%. The percent removal is to be calculated from a comparison of raw influent to final effluent sampling results and is to be reported as a monthly average.

Monitoring is to be conducted five (5) times weekly by 24-hour composite sampling. The TSS concentration limitations included in this permit are set in accordance with the Wasteload Allocation (WLA) analysis performed by this Office's Permits Branch staff on December 20, 2015, and are the same as the concentration limitations found in the facility's previous permit in accordance with 327 IAC 5-2-10(a)(11). The 85% removal requirement is included in accordance with 40 CFR 133.102 and is a new requirement for this facility.

Ammonia-nitrogen

Ammonia-nitrogen is limited to 1.2 mg/l (40.1 lbs/day) as a monthly average and 1.8 mg/l (60.1 lbs/day) as a weekly average during the summer monitoring period. During the winter monitoring period, ammonia-nitrogen is limited to 1.8 mg/l (60.1 lbs/day) as a monthly average and 2.7 mg/l (90.1 lbs/day) as a weekly average.

Monitoring is to be conducted five (5) times weekly by 24-hour composite sampling. The ammonia-nitrogen concentration limitations included in this permit are set in accordance with the Wasteload Allocation (WLA) analysis performed by this Office's Permits Branch staff on December 30, 2015, and are the same as the concentration limitations found in the facility's previous permit in accordance with 327 IAC 5-2-10(a)(11).

Phosphorus

Excessive phosphorus in the discharge from wastewater treatment plants can result in harmful algal blooms that negatively impact fish habitat, cause fish kills, lower dissolved oxygen, and pose public health concerns related to increased exposure to toxic microbes. The effects of nutrient pollution can be observed both in local waters as well as downstream waters. IDEM has calculated that sanitary wastewater treatment plants with average design flows greater than or equal to 1 MGD constitute a significant percentage of the total load of phosphorus discharged to Indiana's waterways from sanitary wastewater treatment plants.

Consistent with IDEM's current policy which applies phosphorus reduction requirements to POTWs with average design flows greater than or equal to 1 MGD, monitoring requirements and an effluent limitation for phosphorus have been included in the permit renewal. Phosphorus is limited to 1.0 mg/l as a monthly average. Monitoring is to be conducted five (5) times weekly by 24-hour composite sampling. As this is a newly imposed effluent limitation, the permit includes a thirty-six month compliance schedule (see Part I.E. of the permit) in which the permittee will have to achieve compliance with the phosphorus limitation, unless the final effluent limitations for the 4.0 MGD facility becomes effective before the end of the 36 month period, in which case the 1.0 mg/l limit becomes effectively immediately.

pH

The pH limitations have been based on 40 CFR 133.102 which is cross-referenced in 327 IAC 5-5-3.

To ensure conditions necessary for the maintenance of a well-balanced aquatic community, the pH of the final effluent must be between 6.0 and 9.0 standard units in accordance with provisions in 327 IAC 2-1-6(b)(2).

pH must be measured five (5) times weekly by grab sampling. These pH limitations are the same as the limitations found in the facility's previous permit.

Dissolved Oxygen

Dissolved oxygen shall not fall below 6.0 mg/l as a daily minimum average during the summer monitoring period. During the winter monitoring period, dissolved oxygen shall not fall below 5.0 mg/l as a daily minimum average.

These dissolved oxygen limitations are based on the Wasteload Allocation (WLA) analysis performed by this Office's Permits Branch staff on December 30, 2015, and are the same as the concentration limitations found in the facility's previous permit. Dissolved oxygen measurements must be based on the average of four (4) grab samples taken within a 24-hr. period. This monitoring is to be conducted five (5) times weekly.

E. coli

The *E. coli* limitations and monitoring requirements apply from April 1 through October 31, annually. *E. coli* is limited to 125 count/100 ml as a monthly average, and 235 count/100 ml as a daily maximum. The monthly average *E. coli* value shall be calculated as a geometric mean. This monitoring is to be conducted five (5) times weekly by grab sampling. These *E. coli* limitations are set in accordance with regulations specified in 327 IAC 5-10-6.

Whole Effluent Toxicity Testing

As the facility is considered a major discharger, whole effluent toxicity testing is being required to ensure the discharge has no toxic effects on aquatic organisms.

The permittee shall conduct the whole effluent toxicity test described in Part I.G. of the permit to monitor the toxicity of the discharge from Outfall 001. This toxicity testing is to be performed once during the first six (6) months of the permit term. Acute toxicity will be demonstrated if the effluent is observed to have exceeded 1.0 TU_a (acute toxic units) based on 100% effluent for the test organism in 48 and 96 hours for *Ceriodaphnia dubia* or *Pimephales promelas*, which ever is more sensitive. Chronic toxicity will be demonstrated if the effluent is observed to have exceeded 1.0 TU_c (chronic toxic units) for *Ceriodaphnia dubia* or *Pimephales promelas*. If acute or chronic

toxicity is found in any of the tests specified above, another toxicity test using the specified methodology and same test species shall be conducted within two weeks. If any two tests indicate the presence of toxicity, the permittee must begin the implementation of a toxicity reduction evaluation (TRE) as is described in Part I.G.2. of the permit.

