



National Pollutant Discharge Elimination System
GENERAL PERMIT FACT SHEET for
Temporary Discharges of Wastewater
NPDES Permit No. ING420000
March 11, 2020

Indiana Department of Environmental Management

Office of Water Quality
 100 North Senate Avenue
 Indianapolis, Indiana 46204
www.idem.IN.gov

New Permit Information:	<p><u>Permit Number:</u> ING420000 (Master General Permit). New permitted facilities will have tracking numbers using the numbering protocol ING420xxx.</p> <p><u>Expiration Date:</u> Each permitted facility will have a unique expiration date which shall be no more than 364 consecutive calendar days from the date when coverage under the new permit commences. This coverage is to be limited in this fashion despite the five year life span of the master general permit due to the short term nature of the discharges this permit covers, to preclude antidegradation concerns. Discharges expected to continue longer than 364 consecutive calendar days are not eligible for coverage under this permit and must seek coverage under an individual NPDES permit.</p>
Source Location:	State-wide
Receiving Stream:	All surface waters of the state of Indiana, except for Outstanding National Resource Waters. (See Exclusions to Eligibility in Part D for other exclusions.)
Proposed Action:	New administrative NPDES general permit to provide coverage for temporary discharges of wastewater. A temporary discharge is defined as not exceeding 364 consecutive calendar days.
Source Category	NPDES Minor – Industrial
Contacts:	<p>Name: Catherine Hess or Nicole Gardner Contact Information: chess@idem.in.gov or ngardner@idem.IN.gov</p> <p>Telephone: (317) 232-8704 or (317) 232-8707</p>

The Federal Water Pollution Control Act (also referred to as The Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which was enacted in 1972, provides that the discharge of pollutants to the waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit.

This permit authorizes the temporary discharge of wastewater to surface waters of the state. Types of discharges that may be covered under this permit include, but are not limited to, emergency discharges, discharges related to environmental

cleanup activity, discharges resulting from testing of pilot projects, and dewatering discharges of contaminated water.

To be authorized to discharge under this permit, temporary dischargers of wastewater must submit an NOI in accordance with the requirements of Part 4.0 of this permit, using an NOI application form provided by IDEM.

After the submitted NOI form is reviewed by IDEM, IDEM will notify the person who submitted the NOI whether coverage under this general permit is granted or denied. If coverage is granted, the IDEM shall notify the applicant of authorization and the effective date. Notification from IDEM will include requirements for monitoring and limits for applicable parameters based upon the characteristics of the discharge. Until the Department issues a letter of determination that grants coverage for discharge, the discharge is not authorized under this permit and may not be initiated.”

Development of a Fact Sheet for NPDES permits is required by Title 40 of the Code of Federal Regulations, Section 124.8 and 124.56. This document fulfills the requirements established in those regulations by providing the information necessary to inform the public of actions proposed by the Indiana Department of Environmental Management (IDEM) as outlined in 40 CFR 122.28 and 327 IAC 5-3-8.

A. Description of General Permit Category:

NPDES general permits are developed and issued to cover multiple facilities engaged in the same process category instead of an individual facility within the State of Indiana. These permits utilize a “master general permit” (EPA terminology), or “general”, format which is renewed and reevaluated on a five-year interval. Persons who seek coverage under a master general (general) permit are assigned permit tracking numbers that link their request and any subsequent coverage to the general permit that the discharge is to be covered under. In the case of this general permit, coverage numbers will begin with “ING42”.

The purpose of this general permit is to regulate discharges resulting from these temporary activities which generate wastewater from a point source to surface waters of the State of Indiana so that the public health, existing uses, and aquatic biota are protected. Occasionally, entities or facilities need to discharge wastewater for a limited duration. These projects, characterized as short term or temporary discharges, may be associated with some type of facility or site cleanup, an emergency discharge due to unusual or short-term circumstances, or a discharge associated with a pilot project or test facility. Although the type of pollutants found in temporary discharges may be quite variable due to the differences in projects, these discharges are similar in that the pollutants present after any necessary treatment are not of a type or quantity sufficient to exceed Indiana’s minimum surface water quality standards as stated in 327 IAC 2-1-6 and 327 IAC 2-1.5-8.

