



**National Pollutant Discharge Elimination System
GENERAL NPDES PERMIT FACT SHEET for
Wastewater Discharges from Sand, Gravel,
Dimension Stone and Crushed Stone Operations
NPDES Permit No. ING490000
September 29, 2020**

Indiana Department of Environmental Management

Office of Water Quality
100 North Senate Avenue, IGCN Room 1255
Indianapolis, Indiana 46204
www.idem.IN.gov

Existing Permit Information:	<p><u>Permit Number:</u> Existing general permit coverage numbering under ING490000 will be retained.</p> <p><u>Expiration Date:</u> All permitted facilities will have the same expiration date, September 30, 2025, which shall be no more than five (5) years from the effective date of the 2020 general permit renewal.</p>
Source Location:	State-wide
Receiving Streams:	All waters of the state of Indiana, except for Outstanding State Resource Waters and Outstanding National Resource Waters
Proposed Action:	Renewal of General NPDES Permit ING490000 to replace the 2015 General NPDES Permit ING490000
Source Category	NPDES Minor – Industrial
Contacts:	<p>Name: C. Anne Burget or Catherine Hess</p> <p>Contact Information: Cburget@idem.in.gov or chess@idem.in.gov</p> <p>Telephone: (317) 234-8745 or (317) 232-8704</p>

The Federal Water Pollution Control Act (also referred to as The Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which was enacted in 1972, provides that the discharge of pollutants to the waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The primary condition determining eligibility for this permit is ensuring that the discharge consists of only wastewater from sedimentation treatment basins from sand, gravel, dimension stone, and crushed stone operations. Dischargers who meet the eligibility requirements may seek coverage under this General NPDES permit instead of applying for an individual NPDES permit.

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

A. Description of General Permit Category:

The purpose of this general permit is to regulate certain wastewater discharges from sand, gravel, dimension stone, and crushed stone operations which are subject to 40 CFR 436, Subparts A thru C, the federal categorical standards for Mineral Mining and Processing Effluent Guidelines. Subpart B is the Crushed Stone Subcategory. Subpart C is the Construction Sand and Gravel Subcategory. Both of these subparts contain the same effluent limitations and monitoring requirements. Subpart A which would regulate Dimension Stone operations (i.e. those facilities with a primary SIC code of 1411 or an NAICS code of 212311) is reserved by U.S. EPA; however IDEM has historically used BPJ to apply effluent limitations equivalent to those regulated under Subparts B and C to the dimension stone operations. All of the other subparts of 40 CFR 436 (i.e. Subparts D thru AL) contain additional requirements which vary with the type of operation. Therefore, IDEM chooses to restrict the types of operations covered by this general permit to those operations discussed above. All 3 of these categories are subject to effluent limitations based upon both federal effluent guidelines and BPJ limits, which necessitate that such operations must utilize some method of treatment to ensure compliance with these limits. These types of facilities are also subject to the storm water rules, at 40 CFR 122.26. However most of the facilities regulated under this general permit also have coverage under 327 IAC 15-6 for the discharges of storm water runoff. Therefore, only the run-off which enters the sedimentation basins (along with the process generated wastewater) is covered by this permit.

Generally these operations utilize sedimentation basin treatment to achieve these effluent limitations which are applicable to the process wastewater at the sites. The process wastewater with these subparts includes discharges from channel machines, broaching, jet piercing, and scrubber water from wet scrubbers used for air pollution control. Also covered are dust suppression spray water, wash water from spray bars for final screening operations and noncontact cooling water for cooling of crusher bearings, drills, saws, dryers, pumps, and air compressors. Any storm water runoff from these sites which flows into the sedimentation basin(s) is also covered by this general permit, in lieu of a general permit under 327 IAC 15-6 (or INRM00000). Therefore, the storm water general permit is only applicable to storm water discharges exposed to industrial activity which do not commingle with the process generated wastewater.