Backsliding

None of the concentration limits included in this permit conflict with antibacksliding regulations found in 327 IAC 5-2-10(a)(11)(A), therefore, backsliding is not an issue.

Reopening Clauses

Four reopening clauses were incorporated into the permit in Part I.D. One clause is to incorporate effluent limits from any further wasteload allocations performed; a second clause is to allow for changes in the sludge disposal standards; a third clause is to incorporate any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act; and a fourth clause is to include WET limitations or limitations for specific toxicants, if deemed necessary.

Compliance Status

The permittee entered into an Agreed Order (Order No. 2013-21924-W) with this Office on September 10, 2014. The Agreed Order cites the permittee for discharging wastewater that resulted in a fish kill within Indian Creek. The Order requires that the permittee to develop plans to prevent such occurrences and to pay civil penalties.

Expiration Date

A five-year NPDES permit is proposed.

Drafted by: Jason House
August 2015

Updated by: Jason House
January 2016

POST PUBLIC NOTICE ADDENDUM: January 2016

The draft NPDES permit renewal for the Carriage Estates III Wastewater Treatment Plant was made available for public comment from September 2, 2015, through October 5, 2015, as part of Public Notice No. 2015-9A-RD. During this comment period, multiple comments letters and requests for public hearing were received by this Office. Based on these requests, IDEM scheduled, provided advance notice of, and conducted a public hearing concerning the draft NPDES permit on Tuesday December 15, 2015 at 6:00 p.m. (Eastern time), at William Henry Harrison High School - Auditorium, 5701 North 50 West, West Lafayette, IN, 47906-9736. The comment period was also formally extended until December 29, 2015 to allow additional time for submittal of written comments. The comments submitted during the public comment period, as well as verbal and written testimony received during the public hearing, and this Office's corresponding responses, are summarized below: Any changes to the permit and/or Fact Sheet are so noted below. Note that in some instances, recurring/similar comments were grouped together in a category for a single response.

Comment 1:

Several citizens expressed concern over the ability of a private for-profit company to provide adequate wastewater collection and treatment generated by residents, public entities, and commercial properties. Also, several citizens sought clarification of the definition of the term "semi-public" listed in the Public Notice 2015-9A-RD.

Response 1:

All NPDES Permits, regardless of ownership type, require proper operation and maintenance of facilities and requires permittees to meet effluent limitations that are protective of the receiving waterway for aquatic life and human health. This Office conducts periodic inspections of NPDES facilities and reviews submitted data to determine compliance with the NPDES permit requirements. Additionally, the facility must be operated under the supervision of an operator certified by the State.

The term "semi-public" is defined in Indiana Administrative Code (IAC).
327 IAC 5-1.5-59 defines a "semi-public facility" as follows:

> *Sec. 59. "Semipublic facilities" means those persons or any entity who provide sewage disposal services for entities that are not POTWs, are not state or federally owned, or are not individual industrial sites, including, but not limited to, the following:*
>
> *(1) Trailer or mobile home parks.*
> *(2) Commercial or shopping centers.*
> *(3) Housing developments.*
> *(4) Truck stops.*
> *(5) Restaurants.*
> *(6) Schools.*
> *(7) Campgrounds.*

No changes have been made to the permit in response to this comment.

Comment 2:

Several citizens raised concerns over the current management of the facility due to previous violations, citations, and fines imposed by IDEM.

Response 2:

As of the preparation of this document, the permittee is subject to Agreed Order No. 2013-21924-W for previous violations of the NPDES permit. The permittee is currently conducting activities to ensure compliance with the Agreed Order and its NPDES permit.

This Office will continue to conduct periodic inspections of the facility and review submitted data to ensure compliance with the Agreed Order and the NDPES permit.

No changes have been made to the permit in response to this comment.

Comment 3:

Several citizens raised concerns over the validity of the self-reported data of effluent quality provided by the permittee.

Response 3:

All facilities in Indiana conduct self-monitoring. When submitting sampling results, the responsible party for the permittee must sign the effluent Discharge Monitoring Reports (DMR) under the following clause:

> "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 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."

This Office's Compliance Data and Inspections staff are trained in methods to identify falsified information. Inspections staff can also independently take samples to verify results of facility monitoring. If IDEM finds that false information is being submitted, IDEM can initiate enforcement action against the permittee and/or the certified operator of the facility.

No changes have been made to the permit in response to this comment.

Comment 4:

Several citizens raised an issue of the lack of concern of the permittee for environmental impact of the discharge on Indian Creek and the Wabash River watershed, which is close to citizens' homes.

Response 4:

The NPDES permit requires that the permittee properly operate and maintain the facility and ensure that effluent limitations, which are protective of the receiving waterway and public health (including full body contact recreation), are met. If violations of the NPDES permit occur, this Office has the ability to take the appropriate action to ensure compliance.

No changes have been made to the permit in response to this comment.

