

Indiana Department of Environmental Management

Office of Water Quality, Permits Branch
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In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this NPDES general permit to regulate discharges of treated sanitary wastewater from onsite residential sewage discharging disposal systems with discharges to surface waters of the State of Indiana.

This permit is issued on: **November 12, 2024**

This permit is effective on: **December 1, 2024**

This permit expires on: **November 30, 2029**

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 each Onsite Waste Management District (District) has submitted a timely Notice of Intent letter (NOI) for a new term of coverage and IDEM has not, through no fault of the District(s), issued a new permit on or before the expiration date of this permit.

A handwritten signature in black ink, appearing to read "Paul Higginbotham", is written over a horizontal line.

Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

Table of Contents

1.0 GENERAL PERMIT COVERAGE.....	3
1.1 Permit Area	3
1.2 Discharges Authorized/Covered by This Permit	3
1.3 Eligibility	4
2.0 EFFLUENT LIMITATIONS.....	4
2.1 Discharge Limitations.....	5
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 Reporting of Additional Monitoring Results	8
3.5 Testing Procedures	9
3.6 Recording of Results	9
3.7 Reporting Monitoring Results.....	9
3.8 Records Retention	10
3.9 Reopening Clause	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 Notice of Intent	12
4.4 Content of the NOI from the District to IDEM.....	13
5.0 REQUESTING TERMINATION OF COVERAGE.....	15
6.0 ADDITIONAL REQUIREMENTS.....	15
6.1 Standard Conditions for General Permits.....	15
6.2 Other Information	16
6.3 Effect of Noncompliance.....	16
6.4 Reporting Spills and Noncompliance	16
6.5 Individual or Alternative General NPDES Permit.....	17
6.6 State and Local Laws.....	17
6.7 Future Electronic Reporting Requirements	18
6.8 Penalties for Violation of Permit Conditions.....	18
6.9 Penalties for Tampering or Falsification.....	19
6.10 Severability	19
6.11 Availability of Reports.....	19
6.12 Definitions	19

1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This general permit for onsite residential sewage discharging disposal systems covers Indiana counties that have formed Onsite Waste Management Districts (henceforth called “Districts”) pursuant to IC 36-11. 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 covers discharges of treated sanitary wastewater from onsite residential sewage discharging disposal systems located within the Onsite Waste Management Districts in Indiana that have been installed to repair or replace a sewage disposal system that fails to meet public health and environmental standards and for which an operating permit has been issued pursuant to IC 13-18-12-9. Such systems are generally designed to discharge one thousand (1,000) gallons or less per day of treated sanitary wastewater.

This National Pollutant Discharge Elimination System (NPDES) general permit shall be in effect for a term of five (5) years. To obtain authorization to discharge under this permit, a homeowner must first have followed the statutory and local ordinance requirements of the county health department and the County Onsite Waste Management District (hereinafter referred to as the “District”). Once the homeowner receives approval from the county health department to install an onsite residential sewage discharging disposal system, the homeowner must submit a Notice of Intent (NOI) to the District to become a member of the District and to affirm their intent to abide by the terms and conditions of this general permit. The District must file a Notice of Intent to IDEM which includes a complete listing of all residences in the District which have active onsite residential sewage discharging disposal systems.

Except as provided in Section 1.3, when a Notice of Intent (NOI) is submitted to IDEM by the District as set forth in Section 4.0 below, a homeowner is permitted to discharge treated sanitary wastewater from onsite residential sewage discharging disposal systems to surface waters of the state in accordance with the terms of this general permit. This authorization to discharge shall become effective after IDEM staff has reviewed and approved the NOI submittal. A Notice of Coverage letter will be issued which will set forth the parameters and requirements for each District’s

coverage. Any discharges of sanitary wastewater from these systems to a surface water of the state not permitted under this general permit or by an individual permit are unlawful.

The District and its members (homeowners) who are covered by this general permit will remain covered under this permit until the earliest of the following:

- a) The District receives authorization for coverage under a reissued or replacement version of this permit, or
- b) IDEM's receipt of the District'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 the District and/or its covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will remain in effect until coverage under a different NPDES permit is authorized.

1.3 Eligibility

- a) This general permit covers discharges comprised solely of wastewater from onsite residential sewage discharging disposal systems to surface waters of the state, except as limited in paragraph b below.
- b) Limitations of Coverage; the following discharges are not authorized by this permit:
 - 1) direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5;
 - 2) discharges located less than twenty-five (25) feet from the edge of a sinkhole, as identified by a professional soil scientist registered under IC 25-31.5-4;
 - 3) discharges from new surface discharging systems located either in newly created lots or otherwise undeveloped property;
 - 4) 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; and
 - 5) discharges within Indian country as described in Section 1.1 of this permit.

2.0 EFFLUENT LIMITATIONS

The District and its covered members must control discharges, as necessary, to meet numeric and narrative water quality standards in the receiving water for any discharges authorized by this permit, with compliance required upon commencement of the discharge.

2.1 Discharge Limitations

(a) Numeric Effluent Limitations

Table 1

Parameter	Quality or Concentration		Units	Monitoring Requirements	
	Daily minimum	Daily maximum		Measurement frequency...	Sample type
Effluent Flow [1]	-----	Report	GPD	1 x monthly	24-hour Total [1]
CBOD ₅	-----	15	mg/l	2 x annually [4]	Grab
Total Residual Chlorine [5][6] (LOQ=<0.06 mg/l)	-----	0.02	mg/l	1 x quarterly [3]	Grab
TSS	-----	18	mg/l	2 x annually [4]	Grab
Ammonia-nitrogen	-----	2	mg/l	2 x annually [4]	Grab
pH	6.0	9.0	s.u.	2 x annually [4]	Grab
Dissolved Oxygen [2]	5.0	-----	mg/l	2 x annually [4]	Grab
<i>E. coli</i>	-----	235	Colonies/ 100 ml	1 x quarterly [3]	Grab

[1] Flow monitoring and reporting is required in accordance with 327 IAC 5-2-13. Flows may be estimated.

[2] Dissolved oxygen must be monitored at least twice annually, preferably once during the winter monitoring period (December 1 through April 30), and once during the summer monitoring period (May 1 through November 30).

[3] At least one sample shall be collected each calendar quarter for these parameters. January 1 – March 31 is the 1st calendar quarter. April 1 thru June 30 is the 2nd calendar quarter. July 1 thru September 30 is the 3rd calendar quarter. October 1 thru December 31 is the 4th calendar quarter. Quarterly sampling shall be conducted approximately three months apart, unless follow-up sampling is necessary due to any observed noncompliance.

[4] Semi-annual sampling shall be conducted approximately six months apart, unless follow-up sampling is necessary due to any observed noncompliance.

[5] 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.

<u>Parameter</u>	<u>Test Method</u>	<u>LOD</u>	<u>LOQ</u>
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 service provider 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.

- [6] Disinfection of the effluent is required on a year-round basis, annually, in accordance with 327 IAC 5-10-6 and 327 IAC 5-10-4. If chlorine is used as a disinfectant, the residual prior to dechlorination shall be maintained at a minimum concentration of 0.5 mg/l at all times. Dechlorination is required such that the concentration of residual chlorine does not exceed the limit of quantification of 0.06 mg/l.

(b) Samples and measurements required by this general permit shall:

- (1) be representative of the volume and nature of the monitored discharge flow;
- (2) be taken at times that reflect the full range of effluent parameters normally expected to be present,
- (3) be taken at times that represent seasonal variability unless otherwise approved by the Commissioner,
- (4) not be taken at times or in a manner to avoid showing nonrepresentative elevated or reduced levels of any parameter, and
- (5) be analyzed by a laboratory using approved methods.

- (c) The homeowner or the homeowner's certified service provider shall visually inspect the system at least one (1) time each month and complete a visual inspection form provided by the District. Completed visual inspection forms shall be maintained by the owner of the system and made available for inspection by the District or IDEM. If the person inspecting the system discovers any problem in the operation or maintenance of the system, the person shall contact the District immediately.

- (d) The analytical results of monitoring required by this general permit shall be reported as follows:

- (1) The homeowner or the homeowner's certified service provider shall submit to the District the required analytical results on or before the twenty-eighth day of the month following the month in which the samples were collected.
- (2) The District shall submit to the Department on an annual basis all sampling results (including confirmation test results) for all of the onsite residential sewage discharging disposal systems that are regulated under this general permit. The annual report is due by March 31 of the following calendar year. Refer to Section 3.7 of this permit for more information about the content requirements of the annual report.

- (3) Monitoring results shall be submitted to the Department in a format approved by the Department. The District shall submit a draft report format to the Department to obtain such approval. This draft report format shall be submitted to the following email address, to the attention of the OWQ Compliance Data Section: OWQ@idem.in.gov.
- (e) If the results of any compliance monitoring show an exceedance of an effluent limitation under this section, an additional confirmation test must be conducted for each exceeded limitation as soon as possible, but no later than thirty (30) days from the date that the original sample was taken. Results of the confirmation sampling must be submitted to the District as soon as received but, in no case, later than seven (7) days after receipt of the sampling results. A confirmation test must be conducted every thirty (30) days until the effluent limitation is met.
- (f) If two (2) consecutive sampling results, including the confirmation samples required under subsection (e), exceed an effluent limitation, the homeowner or his certified service provider must submit a corrective action plan to the District within thirty (30) days of receipt of results of the second sample. The plan shall include information on corrective action taken to ensure compliance with each exceeded limitation and a plan to ensure future compliance with the limitation. The District must submit the corrective action plan to IDEM by no later than sixty (60) days from the receipt of results of the second consecutive effluent limit exceedance. The corrective action plan must be submitted to the following email address, to the attention of the OWQ Compliance Data Section: OWQ@idem.in.gov.

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 oil or other substances that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance,
- d) The discharge shall not contain substances, 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 District to sample for additional parameters. When this becomes the case, the District shall be notified in writing and given the reasons for the additional sampling requirement.

3.2 Measurement Frequency

Measurement frequency of each parameter is identified in Section 2.1 above. The Commissioner may require the District to conduct more frequent measurement of one or more of these parameters. When this becomes the case, the District 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 the discharge. The samples and measurements shall be taken prior to mixing with any other waters and prior to discharging to the receiving stream.

3.4 Reporting of Additional Monitoring Results

When a service provider 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 annual monitoring reports. 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 homeowner 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 certified service provider shall record the following information:

- a) the place (outfall number), date, and time of sampling;
- 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 District shall submit complete monitoring reports to the Commissioner containing results obtained during the previous calendar year on an annual basis. These results shall be summarized in the annual report, which shall also contain details about any noncompliance and remedial actions, and shall be submitted to IDEM by no later than March 31st of each year.

The District is required to utilize an electronic submittal process for the annual reports in lieu of submitting them via U.S. Mail. The reports shall be created in a format approved by the Department and shall be submitted to OWQ@idem.IN.gov.

The Regional Administrator may request the District 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) The annual report must contain the following components:
 1. All sampling data results collected during the calendar year for each of the permitted onsite residential sewage discharging systems sites. This shall also include all confirmation test results.
 2. Information regarding all inspections which were conducted at the permitted sites.

3. Summary of any compliance or enforcement actions taken regarding any permitted sites which were in non-compliance during the calendar year. Such reports shall also include information regarding the treatment system being employed by the non-compliant systems. Those systems which were required to develop and submit Corrective Action Plans shall be particularly denoted.
4. Information shall be provided in the annual report which identifies the lab(s) which performed the analyses for each of the permitted sites.
5. The annual report must be signed and certified by the head of the governing body of the District, 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.
6. Any communication regarding compliance with the conditions of this general permit must be addressed to both the District and also to:

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

Please submit the report to IDEM via email at OWQ@idem.IN.gov.

3.8 Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. All records shall be kept at the District office 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 under the following conditions:

- a) automatically during the course of any litigation regarding the discharge of pollutants by the permittee; or
- b) as requested by the Regional Administrator of U.S. EPA or the Commissioner.

3.9 Reopening Clause

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

307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved does either of the following:

- a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) controls any pollutant not limited in the permit.

If 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

The District must submit a Notice of Intent (NOI) to IDEM to seek coverage under this general permit. This action will demonstrate the District's intent to comply with the general permit. Per IC 36-11 each homeowner who has an onsite residential sewage discharging disposal system and who has complied with all requirements of the District (which includes submitting an NOI to the District) will then automatically be covered by this general permit. The NOI form for ING410000 from the District to IDEM must be signed by the head of the governing body of the District.

4.2 Deadlines for NOI Submittal

- a) For the District that has existing coverage under the general permit ING410000) on the effective date of this new expanded NPDES general permit, the existing coverage shall automatically be extended provided that the District takes one of the following actions within ninety (90) days of the effective date of the general permit:
 - 1) The District submits a new NOI in accordance with Section 4.0 of this general permit to affirm it intends to comply with the requirements of this new general permit;
 - 2) The District notifies IDEM in writing of its intent to terminate general permit coverage in accordance with Section 5.0 of this general permit; or
 - 3) The District 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.

- b) For newly-formed Districts, the NOI shall be submitted at any time after the effective date of the general permit, but at least fifteen (15) days before any discharges of wastewater, unless a later date is allowed by the Commissioner.
- c) For subsequent renewals of general permit coverage under this general permit, an NOI shall be submitted to IDEM by the District not less than ninety (90) days before the general permit expires.
- d) Adding Previously Unpermitted Sites: If a (previously unpermitted) site is approved by the District after the effective date of this general permit, the District shall submit an amended NOI to IDEM at least fifteen (15) days before any discharges of wastewater, unless a later date is allowed by the Commissioner. Documentation must also be submitted which shows that the newly requested site meets all of the eligibility requirements.
- e) In the case of a transfer of ownership of a permitted site under this general permit, the homeowner is required to notify the new owner of the property of the existence of the onsite residential sewage discharging disposal system and the requirements of this general permit. The homeowner shall also promptly notify the District of the change in ownership for the property. The District shall notify IDEM of the updated names, addresses, and contact information via the annual reports.
- f) In the event of any plans for the dissolution of a District, in accordance with IC 36-11-3-3, the District shall submit the dissolution NOI to IDEM as soon as possible along with a complete inventory of its permitted sites. The submittal shall explain the reason(s) for the dissolution of the District and shall also contain a proposed plan for the future permitting needs for any existing permitted sites.
- g) In accordance with 40 CFR 122.28(b)(3)(v) any qualifying source excluded from coverage under this general permit solely because it already has an individual permit may request that the individual permit be revoked, and that it be covered by the general permit.
- h) The Commissioner may, with good cause shown in writing, extend any of the submission deadline time periods required above.
- i) Pursuant to the provisions of 40 CFR 122.28(b)(3)(i), any person may petition the Commissioner to take action to require an individual permit.

4.3 Submitting the Notice of Intent

The Notice of Intent and all supporting documents shall be submitted by the District 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/resources/e-services/online-payment-options/>.
- b) Alternatively, 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
Indiana Government Center North, Room 1255
100 North Senate Ave.
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, the District may choose to or, may be required to, utilize this process to file the NOI, NOT and other submission requirements. Pursuant to 40 CFR 122.64(c) and 122.28(b)(2)(i), as of December 21, 2025, all NOIs and NOTs must be submitted electronically by the permittee to the Commissioner.

If the applicant does not have the ability to submit NOIs or NOTs electronically, he or she may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system.

4.4 Content of the NOI from the District to IDEM

The following information must be included in an NOI:

- a) Name, email address, mailing address and telephone number of the head of the governing body of the District;
- b) Name, email address, mailing address and telephone number of any delegated representative for the head of the governing body of the District;
- c) name, telephone number, and email and mailing addresses of a contact person who is knowledgeable about the site, if other than the head of the governing body of the District;
- d) name, email address, mailing address, and phone number of contact person who will submit semi-annual monitoring reports to IDEM;
- e) a listing of all permitted onsite residential sewage discharging disposal system sites, which include the name of the current homeowner, the associated email address, the address of the site itself, and the latitudinal and longitudinal coordinates (to the nearest second) of each outfall location, the name of the surface waters receiving each discharge, identification of any storm sewers which may initially receive any of the discharges and a general description of the Onsite sewage treatment system which has been installed (or is planned for installation) at each of the permitted sites;
- f) documentation of the establishment of the Onsite Waste Management District must be submitted with this NOI. This shall include the submittal of a copy of

the original Notice of Intent which was filed in accordance with IC 36-11-3-1(c) for the District's formation. Additionally the District must submit to IDEM copies of any enacted ordinances. The District must show that it has met the statutory requirements for its legal formation and that it has the necessary foundation and framework to carry out the requirements of this general permit.

- g) a written determination from the local health department certifying for each permitted onsite residential sewage discharging disposal system that:
 - i. the system is capable of operating properly;
 - ii. the system does not discharge effluent that violates water quality standards;
 - iii. an acceptable septic tank soil absorption system cannot be located on the property served by the system because of soil characteristics, size, or topographical conditions;
 - iv. the system was properly installed by a qualified installer and provides the best available technology for residential discharging onsite sewage disposal systems;
 - v. the system is the only possible technology that can be used to effect a repair of the system without causing unreasonable economic hardship to the system owner; and
 - vi. the system cannot be connected to a sanitary sewer because there is no connection available, the sanitary sewer operator refuses connection, or unreasonable economic hardship would result because of the connection requirements or the distance to the sanitary sewer.
- h) site map(s) identifying, via names of nearby streets or permanent structures, the location of the permitted sites where the discharges will occur; and the surface waters receiving the discharge. Multiple maps may be used if the location of the receiving waters is sufficiently distant from the site that too much detail is lost on a single map;
- i) a completed Potentially Affected Parties form (per IC 4-21.5, and mailing labels with the mail codes (Mail Code 65-42 PS) inserted on the first line of the label for each person listed; and
- j) a certification statement signed by the head of the governing body of the District.

5.0 REQUESTING TERMINATION OF COVERAGE

The District may request termination of coverage under this general permit when discharges of water to surface waters of the State have ceased. In order to do so, the District shall complete and submit a Notice of Termination (NOT) according to Section 4.3 of this permit.

The District will continue to be responsible for submitting all reports required by this permit 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, as applicable to general permits.

Standard Conditions	Federal Regulatory Cite
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)
e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)

- o) The homeowner of an onsite residential sewage discharging disposal system shall allow the District, the Commissioner or an authorized representative, upon presentation of credentials, to enter upon the premises where an onsite residential sewage discharging disposal system is located to determine compliance with this general permit and state water quality standards.
- p) The District shall allow the Commissioner or an authorized representative, upon presentation of credentials, to enter the District office and have access to and copy any records that must be kept under the conditions of this general permit, in accordance with 327 IAC 15-4-1(l).
- q) The conditions of this general permit are subject to enforcement pursuant to 327 IAC 15-4-1 and IC 13-30.

- r) The District shall maintain the following records within the District office and make them available for inspection pursuant to section 3.7 of this general permit:
- (1) Monitoring reports required under section 2.1 of this general permit for each system within the District.
 - (2) A copy of the operating permit issued by the local health department for each system within the District.
 - (3) Signed requests for inclusion in the District and coverage under this general permit for each system within the District.
 - (4) A complete up-to-date listing of all active onsite residential sewage discharging disposal systems in the District along with current contact information for each homeowner.

6.2 Other Information

When the District becomes aware of a failure to submit any relevant facts or the submission of incorrect information in an NOI or in any report, the District shall promptly submit such facts or corrected information to the Commissioner. The District 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 for any contact or responsible party;
- c) any changes to telephone numbers for any contact person or responsible party; or
- d) any changes involving the person or position with delegated signature authority for any forms or reports required by this general permit as set forth in Section 6.1(k) of this general permit.

6.3 Effect of Noncompliance

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

6.4 Reporting Spills and Noncompliance

The District must report to IDEM any adverse incidents (including spills and leaks) which reach any surface water of the state. When the District observes or is otherwise made aware of any permit noncompliance or any adverse incident that

may have resulted from a discharge from any of the permitted residential sites, the District 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 District 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 District becoming aware of the permit noncompliance if it does not meet either of the conditions listed above.

The District 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 District becomes aware of the circumstances and may be submitted via email. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. Written reports of noncompliance shall be submitted to IDEM via email at wwreports@idem.IN.gov.

6.5 Individual or Alternative General NPDES Permit

- a) IDEM may require the District 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.

6.6 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 District from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.

6.7 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.

6.8 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.

6.9 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.

6.10 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.

6.11 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.

6.12 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) "CBOD5" means Five (5)-day Carbonaceous Biochemical Oxygen Demand.
- b) The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, which is located at the following address: 100 North Senate Ave., Indianapolis, IN 46204.
- c) "Concentration" means the mass 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).

- d) “Daily Maximum” - The daily maximum discharge limitation is the maximum allowable daily discharge for any calendar day. The “daily discharge” means the total mass of a pollutant discharged during the calendar day or, in the case of a pollutant limited in terms other than mass pursuant to 327 IAC 5-2-11(e), the average concentration or other measurement of the pollutant specified over the calendar day or any twenty-four-hour period that represents the calendar day for purposes of sampling.
- e) “Department” means the Indiana Department of Environmental Management.
- f) “District” means the county onsite waste management district established under IC 36-11.
- g) “E. coli” means Escherichia coli bacteria.
- h) “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.
- i) “Monthly Average” means the total mass or flow-weighted concentration of all daily discharges during a calendar month on which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar month. The monthly average discharge limitation is the highest allowable average monthly discharge for any calendar month.
- j) “New Discharging System” means a residential site on a developed lot or parcel of property which has previously had an installed onsite septic system which did not have an off-site discharge.
- k) “Newly created lot” means an undeveloped property which has not previously had any type of residential structure or any installed wastewater treatment or disposal system.
- l) “Notice of Intent letter” or “NOI” means a written notification indicating a person’s intention to comply with the terms of a specified general permit rule in lieu of applying for an individual National Pollutant Discharge Elimination System (NPDES) permit and includes information as required by Section 4.4 of this permit.
- m) “Onsite residential sewage discharging disposal system” means a sewage disposal system that:
 - (1) is located on a site with and serves a one (1) or two (2) family residence; and
 - (2) discharges effluent off-site.
- n) “Permittee” means, for purposes of this general permit, the District as defined in subdivision (f) when it has filed an NOI to obtain NPDES general permit coverage.
- o) “The “Regional Administrator” is defined as the Region 5 Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, IL 60604.

- p) "Sewage disposal system" means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:
store, treat, make inoffensive, or dispose of, human excrement or liquid carrying wastes of a domestic nature.
- q) "TSS" means total suspended solids.