Sedimentation basins are settling ponds with a controlled water release structure, used to collect and store sediment produced by resource extraction activities. A sedimentation basin can be constructed by excavation or by placing an earthen embankment across a low area or drainage swale. The basin detains sediment-laden runoff long enough to allow most of the sediment to settle out. Henceforth in this document, these discharges will be referred to as sedimentation treatment basin discharges.

General NPDES permits are developed and issued to cover multiple facilities engaged in the same process category instead of individual facilities within the State of Indiana. IDEM first developed a general NPDES permit-by-rule (327 IAC 15-12)

for quarry sedimentation treatment basin discharges in 1994. As a result of statutory changes to Indiana law in 2011, IDEM changed its method of administering General NPDES permits by changing from a permit-by-rule format to an administrative format which utilizes a “master general permit” which will be renewed and reevaluated on a five-year interval. Persons who seek coverage under this master general permit will continue to be assigned permit tracking numbers beginning with “ING49” but coverage under the general permit is limited to the permit term established in the master general permit once it is issued.

Discharges covered by General NPDES permits are similar and require generally the same effluent limitations and monitoring requirements; however, the discharges typically do not occur on a daily basis. As of September 24, 2020, there are approximately 94 facilities which are currently regulated under ING490000. Since the permit requirements for all of these discharges are similar, and because of the large number of such dischargers, it is the opinion of IDEM that this category of sources is controlled more appropriately under a General NPDES permit. These discharges are similar in the following ways:

- 1) they are comprised solely of wastewater from sedimentation treatment basins at sites involved in the mining and processing of sand, gravel, dimension stone and crushed stone; and
- 2) they are generated on the quarry property by processes that include pit dewatering; channel machines; broaching; jet piercing; scrubber water from wet scrubbers used for air pollution control; dust suppression spray water; wash water from spray bars for final screening operations; and/or non-contact cooling water for cooling of crusher bearings, drills, saws, dryers, pumps, and air compressors.

B. Geographic area covered:

This general permit is intended to cover any discharge of wastewater from sedimentation treatment basins at sand, gravel, dimension stone and crushed stone operation sites within the boundaries of the state of Indiana, except as denoted herein.

C. Receiving waters:

This general permit will authorize discharges to all surface waters of the State of Indiana except for Outstanding State Resource Waters (OSRWs) and Outstanding National Resource Waters (ONRWs). Direct dischargers to OSRWs and ONRWs as well as discharges containing sanitary sewage are required to obtain an individual NPDES permit.

D. Eligibility

This general permit authorizes discharges comprised of process generated wastewater and mine dewatering water from facilities involved in sand, gravel, dimension stone, and crushed stone operations to surface waters of the state,

except as noted below. If the storm water runoff from facilities involved in sand, gravel, dimension stone, and crushed stone operations commingles with the process generated wastewater then such discharges are authorized by this general permit. In these cases the commingled discharge is subject to the same effluent limitations. This general permit contains certain specific exclusions from coverage which are denoted in Section 1.3 of the permit. In such instances, the person will be required to apply for an individual NPDES permit or an alternate general permit.

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 2-1.3-3(d);d
- 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 which is covered by the general permit;
- 4) discharges from crushed stone operations utilizing flotation agents to remove impurities from marble or other carbonaceous rock. Flotation agents include organic amines, fatty acids, and pine oils;
- 5) industrial sand operations utilizing any or all of the following materials and/or methods:
 - a) acid flotation to effect removal of iron oxide and ilmenite impurities;
 - b) alkaline flotation to remove aluminate bearing materials; and
 - c) hydrofluoric acid flotation for removal of feldspar;
- 6) industrial sand operations utilizing the acid leaching process. This process pertains to the removal of iron from feldspathic sand for use in glass manufacturing;
- 7) storm water discharges associated with construction or industrial activity. This exclusion only pertains to storm water runoff which discharges directly to a surface water of the state. If the storm water runoff from facilities involved in sand, gravel, dimension stone, and crushed stone operations commingles with the process generated wastewater in the sedimentation treatment basin, then such discharges are permitted by this general permit. Otherwise the storm water runoff must either be covered by an individual NPDES permit or by the general permit for Storm Water Discharges Associated with Industrial Activity, 327 IAC 15-6. See <https://www.in.gov/idem/stormwater/2332.htm> for more information.
- 8) discharges to combined or sanitary sewer systems;