Comment 5:

Several citizens raised concern over the history of the lack of maintenance and upgrades to the facility. Citizens cite that profits should be used to minimize the burden of rate hikes for customers to accomplish site improvements.

Response 5:

The NPDES permit requires that the permittee properly operate and maintain the facility and ensure that effluent limitations, which are protective of the receiving waterway and public health, are met. If violations of the NPDES permit occur, this Office has the ability to take the appropriate action to ensure compliance. Please refer to Part II.B.1 of the permit. This Office does not have the authority to evaluate sewer rates, this authority rests with the Indiana Utility Regulatory Commission.

No changes have been made to the permit in response to this comment.

Comment 6:

Several citizens raised concern over the lack of an emergency plan to provide sewer service to customers and protect the environment in case of plant failure.

Response 6:

The Agreed Order in Cause # 2013-21924-W required the permittee to develop and submit an emergency response guide in case of plant failure. This emergency guide was approved by this Office on June 4, 2015.

Comment 7:

Several citizens raised concern over the rate increase to homeowners due to the upgrade of the facility. Citizens requested a re-evaluation of the rate increase.

Response 7:

This Office does not have authority over rates developed by permittees. In the case of Carriage Estates III WWTP, the rate increase is subject to review by the Indiana Utility Regulatory Commission. Questions or concerns about rates can be directed to the Indiana Utility Regulatory Commission.

No changes have been made to the permit in response to this comment.

Specific comments are listed below:

Comment 8:

"The draft permit has doubled the value of the seven day, ten year low flow value from 0.05 cubic feet per second at the outfall with the current permit to 0.1 cubic feet per second at the plant outfall. The actual value of the 7 day, 10 year low flow at the outfall should be 0 cubic feet per second."

"To support this statement, one only needs to check recent weather data and you will date to support the winter flow for a couple of months of zero when the daily temperature was below 32 degree F and this summer (2015) where there was minimal rain flow for approximately 2 months and Indian Creek was bone dry. On September 18 and 19, 2015 this area received between 2 to 4 inches of rain fall and flow existed in the local Indian Creek for several days. But by Sunday, September 27, 2015, Indian Creek was again dry (without any flow) and this situation continues."

Additionally, several citizens were concerned that the effluent limitations proposed would not be protective of a low flow stream that goes dry some parts of the year.

Response 8:

This Office has reviewed this situation and concurs that the $Q_{7,10}$ of Indian Creek is now 0.0 cfs. When this Office evaluated the proposed upgrade to the facility in 2013, this Office utilized the *United States Geological Survey's (USGS) 1996 Low-Flow Characteristics of Indiana Streams,* which listed the $Q_{7,10}$ of Indian Creek (near Green Hill, Indiana) as 0.1 cfs. In 2014, the *USGS Low-Flow Characteristics of Selected Indiana Streams* was updated and reflected Indian Creek (near Green Hill, Indiana) has a $Q_{7,10}$ of 0.0 cfs.

An updated analysis was conducted by this Office's Permits Branch staff on December 30, 2015, and reflects the updated Q7,10 of 0.0 cfs. The updated analysis utilized the approved average design flow of 4.0 MGD instead of 6.8 MGD that was used in the original analysis. The analysis includes updated limitations for all parameters of concern. The limitations developed are slightly less stringent than the limitations included in the draft permit. As the limitations are less stringent than those included in the draft permit, this Office will not change the effluent limitations that were included in the draft NPDES permit. The limitations included in the permit are considered to be protective of the receiving water's designated uses.

The change in $Q_{7,10}$ will be reflected in the "Receiving Stream" section of this Fact Sheet and the updated analysis will be referenced in the discussion of effluent limitation development.

Comment 9:

"West Lafayette has effluent limits for mercury and the West Lafayette wastewater treatment plant discharge directly into the Wabash River which has a large effluent dilution ratio for their plant effluent. Why does the Carriage Estate III draft permit not have an effluent limitation for mercury?"

Response 9:

The NPDES permit issued on January 12, 2006 included a monitoring requirement for mercury. This data was evaluated before the January 10, 2011, NPDES permit renewal. The evaluation revealed that mercury was not discharged at levels that required a limitation. Therefore, no additional monitoring was included for mercury in the 2011 permit.

No changes have been made to the permit in response to this comment.

Comment 10:

"Indian Creek is designated for full body contact recreational use and shall be capable of supporting a well-balanced warm water aquatic community in accordance with 327 IAC 2-1. How can this requirement be obtained with zero or minimal dilution waters for most days of the year? With the increase in wastewater flows from 1.5 MGD to 4.0 MGD, this issue should become a more serious concern."

Response 10:

It is common for wastewater treatment plants in Indiana to discharge to streams with zero flow. The specific stream flow conditions are factored into the development of the discharge limitations for NPDES permits. The effluent limitations in this NPDES permit are developed to ensure that the designated uses of the stream are maintained. In this case, the limitations are primarily based on protection of a well-balanced warm water aquatic community and full body recreational contact.

No changes have been made to the permit in response to this comment.