Although this general permit is issued for a five year period, individual coverage under it is limited to no more than 364 consecutive calendar days due to the short term nature of the discharges that it addresses. Exact dates for beginning and termination of coverage will be specified in each individual Notice of Coverage (NOC). In the event that coverage is granted in the final year of the five year term of the master general permit the term of coverage for the discharge in question will be limited to the remaining duration of the general NPDES permit.

B. Geographic area covered:

This general permit is intended to cover any temporary discharge of wastewater to (subject to the eligibility provisions denoted in Part D) surface waters of the state within the boundaries of the state of Indiana.

C. Receiving waters:

This general permit will authorize discharges to all surface waters of the State of Indiana, except for direct discharges to Outstanding National Resource Waters (ONRWs). Direct dischargers to ONRWs are required to obtain an individual NPDES permit to regulate their discharges.

D. Exclusions to Eligibility

This general permit contains certain specific exclusions from coverage which are listed below, and denoted in Section 1.3 of the permit. Applicants proposing discharges not authorized by this permit will be required to apply for an individual NPDES permit.

The following temporary discharges are not authorized by this permit:

- direct discharges into waters that are designated as an ONRW defined at IC 13-11-2-149.5;
- discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters;
- discharges containing water treatment additives (WTAs) which have not received prior written approval from IDEM for the specific additive, use, and dosage at the particular site for which the Notice of Intent (NOI) is submitted.
- discharges that take place within five-hundred (500) yards upstream of a public water supply surface water intake and cannot meet Indiana's public water supply standards;
- discharges of storm water associated with industrial activity under 327 IAC 15-6;
- discharges of storm water runoff from construction activities greater than 1 acre, (see 327 IAC 15-5, or INRA00000 after the rule is repealed);
- discharges from coal mining operations (see 327 IAC 15-7);

- discharges from a groundwater petroleum remediation system (see General NPDES Permit ING080000);
- discharges from a petroleum product terminal (see General NPDES Permit ING340000);
- discharges from a sand, gravel, dimension stone, or crushed stone operation (see General NPDES Permit ING490000);
- discharges of hydrostatic test water from a commercial pipeline (see General NPDES Permit ING670000);
- discharges to combined or sanitary sewer systems;
- discharges that are commingled with hazardous wastes or hazardous materials;
- Bypasses or upsets of any kind from a treatment works or collection system;
- discharges that contain pollutants classified as bioaccumulative chemicals of concern (BCCs);
- discharges for which the Commissioner requests an individual permit application; and
- wastewater discharges already regulated under an NPDES permit.

E. Application for Coverage:

This general permit proposes to provide coverage for any temporary discharges of a duration of no more than 364 consecutive calendar days which meet the general permit criteria, are not precluded from general permit coverage, and where the discharger agrees to be regulated under the terms of the general permit.

Each discharger seeking coverage under this general permit must submit a Notice of Intent (NOI) form. Federal regulations found in 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit an application for an individual permit. NOI requirements are intended to establish a mechanism that can be used to establish a clear accounting of the number of permittees covered by the general permit, the identities, locations, mailing addresses, and nature of discharge.

F. Antidegradation Evaluation

Nature of Discharge

The discharges that are to be covered by this permit are of a temporary nature, with coverage approved for a maximum of 364 consecutive calendar days. In accordance with Indiana's Antidegradation Standards and Implementation Procedures at 327 IAC 2-1.3-4, a new or increased discharge of non-bioaccumulative chemicals of concern which only occurs for a short term, temporary period lasting less than 12 months or 365 consecutive calendar days does not constitute a significant lowering of water and is not subject to further antidegradation review. Coverage is not renewable under this general permit.

G. Determining Potential Pollutants of Concern

The NOI shall include a written narrative that explains the evaluation conducted by applicant to determine which pollutants are likely to be of concern.

Data results for pollutants of concern for the water that will be discharged during this activity are to be included in the NOI submittal. Unless otherwise advised by IDEM, the applicant shall include a comprehensive set of data including scans for volatile and semi-volatile compounds and metals including the 126 Priority Pollutants listed in 40 CFR Part 423, Appendix A. Test Methods shall be selected that will provide the most sensitive data results. See Appendix B of the NOI for the Wastewater Characterization tables. See Appendix C of the NOI to provide information regarding any Water Treatment Additives that are planned for use at the site.

Effluent limitations and monitoring requirements will be established in accordance with the Minimum Surface Water Quality Standards as stated in 327 IAC 2-1-6 and 327 IAC 2-1.5-8 of the Indiana Administrative Code and technology based effluent limitations and requirements, based upon the information to be submitted as part of the NOI form.

At a minimum, permittees are required to meet limits for Oil & Grease, pH and Total Residual Chlorine.

Effluent limitations and monitoring requirements for the discharge will be included in a Notice of Coverage (NOC) letter sent to advise the applicant of acceptance of coverage under this general permit.

If contaminated groundwater will be discharged, persons applying for coverage under this permit are responsible for conducting an inquiry to determine what soil or groundwater contamination should be expected in the wastewater to be discharged. The inquiry should consider:

- a. Current and historic uses of the site;
- b. Current uses of adjacent sites;
- c. Probable hazardous substances that could reasonably be associated with current or historic uses;
- d. Whether the site is considered contaminated by the IDEM, US EPA, or other parties;
- e. Whether the site is currently subject to risk-based corrective action due to a known petroleum release from an underground storage tank; and
- f. Any other relevant information.

H. When to Apply

All dischargers desiring coverage under this general permit must submit a Notice of Intent (NOI) a minimum of forty-five (45) days prior to any discharge occurring (see Section 4.0 of general permit). If there is a more immediate need for discharge authorization, a cover letter should be submitted with the NOI explaining the reasons for the shortened advance notice.

I. Permit Conditions:

1) Narrative Water Quality Based Limits

The narrative water quality standards contained in 327 IAC 2-1-6(a)(1) (A)-(E) and 327 IAC 2-1.5-8 have been included in this general permit to ensure that the narrative water quality criteria are met.

2) Numeric Permit Limits & Monitoring Requirements

At a minimum each permittee covered by this general permit will be required to monitor for flow, pH, oil & grease, and total residual chlorine. IDEM will evaluate each NOI along other available information relating to each facility/site and the associated receiving waterbody to determine whether there is a need to include additional parameters, effluent limitations, and/or monitoring requirements. In accordance with 327 IAC 5-2-10 and 40 CFR 122.44, NPDES permit limits shall be based on either technology-based effluent limits (TBELs), (including TBELs developed on a case-by-case basis using BPJ, where applicable) or water quality-based effluent limits, whichever is most stringent. Any additional effluent limitations and/or monitoring requirements will be included in the Notice of Coverage Letter which will advise the applicant of acceptance of coverage under this general permit.

- a) **Flow** is a standard parameter to be monitored in all NPDES permits. The requirement to report both the monthly average and daily maximum flows for each month is a standard permitting requirement. This parameter is required of all NPDES permits and is included in this permit in accordance with 327 IAC 5-2-13(a)(2). Daily flow monitoring is required under this general permit.
- b) **pH** is included in the general permit to ensure that the discharge will not violate Indiana water quality standards. The proposed limit of 6.0 to 9.0 standard units (s.u.) is in accordance with the Indiana Water Quality Standards (327 IAC 2-1-6 and 327 IAC 2-1.5-8).
- c) **Total Flow**. The total cumulative effluent flow for each calendar month shall be calculated and reported in units of million gallons (mgal). This requirement has been a parameter listed on the Discharge Monitoring Report forms for all NPDES permittees for the past several years, and it is included to assist IDEM in properly assessing the annual permit operating fees set forth under IC 13-18-20.

- d) **Oil and Grease** is a common industrial pollutant and has the potential to be present in any discharge. Oil and grease is limited to a monthly average of 10 mg/l and a daily maximum of 15 mg/l. The limitations are considered sufficient to ensure compliance with the narrative water quality criteria in 327 IAC 2-1-6(a) and 327 IAC 2-1.5-8 which prohibit visible oil sheen on receiving waters.
- e) **Total Residual Chlorine (TRC)** is limited to a monthly average of 0.01 mg/l and a daily maximum of 0.02 mg/l. This limit is derived from 327 IAC 2-1-6. (Table 1 - Water Quality Criteria for Specific Substances) and 327 IAC 2-1.5-8 (Table 8-1; Surface Water Quality Criteria for Protection of Aquatic Life) and assumes that the discharge is likely to occur when there is little or no dilution available in the receiving waters. Since this effluent limitation (0.02 mg/l) is less than the LOQ value (0.06 mg/l), the permittee may report "< 0.06" for the daily maximum if the testing result(s) are less than the LOQ value. For any month in which the permittee does not utilize chlorinated intake water, the permittee may report "n/a" for this parameter.

3) Monitoring and Reporting Requirements

Monitoring requirements for all pollutant parameters, except flow, are set at 1 x Weekly. Grab samples of each pollutant parameter shall be taken prior to the discharge entering waters of the state and prior to it mixing with any other waters, or after receiving treatment at the beginning and at the end of the discharge and two (2) times during the discharge at evenly spaced time intervals. All of the grab samples, except for pH, shall be combined into one (1) composite sample at the end of the test period for analysis.

Total flow volume for the month must be calculated once monthly. The permittee is required to complete and submit federal DMRs and state MMRs to IDEM containing the results obtained during the previous monitoring period by the 28th day of the month following the monitoring period.

As electronic reporting is required by state and federal rule, the permittee must enroll in the NetDMR program for electronic submittal of the federal Discharge Monitoring Reports and the state Monthly Monitoring Reports. If the permittee does not have the ability to submit reports electronically, a request for exemption from the requirement may be submitted which shall include a justification of inability to utilize an electronic filing system.

J. Reporting Spills and Noncompliance

All persons covered by this general permit must monitor for, identify, and report adverse incidents. If a person covered by this general permit observes or is otherwise made aware of an adverse incident that may have resulted from a discharge, the person must notify IDEM by telephone at **(888) 233-7745**:

- immediately for incidents which pose a significant danger to human health or the environment,
- as soon as possible but within two (2) hours of discovery for any adverse incidents resulting in death or acute injury or illness to animals or humans (see 327 IAC 2-6.1), and
- within 24 hours of the person becoming aware of the adverse incident for any other adverse incidents not listed above.

The permittee shall also submit a written report to IDEM within five (5) days of the permittee becoming aware of the incident and may be submitted by U.S. Mail, by fax, or by email (such reports must be sent to: wwreports@idem.IN.gov).

Spills from the permitted facility meeting the definition of a spill under 327 IAC 2-6.1-4(15), the applicability requirements of 327 IAC 2-6.1-1, and the Reportable Spills requirements of 327 IAC 2-6.1-5 (other than those meeting an exclusion under 327 IAC 2-6.1-3 or the criteria outlined below) are subject to the Reporting Responsibilities of 327 IAC 2-6.1-7.

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

K. Fees

In accordance with IC 13-18-20-12, any application for a new permit, renewal of a permit, modification of a permit, or variance from a permit requirement must be accompanied by an application fee, which is currently \$50.00. This fee is also applicable to Notice of Intent letters for general permits. Once approved for coverage under a general permit, the permittee is also subject to annual operating fees. These annual fees are set by statute (IC 13-18-20).

L. Reopening Clause

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when 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.

M. Permit Term

This general permit is proposed to be in effect for a five-year term.

N. Forms, References, and Guidance Documents

The IDEM website will contain information about each of the NPDES general permits, including the issued permit(s), Notice of Intent (NOI) forms, Notice of Termination (NOT) forms, and helpful reference documents to assist the regulated community and the general public. This web page is still in development as of the date of this fact sheet.

Post Public Notice Addendum March 11, 2020

A notice regarding the draft General NPDES Permit and fact sheet was published on November 7, 2019 for a minimum 30-day comment period in accordance with the provisions of 327 IAC 5-3-6(f). The notice was published on IDEM's web site and in the legal ad section of several large-circulation newspapers around the state, including the Indianapolis Star, the Evansville Courier and Press, the Fort Wayne Journal Gazette, the Richmond Palladium-Item, the South Bend Tribune, the Terre Haute Tribune Star, and the Times of NW Indiana.

The draft permit and fact sheet were posted along with the notice on IDEM's web site, both on the public notice web page and on the Office of Water Quality's Permits on Notice web page. The draft permit was sent to the U.S. Environmental Protection Agency and the surrounding contiguous states. IDEM received a Non-objection Letter from U.S. EPA on December 26, 2019. No other comments were received during the public notice comment period.

The following changes were made to the draft General NPDES Permit following the public comment period. During U.S. EPA's review of the draft permit, they verbally apprised IDEM of a typographical error in the permit. Item b under Section 2.2 of the permit, which pertains to Narrative Water Quality Standards, contained an incomplete sentence. The following words "be unsightly or deleterious" were added to the end of the sentence. This resolves the verbal comment from U.S. EPA. Also in order to maintain consistent verbiage throughout the permit and related documents all references to the general permit have been changed to say "General NPDES Permit".