- 9) discharges of sanitary wastewater;
- 10) discharges that are commingled with hazardous wastes or hazardous materials;
- 11) discharges that contain pollutants classified as bioaccumulative chemicals of concern (BCCs); and
- 12) discharges for which the Commissioner requests an individual permit application;

E. Application for Coverage:

This general permit provides authorization for any quarry with discharges composed of process generated wastewater and mine dewatering water from Sand, Gravel, Dimension Stone, and Crushed Stone operations which are not precluded from general permit coverage and who agree to be regulated under the terms of the general permit.

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

Applicants must obtain written IDEM approval for any wastewater treatment additive (WTA) prior to its use for the water that is to be discharged under this permit. Documentation of IDEM's approval of said WTA must be submitted with the Notice of Intent (NOI). The necessary form and complete instructions for approval of water treatment additives are included in State Form 50000, which can be found at <http://www.IN.gov/IDEM.forms.htm>. A separate form must be submitted for each water treatment additive that the facility uses or plans to use.

F. Antidegradation Evaluation

327 IAC 2-1.3 outlines the state's Antidegradation Standards and Implementation Procedures. The Tier 1 antidegradation standard found in 327 IAC 2-1.3-3(a) applies to all surface waters of the state regardless of their existing water quality. Based on this standard, for all surface waters of the state, existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. IDEM implements the Tier 1 antidegradation standard by requiring NPDES permits to contain effluent limits and best management practices for regulated pollutants that ensure the narrative and numeric water quality criteria applicable to the designated use are achieved in the water and any designated use of the downstream water is maintained and protected. Effluent limits for the following regulated pollutants are being included in this NPDES permit to satisfy the Tier 1 antidegradation standard: total suspended solids (TSS).

The Tier 2 antidegradation standard, found in 327 IAC 2-1.3-3(b), applies to surface waters of the state where the existing quality for a parameter is better than the water quality criterion for that parameter established in 327 IAC 2-1-6 or 327 IAC 2-1.5. These surface waters are considered high quality for the parameter and this high quality shall be maintained and protected unless the Commissioner finds that allowing a significant lowering of water quality is necessary and accommodates important social or economic development in the area in which the waters are located. IDEM implements the Tier 2 antidegradation standard for regulated pollutants with numeric water quality criteria adopted in or developed pursuant to 327 IAC 2-1 or 327 IAC 2-1.5 and utilizes the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6.

There are no regulated pollutants in the expected discharge from Sand, Gravel, Dimension Stone, and Crushed Stone operations that have numeric water quality criteria. Therefore, a high quality water determination cannot be made and the Tier 2 antidegradation standard does not apply to any new or existing discharge from Sand, Gravel, Dimension Stone, and Crushed Stone operations.

The following antidegradation determination is based on 327 IAC 2-1.3. The effluent limits in the general permit for discharges from Sand, Gravel, Dimension Stone and Crushed Stone Operations are based on the best professional judgment of the best available treatment in accordance with 327 IAC 5-5-2 and the Indiana Tier 1 antidegradation standard. Indiana does not have a numeric water quality criterion for TSS, so the Tier 2 antidegradation standard for high quality waters does not apply to this parameter. Therefore, the Antidegradation Implementation Procedures in 327 IAC 2-1.3-5 and 2-1.3-6 do not apply to the permitted discharges.

G. When to Apply

All dischargers desiring coverage under this general permit must timely submit a Notice of Intent (NOI) at least thirty (30) days prior to the commencement of the proposed activity. Under the terms and conditions of this general permit, appropriate submission time frames are proposed and dependent upon the situation of the discharger (see Section 4.0 of the general permit).

H. Permit Conditions:

1) Narrative Water Quality Based Limits

The narrative water quality standards contained in 327 IAC 2-1-6(a) and 327 IAC 2-1.5-8(b) have been included in this general permit to ensure that the narrative water quality criteria are met. The 2015 general permit inadvertently omitted the requirement that 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. This provision has been included in the 2020 general permit renewal.

2) Effluent Limits & Monitoring Requirements

Under State and Federal law and regulations 40 CFR 122.44 and 327 IAC 5, a discharge permit must establish effluent limitations equivalent to best available technology economically achievable (BAT). For some industry categories, such effluent limitations have already been established by the EPA. When an industrial discharge occurs on a continuous basis, the state and federal rules require that the effluent limitations and monitoring requirements be expressed as a monthly average and daily maximum. However, discharges from quarry operations are usually of an intermittent nature.

- a) **Flow** is a standard parameter to be monitored in all NPDES permits. This parameter is required of all NPDES permits and is included in this permit in accordance with 327 IAC 5-2-13(a)(2). Flow may be estimated, but the applicant must provide information in the NOI as to the method of flow measurement utilized at the site.
- b) **Total Suspended Solids (TSS) and pH** are included in the general permit to ensure that discharges will not violate Indiana water quality standards. The effluent limits for pH are unchanged from the 2015 permit. The pH of the effluent shall be between 6.0 and 9.0 standard units. However, IDEM is proposing to change the TSS limit from a weekly average value to a daily maximum value of 30 mg/l. This is consistent with the effluent limits in similar individual NPDES permits for this category of dischargers. The weekly average limit had been carried forward from 327 IAC 15-12. This change in how the limit is expressed is justifiable based upon the intermittent nature of the discharges from quarry operations. The monitoring frequency for TSS and pH is set at four (4) times annually, which shall occur at a minimum of once per calendar quarter. This change does not conflict with the antibacksliding rules or the antidegradation rules.
- c) **Total Flow** requirement has been a parameter listed on the Discharge Monitoring Report forms for all NPDES permittees for the past several years, and it is included to assist IDEM in properly assessing the annual permit operating fees set forth under IC 13-18-20 and for aiding in the development of Total Maximum Daily Loads (TMDLs) for Indiana's surface waters.

3) Monitoring and Reporting Requirements

The monitoring frequency for TSS and pH is set at four (4) times annually, which shall occur at a minimum frequency of once per calendar quarter. Flow monitoring is to be monitored monthly and total flow must be calculated once quarterly. The permit also now requires the permittee(s) to report the number of days per quarter that an outfall had active discharges.

Permittees are required to complete and submit federal Discharge Monitoring Reports (DMRs) and state Monthly Monitoring Reports (MMRs) or Quarterly Monitoring Reports (QMRs) to IDEM for the previous monitoring period by the 28th day of each month of operation.

Permittees are required to enroll in the NetDMR program for the electronic submittal of the federal DMR and the state MMR or QMR forms in lieu of submitting them via U.S. Mail. Once approved by IDEM, the permittee may use this process for submitting reports in lieu of submitting hard copies of the reports to IDEM.

I. Reporting Spills and Noncompliance

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

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

The permittee shall also submit a written report to IDEM within five (5) days of the permittee becoming aware of the incident and may be submitted by U.S. Mail, by fax, or by email (such reports must be sent to: wwreports@idem.IN.gov). Both the oral and written reporting requirements for adverse incidents may be satisfied by submittal of the written report within 24 hours of the permittee becoming aware of the incident.

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

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

J. Fees

In accordance with IC 13-18-20-12, any application for a new permit, renewal of a permit, modification of a permit, or variance from a permit requirement must be accompanied by an application fee, which is currently \$50.00. Once approved for coverage under a general permit, the permittee is also subject to annual operating fees. These annual fees are set by statute (IC 13-18-20). Fees may be remitted by mailing a check or money order to IDEM or by online payment (both e-checks and some credit cards) at <https://www.in.gov/idem/6973.htm>.

K. Reopening Clauses

This general permit may be modified or alternately, revoked and reissued, after public notice and opportunity for hearing:

1. to comply with 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, if the effluent limitation or standard so issued or approved:
 - a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - b) controls any pollutant not limited in the permit.
2. to invoke one of the reopening clauses at 327 IAC 5-2-16.

L. Permit Term

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

M. Forms, References, and Guidance Documents

The IDEM website will contain information about each of the General NPDES permits, including the issued permit(s), Notice of Intent (NOI) forms, Notice of Termination Forms, State Form 50000 (for applying for approval of water treatment additives), and helpful reference documents to assist the regulated community and the general public. This web page is still in development as of the date of this fact sheet.

N. Proposed Changes to the General Permit

The following is a summary of the changes which IDEM is proposing in this general permit compared to the 2015 final general permit:

- 1) The eligibility requirements in Section 1.3 were expanded to further restrict the types of discharge activities which can be authorized under this general permit.
- 2) Wording was added to clarify the circumstances under which storm water runoff may be authorized under this permit. Storm water which commingles with the process generated wastewater may be authorized under this permit. Otherwise storm water exposed to industrial activity is subject to 327 IAC 15-6.

- 3) Section 2.1 of the 2015 permit included a weekly average limit for TSS of 30 mg/l. This requirement conflicts with the standard protocol of setting the TSS limit as a daily maximum limit, so the limit has been changed to a daily maximum of 30 mg/l.
- 4) A requirement has been added to Section 2.1 of the permit to require the permittee to report the actual number of days per quarter that a discharge occurred from each permitted outfall. A provision was added to this section of the permit after the close of the public comment period to allow a grace period until April 1, 2021 for this new requirement to go into effect.
- 5) A new paragraph was added to Section 2.2 of the permit to specify that the discharge shall not cause toxicity outside of the mixing zone.
- 6) Section 3.0 of the permit has been updated to reflect the requirement for all NPDES permittees to enroll in NetDMR for electronic submittal of the quarterly reports.
- 7) Section 4.0 of the permit and the NOI form have been updated to require a flow schematic diagram of the permitted site.
- 8) The NOI has been updated to request email addresses if available for the listed Potentially Affected Persons who require notifications under IC 4-21.5.
- 9) The certification statement on the NOI form has been updated to include language from Title 13, Section 30 of the Indiana Code.

Additional edits to the general permit are discussed and itemized in the Post Public Notice Addendum and Response to Comments.

O. Public Notice of Draft General Permit

The official public notice comment period for the draft 2020 General NPDES permit commenced on August 12, 2020 and ended on September 11, 2020. On August 12, 2020 a legal ad notice was also published in the Indianapolis Star and the notice was also posted on IDEM's website at <https://www.IN.gov/idem/5474.htm>, under the Statewide heading at <https://www.IN.gov/idem/6777.htm>.

P. POST PUBLIC NOTICE ADDENDUM: September 24, 2020

The draft NPDES general permit renewal for ING490000 was made available for public comment from August 12, 2020 through September 11, 2020 as part of Public Notice No. 20200812-ING490000-RD. A legal ad notice was published in the Indianapolis Star on August 12, 2020 and a notice was also posted on IDEM's web page for statewide public notices, <https://www.in.gov/idem/6777.htm> for the duration of the comment period. The version posted on our website contained the entire draft permit renewal document along with the NPDES fact sheet and the draft revised Notice of Intent form. Copies of the draft permit and related documents were also sent out to the existing permittees via e-mail.

During this official public comment period, IDEM received 3 comment letters. Mr. Van Medlock of Rogers Group, Inc. submitted comments on August 21, 2020. Mr. Steven Jann of the U.S. EPA Region 5 submitted a nonobjection letter with two recommended changes on August 31, 2020. Mr. Calvin Lee, Executive Director of the Indiana Mineral Aggregate Association (IMAA) submitted comments on September 11, 2020. These comments and this Office's corresponding responses are summarized below: Any changes to the permit and/or Fact Sheet are also noted below.

Comment 1 (submitted by Mr Medlock and Mr. Lee):

"The two things that are most concerning to us are the requirements to submit a 2nd NOI and to report how many days each quarter have flow. The second NOI will not be a big deal unless they want us to resubmit legal notices to the local papers and pay another application fee. The application fee is \$50 and the legal notices range from \$40 to \$200 depending on the newspaper. This quickly adds up. The NPDES still has us reporting flow once a month but is now wanting to know how many days have flow each quarter. This would require us to physically check each outfall every day. Weekends would be an issue as well as plants that have a limited number of people available."

IDEM Response 1:

Since the 2020 NPDES general permit will have new requirements (which were not contained in the 2015 general permit), it is necessary for the existing general permit holders to file a second NOI to demonstrate their intent to comply with this new 2020 version of the general permit.

The draft general permit specified that the second NOI form is due ninety (90) days following the effective date of the renewed 2020 general permit. It is our intent to issue the 2020 general permit renewal by September 30, 2020 and make it effective on October 1, 2020. However, the revised NOI form is currently undergoing state form approval and may not yet be available on the October 1, 2020. Therefore, we are proposing to change the due date for the second NOI to 90 days following the date that the Commissioner makes the NOI available to the permittee(s). We will be notifying each of the existing permittees via email once this NOI form becomes available.

Also IDEM is cognizant of the fact that it may be unnecessarily duplicative for the existing general permittees to have to provide some of the very same supplemental documents twice to IDEM within such a short time frame (since these were just submitted to us with the first NOI which was due earlier this year.) Please note that we are trying to simplify what you will need to include with the second NOI submittal. This form is intended for both new operations and for the renewal of coverage scenarios. Essentially for the purpose of this second post-issuance submittal, for most the existing general permittees it will only be necessary to complete the NOI form. Some of the additional supplemental items which were included with the first NOI submittal should suffice for both NOI filings, since we just received these items from you within the past few months. As a result, we will not require the existing general permittees to re-submit any of the following supplemental items, unless we specifically request it of a particular permittee due to a problem with the original submittal:

- Proof of Publication of a Newspaper Notice. Since there was already a newspaper publication in 2020 for the initial NOI submittal, we will accept that same notice to satisfy the second NOI submittal.
- Address Labels. If you have already provided address labels for the Potentially Affected Persons portion of the form, you will not need to submit them a second time unless there are new addressees listed on your second NOI.
- Maps. However, if you did not include a flow schematic diagram with the initial NOI submittal, we do want you to submit this information with the second NOI.

We are asking the sand and gravel operations to provide us with the number of days that the outfall(s) discharged during each quarter. We are not asking you to denote the actual days on the MMR form. We are often asked by a variety of sources (and for a variety of reasons) how frequently the quarries discharge. Our watershed assessment staff, and especially those tasked with the development of Total Maximum Daily Loads (TMDLs) for the various watersheds, would really like to know this information since they are attempting to evaluate all contributing regulated sources into the watersheds which they study. There are different requirements in the NPDES rules for intermittent discharges, and we are hoping to find out better information as to just how intermittent these discharges are.

Due to the fact that several commenters have expressed concerns about whether they have the necessary equipment and staffing to begin implementing this new requirement, we have amended Section 2.1 of the general permit by adding a new footnote [5] under the effluent tables to delay the start-up of this new reporting requirement until April 1, 2021. We have also amended Section 4.2, subsection (b) of the general permit to denote the fact that the second NOI is due 90 days from the date that the Commissioner makes the new NOI form available to the permittee(s).

Comment 2 (submitted by Mr Medlock and Mr. Lee):

The new permit will now require that the permittee to report two types of flow one for monthly (1) and the second for quarterly (2).

- a. