

Indiana Department of Environmental Management

Office of Water Quality, Permits Branch
100 North Senate Avenue, IGCN Room 1255
Indianapolis, Indiana 46204
(317) 232-8670
Toll Free (800) 451-6027
www.idem.IN.gov

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Clean Water Act" or "CWA"), 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 discharges of wastewater from Ground Water Petroleum Remediation Systems into surface waters of the State of Indiana.

This permit is issued on: **October 29, 2020**

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

This permit expires on: **October 31, 2020**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of this permit remain fully effective and enforceable after the expiration date of the permit if the permittee has submitted a timely Notice of Intent letter (NOI) for a new term of coverage and IDEM has not, through no fault of the permittee, issued a new permit on or before the expiration date of this permit.



Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

Table of Contents

| | |
|---|-----------|
| 1.0 GENERAL PERMIT COVERAGE | 4 |
| 1.1 Permit Area | 4 |
| 1.2 Discharges Authorized/Covered by this Permit | 4 |
| 1.3 Eligibility | 5 |
| 1.4 Fees (Application and Annual Maintenance) | 5 |
| 2.0 EFFLUENT LIMITATIONS..... | 6 |
| 2.1 Numeric Discharge Limitations | 6 |
| 2.2 Narrative Water Quality Standards | 7 |
| 3.0 MONITORING REQUIREMENTS AND PROCEDURES | 8 |
| 3.1 What to Sample | 8 |
| 3.2 Measurement Frequency | 8 |
| 3.3 Representative Sampling..... | 8 |
| 3.4 Additional Monitoring by Permittee | 8 |
| 3.5 Testing Procedures | 8 |
| 3.6 Recording of Results | 9 |
| 3.7 Reporting Monitoring Results..... | 9 |
| 3.8 Reporting Effluent Data on the Federal Discharge Monitoring Reports | 9 |
| 3.9 Records Retention | 10 |
| 3.10 Reopening Clauses | 10 |
| 4.0 NOTICE OF INTENT (NOI) REQUIREMENTS..... | 11 |
| 4.1 NOI Format..... | 11 |
| 4.2 Deadlines for NOI Submittal | 11 |
| 4.3 Submitting the NOI and Processing Fee | 12 |
| 4.4 NOI Content Requirements | 13 |
| 5.0 REQUESTING TERMINATION OF COVERAGE..... | 15 |
| 6.0 ADDITIONAL REQUIREMENTS..... | 15 |
| 6.1 Standard Conditions for General Permits..... | 15 |
| 6.2 Change of Ownership/Transfer | 16 |
| 6.3 Planned Changes in Facility or Discharge | 16 |
| 6.4 Other Information | 17 |
| 6.5 Effect of Noncompliance..... | 18 |
| 6.6 Reporting Spills and Noncompliance | 18 |
| 6.7 Certified Operator | 19 |
| 6.8 Individual or Alternative General NPDES Permit..... | 19 |
| 6.9 State and Local Laws..... | 19 |
| 6.10 Future Electronic Reporting Requirements | 19 |
| 6.11 Penalties for Violation of Permit Conditions..... | 20 |
| 6.12 Penalties for Tampering or Falsification..... | 21 |
| 6.13 Severability | 21 |

6.14 Availability of Reports.....21

6.15 Definitions21

1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This general NPDES permit for discharge from ground water petroleum remediation systems covers all areas of the State of Indiana.

1.2 Discharges Authorized/Covered by this Permit

This general permit authorizes new or existing discharges to surface waters of the State of Indiana from any conveyance used for collecting and conveying wastewater which is directly related to a ground water petroleum remediation system. For the purposes of this permit, only sites dealing with gasoline, diesel fuel, or kerosene contamination are authorized. These discharges will henceforth in this permit be described as remediated groundwater.

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. In order to obtain authorization to discharge under this permit, a person must submit a Notice of Intent (NOI) pursuant to Section 4.0. The Commissioner may grant or deny coverage under this permit or require an application for an individual permit.

Except as provided in Section 1.3, when an NOI is submitted as set forth in Section 4.0 below, a facility is permitted to discharge remediated groundwater to surface waters of the state in accordance with the terms of this general permit. This authorization to discharge shall become effective upon receipt of notification of inclusion/coverage by the Commissioner. Any discharges of remediated groundwater to surface waters of the state that are not permitted under this general permit or by an individual permit are unlawful.

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

- a) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or
- 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 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.

1.3 Eligibility

- a) This general permit covers discharges comprised solely of remediated groundwater from facilities involved in groundwater petroleum remediation systems to surface waters of the state, except as limited in Section 1.3(b) below.
- b) Limitations on Coverage. The following discharges of wastewater from Groundwater Petroleum Remediation Systems are **not** authorized by this permit:
 - 1) remediation sites that contain contaminants other than gasoline, diesel fuel, kerosene, or similar constituents.
 - 2) direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d);
 - 3) discharges to a receiving water(s) when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving water(s) for that pollutant as identified on the current 303(d) list of impaired waters;
 - 4) 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 facility for which the Notice of Intent (NOI) is submitted.
 - 5) discharges to combined or sanitary sewer systems;
 - 6) discharges that are commingled with hazardous wastes or hazardous materials;
 - 7) bypasses or upsets of any kind from a treatment works or collection system;
 - 8) discharges that contain pollutants classified as bioaccumulative chemicals of concern (BCCs); and
 - 9) discharges for which the Commissioner requests an individual permit application.

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. Pursuant to the statute this fee is required for a new NOI submittal, renewals, and modification requests including transfers of coverage requested under Section 6.2 and any planned facility changes referenced in Section 6.3 of this permit that would result in the need for an NOI. 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 the numeric effluent limitations set forth below and the narrative water quality standards in 327 IAC 2-1-6 and 327 IAC 2-1.5-8 for any discharges authorized by this permit, with compliance required upon beginning such a discharge. Numeric effluent limitations are applicable before water leaves a facility site. Narrative water quality standards are applicable in all receiving waters after water leaves a permitted site.

2.1 Numeric Discharge Limitations

The limits and monitoring requirements in Tables 1 and 2 shall be applicable to all permittees. Additionally, the effluent limits and monitoring requirements in Table 3 shall be applicable for groundwater remediation projects involving other petroleum sources such as diesel fuel and kerosene. The IDEM approval letter shall specify any requirement for a permittee to monitor for Table 3 parameters, based upon IDEM review of the NOI and wastewater characterization data.

Table 1

| Parameter | Quantity or Loading | | | Monitoring Requirements | |
|----------------|---------------------|---------------|-------|-------------------------|----------------|
| | Monthly average | Daily maximum | Units | Measurement frequency | Sample type |
| Flow [1] | Report | Report | MGD | Daily | 24-Hr. Total |
| Total Flow [1] | --- | Report | Mgal | 1 x monthly | Recorder total |

Table 2

| Parameter | Quality or Concentration | | | Monitoring Requirements | |
|----------------|--------------------------|---------------|-------|-------------------------|-------------|
| | Daily minimum | Daily maximum | Units | Measurement Frequency | Sample type |
| pH [2] | 6.0 | 9.0 | s.u. | 1 x monthly | Grab |
| Benzene | --- | 5 | µg/l | 1 x monthly | Grab |
| Total BTEX [3] | --- | 100 | µg/l | 1 x monthly | Grab |

Table 3

| Parameter | Quality or Concentration | | Monitoring Requirements | |
|-----------------|--------------------------|-------|-------------------------|-------------|
| | Daily maximum | Units | Measurement Frequency | Sample type |
| Naphthalene [4] | 10 | µg/l | 1 x monthly | Grab |
| PAHs [4][5] | Report | µg/l | 1 x monthly | Grab |

[1] Measurement of flow is required; flow volume may be estimated. An “estimated” sample type means a reasonable approximation of the average daily flow based on a method approved by the Department. The permittee must have a reliable means of determining the total monthly flow volumes. The permittee is required to record the monthly flow volumes and calculate the monthly average flow on the Monthly Monitoring Reports (State Form 30530).

- [2] The pH shall be reported in standard units (s.u.)
- [3] Total BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
- [4] The monitoring requirements for this parameter may be waived or reduced by the Commissioner based upon IDEM review of the wastewater characterization data and/or effluent data submitted with the NOI. Any such waiver shall be specified in IDEM's approval letter and shall not become effective until that time.
- [5] Polynuclear Aromatic Hydrocarbons (PAHs) shall be the combined concentrations (i.e. the sum) of the following: anthracene, benzo(a)anthracene, benzo(k)fluoranthene, 3,4 benzofluoranthene (benzo(b)fluoranthene), benzo(g,h,i)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluorene, indeno(1,2,3 c,d)pyrene, naphthalene, phenanthrene, and pyrene.

2.2 Narrative Water Quality Standards

The following permit requirements are included to ensure that all discharges permitted by this general permit will meet the minimum narrative water quality standards set forth in 327 IAC 2-1-6 and 2-1.5-8.

- 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, materials, floating debris, oil, scum, or other pollutants that are in amounts sufficient to be unsightly or deleterious;
- c) The discharge shall not contain substances, materials, floating debris, oil, scum, or other pollutants 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, materials, floating debris, oil, scum, or other pollutants 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, materials, floating debris, oil, scum, or other pollutants 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 What to Sample

Samples shall be taken in accordance with the sample type specified in Section 2.1 of this general permit. The Commissioner may require the permittee to sample for additional parameters. When this becomes the case, the permittee shall be notified in writing and given the reason(s) for the additional sampling requirement(s).

3.2 Measurement Frequency

Measurement frequency of each parameter is identified in Section 2.1 above. 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 shall be representative of the volume and nature of discharges of remediated groundwater. The samples and measurements shall be taken prior to mixing with any other waters and prior to discharging to the receiving water(s).

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). 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 discharger shall record the following information:

- a) The date, exact place, and time of sampling or measurement;
- b) The person(s) who performed the sampling or measurements;
- c) The dates and times the analyses were performed;
- d) The person(s) and 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 monitoring reports to the Indiana Department of Environmental Management (IDEM) containing results obtained during the previous month and shall be submitted no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report (DMR) and the Monthly Monitoring Report (MMR). All reports shall be submitted electronically by using the NetDMR application, upon registration, receipt of the NetDMR Subscriber Agreement, and IDEM approval of the proposed NetDMR Signatory. Access the NetDMR website (for initial registration and DMR/MMR submittal) via CDX at: <https://cdx.epa.gov/>. The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit. See Section 6.10 of this permit for Future Electronic Reporting Requirements.
- b) 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.

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.

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 that has an LOD of 0.1 µg/l 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. The three-year retention requirement shall be extended in each of the following circumstances::

- a. automatically during the course of any 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 Clauses

- a) 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:
 - 1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - 2) controls any pollutant not limited in the permit.
- b) This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to incorporate any of the reopening clause provisions cited at 327 IAC 5-2-16.

- c) 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

An applicant seeking coverage under this general permit shall submit a Notice of Intent (NOI) form for this specific general permit, State Form 55945. 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 according to Section 4.3 of this general permit.

4.2 Deadlines for NOI Submittal

- a) For a new facility (i.e. new source), an NOI shall be submitted at least thirty (30) days before any discharge occurs.
- b) For a facility that has existing, effective coverage under the 2015 general permit ING080000, on the effective date of this general permit, the existing coverage shall automatically be extended provided that the permittee takes one of the following actions within ninety (90) days following the date that the Commissioner makes the NOI form available to the permittee.
 - 1) The permittee submits a new NOI in accordance with Section 4.0 of this general permit to affirm the permittee intends to comply with the requirements of this new general permit;
 - 2) The permittee notifies IDEM in writing of the permittee's intent to terminate general permit coverage in accordance with Section 5.0 of this general permit; or
 - 3) The permittee submits an individual NPDES application or modification to IDEM for the existing discharge permitted by the former general permit. In such cases, the general permit coverage will remain in effect until the effective date of coverage under an individual NPDES permit.

- c) For a facility with an existing individual NPDES permit which meets the eligibility requirements in Section 1.3, the NOI may be submitted to request a changeover to general permit coverage at any time after the effective date of this general permit.
- d) For subsequent renewals of general permit coverage under this general permit, an NOI shall be submitted not less than ninety (90) days before the permit expires. If, upon review of the conditions and requirements of the reissued permit, the permittee determines that coverage under said permit is not appropriate for the site, he/she may, within 90 days, withdraw the NOI and submit either an application for an individual NPDES permit, or a Notice of Termination (see section 5.0 of this permit).
- e) In the case of a transfer of ownership, an NOI must be submitted not less than thirty (30) days before the transfer. Additional requirements for the transfer of general permit coverage are found in Section 6.2 of this general permit.
- f) The Commissioner may, upon good cause shown in writing by the applicant, extend any of the submission deadline time periods required above.

4.3 Submitting the NOI and Processing Fee

The Notice of Intent and all supporting documents and fees shall be submitted as follows:

- a) The NOI form may be scanned electronically and submitted via e-mail to OWQ@idem.IN.gov. The NOI fee may be remitted online by visiting IDEM's online payment portal at <https://www.in.gov/idem/6973.htm>.
- b) Hard copies of the NOI and payments in the form of checks should be submitted to this address:

Indiana Department of Environmental Management
Office of Water Quality, Permits Administration Section
100 North Senate Avenue, IGCN Room 1255
Indianapolis, IN 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 required items. 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 of the operator of the site remediation project, his/her email and mailing addresses, and telephone number;
- b) name of the owner of the site, the owner's email and mailing addresses, and telephone number;
- c) name, telephone number, and email and mailing addresses of another contact person who is knowledgeable about the site (optional);
- d) name of person responsible for submission of monthly monitoring reports and contact's telephone number, email and mailing addresses for submission of monthly monitoring reports;
- e) the location address of the site itself, and the latitudinal and longitudinal coordinates (to the nearest second) of the approximate center of the site;
- f) the 4-digit SIC (Standard Industrial Classification) code and the 6-digit NAICS (North American Industry Classification System) code that best describe the primary activity conducted at the site;
- g) a brief description of the activities conducted at the site that result in the discharge, including the identification numbers assigned by the IDEM Office of Land Quality's Leaking Underground Storage Tank (LUST) Program (LUST # and Facility ID Number). NOIs for non-LUST remediation projects must contain a detailed explanation of the site and source water for which general permit coverage is being sought.
- h) an estimate of the volume of wastewater to be discharged, reported in million gallons per day (mgd);
- i) the 3-digit outfall number and latitudinal and longitudinal coordinates of each point source discharge location;
- j) the name of the surface waters receiving each discharge;
- k) characterization of all pollutant parameters known or believed to be present in the source water based on an actual data pilot study, estimates from other engineering studies, data from other similar sites, or best professional estimates;
- l) facility location map(s) which identifies, via names of at least two intersecting nearby streets or any 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 surface waters which receive the discharge. The location map must show boundaries which extend at least a one mile radius beyond the facility property. This information may be placed on top of a topographic map if it remains legible to the naked eye. If not, a separate topographic map is required to be submitted;

- m) flow schematic diagram/map that shows how the process wastewater travels through the facility to the point(s) where it is discharged (outfall point);
- n) documentation of IDEM approval for the use of any water treatment additives (WTAs) to be used;
- o) a completed Potentially Affected Parties form (as required by IC 4-21.5) and mailing labels with the mail code "65-42 PS" inserted on the first line for each person listed/label;
- p) proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge: (*Facility name, address, address of the location of the discharging facility*) "is submitting a Notice of Intent to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under National Pollutant Discharge Elimination System (NPDES) general permit ING080000 to discharge non-process wastewater from a ground water petroleum remediation operation. Discharge will be to (*the name(s) of the stream(s) or other water body(ies) receiving the discharge(s)*)".

"Any person wishing further information about the discharge may contact (*facility contact person's name and telephone or email address*). The decision to issue coverage under this NPDES general permit for this discharge is appealable as per IC 4-21.5. Any person who wants to be informed of IDEM's decision regarding granting or denying coverage to this facility under this NPDES permit, and who wants to be informed of procedures to appeal the decision, may contact IDEM's offices at OWQWWPER@idem.IN.gov to be placed on a mailing list to receive notification of IDEM's decision.
- q) the required permit fee per IC 13-18-20-12;
- r) certification statement, as set forth in 40 CFR 122.22 and IC 13-30-10, signed by the authorized signatory; and
- s) any additional information deemed necessary by the Commissioner.

5.0 REQUESTING TERMINATION OF COVERAGE

A permittee may request termination of coverage under this general permit when discharges of remediated groundwater to surface waters of the State have ceased. To do so, 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.

6.0 ADDITIONAL REQUIREMENTS

6.1 Standard Conditions for General Permits

The following standard permit conditions are incorporated by reference.

| 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 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 or 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 or email, for any contact or responsible party;
- c) any changes to telephone numbers for any contact person or responsible party;
- 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 resulting from the remediation of ground water 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 renewal.

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. 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 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.

Reports submitted by email should be sent to wwreports@idem.IN.gov.

For reports submitted by U.S. mail, 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 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 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.

6.9 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.

6.10 Future Electronic Reporting Requirements

IDEM is currently developing the technology and infrastructure necessary to allow compliance with the EPA Phase 2 e-reporting requirements per 40 CFR 127.16 and to allow electronic reporting of applications, notices, plans, reports, and other information not covered by the federal e-reporting regulations.

IDEM will notify the permittee when IDEM's e-reporting system is ready for use for one or more applications, notices, plans, reports, or other information. This IDEM notice will identify the specific applications, notices, plans, reports, or other information that are to be submitted electronically and the permittee will be required to use the IDEM electronic reporting system to submit the identified application(s), notice(s), plan(s), report(s), or other information.

See Section 3.7 of this permit for the current electronic reporting requirements for the submittal of monthly monitoring reports such as the Discharge Monitoring Report (DMR) and the MMR or the QMR.

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.

6.15 Definitions

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Parts 122 and 401, 327 IAC 5, and 327 IAC 15 shall be applicable within this permit

- a) "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, which is located at the following address: 100 North Senate Avenue, Indianapolis, Indiana 46204.
- b) "Concentration" means the weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this permit, concentration values shall be expressed in micrograms per liter ($\mu\text{g/l}$).
- c) "Daily maximum" means 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.

- d) "Grab Sample" means a sample which is taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without considerations of time.
- e) "Ground water petroleum remediation wastewater" is defined as the discharge from any conveyance used for collecting and conveying wastewater which is directly related to ground water petroleum remediation systems or activities. This includes groundwater which has been contaminated by gasoline, diesel fuel, kerosene, and other petroleum products that are typically associated with gas stations and truck stops.
- f) "Monthly average concentration" means the arithmetic average (proportional to flow) of all daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determinations of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.
- g) "Recorder total" is defined as the cumulative total of all daily flow values in MGD for all days during the month when discharging. The permittee must report the number of days per month that a discharge occurs. Mathematically, the recorder total should be equal to the estimated monthly average MGD times the days of discharge.
- h) The "Regional Administrator" is defined as the Region 5 Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.
- i) "Wastewater discharge associated with ground water remediation system" means the discharge from any conveyance which is used for collecting and conveying wastewater which is directly related to the ground water remediation system.