Indiana Department of Environmental Management
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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 National Pollutant Discharge Elimination System (NPDES) general permit to regulate discharges of wastewater from Petroleum Products Terminals into surface waters of the state of Indiana.

This permit is issued on: **October 31, 2025**

This permit is effective on: **November 1, 2025**

This permit expires on: **October 31, 2030**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of the permit remain fully effective and enforceable after the expiration date of the permit if the permittee has submitted a timely Notice of Intent (NOI) for a new permit 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

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1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This master general ("general") permit regulating petroleum products terminals covers and is applicable to the entire state of Indiana. However, the area covered in this permit does not include any discharges to waters located in Indian country, which is defined in United States Code 18 USC Section 1151 as "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including any rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including the rights-of-way running through the same."

1.2 Discharges Authorized/Covered by this Permit

This general permit addresses discharge(s) of wastewater from petroleum product terminals to surface waters of the state of Indiana. "Petroleum products terminal" refers to a facility with an area where petroleum products are supplied by pipeline, barge, or train and then stored in above-ground tanks, transferred to trucks or trains for transport to other locations, or both. This general permit authorizes new and existing discharges as described below from petroleum products terminals to surface waters of the state of Indiana:

a) discharges of hydrostatic test waters from storage tanks and on-site pipelines. These may be new vessels or existing ones which have been used for the storage, transfer, and/or conveyance of natural gas, crude oil, or other petroleum products;

b) discharges of stormwater from the diked containment areas of these storage tanks;

c) discharges of tank bottom water from these storage tanks. However, this permit does not authorize the discharge of any accumulated solids or sludges from the tank bottoms. The permittee is required to properly remove and dispose of such solids in accordance with 327 IAC 5-5-2; and

d) discharges from each of the following activities may also be allowed through an outfall approved for coverage under this permit, provided they have not been identified by the applicant or by IDEM as a significant contributor of pollutants to a water of the state:

1. *Fire hydrant flushing;*
2. *Potable water used for water line flushing;*
3. *Irrigation drainage;*
4. *Landscape watering;*
5. *Routine external building washdowns;*
6. *Pavement washdowns where spills or leaks of hazardous materials have been removed;*
7. *Uncontaminated ground water or spring water;*

8. *Foundations or footing drains where flows are not contaminated by process materials;*
9. *Uncontaminated air conditioning or compressor condensate;*
10. *Vehicle wash waters where uncontaminated water is utilized; and*
11. *Runoff from the use of dust suppressants.*

To be authorized under this general permit, the permittee must provide information about these allowable discharges in the Notice of Intent (NOI) form; see below for more information. Additionally, if any of the discharges are determined to be a significant contributor of pollutants to a water of the state, an individual NPDES permit may be required for that discharge. These discharges will henceforth in this permit be called “petroleum products terminal wastewater”.

This general permit serves as an NPDES general permit and is issued to be effective for a term of five (5) years. To obtain authorization to discharge under this permit, an applicant must submit an NOI pursuant to Section 4.0. The Commissioner may grant or deny coverage under this permit or require an application for an individual NPDES 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 petroleum products terminals wastewater to surface waters of the state in accordance with the terms of this general permit. This authorization to discharge shall become effective upon issuance of the Notice of Coverage (NOC) letter by IDEM. Any discharge of petroleum products terminals wastewater is unlawful if not permitted under this general permit or an individual NPDES permit.

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

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

f) The permittee receives written confirmation from IDEM that the Notice of Termination (NOT) has been approved (see Section 5.0) and that the facility’s general permit coverage is terminated;

g) issuance or modification of an individual permit for the discharge(s) covered by this general permit; or

h) a final decision is made by IDEM to either 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 of wastewater from petroleum products terminals (as authorized in Section 1.2) to surface waters of the state, except as limited in paragraph “b” below.

b) The following discharges are **not authorized** by this permit:

1) discharges directly to or to tributaries of waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or discharges directly to an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1-11(b), 327 IAC 2-1.3.3(d), or 327 IAC 2-1.5-19(b);

2) 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;

3) 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 NOI is submitted;

4) discharges resulting from the cleaning of tanks and/or pipelines;

5) discharges of stormwater associated with industrial activity that are regulated under 327 IAC 15-6 or General NPDES Permit INRM00000;

6) discharges of stormwater runoff from construction activities greater than one (1) acre that are regulated under IDEM's Construction Stormwater General NPDES Permit INRA00000;

7) discharges to combined or sanitary sewer systems;

8) discharges that are commingled with hazardous wastes or hazardous materials;

9) discharges of domestic or sanitary wastewater;

10) discharges that contain pollutants classified as bioaccumulative chemicals of concern (BCCs) other than mercury;

11) discharges for which the Commissioner requests an individual permit application; and

12) discharges within Indian country as described in Section 1.1 of the 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 NOI in accordance with 327 IAC 5-3-17. Pursuant to the statute, this fee is required for new, renewal, and modification of permit coverage requests. All submittals, including transfers of coverage requested under Section 6.2 and any planned facility changes referenced in Section 6.3 of this permit require that an NOI be submitted. Persons covered by this general permit are also required by 327 IAC 5-3-17 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 all discharges authorized by this permit, with compliance required upon beginning such a discharge.

The NOC 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 the different categories of discharges covered under this general permit.

2.1 Numeric Discharge Limitations for Stormwater Discharges

Table 1 [4]

	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
Parameter	Monthly Average	Daily Maximum	Units	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
Oil & Grease	--------	--------	--------	10	15	mg/l	1 x Monthly	Grab
Total Suspended Solids (TSS)	--------	--------	--------	30	45	mg/l	1 x Monthly	Grab
Chemical Oxygen Demand (COD)	--------	--------	--------	Report	Report	mg/l	1 x Monthly	Grab [2]
Ammonia (as N)	--------	--------	--------	Report	Report	mg/l	1 x Monthly	Grab [2]
Lead	--------	--------	--------	Report	Report	mg/l	1 x Monthly	Grab [2]
Benzene	--------	--------	--------	Report	Report	µg/l	1 x Monthly	Grab [2]
Total BTEX	--------	--------	--------	Report	Report	µg/l	1 x Monthly	Grab [2]
Naphthalene	--------	--------	--------	Report	Report	µg/l	1 x Monthly	Grab [2]
Other [3]	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

Table 2

	Quality or Concentration			Monitoring Requirements	
Parameter	Daily minimum	Daily maximum	Units	Measurement Frequency	Sample type
pH	6.0	9.0	Standard units (s.u.)	1 x Monthly	Grab

[1] Measurement of flow is required in accordance with 327 IAC 5-2-13(a)(2). The flow volume may be estimated. An “estimate of flow” means a reasonable approximation of the average daily flow based on a method approved by the Department.

Pump rates can be utilized in this calculation, but the permittee must have a reliable means of determining the total monthly flow volume. The permittee is required to record the monthly flow volumes and calculate the monthly average flow on the Monthly Monitoring Reports (State Form 30530).

"Recorder Total" means that the permittee must monitor and cumulatively total all daily flow values, measured in MGD, for all days during the month when discharging.

[2] The permittee may request a reduction of the sampling frequency for these parameters by submitting supporting documentation which demonstrates past compliance history and satisfactory Storm Water Pollution Prevention Plan (SWP3) implementation at the permitted site.

[3] Additional parameters, effluent limitations, and/or monitoring requirements will be included in the NOC based upon IDEM's evaluation of the NOI and other available information relating to the facility/site and the receiving waterbody. These requirements are to be determined (TBD) based on the evaluation. In accordance with 327 IAC 5-2-10 and 40 CFR 122.44, NPDES permit limits shall be based on either Technology Based Effluent Limitations (TBELs) including those developed on a case-by-case basis using Best Professional Judgment (BPJ), where applicable, or on WQBELs, whichever is most stringent.

[4] "Monthly average concentration" is 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 equal 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.

2.2 Numeric Discharge Limitations for Discharges of Hydrostatic Test Water from New Tanks, Certified Clean Tanks, or New On-site Pipeline Installation

Table 3 [6]

	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
Parameter	Monthly Average	Daily Maximum	Units	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
Oil & Grease (O&G)	----------	----------	----------	10	15	mg/l	Daily	4-Portion Grab [2]
Total Suspended Solids (TSS)	----------	----------	---------	30	45	mg/l	Daily	Grab
Total Residual Chlorine (TRC) [3][4]	----------	----------	---------	----------	0.02	mg/l	Daily	Grab
Other [5]	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

Table 4

	Quality or Concentration			Monitoring Requirements	
Parameter	Daily minimum	Daily maximum	Units	Measurement Frequency	Sample type
pH	6.0	9.0	Standard Units	Daily	Grab

[1] Measurement of flow is required in accordance with 327 IAC 5-2-13(a)(2); the flow volume may be estimated. An “estimated” flow volume means a reasonable approximation of the average daily flow volume based on a method approved by the Department. Pump rates may be utilized in this calculation, but 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).

“Recorder Total” means that the permittee must monitor and cumulatively total all daily flow values in MGD for all days during the month when discharging.

[2] When performing hydrostatic testing of pipelines, O&G should be sampled using a minimum of four (4) grab samples which shall be collected at equally spaced time intervals during the test period. Each sample shall be analyzed individually and the arithmetic mean of the measured concentrations shall be reported as the maximum concentration for the twenty-four (24) hour period.

[3] The monitoring requirements and effluent limitations for TRC shall apply whenever discharge of hydrostatic test water which comes from a chlorinated source occurs.

[4] The daily maximum water quality-based effluent limit (WQBEL) for chlorine is greater than or equal to the limit of detection (LOD) but less than the limit of quantitation (LOQ) as defined below, which is specified in the permit. Compliance with the daily maximum limit will be demonstrated if the observed effluent concentrations are less than the LOQ.

Parameter	Test Method	LOD	LOQ
Chlorine	4500-Cl-D	0.02 mg/l	0.06 mg/l
Chlorine	4500-Cl-E	0.02 mg/l	0.06 mg/l
Chlorine	4500-Cl-G	0.02 mg/l	0.06 mg/l

Case-Specific LOD/LOQ

The permittee may determine a case-specific LOD or LOQ using the analytical method specified above, or any other test method which is approved by IDEM prior to use. The LOD shall be derived by the procedure specified for method detection limits contained in 40 CFR Part 136, and the LOQ shall be equal to 3.18 times the LOD. Other methods may be used if first approved by IDEM.

[5] Additional parameters, effluent limitations, and/or monitoring requirements will be included in the NOC based upon IDEM's evaluation of the NOI and other available information relating to the facility/site and the receiving waterbody. These requirements are to be determined (TBD) based on the evaluation. In accordance with 327 IAC 5-2-10 and 40 CFR 122.44, NPDES permit limits shall be based on either Technology Based Effluent Limitations (TBELs) including those developed on a case-by-case basis using Best Professional Judgment (BPJ), where applicable, or on WQBELs, whichever is most stringent.

[6] "Monthly average concentration" is 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 equal 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.

2.3 Numeric Discharge Limitations for Discharges of Tank Bottom Water or Hydrostatic Test Water from Existing Tanks and Existing On-site Pipeline(s)

Tables 5 and 6 are applicable to any discharges of tank bottom water or hydrostatic test water from any existing storage tanks or onsite pipeline which previously contained petroleum product(s). The permittee is not authorized to discharge any accumulated solids or sludges from the tank bottoms.

Table 5 [11]

	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
Parameter	Monthly average	Daily maximum	Units	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
Ammonia (as N)	----------	----------	----------	Report	Report	mg/l	Daily [2]	4-portion Composite [3]
Benzene	----------	----------	----------	Report	5	µg/l	Daily [2]	Grab
Chemical Oxygen Demand (COD)	----------	----------	----------	Report	Report	mg/l	Daily [2]	4-portion Composite [3]
Lead	----------	----------	----------	Report	Report	mg/l	Daily [2]	4-Portion Composite [3]
Naphthalene	----------	----------	----------	Report	10	µg/l	Daily [2]	Grab
Oil & Grease	----------	----------	----------	10	15	mg/l	Daily [2]	4-Portion Grab [4]
PAHs [5]	----------	----------	----------	Report	Report	mg/l	Daily [2]	Grab
Total BTEX	----------	----------	----------	Report	100	µg/l	Daily [2]	Grab
Total Cyanide	----------	----------	----------	Report	Report	mg/l	Daily [2]	4-Portion Composite [3]
Total Organic Carbon (TOC)	----------	----------	----------	Report	Report	mg/l	Daily [2]	Grab
Total Residual Chlorine (TRC) [6][7][8]	----------	----------	----------	0.01	0.02	mg/l	Daily [2]	Grab
Total Suspended Solids (TSS)	----------	----------	----------	30	45	mg/l	Daily [2]	4-Portion Composite [3]
Total Volatile Organic Compounds (VOCs) [9]	----------	----------	----------	Report	Report	µg/l	Daily [2]	Grab
Other [10]	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

Table 6

	Quality or Concentration			Monitoring Requirements	
Parameter	Daily minimum	Daily maximum	Units	Measurement Frequency	Sample type
pH	6.0	9.0	Standard units	Daily	Grab

[1] Measurement of flow is required in accordance with 327 IAC 5-2-13(a)(2). The 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. Pump rates can be utilized in this calculation, but 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). “Recorder Total” means that the permittee must monitor and cumulatively total all daily flow values in MGD for all days during the month when discharging.

[2] On days when tank bottom water is discharged and/or when any existing tanks or on-site pipeline which previously contained product(s) are hydrostatically tested, sampling shall be done daily.

[3] For this parameter, a minimum of four (4) equal volume grab samples shall be taken at equally spaced intervals during the period in which tank bottom water is discharged and/or hydrostatic testing takes place. The four (4) grab samples shall be combined/composited prior to analysis.

[4] For this parameter, a minimum of four (4) grab samples shall be collected at equally spaced time intervals during the testing period. Each sample shall be analyzed individually, and the arithmetic mean of the measured concentrations shall be reported as the value for the twenty-four (24) hour period.

[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-cd)pyrene, naphthalene, phenanthrene, and pyrene.

[6] The monitoring requirements and effluent limitations for TRC shall apply whenever chlorinated intake water is used to hydrostatically test tanks or onsite pipeline(s). For any months in which chlorinated intake water is not used for hydrostatic testing, the permittee is not required to monitor for TRC. The permittee may utilize the “NODI-9” code to report that TRC testing was not required for that sampling period. The permittee is not authorized to add chlorine to treat the source water as part of this general permit.

[7] The daily maximum water quality-based effluent limit (WQBEL) for chlorine is greater than or equal to the LOD but less than the LOQ as defined below, which is specified in the permit.

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

Parameter	Test Method	LOD	LOQ
Chlorine	4500-Cl-D	0.02 mg/l	0.06 mg/l
Chlorine	4500-Cl-E	0.02 mg/l	0.06 mg/l
Chlorine	4500-Cl-G	0.02 mg/l	0.06 mg/l

Case-Specific LOD/LOQ

The permittee may determine a case-specific LOD or LOQ using the analytical method specified above, or any other test method which is approved by IDEM prior to use. The LOD shall be derived by the procedure specified for method detection limits contained in 40 CFR Part 136, and the LOQ shall be equal to 3.18 times the LOD. Other methods may be used if first approved by IDEM.

[9] Total volatile organic compounds (VOCs) shall be characterized by an organic chemical scan. Wastewater samples shall be prepared and analyzed in accordance with U.S. EPA Analytical Method 624 (40 CFR 136, Appendix A), as referenced in 327 IAC 5-2-13(d)(1).

During the quantitative analysis for total VOCs, the additional organic compounds that are not listed as priority pollutants in Method 624 shall be identified and quantified. This identification and quantification shall be performed when these additional organic compounds are indicated to be present in the extracts by peaks on the reconstructed gas chromatograms (total ion plots) in magnitudes of more than ten (10) times higher than the peak-to-peak background noise. Identification shall be by reference to the EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be an order of magnitude estimate based upon comparison with an internal standard.

[10] Additional parameters, effluent limitations, and/or monitoring requirements will be included in the NOC based upon IDEM's evaluation of the NOI and other available information relating to the facility/site and the receiving waterbody. These requirements are to be determined (TBD) based on the evaluation. In accordance with 327 IAC 5-2-10 and 40 CFR 122.44, NPDES permit limits shall be based on either Technology Based Effluent Limitations (TBELs) including those developed on a case-by-case basis using Best Professional Judgment (BPJ), where applicable, or on WQBELs, whichever is most stringent.

[11] "Monthly average concentration" is 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 equal 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.

2.4 Narrative Water Quality Limitations

At no time shall the discharge from any and all point sources specified within this permit shall cause any of the following conditions:

a) including waters within the mixing zone, no water may contain substances, materials, floating debris, oil, scum attributable to municipal, industrial, agricultural, and other land use practices, or other discharges that do any of the following:

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

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

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

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

(5) exist 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; and

b) outside the mixing zone, no discharge shall contain substances in concentrations that, 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 2.0 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 reasons for the additional sampling requirement.

3.2 Measurement Frequency

Measurement frequency requirements for each parameter are identified in Section 2.0 above. The Commissioner may require the permittee to conduct more frequent measurements of one or more of these parameters. If this happens, 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 shall be representative of the volume and nature of discharges of petroleum products terminals wastewater and shall be taken at time 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 water.

3.4 Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified 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 utilized 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 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 date(s) 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 DMRs and MMRs to IDEM containing results obtained during the previous monitoring period which 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 first completed monitoring period.

b) Forms that were not issued by IDEM must receive approval by IDEM before they may be used.

c) DMRs and MMRs 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 that are 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 be limited to, the DMR and the MMR. All reports shall be submitted to IDEM electronically using the NetDMR application after required registration, receipt of the NetDMR Subscriber Agreement, and IDEM approval of the proposed NetDMR Signatory. Permittees may 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 WQBELs below the 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 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.

c) 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.

d) Effluent concentrations less than the limit of detection (LOD) shall be reported on the Discharge Monitoring Report (DMR) form 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.

e) 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 Electronic Reporting

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, Reporting Monitoring Results, for the electronic reporting requirements for the monthly monitoring reports such as the DMR and MMR.

3.11 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 does either or both of the following:

   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 it's been put on public notice and an opportunity for a hearing has been provided 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, perform at least one of the following actions:

   1) submit a complete NOI containing the information required under the modified or reissued permit;

   2) apply for an individual NPDES permit; or

   3) submit a Notice of Termination (NOT) of discharge.

4.0 NOI REQUIREMENTS

4.1 NOI Format

An applicant seeking coverage under this general permit shall submit the appropriate NOI for this specific general permit which will be provided by the Commissioner. The NOI is the permittee's notice to IDEM of the intent to comply with the requirements to have the facility covered under the NPDES general permit. 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. See https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.22 for more information on required qualifications of signatory authorities.

4.2 Deadlines for NOI Submittal

a) For a new facility, 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 general permit, the existing coverage shall automatically be extended provided that the permittee has filed a renewal NOI prior to the expiration date of the most recent general permit. The permittee must then also submit a Supplemental NOI in accordance with Section 4.0 of this general permit within ninety (90) days following the effective date of the permit. This document is submitted to affirm that they, as a Responsible Official of their company, intend to comply with the requirements of this general permit as renewed.

c) For subsequent renewals of general permit coverage under this general permit, an NOI shall be submitted no later than ninety (90) days before the permit expires.

d) In the case of a transfer of ownership, an NOI must be submitted no later 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.

e) The Commissioner may, with good cause shown in writing, extend any of the submission deadline time periods listed above.

4.3 Submitting the NOI and Processing Fee

The NOI and all supporting documents and fees shall be submitted as follows:

(1) Submit hard copies of the signed NOI form, mailing labels, checks, and other supporting documents, to this address:

Indiana Department of Environmental Management
Office of Water Quality, Permits Administration Section
100 N. Senate Ave., IGCN 12th Floor
Indianapolis, IN 46204-2251

(2) In addition to submitting a hard copy, the NOI and supporting documents may also be scanned electronically and submitted via e-mail to OWQ@idem.IN.gov. As an alternative to mailing a check, the NOI fee may be remitted online by visiting IDEM's online payment portal at https://www.in.gov/idem/resources/e-services/online-payment-options/.

IDEM continues to develop means of electronic submittals for NOI and NOT 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 with or in an NOI:

a) affirmation/verification that the application meets the eligibility requirements of this permit, per Section 1.3 of the permit;

b) application type (renewal, modification, new coverage, permit number if applicable, other permit number(s) applicable to site, and description of proposed modification if applicable;

c) facility name, mailing address and physical location address

d) parent company's/owner's company name and complete mailing address;

e) facility SIC Code, NAICS Code, and facility county;

f) latitude and longitude of approximate center of facility;

g) nature of the primary business conducted at the facility or site and a brief description of the facility operations that result in the discharge;

h) name and title of responsible official and their telephone number and e-mail address;

i) name and title of any alternate delegated signatory to sign reports and file additional NOI content requirements;

j) name of contact person responsible for submitting DMRs/MMRs, company name, phone number, mailing address and e-mail address;

k) name of person responsible for submitting the annual fee and their address, telephone number, and e-mail address;

l) operator's/other person's name, mailing information, email address, and phone number;

m) information regarding the volume of water to be withdrawn from wells, surface waters, and/or public water supplies;

n) outfall number(s), receiving water, name of the owner of the storm sewer for any discharge into a storm sewer, anticipated daily volume of discharge, and method of determining discharge volume;

o) name(s) of the surface water(s) receiving each discharge, and its/their associated basin(s), sub-basin(s), and watershed(s).

p) for existing discharge source(s), provide a characterization of all required parameters unless waived by the permitting authority. Required data include the maximum daily value, average daily value, and number of measurements taken last year. Also required are the source(s) of estimates (if new discharger) for each of the following parameters: BOD, TSS, Fecal coliform, TRC, O&G, COD, TOC, Ammonia as N, discharge flow, summer and winter temperature ranges, and pH. The source(s) of the estimate/characterization is to be based on an actual data pilot study, estimates from other engineering studies, data from other similar sites, or best professional estimates;

q) documentation of IDEM's pre-approval for the use of any water treatment additives (WTAs) to be used (a letter issued by IDEM);

r) 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 the National Pollutant Discharge Elimination System (NPDES) general permit ING340000 to discharge wastewater from a petroleum product terminal. Discharge(s) will be to (*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 General NPDES permit for this discharge is appealable as per IC 4-21.5 and IC 13-15-6. Any person who would like to be informed of IDEM's decision regarding coverage of this facility under this NPDES permit and who would like 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."

s) a topographical map including the location of the operation shown clearly and identified by name and by mark, the location of each numbered outfall shown clearly and identified by number and by mark, the receiving streams to which each outfall discharges shown clearly and identified by name, and any existing permanent structures or roads in the area, identified by name.

t) a site map that shows and identifies at least two crossing streets near the property, the significant structures, including all sedimentation basins, all outfall and sampling locations, and any flow paths from basin to the outfall.

u) flow schematic diagram for each outfall which should show the path that the wastewater travels through the facility to the point where it is discharged. This diagram may be part of the site map.

v) completed Potentially Affected Parties form (per IC 4-21.5 and mailing labels with mail codes (65-42 PS) inserted on the first line of each label for each person listed (see NOI for more details);

w) as required by 327 IAC 5-3-17, a $50 fee is required to be submitted with a NOI for a new permit, modification, or renewal of a permit. Updates to information in Parts B and/or C only shall **not** be subject to the $50 fee for modifications.

x) certification statement, signed by the authorized signatory, as set forth in 40 CFR 122.22 and IC 13-30-10; and

y) any additional information deemed necessary by the Commissioner.

4.5 Additional NOI Requirements

An amended NOI containing the information required by this general permit shall be submitted for covered activities prior to initiating one (1) of the following events:

1. An NPDES point-source discharge is added or deleted. This does not include the clarification of outfall location estimations to the same receiving water of less than three hundred (300) feet away.
2. The NPDES point source discharge location is changed to a different receiving water.

5.0 REQUESTING TERMINATION OF COVERAGE

A permittee must request termination of coverage under this general permit when discharges of petroleum products terminal wastewaters to surface waters of the state have ceased. A permittee may **not** allow coverage to simply lapse in lieu of requesting a termination. To terminate permit coverage, the permittee shall complete and submit a NOT.

To request termination of permit coverage, permittees shall submit a letter, signed and dated by an authorized official and on company letterhead, relaying the following information:

a) The name of the project and NPDES permit coverage number;

b) The reason permit coverage is being terminated plus any helpful information

c) The date of the last discharge (approximation is acceptable)

d) The date of the last DMR/MMR submittal.

This letter may be emailed/attached to an email to IDEM at the address above. The NOT must be a stand-alone document, not just written in an e-mail. The NOT may also be mailed to IDEM.

The permittee is responsible for submitting all reports required by this permit and for remitting annual permit maintenance fees according to Indiana Statute IC 13-18-20 until IDEM approves the NOT and issues a termination letter.

6.0 ADDITIONAL REQUIREMENTS

6.1 Standard Conditions for General Permits

The following standard permit conditions are incorporated by reference. See https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/ for more information.

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	40 CFR 122.41(m)
n) Upsets	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 FR 122.42(a)

6.2 Water Treatment Additives

In the event that a water treatment additive is to be used, the permittee may submit an application to the Commissioner for approval to use the new additive. Approval must be obtained prior to its use.

6.3 Change/Transfer of Ownership

Coverage under this permit may be transferred in the event that the facility is sold or transferred to a new owner or operator provided that all of the following occur:

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 that 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.

6.4 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 result in any of the following changes:

a) a discharge from a point/outfall not previously identified in the NOI;

b) the facility meeting at least one of the criteria for determining if the facility is a new source as defined in 40 CFR 122.29(b);

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

d) a change the amount or frequency of the discharge.

Changes resulting in the addition of (see item “a” above) or deletion of an outfall require submittal of a new NOI requesting this modification along with the appropriate fee in accordance with 327 IAC 5-3-17.

6.5 Other Information

When the permittee becomes aware of the omission of 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 in the NOI. These would include but not be limited to any of the following:

a) any changes in contacts or responsible party;

b) any changes to the information for anyone listed as a contact person or responsible party;

c) 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; and/or

d) any changes to outfall location or receiving water.

6.6 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, requirement of 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.

6.7 Reporting Spills and Noncompliance

Pursuant to 327 IAC 5-2-8(11) and 327 IAC 5-1-3, the permittee shall orally report to the Commissioner information on the following incidents within 24 hours from the time the permittee becomes aware of such occurrence. If the incident poses significant danger to human health or the environment, then pursuant to 327 IAC 2-6.1, the report shall be made as soon as possible, but within two (2) hours of discovery, to IDEM's Emergency Response Section at (317) 233-7745 or (888) 233-7745 toll free in Indiana. This number should only be called when reporting these emergency events. However, under 327 IAC 2-6.1-3(1), when the constituents of the discharge are regulated by this permit and neither death nor acute injury or illness to animals or humans occurs, the reporting requirements of 327 IAC 2-6.1 do not apply and the 24-hour reporting requirement applies instead. These events may include the following:

a) Any unanticipated bypass or upset which exceeds any effluent limitation in the permit or NOC;

b) Any adverse incidents, including spills and leaks, which reach any surface water of the state; and/or

c) Any discharge from any other outfall or point not listed in this permit.

For the above incidents (Section 6.7 a-c), the permittee may make oral reports by calling (317) 232-8670 during regular business hours and asking for the Compliance Data Section. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the event. 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 Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively, the permittee may submit a “Bypass/Overflow Report” (State Form 48373) or a “Noncompliance 24-Hour Notification Report” (State Form 52415), whichever is appropriate, to IDEM at wwreports@idem.in.gov.

If a complete e-mail submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the email report will satisfy both the oral and written reporting requirements.

Pursuant to 327 IAC 5-2-8(11)(D), the permittee shall report any instance of noncompliance not reported under the above scenarios at the time the pertinent DMR is submitted as referenced in Section 3.7 of this general permit. The report shall contain the information specified in the paragraph above.

6.8 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 5-23.

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)(i). Any interested person may petition IDEM to require a discharger to obtain an individual permit in accordance with 40 CFR 122.28(b)(3)(i). Cases where an individual NPDES permit may be required include the following:

1) The discharger is not in compliance with the conditions of the general NPDES permit;

2) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

3) Effluent limitation guidelines are promulgated for point sources covered by the general NPDES permit;

4) A Water Quality Management Plan containing requirements applicable to such point sources is approved;

5) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;

6) Standards for sewage sludge use or disposal have been promulgated for the sludge use and disposal practice covered by the general NPDES permit; or

7) The discharge(s) is(are) a significant contributor of pollutants. In making this determination the Commissioner may consider the following factors:

(a) The location of the discharge with respect to surface waters of the state;

(b) The size of the discharge;

(c) The quantity and nature of the pollutants discharged to waters of the state; and

(d) Other relevant factors.

b) Any discharger authorized by a general permit may request to be excluded from coverage under the general permit by applying for an individual NPDES permit. The discharger shall submit an individual NPDES application, including reasons supporting the request, to the Commissioner no later than 90 days after the publication by IDEM of the final issued general permit on the IDEM website. The request shall be processed under 327 IAC 5. The request shall be granted by the issuance of an individual permit if the reasons cited by the discharger are adequate to support the request.

c) When an individual NPDES permit is issued to a discharger otherwise subject to a general NPDES permit, the applicability of the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit.

d) A source excluded from coverage under a general permit solely because it already has an individual permit may request that the individual permit be revoked, and that the facility instead be covered by the general permit. Upon revocation of the individual permit, the general permit shall cover the facility's discharge.

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 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 either the department and/or 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), except as provided in IC 13-30-10-1.5(f), 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(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.

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 that are 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 IDEM 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) The “Commissioner” is defined as the Commissioner of the Indiana Department of Environmental Management, whose office is located at 100 N. Senate Ave., Indianapolis, IN 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 milligrams per liter(mg/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 24-hour period that represents the calendar day for purposes of sampling.

d) A “grab sample” means a sample which is one taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream or of time.

e) “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 equal 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.

f) “Recorder Total” means that the permittee must monitor and cumulatively total all daily flow values (reported in MGD) for all days during the month when discharging.

g) The “Regional Administrator” is defined as the Region 5 Administrator, U.S. EPA, located at 77 W. Jackson Blvd., Chicago, IL 60604.

7.0 NON-NUMERIC TECHNOLOGY- BASED EFFLUENT LIMITS (BPT/BAT/BCT)

All stormwater control measures, including Best Management Practices (BMPs), shall be designed and implemented to eliminate or reduce contact or exposure of pollutants to stormwater or to remove pollutants from stormwater prior to discharge from the facility.

7.1 Eliminating and Reducing Exposure

Exposure of material storage areas should be minimized, including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, to rain, snow, snowmelt, and runoff by either storing these industrial materials and activities inside or protecting them with storm resistant coverings.

7.2 Good Housekeeping

Exposed areas that may contribute pollutants to stormwater shall be kept sufficiently clean to reduce or eliminate contaminated stormwater runoff. Typical problem areas include, but are not limited to, vehicle and equipment storage areas, fueling areas, material storage areas, vehicle and equipment cleaning areas, vehicle and equipment maintenance areas, trash containers, storage areas, loading docks and vehicle fueling and maintenance areas.

Permittees are required to fulfill all of the following responsibilities as applicable:

a) In fueling areas, contamination of stormwater runoff from fueling areas should be minimized.

b) In material storage areas, all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) should be maintained and plainly labeled to prevent contamination of stormwater. In vehicle and equipment storage areas, the potential for stormwater exposure to leaky or leak-prone vehicles/equipment needing maintenance should be minimized.

c) In vehicle and equipment cleaning areas, contamination of stormwater runoff from all areas used for vehicle/equipment cleaning should be minimized.

d) In vehicle and equipment maintenance areas, contamination of stormwater runoff from all of these areas should be minimized.

7.3 Maintenance

The permittee shall provide a schedule for inspection and maintenance of stormwater management controls such as oil/water separators, catch basins, etc. A schedule must also be provided for equipment preventative maintenance to identify conditions that could cause breakdowns or failures that may result in leaks, spills, and other releases to stormwater.

7.4 Spill Prevention and Response Requirements

The permittee shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills should they occur. Appropriate material handling procedures, storage requirements, use of equipment such as diversion valves, and procedures for cleaning up spills should be identified. The permittee must address all of the following areas, as appropriate:

a) For receiving, unloading and storage areas, and raw material storage areas, measures to prevent spills & leaks, easy access for spill cleanup and quick and correct identification of materials, and employee training methods for cleanup and disposal techniques must be provided;

b) For storage of equipment, procedures for proper cleanup and/or covering of equipment before storing outdoors must be included;

c) For cleaners and rinse water, measures to control spills, build-up and disbursal of residuals from onsite operations, and to use of less toxic cleaners must be included;

d) For lubricating oils and hydraulic fluids, procedures for using detection and control devices to reduce, prevent, and contain leaks and overflows must be included;

e) For chemical storage areas, a program to inspect containers and identify proper containment, disposal, and spill controls to prevent stormwater contamination must be included.

f) Regarding spill notification, contact information for individuals and emergency and regulatory agencies that must be notified in the event of a spill must be included. Refer to Section 6.7 of this permit to determine notification requirements.

7.5 Erosion Prevention and Sediment Control

BMPs must be selected and implemented to limit erosion of areas of the permitted site that, due to topography and land disturbance (e.g. construction, grading, landscaping), are likely to experience erosion of soil or other surface materials. Areas at the facility that implement structural, vegetative, and/or stabilization BMPs to prevent or control onsite erosion and reduce sediment loads in storm water discharges should be documented.

7.6 Management of Runoff

All permanent stormwater BMPs implemented at the facility to manage runoff, including, but not limited to, the permanent structural BMPs used to divert stormwater runoff away from fueling, storage, and disposal areas as well as BMPs that treat, infiltrate, reuse, contain, or otherwise reduce pollutants in stormwater discharges should be documented.

7.7 Eliminate Unauthorized Non-Stormwater Discharges

The permittee must identify and document that all unauthorized, non-stormwater (dry weather) discharges directed to surface water or groundwater have been evaluated that all discharges not authorized by this permit or a separate NPDES permit have been eliminated. These discharges include any process water discharges not directed to a publicly owned treatment works (POTW) sanitary sewer and any other discharges not described under this permit.

7.8 Employee Training Program

The permittee must ensure that proper training for all employees who work in areas where industrial materials or activities are exposed to stormwater. Training is also required for others who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspections, maintenance staff), including all members of the Pollution Prevention Team. Training must cover both the specific control measures being used to achieve the effluent limits as well as the monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit.

The permittee shall ensure training of personnel at least once a year and address the following items/activities, as applicable:

a) used oil and spent solvent management;

b) fueling procedures;

c) general good housekeeping practices; proper painting procedures; and

d) used battery management.

8.0 STORMWATER POLLUTION PREVENTION PLAN (SWP3)

8.1 SWP3 Plan Development, Submittal, and Implementation Requirements

The permittee shall develop a SWP3 that is specific to the industrial activity and site characteristics present at the permitted location. The permittee shall fully implement and periodically review and update, as necessary, the provisions of their SWP3 as a condition of this general permit.

The permittee shall develop and implement a SWP3 within six (6) months of IDEM's authorization of the permittee's general permit coverage. The permittee shall submit a SWP3 Completion Certification Form to IDEM upon completion. The SWP3 is to be retained on site and made available to IDEM upon request.

8.2 SWP3 Purpose and Guidance

The purpose of the SWP3 is to ensure the design, implementation, management, and maintenance of BMPs in order to reduce pollutants released in stormwater discharges at the facility. The SWP3 shall include the type and objective of the BMP used, and a description of how the BMP is evaluated to determine proper functioning.

As guidance in developing the SWP3 and selecting BMP's, the permittee may use the concepts and methods described in the following Environmental Protection Agency (EPA) documents:

EPA 833-B-09-002, entitled ***Developing Your Stormwater Pollution Prevention Plan - A Guide for Industrial Operators,*** published March 2021

EPA 833-F-06-031, entitled ***Industrial Stormwater Fact Sheet Series, Sector P: Petroleum Bulk Oil Stations and Terminals***, published December 2006; Found at https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series.

8.3 SWP3 Certification and Re-Certification Requirements

An individual knowledgeable in stormwater management and control and familiar with the site characteristics of the facility shall develop the SWP3. Due to technical and site-specific requirements in developing a SWP3, IDEM highly encourages and recommends that the SWP3 and any amendments be prepared by or under the supervision of a licensed professional engineer. The SWP3 shall be reviewed by the permittee or their designee for compliance with accepted standards for stormwater pollution prevention at least once every five (5) years, during the last year of the permit, and when compliance inspections indicate inadequacies.

If IDEM determines the SWP3 to be inadequate, they reserve the right to require the permittee to obtain the services of a qualified consultant to correct any deficiencies in the SWP3.

8.4 Specific SWP3 Requirements

The SWP3 must contain the following elements:

a) Stormwater Pollution Prevention Team

The SWP3 shall identify, by position title, the member or members of the facility organization as members of a Stormwater Pollution Prevention Team who are responsible for developing the SWP3 and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each storm water pollution prevention team member.

Each member of the storm water pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit

and to the SWP3.

b) Facility Description, General Location Map, and Site Map

1) Facility Description:

The plan shall include a narrative description of the industrial activities conducted at the facility, the total size of the facility property in acres, and a calculation of the facility acreage that has industrial activity and/or significant materials in contact with stormwater.

2) General Location Map:

This map should show the location of the facility in relation to nearby roads, and surface waters receiving industrial stormwater discharges from the facility. Please mark the names of receiving waters. This information may be submitted on a topographic map if all information is clear and legible. The map will, ideally, be in color and have a north arrow and scale.

3) Site Map:

The site map shall include the following information:

a. The size of the property, in acres;
b. Footprint of all buildings and structures;
c. Location of all impervious surfaces within the facility property boundaries;
d. Direction of stormwater flow through property both over land (non-point source) and via conveyances such as ditches, pipes, and swales. The direction of flow should be indicated using arrows;
e. Location of all structural control measures;
f. Locations of all receiving waters in the immediate vicinity of the applicant's facility, indicating if any of the waters are impaired and, if so, whether the waters have Total Maximum Daily Loads (TMDLs) established for them per the 303(d) list, etc., See https://www.in.gov/idem/nps/resources/total-maximum-daily-load-reports/ for more information.
g. Locations of potential pollutant sources
h. Locations of current or previous significant spills or leaks;
i. Location of all stormwater and wastewater monitoring points;
j. Locations of stormwater inlets and outfalls, with a unique identification number for each outfall (e.g., Outfall No. 001, 002, etc.), indicating if the permittee is treating two or more outfalls as "substantially identical";
k. An approximate delineation of the watershed contributing to each outfall;
l. Location of any outfall from the permitted facility to any Municipal Separate Storm Sewer System (MS4);

m. Location and description of any non-stormwater discharges;

n. Locations of the following activities where such activities are exposed to precipitation including but not limited to the following:
   1. Fueling stations; vehicle and equipment maintenance and/or cleaning areas;
   2. Loading/unloading areas;
   3. Locations used for the treatment, storage, or disposal of wastes;
   4. Liquid storage tanks;
   5. Processing and storage areas;
   6. Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste materials, or by-products used or created by the facility;
   7. Transfer areas for bulk substances; and
   8. Machinery

o. Locations and sources of run-on to the site from any adjacent property that contains significant quantities of water and/or pollutants.

c) Description of Potential Pollutant Sources

The plan shall include an assessment of the areas at the facility where industrial materials or activities are exposed to storm water and identify potential pollutant discharge concerns.

Industrial materials or activities include, but are not limited to the following:
1. material handling equipment or activities;
2. industrial machinery;
3. raw materials;
4. industrial production and processes;
5. fire-fighting exercises; and
6. intermediate products, by-products, final products, and waste products.

Material handling activities include, but are not limited to the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product.

For each area identified, the description must include all of the following:

1) Activities occurring in the area and a list of the industrial activities exposed to storm water including but not limited to the following:
   a) material storage;
   b) equipment fueling;
   c) maintenance and cleaning;
   d) onsite waste storage or disposal;
   e) dirt/gravel parking areas for vehicles awaiting maintenance;
   f) illicit plumbing connections between shop floor drains and the stormwater conveyance system(s); and
   g) fueling areas.

2) List of the pollutant(s) or pollutant constituents (e.g. oil, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, disposed of, or exposed to storm water within the three (3) years prior to the date the permittee prepares or amends the SWP3.

   a. Risk Analysis – In areas where the chemicals or materials have the potential to be exposed to storm water discharges, the descriptions for each identified area must include a risk analysis of chemicals or materials stored or used within the area. The analysis must include all of the following:
   b. Toxicity data for chemicals or materials used within the area, either providing or referencing appropriate material safety data sheet locations;

   c. The frequency and typical quantity of listed chemicals or materials to be stored within the area;

   d. Potential ways in which storm water discharges may be exposed to listed chemicals and materials;

   e. The likelihood and circumstances in which the listed chemicals and materials would come into contact with stormwater.

3) Spills and Leaks – The permittee must document where potential spills and leaks could occur that could contribute pollutants to storm water discharges and the corresponding outfall(s) that would be affected by such spills or leaks. The permittee must document all significant spills and leaks of oil or toxic or hazardous pollutants that have occurred in these areas or that have drained to a storm water conveyance in the three (3) years prior to the date the applicant or permittee prepares or amends the SWP3.

   Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

4) Non-Stormwater Discharges – The permittee must document that the permitted facility has been evaluated for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Documentation of the evaluation must include the following:

   - The date of any evaluation;
   - A description of the evaluation criteria used;
   - A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
   - The different types of non-stormwater discharge(s) and source locations; and

5) The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. Examples of this would be that a floor drain was sealed, a sink drain was re- routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.

6) Salt Storage – The permittee must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

7) Sampling Data - The permittee must summarize all stormwater discharge sampling data collected at the facility during the previous permit term. The permittee must summarize the data, by pollutant, and indicate if the amounts of the pollutant exceeded any applicable effluent limit. Where pollutants levels exceeded the allowable effluent values, the permittee must identify why that pollutant existed in elevated concentrations, what the potential sources of that pollutant are at the facility, and which potential measures the applicant or permittee could use to reduce that pollutant.

d) Description of Control Measures and BMPs

The SWP3 shall document all BMPs used to comply with each applicable storm water control measure listed in Sections 7.1 through 7.8 of this general permit. BMPs shall be designed and implemented to address the potential pollutants associated with the activities and materials identified in Section 8.4(c) of this general permit.

e) Schedules and Procedures

The SWP3 shall document the following schedules and procedures pertaining to control measures, monitoring, and inspections.

1. Control Measures - The following schedules and procedures must be documented in the SWP3:

    a. Good Housekeeping – A schedule for regular pickup and disposal of waste materials, along with routine inspections for potential leaks in and conditions of drums, tanks and containers;
    b. Maintenance – A schedule of preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems and control measures put in place to avoid situations that may result in leaks, spills, and other releases; and any back-up practices put into place to control spills and runoff should an event occur while a control measure is off-line;
    c. Spill Prevention and Response Procedures – The permittee must describe procedures for preventing and responding to spills and leaks. The permittee may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that the permittee keeps a copy of that other plan onsite and makes it available for review and use; and
2. Employee Training – The permittee must maintain a schedule for all necessary training.
3. Monitoring – Documentation of the schedules and procedures for conducting the analytical monitoring specified by this permit where applicable to the facility's effluent limitations monitoring (see Section 2.0 of this general permit).

    For each type of monitoring, the SWP3 must document all of the following:
    a. Locations of sample collection points, including any determination that two or more outfalls are substantially identical;
    b. Parameters for sampling and the frequency of sampling for each parameter;
    c. Schedules for monitoring at the facility; and
    d. Procedures (responsible staff, logistics, laboratory to be used, e.g.) for gathering storm event data.

4. Inspections

1) The permittee shall document in the SWP3 the schedules and procedures for performing the following inspections:

Routine facility inspections for all of the following area/equipment, as appropriate:
a. storage areas for vehicles/equipment awaiting maintenance;
b. fueling areas;
c. indoor and outdoor vehicle/equipment maintenance areas;
d. material storage areas;
e. vehicle/equipment cleaning areas and loading/unloading areas where activities are exposed to stormwater;
f. and all stormwater control measures.

2) Routine facility inspections must be conducted at least quarterly (i.e. once each calendar quarter) although in many instances, more frequent inspection (i.e. monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to stormwater. These inspections must be performed during periods when the facility is in operation and by qualified personnel with at least one member of the stormwater pollution prevention team participating. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring. At a minimum, documentation of each routine facility inspection must include all of the following data:
a. The inspection date and time;
b. The name(s) and signature(s) of the inspector(s);
c. Weather information and a description of any discharges occurring at the time of the inspection;
d. Any previously unidentified discharges of pollutants from the site;
e. Any control measures needing maintenance or repairs;
f. Any failed control measures that need replacement;
g. Any incidents of noncompliance observed; and
h. Any additional control measures needed to comply with the permit requirements.

3) Quarterly Visual Assessments - Once each quarter for the entire permit term, one (1) storm water sample from each identified storm water outfall shall be collected and a visual assessment of each of these samples shall be made. These samples should be collected in such a manner that the samples are representative of the stormwater discharge. The permittee or someone from the stormwater pollution prevention team must visually inspect the sample for the following water quality characteristics: color odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution.

At a minimum, the documentation of the visual assessment must include the following data:

a. Sampling location(s)
b. Sample collection date and time and visual assessment date and time for each sample;
c. The names and positions of personnel collecting the sample(s) and performing visual assessment, along with their signatures;
d. Nature of the discharge (e.g., runoff or snowmelt);
e. Results of observations of the storm water discharge;
f. Probable sources of any observed stormwater contamination;
g. If applicable, the reason(s) it was not possible to take samples within the first 30 minutes of the beginning of the wet weather/storm event.

4) Annual Comprehensive Site Evaluation - A comprehensive site compliance evaluation shall be conducted at least once a year. Comprehensive site inspections must be conducted by qualified personnel with at least one member of the stormwater pollution prevention team participating.

Comprehensive site inspections must cover all areas of the facility identified as potential pollutant sources (see Section 8.4.3) in the SWP3 where industrial materials or activities are exposed to stormwater, any areas where control measures are used, and areas where spills and leaks have occurred in the past three (3) years. The inspections must also include a review of monitoring data collected. Inspectors must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following items:

a. Industrial materials, residue(s), or trash that may have or could come into contact with stormwater;
b. Leaks or spills from industrial equipment, drums, tanks, and other containers;
c. Offsite tracking of industrial or waste materials and sediment where vehicles enter or exit the site;
d. Tracking or blowing of raw, final, or waste materials from areas of no exposure to storm water to areas which are exposed to stormwater; and
e. Pollution control measures needing replacement, maintenance, or repair.

At a minimum, the documentation of the comprehensive site inspection must include all of the following:
f. The date of the inspection;
g. The name(s) and title(s) of the personnel making the inspection;
h. Findings from the examination of areas of the facility identified in Section 8.4 of this permit;

i. All observations relating to the implementation of the control measures including all of the following:
   1. previously unidentified discharges from the site;
   2. previously unidentified pollutants in existing discharges;
   3. evidence of, or the potential for, pollutants entering the drainage system;
   4. evidence of pollutants discharging to receiving waters at any or all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring; and
   5. additional control measures needed to address any conditions requiring corrective action identified during the inspection.

j. Any revisions to the SWP3 that will be required as a result of the inspection;

k. Any incidents of noncompliance observed or a certification stating that the facility is in compliance with this permit (if there is no noncompliance); and

l. A certification statement as set forth in 40 CFR 122.22 and signed by the authorized signatory.

f) SWP3 Certification and Modification – the SWP3 must be reviewed and signed by a qualified professional to be deemed sufficient. The SWP3 is a working document that will need to be reviewed and updated on a regular basis, typically as a result of site inspections and/or a review of the permittee's stormwater sampling results. The SWP3 shall include a statement indicating the date the SWP3 was completed and implemented and the date(s) of subsequent modifications to the SWP3.