Comment 11:

"Whole Effluent Toxicity Testing Requirements is a positive change with the draft permit. But with the zero or minimal dilution flow situation supporting the discharge of Carriage Estates III WWTP discharge into Indian creek, this toxicity testing in the permit needs to be required on a more frequent basis. The basis for this issue is that many toxic chemicals are being discharged in the raw waste discharges from the individual residences. The sources of the toxic chemicals are the by-products from the drugs that the individuals are required to take (prescription chemicals) to maintain their quality of life. This type of data is currently not available from this WWTP but needs to be collected to define how seriousness of this issue."

Response 11:

The Whole Effluent Toxicity (WET) testing requirement contained in the NPDES permit is considered to be appropriate for a facility that does not receive industrial process wastewater flow. WET testing is utilized to determine if unknown substances either alone or in combination are impacting aquatic life survival or reproduction. If any toxicity is found, additional WET tests are required by the NPDES permit, and the permittee may also be required to submit a Toxicity Reduction Evaluation (TRE) plan to identify and eliminate the source of any toxicity.

No changes have been made to the permit in response to this comment.

Comment 12:

"The discharge of new chemicals and/or significant increase in existing chemicals into the Carriage Estate III WWTP needs to be closely monitored and be required to be routinely reported to IDEM. This issue will become more important and/or critical because the new 231 highway was justified to support more residential development, business and industry. With the zero or minimal dilution waters available in Indian Creek, changes in the effluent discharge quality is becoming more critical and harder to comply with the permit."

Response 12:

The NPDES permit application submitted to this Office did not indicate any industrial wastestream. The NPDES permit requires that the permittee notify this Office prior to accepting any wastestream that would change the characteristics of the wastewater so that this Office can determine if additional requirements are needed to ensure that water quality standards are maintained. Please refer to Part II.A.3 and Part II.C.1 of the NPDES permit.

No changes have been made to the permit in response to this comment.

Comment 13:

"The current and proposed wastewater technology is a biological wastewater treatment facility. To properly operate a biological WWTP, daily monitoring of the plant biological performance should be required. It appears that the only biological assay being required for controlling the quality of the effluent (besides ammonia) is CBOD. This assay requires approximately 6 days to complete the assay for the effluent sample it represents. The problem is that in 6 days this wastewater should already be in the Wabash River. Therefore, if a permit problem exists, it will not be known for six plus days and potential pollutant problems may exist in the entire length of Indian Creek."

Response 13:

The permit contains a five (5) times weekly monitoring requirement for all parameters. This frequency is the same as the frequency for other facilities with the same average design flow and treatment type of Carriage Estates III WWTP, and is considered to be appropriate to determine compliance with the effluent limitations contained in the NPDES permit.

No changes have been made to the permit in response to this comment.

Comment 14:

"The current NPDES permit and the new Draft permit have a requirement for Construction Permits that says that the permittee shall not construct, install, or modify any water pollution treatment/control facility as defined in 327 IAC 3-1-2(24). It should be noted that the construction company is not an independent corporation but a company being managed by the permittee. How does this comply with the permit?"

Response 14:

The permittee owns the facility and is ultimately responsible for obtaining permits under 327 IAC 3-1-2(24) prior to any construction activities to the facility. This requirement is met if construction is started after receiving a valid construction approval.

No changes have been made to the permit in response to this comment.

Comment 15:

"The draft permit states that the new treatment facility will be a parallel system, but the design of the new facilities is planning to use part of the existing treatment facilities. Therefore, the new treatment facilities (being approved) will not be a parallel system."

Response 15:

Construction Approval No. 20788 issued by this Office on February 21, 2014, details that the construction will be a parallel treatment system to the existing system. The NPDES permit reflects the terminology utilized in the Construction Approval.

No changes have been made to the permit in response to this comment.

Comment 16:

(Please note that the following comments were responded to in coordination with this Office's Ground Water Section staff.)

"The area south of the existing Carriage Estates III Waste Water Facilities, basically an area south of the WWTP treatment plant to the Wabash River has been classified as a groundwater recharge area. This means that part of the effluent from the Carriage Estates WWTP does not make it to the Wabash River, but part of the effluent waters are being discharged toward groundwater. This situation raises the following concerns:

Exactly where are these underground waters flowing? Have they reached existing groundwater areas?

Response:

According to the Department of Natural Resources, Potentiometric Surface Map of the Unconsolidated Aquifers of Tippecanoe County, Indiana (June 2015) http://www.in.gov/dnr/water/files/54_Tippecanoe_County_UNC_PSM_map.pdf . The ground water flow in the vicinity of Indian Creek is flowing generally in a southerly direction towards the Wabash River.

No changes have been made to the permit in response to this comment.

How much water (quantity or percentage) is being lost on a monthly basis from Indian Creek?

Response:

It would not be possible at this time to calculate a water balance of water losses or gains within Indian Creek. However, due to the geology in the region, such as significant clay content of the geologic material and general ground water flow in a southerly direction, the infiltration (loss) of surface flow downward into ground water would be minimal. In addition, due to the significant clay content of subsurface soils, retarding downward movement of waters, the overall risk of contamination from surface water flow migrating downward into the area aquifer would be insignificant.

No changes have been made to the permit in response to this comment.

There are wells in the discharge area that could be impacted by these "sewage" waters from Indian Creek? Who has the responsibility to monitor these wells?

Response:

Based upon the statements above, ground water contamination is unlikely to occur due to discharge from the Carriage Estates III WWTP into Indian Creek. The Federal Safe Drinking Water Act and the Indiana Administrative Code (327 IAC 8) require regular monitoring activities to ensure safe drinking water. IDEM has responsibility for implementing the Federal Safe Drinking Water Act through 327 IAC 8. Public water systems specific to the Indian Creek watershed would include wells owned and operated by Indiana American – Westwood (PWSID 5279019) and Martell Forestry Research (PWSID 2790101). Private water wells and owners of private wells are not required by the State of Indiana to monitor private water wells. Private water well owners are not required by the State of Indiana to test their drinking water well(s).

Who has the responsibility to monitor the ground waters in the recharge area?

Response:

No business or organization is specifically responsible for monitoring regional ground water in the area.

No changes have been made to the permit in response to this comment.

Can these ground waters that are discharged from Indian Creek reach the underground Teays River?

Response:

There is a possibility that surface water discharge from Indian Creek over time could reach the Teays Bedrock Valley. However, it is very unlikely due the thickness of clay in the area causing the Indian Creek to not be in hydraulic connection with the Teays Bedrock Valley system.

No changes have been made to the permit in response to this comment.

If contamination is found in the ground waters, wells, and/or Teays River that is related to Indian Creek' ground water discharges , who or what organization should be held responsibility for the groundwater clean-up efforts?

Response:

According to 327 IAC 2-11-2 (e), no person shall cause the ground water in a drinking water supply well to have a contaminant concentration that creates an exceedance of the numeric criteria established for drinking water class ground water in Tables found in 6(a)(1) and 6(a)(2) of this rule.

Based upon this, if a contamination were to occur, the party responsible for causing a drinking water well to have an exceedance of the numeric criteria, would be held responsible to provide a remedy.

No changes have been made to the permit in response to this comment.

ASU had a proposal to transfer some wastewaters that are currently flowing to the Carriage Estate III WWTP to the ASU's small treatment facility that is located south of Harrison High School. This treatment facilities discharges to another small creek called Burnett Creek. Is there any person or organization monitoring the performance of this WWTP?"

Response:

All wastewater treatment plants that discharge to waters of the State must obtain and abide by a NPDES permit. This Office oversees compliance and does periodic inspections of NPDES permit holders.

Comment 17:

"There are really only two long term fixes that appear to be viable alternatives:

Relocate the existing Carriage Estates III Wastewater Treatment Facilities to another location.

Revise the piping systems and divert the wastewaters to the West Lafayette WWTP."

Response 17:

IDEM must respond to the application which is submitted by the permittee.

No changes have been made to the permit in response to this comment.

Comment 18:

A concern was raised that there was not an indicator assay for trace chemicals or by-product chemicals being discharged from households, which are not destroyed in the WWTP.

Response 18:

The permit requires WET testing be conducted annually to help determine if toxics, in combination, are causing any concerns to the receiving waterway's aquatic communities.

No changes have been made to the permit in response to this comment.

Comment 19:

A concern was raised that there is a lack of biological data for the actual performance of the 4 bio-reactors being used for treatment of the wastewater.
Response 19:

This Office's Facilities Construction and Engineering Support Section staff reviews the wastewater treatment plant design and ability to meet proposed effluent limitations. If properly operated and maintained, the proposed facility should be capable of providing adequate treatment of wastewater to meet the proposed effluent limitations.

No changes have been made to the permit in response to this comment.

Comment 20:

"The draft and final permits need to stress that the management for the expanded facility should not be approved by only one person for all of the expanded facilities. This expansion includes:

- **a. plant design,**
- **b. plant construction,**
- **c. plant operations,**
- **d. plant laboratories and**
- **e. plant financial operations.**
- **f Also, the current and expanded WWTP facilities need some ties to Tippecanoe County management and planning areas for a check and balance system to help communicate the financial impact on its customers from self-interest decisions by ASU management."**

Response 20:

NPDES permit rules do not provide justification for the requested requirements. Other state and local rules, statutes, and ordinances may address these issues. This Office suggests that local government entities be contacted as well as the Indiana Utility Regulatory Commission.

No changes have been made to the permit in response to this comment.

Comment 21:

"The draft permit states that if the plant composite sample for the plant effluent is collected by an automatic sampler, then the sample does not need to be flow proportioned. This statement is an acceptable sampling method for most waste water treatment technologies that have fairly consistent flow patterns. But a flow proportional sample for SBR technologies should be required because the actual effluent flow is a plug flow stream that is discharged over a short period of time.

To obtain a representative effluent sample from SBR technologies, the sampling intervals should not be based on equal time. The equal volume sampling technique should produce a representative sample for analysis."

Response 21:

The language contained in the permit is standard language that is applied to all biomechanical plants that are required to do 24-hr. composite sampling. The permittee is required to collect samples that are representative of the discharge. If this Office's staff determines that the sampling being conducted is not representative of the discharge, an alternate sampling protocol may be required and/or appropriate compliance action taken to address the issue.

No changes have been made to the permit in response to this comment.

Comment 22:

"There is a high level of concern by the customers concerning the permit enforcement efforts by IDEM for the existing NPDES permit. One example is ASU's ability to properly operate the waste treatment plant for 18 months without an effluent flow meter and to calculate accurate discharge quantities for the past 18 months. This situation should not have been allowed."

Response 22:

This Office conducts periodic inspections of permitted facilities. This Office also conducts investigations when complaints are received concerning facilities and/or pollution. The noted effluent flow meter issue was addressed in this Office's Inspection Summary/Violation Letter dated December 5, 2014. Compliance of permitted facilities is a focus of this Office. This Office will continue to inspect the facility to ensure compliance. If citizens wish to file complaints or concerns please contact IDEM's Complaint Coordinator at (800) 451-6027, ext. 24464 or online at http://www.in.gov/idem/5275.htm.

No changes have been made to the permit in response to this comment.

Comment 23:

Several citizens have requested that IDEM place a sewer ban on the facility and not allow the upgrade of the facility.

Response 23:

Sewer connection bans rules are contained in 327 IAC 4. 327 IAC 4-1-4 and 327 IAC 4-1-8 reads as follows:

327 IAC 4-1-4 Imposition of sewer connection bans
Authority: IC 13-14-8-7; IC 13-18-4-3
Affected: IC 13-18-3-1
Sec. 4. (a) The commissioner may impose a ban on further sewer connections to the semipublic facility or POTW whenever, in the determination of the commissioner:
(1) hydraulic or organic overloading of a semipublic facility or POTW exists or is impending and the introduction into the semipublic facility or POTW of additional wastewater from new or existing sources is likely to result in the discharge or bypassing of insufficiently treated wastewater; or
(2) poor operation and maintenance practices have, or are likely to, result in the discharge or bypassing of insufficiently treated wastewater.
(b) The sewer connection ban shall prohibit the connection or introduction of additional wastewater into the semipublic facility or POTW, except as otherwise provided under this article.
(Water Pollution Control Division; 327 IAC 4-1-4; filed Sep 24, 1987, 3:00 p.m.: 11 IR 613; filed Mar 2, 1994, 5:00 p.m.: 17 IR 1617; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; filed Jan 23, 2008, 1:39 p.m.: 20080220-IR-327060096FRA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA)

327 IAC 4-1-8 Exclusions from sewer connection bans
Authority: IC 13-1-3-7; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7
Sec. 8. The following shall be excluded from the requirements of sewer connection bans:
(1) Single-family dwellings erected on vacant lots served by an existing sanitary sewer.
(2) Projects that possess a valid construction permit issued under 327 IAC 3-2 prior to the imposition of a sewer connection ban.
(Water Pollution Control Division; 327 IAC 4-1-8; filed Sep 24, 1987, 3:00 pm: 11 IR 613; readopted filed Jan 10, 2001, 3:23p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.:20130828-IR-327130176BFA)

Currently, the permittee is not subject to a sewer connection ban. Additionally, the permittee plans on upgrading its wastewater treatment facility and possesses a valid construction permit issued under 327 IAC 3-2. Therefore, this Office does not have authority to impose a sewer ban at this time.

No changes have been made to the permit in response to this comment.

Comment 24:

Several citizens raised the concern of the commitment of a private company and sole owner providing quality wastewater service to the public.

Response 24:

All permittees, whether public or private, must comply with all terms and conditions of a NPDES permit. The NPDES permit frames the conditions necessary to ensure protection of the receiving waterway. This Office will conduct periodic inspections of the facility and will review submitted effluent data for compliance. Non-compliance issues will be addressed through informal and/or formal enforcement methods.

No changes have been made to the permit in response to this comment.

Comment 25:

Several citizens raised concerns over the increase in truck traffic and increase in noise due to the upgrade activities and increase in sludge hauling.

Response 25:

NPDES permit rules do not regulate traffic or noise issues. Local governments may have ordinances in place. It is recommended that citizens contact local government entities concerning this matter.

No changes have been made to the permit in response to this comment.

Comment 26:

Several citizens raised concern over the quality of the drinking water provided to them by American Suburban Utilities, which adds to concerns over the ability of the permittee to provide proper operation of an expanded wastewater treatment system.

Response 26:

This NPDES permit does not regulate drinking water. Drinking water concerns may be raised to IDEM's Drinking Water Branch at (800) 451-6027.

The NPDES permit does require that the facility be properly operated and maintained to ensure compliance with all permit conditions. This Office conducts periodic inspections of permitting facilities to ensure compliance with this provision.

No changes have been made to the permit in response to this comment.

Comment 27:

Several citizens raised concern that the process of the expansion of the facility has been a secretive process.

Response 27:

This Office's NPDES permitting process for the Carriage Estates III WWTP included a formal public notice period of 30 days as required by 327 IAC 5-3-9. During that time period, several comment letters and requests for a public hearing were received by this Office. Due to the comments and requests for a public hearing; this Office public noticed the intent to hold a public hearing on November 13, 2015, in accordance with 327 IAC 5-3-9 and 5-3-12. The public hearing was held on December 15, 2015, with the public comment period being extended to December 29, 2015. The proposed permit and related materials were posted to the IDEM website and were made available upon request.

No changes have been made to the permit in response to this comment.

Comment 28:

Several citizens raised a concern over diminishing property values due to the expansion of the Carriage Estate III WWTP.

Response 28:

The NPDES permit regulations do not address issues related to increased or diminished property values.

No changes have been made to the permit in response to this comment.

Comment 29:

Several citizens raised the concern over nuisance odors coming from the WWTP.

Response 29:

The NPDES permit regulates discharges of wastewater into waters of the State and does not regulate the emission of odors. However, a well operated WWTP should not emit nuisance odors. If citizens wish to express concern over poor operation and maintenance that may be causing nuisance odors please contact IDEM's Complaint Coordinator at (800) 451-6027, ext. 24464 or online at http://www.in.gov/idem/5275.htm.

Comment 30:

Several citizens raised a concern over the State of Indiana allowing a sole owner and operator of a public utility being able to raise rates and to be in flagrant violation of environmental regulations.

Response 30:

Private utilities are regulated by the Indiana Utility Regulatory Commission. Questions related to rates and planning for private utilities should be directed to the Indiana Regulatory Commission.

This Office oversees the NPDES permit that regulates the discharge of the facility into waters of the state. This Office conducts inspections and reviews reports to determine compliance with the permit and environmental regulations. When environmental regulations and non-compliance issues are found, this Office notes violations and ensures that the violations are resolved through informal and/or formal enforcement methods.

No changes have been made to the permit in response to this comment.

Comment 31:

Several citizens raised a concern over the amount of water being discharged from the proposed upgraded WWTP would cause pollution, flooding, and erosion problems in Indian Creek.

Response 31:

The NPDES permit contains effluent limitations that, if met, are protective of the receiving water at all times. NPDES permit rules do not regulate the amount of flow discharged from the facility, except to ensure that the facility is not overloaded either hydraulically or organically above its proposed design to treat, as outlined in 327 IAC 4.

No changes have been made to the permit in response to this comment.

Comment 32:

Several citizens provided information about the history of the area and the Carriage Estates III WWTP. Citizens cited that the original facility was to serve only 20 homes and that ultimately the discharge should move away from Indian Creek due to the geology in the area. Also discussed were the subsequent sale and purchase of the WWTP and subsequent expansions and construction to the facility.

Response 32:

This Office thanks the commenters for the history of the area and the Carriage Estates III WWTP. However, this Office must make a decision based on the application received from the permittee on August 21, 2015.

No changes have been to the permit in response to this comment.

Comment 33:

Several citizens raised the issue of excessive *E. coli* in Indian Creek being a recreational use concern.

Response 33:

Indian Creek is not currently on the 303d list of impaired waterbodies, nor has any Total Maximum Daily Loads (TMDL) been completed for Indian Creek in Tippecanoe County. The NPDES permit limits the amount of *E. coli* that can be discharged, which if met, ensures the discharge complies with the State of Indiana's recreational use standards. Non-compliance with the *E. coli* limitations in the permit is handled by this Office's Inspection Section and Compliance Data Section staff.

No changes have been made to the permit in response to this comment.

Comment 34:

A concern was raised that concerned citizens were not notified of the construction plans for the expansion of the facility. Additionally, concern over the proximity of the WWTP to homes, drinking water wells, and being within the floodplain, was raised.

Response 34:

These issues relate to this Office's Construction Approval No. 20788 and are not related to this NPDES permit action.

No changes have been made to the permit in response to this comment.

Comment 35:

A concerned citizen reported that in 2015 American Suburban Utilities trespassed on private property, dug on private property to possibly install new water pipeline, and removed mature trees from private property.

Response 35:

This Office does not have jurisdiction to act on civil matters.

No changes have been made to the permit in response to this comment.

Comment 36:

A commenter provided a video of a sanitary sewer overflow event. Another commenter cited that there is a video of a release of "black water" into Indian Creek from American Suburban Utilities.

Response 36:

Illicit discharges and sanitary sewer overflow events are prohibited by the permit and must be reported to this Office. The above mentioned issues have been relayed to this Office's Compliance Branch staff for investigation and follow-up.

No changes have been made to the permit in response to this comment.

Comment 37:

Several concerned citizens raised an issue of a conflict of interest because the construction company working on the WWTP expansion and the owner of American Suburban Utilities is one in the same.

Response 37:

NPDES permit rules do not address the issue raised in the comment above. This issue may potentially fall under the jurisdiction of the Indiana Utility Regulatory Commission.

No changes have been made to the permit in response to this comment.

Comment 38:

Citizens are concerned about diminished numbers of animals and increasing amount of algae and pond vegetation, as well as a falling water table in the area, due to the activities of Carriage Estates III WWTP.

Response 38:

The NPDES permit regulates the quality of the wastewater that is released into Indian Creek. The limitations, if met, are protective of the receiving waterway and its designated uses. If there are particular concerns, please contact IDEM's Complain Coordinators at (800) 451-6027, ext. 24464 or online at http://www.in.gov/idem/5275.htm.

No changes have been made to the permit in response to this comment.

Comment 39:

Several concerned citizens believe that antidegradation is an issue with the proposed discharge to Indian Creek, a stream that runs dry.

Response 39:

This Office conducted an antidegradation significant lowering analysis review within the December 30, 2015, Wasteload Allocation (WLA) analysis with the updated Q7,10 low flow value of Indian

Creek (0.0 cfs). The analysis indicated that an antidegradation demonstration was not required for the proposed upgrade of the facility to 4.0 MGD, if the permittee accepted discharge limitations that do not cause a significant lowering of water quality. The limitations contained in the draft NPDES permit are more stringent than the limitations contained in the December 30, 2015 WLA and do not cause a significant lowering of water quality; therefore, an antidegradation demonstration is not required for the proposed upgrade to 4.0 MGD. The December 30, 2015, WLA is available on IDEM's website at the following address: http://www.in.gov/idem/cleanwater/2480.htm.

No changes have been made to the permit in response to this comment.

Comment 40:

Several concerned citizens believe is to not be appropriate to have a WWTP in a residential area.

Response 40:

The NPDES permitting rules do not address issues related to the site location of WWTPs.

No changes have been to the permit in response to this comment.

Comment 41:

Citizens are concerned that no entity in Tippecanoe County government has oversight over American Suburban Utilities and its expansions and planning.

Response 41:

This is a local government issue that must be addressed with local government entities. The NPDES permit does not address local oversight by local government entities.

No changes have been made to the permit in response to this comment.

Comment 42:

A concerned citizen raised a concern that IDEM develops the permit that regulates the facility and enforces the permit but does not help run the wastewater treatment operation. The concerned citizen cites this as a gap that needs addressed.

Response 42:

This Office regulates the discharge of wastewater into waters of the state from the Carriage Estates III WWTP. The NPDES permit requires that certain effluent limitations and other operational requirements be met to ensure compliance with State of Indiana rules and regulations for the protecting of waters of the state. This Office does not perform operational activities, but regulates

the operational activities of the permittees. It is the duty of the permittee to ensure compliance. The facility is required to be operated under the supervision of a operator that is certified by the State. When this Office becomes aware of non-compliance, this Office cites non-compliance and ensures that the facility returns to compliance through informal and formal enforcement methods.

No changes have been made to the permit in response to this comment.

Comment 43:

Several concerned citizens suggested that the supervision of the Carriage Estates III WWTP be given to a board or committee and not a single person.

Response 43:

This Office has no authority to require operation of the facility be governed by a board or committee. IDEM can take informal and formal enforcement actions should the current permittee fail to properly operate or maintain the facility.

No changes have been made to the permit in response to this comment.

Comment 44:

"We are strongly asking that IDEM with whatever tools you have available deny the NPDES permit renewal on # IN0043273 immediately if possible."

Response 44:

This Office must act upon the NPDES permit application in accordance with NPDES permitting rules and statutes. At this time, there have been no issues raised that indicate this permit action is in conflict with applicable rules or statute governing the issuance of NPDES permits. Therefore, this Office must move forward with the NPDES permit issuance process.

As no substantial changes have been made to the permit, no additional public notice is required.

Drafted by: Jason House
January 2016

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO: 2016 – 1G – F
DATE OF NOTICE: JANUARY 28, 2016

The Office of Water Quality issues the following NPDES FINAL PERMIT.

MAJOR – RENEWAL

CARRIAGE ESTATES III WWTP, Permit No. IN0043273, TIPPECANOE COUNTY, 4100 Bridgeway Dr, West Lafayette, IN. This major semi-public facility currently discharges 1.5 million gallons daily, with a future flow to be 4.0 of sanitary wastewater into Indian Creek. Contact Permit Manager: Jason House, jahouse@idem.in.gov, 317/233-0470. Also see: http://www.in.gov/idem/cleanwater/2480.htm.

APPEAL PROCEDURES FOR FINAL PERMITS

The Final Permit documents are available for review & copies at IDEM, Indiana Government Center, North Bldg, 100 N Senate Ave, Indianapolis, IN, Rm 1203, Office of Water Quality/NPDES Permit Section, from 9 – 4, M - F (copies 10¢ per page). The Final Permit is available at the local County Health Department . See these sites for your rights & responsibilities: Public Participation: http://www.in.gov/idem/5474.htm; Citizen Guide: http://www.in.gov/idem/5903.htm. **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.