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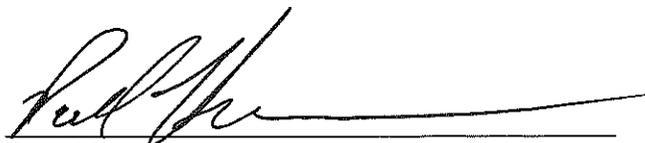
In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this General NPDES Permit to regulate temporary discharges of wastewater into surface waters of the State of Indiana.

This permit is issued on: **March 13, 2020**

This permit is effective on: **April 1, 2020**

This permit expires on: **March 31, 2025**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of the permit and authorization to discharge shall remain fully effective and enforceable after the expiration date of the permit for the time period authorized by the Notice of Coverage.



Paul Higginbotham  
Deputy Assistant Commissioner  
Office of Water Quality

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## 1.0 GENERAL PERMIT COVERAGE

### 1.1 Permit Area

This general permit covers and is applicable to the entire State of Indiana.

### 1.2 Discharges Authorized/Covered by this Permit

This general permit addresses temporary discharge(s) of wastewater from a point source to surface waters of the State of Indiana, including discharges through a separate storm sewer system. 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 operations which result in discharge(s) of contaminated water.

Dewatering associated with construction activities where the project has permit coverage under the IDEM construction site run-off general permit (issued pursuant to 327 IAC 15-5 or INRA00000) is allowable in lieu of coverage under this permit provided that appropriate sediment control measures are utilized and the discharge water is not contaminated.

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 IDEM issues a Notice of Coverage approval letter that grants coverage for discharge, the discharge is not authorized under this permit and may not be initiated.”

This general permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five (5) years. The Commissioner may grant or deny coverage under this permit or require an application for an individual permit.

Entities that obtain coverage under this permit are in compliance with the NPDES application requirements for such discharges. Any discharge of pollutants into surface waters of the state as a point source discharge, except for exclusions cited at 327 IAC 5-2-4, is prohibited unless in conformity with a valid NPDES permit.

Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

- a) 364 consecutive days after the effective date specified by the Commissioner in the Notice of Coverage (NOC);
- b) IDEM's approval of the permittee's submittal of a Notice of Termination (see Section 5.0); or
- c) Issuance or modification of an individual permit for the discharges covered by this general permit; or
- d) A final decision is made by IDEM either to revoke or to not reissue this general permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this identified time period.

Although this general permit is valid for five years, in order to qualify for actual permit coverage, each regulated activity may only receive coverage for a maximum of 364 consecutive days. If coverage is needed for more than 364 consecutive days, then the applicant must also apply for coverage under an individual permit.

### 1.3 Exclusions to Eligibility

The following discharges are not authorized by this permit:

- a) direct discharges into waters that are designated as an ONRW defined at IC 13-11-2-149.5;
- b) 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;
- c) discharges containing water treatment additives which have not received prior written approval from the IDEM for the specific additive, use, and dosage at the particular facility for which the NOI is submitted;
- d) 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;
- e) discharges of storm water associated with industrial activity regulated under 327 IAC 15-6, or General NPDES Permit INRM00000;
- f) discharges of storm water runoff from a construction activity regulated under 327 IAC 15-5, or General NPDES Permit INRA00000;
- g) discharges from coal mining operations regulated under 327 IAC 15-7;

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

#### 1.4 Fees (Application and Annual Maintenance)

Any person who seeks coverage under this general permit is required to remit an application fee with the Notice of Intent (NOI) in accordance with IC 13-18-20-12. Persons covered by this general permit are also required by IC 13-18-20 to remit annual operating fees to IDEM for as long as coverage continues. Coverage under this general permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

## 2.0 EFFLUENT LIMITATIONS

All permittees must control discharges as necessary to meet numeric and narrative water quality criteria for any discharges authorized by this permit, with compliance required upon beginning such a discharge.

### 2.1 Discharge Limitations:

The Notice of Coverage will set forth all applicable effluent limitations and monitoring requirements with which the permittee must comply. The following tables denote the minimum effluent limitations and monitoring requirements for all discharges covered under this general permit:

Table 1

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly average	Daily maximum	Units	Monthly average	Daily maximum	Units	Measurement frequency	Sample type
Flow[1][2]	Report	Report	MGD	----	----	----	Daily	Instantaneous
Total Flow [2]	----	Report	Mgal	----	----	----	1 x Monthly	Cumulative monthly total
Total Residual Chlorine (TRC) [2][3][4]	----	----	----	0.01	0.02	mg/l	1 x Weekly	Grab
Oil and grease [2]	----	----	----	10	15	mg/l	1 x Weekly	Grab
[*]								

Table 2

Parameter	Quality or Concentration		Units	Monitoring Requirements	
	Daily minimum	Daily maximum		Measurement frequency	Sample type
pH [2]	6.0	9.0	s.u.	Daily	Grab

[\*] IDEM will evaluate the NOI and other available information relating to the facility/site and the 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.

[1] Monitoring and reporting of effluent flow is required. The flow volume may be estimated.

[2] Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge. Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of the state. Test Methods shall be selected that will provide adequately sensitive data results.

[3] The following EPA test methods and/or Standard Methods and associated LODs and LOQs are to be used in the analysis of the effluent samples. Alternative methods may be used if first approved by IDEM.

<u>Parameter</u>	<u>Test Method</u>	<u>LOD</u>	<u>LOQ</u>
Chlorine	4500-Cl-D, E or 4500-Cl-G	0.02 mg/l	0.06 mg/l

[4] Compliance with the daily maximum limit will be demonstrated if the observed effluent concentrations are less than the LOQ value.

## 2.2 Narrative Water Quality Standards

- a) The discharge shall not contain substances, materials, floating debris, oil, scum, or other pollutants that will settle to form putrescent or otherwise objectionable deposits;
- b) The discharge shall not contain substances that are in amounts sufficient to be unsightly or deleterious;
- c) The discharge shall not contain oil or other substances that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
- d) The discharge shall not contain substances which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
- e) The discharge shall not contain substances 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.
- f) The discharge shall not cause the receiving water(s) 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.

## 3.0 MONITORING REQUIREMENTS AND PROCEDURES

### 3.1 Required Sampling

Samples shall be taken in accordance with the sample type specified in Section 2.1 of this general permit and as required by the Notice of Coverage. After issuance of the Notice of Coverage, the Commissioner may require the permittee to sample for additional parameters and/or meet additional effluent limitations. When this becomes the case, the permittee shall be notified in writing and given the reasons for the additional sampling requirement.

### 3.2 Measurement Frequency

Measurement frequency of each parameter is identified in Section 2.1 above or as identified in the Notice of Coverage. The Commissioner may require the permittee to conduct more frequent measurement of one or more of these parameters. When this becomes the case, the permittee shall be notified in writing and given the reasons for the more frequent sampling requirement.

### 3.3 Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above and in the NOC letter shall be representative of the volume and nature of the 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. The samples and measurements shall be taken prior to mixing with any other waters and prior to discharging to the receiving stream.

### 3.4 Additional Monitoring by Permittee

When the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 3.5 below, the results of this monitoring shall be included in the calculation and reporting of the values required in the monthly Discharge Monitoring Report (DMR) and Monthly Monitoring Report (MMR). Such increased frequency shall also be indicated. Other monitoring data not specifically required in this permit (such as internal process or internal waste stream data) which is collected by or for the permittee need not be submitted unless requested by the Commissioner.

### 3.5 Testing Procedures

The analytical and sampling methods used shall conform to the version of 40 CFR 136 incorporated by reference in 327 IAC 5. Different but equivalent methods are allowable if they receive the prior written approval of the Commissioner and the U.S. Environmental Protection Agency. When more than one test procedure is approved for the purposes of the NPDES program under 40 CFR 136 for the analysis of a pollutant or pollutant parameter, the test procedure must be sufficiently sensitive as defined at 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv).

### 3.6 Recording of Results

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

- a) the place (outfall number), date, and time of sampling or measurements;

- b) the person(s) who performed the sampling or measurements;
- c) the dates the analyses were performed;
- d) the person(s) or laboratory who performed the analyses;
- e) the analytical techniques or methods used; and
- f) the results of all required analyses and measurements.

### 3.7 Reporting Monitoring Results

- a) The permittee shall submit complete federal discharge monitoring reports (DMRs) and state monthly monitoring reports (MMRs) to IDEM containing results obtained during the previous monitoring period which shall be submitted no later than the 28<sup>th</sup> day of the month following each completed monitoring period. The first report shall be submitted by the 28<sup>th</sup> day of the month following the first completed monitoring period.
- b) Forms that were not issued by IDEM must receive approval by IDEM before they may be used.
- c) DMRs must be signed and certified by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his or her duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.
- d) Permittees shall keep a duplicate copy of all completed and signed monitoring report forms submitted. These documents shall be retained either on-site at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review.

These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report (DMR) and the Monthly Monitoring Report (MMR). All reports shall be submitted to IDEM electronically by using the NetDMR application, upon registration, receipt of the NetDMR Subscriber Agreement, and IDEM approval of the proposed NetDMR Signatory. Access the NetDMR website (for initial registration and DMR/MMR submittal) via CDX at: <https://cdx.epa.gov/>. The Regional Administrator may request the permittee to submit monitoring reports to the U.S. Environmental Protection Agency if it is deemed necessary to assure compliance with the permit.

### 3.8 Reporting Effluent Data on the Federal Discharge Monitoring Reports

- a) For parameters with monthly average water quality based effluent limitations (WQBELs) below the limit of quantitation (LOQ), daily effluent values that are less than the LOQ may be assigned a value of zero (0).
- b) For all other parameters for which the monthly average WQBEL is equal to or greater than the LOQ, calculations that require averaging of measurements of

daily values (both concentration and mass) shall use an arithmetic mean, except the monthly average for *E. coli* shall be calculated as a geometric mean. When a daily discharge value is below the LOQ, a value of zero (0) shall be used for that value in the calculation to determine the monthly average unless otherwise specified or approved by the Commissioner.

- c) Effluent concentrations less than the limit of detection (LOD) shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, when a substance is not detected at a concentration of 0.1 µg/l, report the value as <0.1 µg/l.
- d) Effluent concentrations greater than or equal to the LOD and less than the LOQ that are reported on a DMR shall be reported as the actual value and annotated on the DMR to indicate that the value is not quantifiable.

### 3.9 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. All records shall be kept at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review. 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 retention requirement 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 of U.S. EPA or the Commissioner.

### 3.10 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.

When this general permit is modified or revoked and reissued all persons regulated under it will be notified by IDEM. Those persons notified under this Section shall, within one hundred twenty (120) days of the receipt of notification:

- 1) submit a complete NOI containing the information required under the modified or reissued permit; or
- 2) apply for an individual NPDES permit.; or
- 3) submit a Notice of Termination (NOT) of discharge.

#### **4.0 NOTICE OF INTENT (NOI) REQUIREMENTS**

##### **4.1 NOI Format**

A person seeking coverage under this general permit shall submit the appropriate Notice of Intent (NOI) form for this specific general permit which will be provided by the Commissioner. The NOI form must be signed by a person who has the appropriate signatory authority as required by 40 CFR 122.22.

The NOI shall be submitted to IDEM in accordance with Section 4.3 of this general permit.

##### **4.2 Deadlines for NOI Submittal**

An NOI shall be submitted at least forty-five (45) days before any discharge occurs. The Commissioner may, upon good cause shown in writing by the applicant, revise this submission deadline.

##### **4.3 Submitting the NOI and Processing Fee**

The Notice of Intent and all supporting documents and fees shall be submitted according to the following:

Submit hard copies to this address:  
Indiana Department of Environmental Management  
Office of Water Quality, Permits Administration Section  
100 North Senate Avenue, IGCN Room 1255  
Indianapolis, Indiana 46204-2251

IDEM continues to develop means of electronic submittals for Notice of Intent and Notice of Termination forms. Upon availability and notification by the Commissioner of an electronic application process, a person may choose to or, may be required to, utilize this process to file the NOI, NOT and other submission requirements. If the electronic application process does become a requirement and the person does not have the ability to submit NOIs or NOTs electronically, the permittee may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system.

#### 4.4 NOI Content Requirements

The following information must be included in an NOI:

- a) name, telephone number, mailing address, and email address of the owner or operator of the site, and the name, telephone number, mailing address, and email address of a contact person who is knowledgeable about the site;
- b) name, telephone number, mailing address, and email address for the contact person who will be responsible for the submission of monthly monitoring reports;
- c) the location address of the site itself, and the latitudinal and longitudinal coordinates of the center of the site;
- d) a brief description of the activities conducted at the site that result in the discharge;
- e) an estimate of the volume of wastewater to be discharged, in million gallons per day (mgd);
- f) the latitudinal and longitudinal coordinates of each point source location (including outfall numbers) that will be discharging wastewater from the short term/temporary discharge activities and also the location information for any sampling points which differ from any of the outfall locations;
- g) the name of the waters receiving each discharge;
- h) a written narrative that explains the analysis conducted by applicant to determine which pollutants to test for as potential pollutants of concern;
- i) data results for pollutants of concern for the water that will be discharged during this activity covered by the permit.

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 adequately sensitive data results.

- j) facility location map which identifies, via names of nearby streets or permanent structures, the location of the site where the activity resulting in the discharge will be conducted; the location where the discharge will occur; and the waters receiving the discharge. The facility map must show boundaries which extend at least a one mile radius beyond the facility property. Multiple maps may be used if the location of the receiving stream is sufficiently distant from the site that too much detail is lost on the site map if only one is used;
- k) information (including Material Data Safety Sheets) about any water treatment additives currently in use or planned to be used for the wastewater. Documentation must also be submitted that proves there has been prior IDEM approval of the WTA for its use at this site;

- l) site inquiry information must be provided (when contaminated groundwater will be discharged) to determine what soil or groundwater contamination should be expected in the wastewater to be discharged;
- m) a completed Potentially Affected Parties form (as required by IC 4-21.5) and mailing labels with mail codes (Mail Code 65-42 PS) inserted on the first line for each person listed. If known please also provide the person's email address;
- n) proof of public notice in the newspaper publication of largest circulation in the area the discharge will be occurring. The public notice shall consist of the following statement: "(Facility name, address, address of the location of the discharging facility) is submitting an NOI letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under ING420000, the general NPDES permit for temporary discharges which will discharge to (insert the name of the stream(s) or water body receiving the discharge(s)). Questions concerning this NOI may be directed to (Facility contact name and telephone number)."
- o) the required permit application fee as per IC 13-18-20-12;
- p) a certification statement as set forth in 40 CFR 122.22 and signed by the authorized signatory.

## 5.0 REQUESTING TERMINATION OF COVERAGE

If IDEM grants coverage under this general permit, the NOC will contain a specific time frame for the discharge authorization. If the permittee ceases all discharges covered by this permit to surface waters of the State prior to the end of the designated term of coverage, then the permittee shall complete and submit a Notice of Termination (NOT) according to Section 4.3 of this permit.

The permittee will continue to be responsible for submitting all reports required by this permit and for remitting annual permit maintenance fees billed according to Indiana Statute IC 13-18-20 until IDEM approves the NOT or until the completion of the designated term of coverage, whichever occurs first.

## 6.0 ADDITIONAL REQUIREMENTS

### 6.1 Standard Conditions for General Permits

The following standard permit conditions are incorporated by reference, as applicable to general permits.

Standard Conditions	Federal Regulatory Cite
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)

e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 CFR 122.42(a)

## 6.2 Change of Ownership/Transfer

Coverage under this permit may be transferred in the event that the facility is sold or transferred to a new owner or operator when the following occurs:

- a) The current permittee notifies IDEM at least thirty (30) days in advance of the proposed transfer date.
- b) A written agreement is submitted to IDEM 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 IDEM.
- c) The transferee certifies in writing to IDEM the 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.
- d) In addition to the submittal of the written agreement for transfer the new owner or operator must also submit a new NOI in accordance with the provisions of Section 4.0 of this permit.

## 6.3 Planned Changes in Facility or Discharge

The permittee shall give notice to IDEM no later than thirty (30) days prior to the initiation of any physical alterations or additions to the permitted facility that will or may:

- a) result in a discharge from a point previously not identified in the NOI;
- b) result in the facility meeting one of the criteria for determining whether the facility is a new source as defined in 40 CFR 122.29(b);

- c) change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the general permit, or to notification requirements under 40 CFR 122.42(a)(1); or
- d) change the amount or frequency of the discharge.

Changes resulting in the addition (item a above) or deletion of a discharge point will necessitate the submission of a new NOI requesting this amendment, along with the appropriate fee in accordance with IC 13-18-20-12.

#### 6.4 Other Information

When the permittee becomes aware of a failure to submit any relevant facts or the submission of incorrect information in a NOI or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

The permittee shall promptly provide to IDEM written notice of any changes to items listed on the NOI. These would include:

- a) any changes in contacts or responsible party;
- b) any changes to addresses- mailing address or email address- for any contact or responsible party;
- c) any changes to telephone numbers for any contact person or responsible party; and/or
- d) any changes involving the person or position with delegated signature authority for any forms or reports required by this general permit as set forth in Section 6.1(k) of this general permit.

#### 6.5 Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws, the Clean Water Act and IC 13 and is grounds for enforcement action, termination of coverage under the permit, requiring an individual permit, and/or denial of permit coverage.

When IDEM or the U.S. EPA determines that the effluent limitations contained in Sections 2.1 or 2.2 of this general permit are not being met consistently, or that the discharge is causing or contributing to an excursion above any applicable water quality standard, the permittee may be notified by the Commissioner in writing that an individual permit application is necessary.

## 6.6 Reporting Spills and Noncompliance

The permittee must monitor for, identify, and report to IDEM any adverse incidents (including spills and leaks) which reach any surface water of the state. When the permittee observes or is otherwise made aware of any permit noncompliance or any adverse incident that may have resulted from a discharge from the permitted facility, the permittee must notify IDEM by telephone at **(888) 233-7745**:

- a) immediately for bypasses, adverse incidents or noncompliance which pose a significant danger to human health or the environment, and
- b) as soon as possible but within two (2) hours of discovery for any bypasses, adverse incidents, or noncompliance resulting in death or acute injury or illness to animals or humans (see "Spill Response and Reporting Requirements" in 327 IAC 2-6.1).

The permittee shall report any noncompliance and other information that is subject to the reporting requirements of 40 CFR 122.41(l)-(m) and 40 CFR 122.42(a) of this general permit within 24 hours of the person becoming aware of the permit noncompliance if it does not meet either of the conditions listed above. The permittee shall make the oral reports to IDEM by calling (317) 232-8670 during regular business hours or by calling (317) 233-7745 ((888) 233-7745 toll free in Indiana) during non-business hours. The written reports shall be submitted to IDEM within 5 days of the time the permittee becomes aware of the circumstances and may be submitted by U.S. Mail, by hand delivery, or via email. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The mailing address for the written report is:

Indiana Department of Environmental Management  
Office of Water Quality  
Compliance Data Section, IGCN Room 1255  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251

Any written reports which are sent to IDEM via email shall be sent to [wwreports@idem.IN.gov](mailto:wwreports@idem.IN.gov).

Any other permit noncompliance that is not subject to the reporting requirements of 40 CFR 122.41(l)-(m), 40 CFR 122.42(a), or 327 IAC 2-6.1 shall be reported at the time of submittal of the applicable Discharge Monitoring Report as referenced in Section 3.7 of this general permit.

## 6.7 Certified Operator

The permittee shall have any wastewater treatment facility, when applicable, 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.

## 6.8 Construction Permit

A person shall not construct, install, or modify any water pollution control facility without a valid construction permit issued by IDEM under 327 IAC 3-2, unless exempted by IC 13-14-8-11.6.

## 6.9 Individual or Alternative General NPDES Permit

- a) IDEM may require a person to obtain an individual NPDES permit or an alternative general permit in accordance with the provisions of 327 IAC 15-2-9 or 40 CFR 122.28(b)(3).
- b) Any discharger authorized for coverage under this general permit may apply for coverage under an individual NPDES permit by submitting an individual NPDES application or modification to IDEM.

## 6.10 State and Local Laws

Coverage under this permit 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. 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 or the Clean Water Act, as amended.

## 6.11 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 Environmental Rules 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 performed under IC 13-14-2-2 commits a class C infraction.

Pursuant to IC 13-30-10-1.5(e), a person who willfully or negligently violates any NPDES permit condition or filing requirement, or any applicable standards or

limitations of IC 13-18-3-2.4, IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or IC 13-18-16, commits a Class A misdemeanor.

Pursuant to IC 13-30-10-1.5(i), an offense under IC 13-30-10-1.5(e) is a Level 4 felony if the person knowingly commits the offense and knows that the commission of the offense places another person in imminent danger of death or serious bodily injury. The offense becomes a Level 3 felony if it results in serious bodily injury to any person, and a Level 2 felony if it results in death to any person.

Pursuant to IC 13-30-10-1.5(g), a person who willfully or recklessly violates any applicable standards or limitations of IC 13-18-8 commits a Class B misdemeanor.

Pursuant to IC 13-30-10-1.5(h), a person who willfully or recklessly violates any applicable standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5 commits a Class C misdemeanor.

Pursuant to IC 13-30-10-1, a person who knowingly or intentionally makes any false material statement, representation, or certification in any NPDES form, notice, or report commits a Class B misdemeanor.

#### 6.12 Penalties for Tampering or Falsification

In accordance with 327 IAC 5-2-8(10), the permittee shall comply with monitoring, recording, and reporting requirements of this permit. The Clean Water Act, as well as IC 13-30-10-1, provides that any person who knowingly or intentionally (a) destroys, alters, conceals, or falsely certifies a record, (b) tampers with, falsifies, or renders inaccurate or inoperative a recording or monitoring device or method, including the data gathered from the device or method, or (c) makes a false material statement or representation in any label, manifest, record, report, or other document; all required to be maintained under the terms of a permit issued by the department commits a Class B misdemeanor.

#### 6.13 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.

#### 6.14 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.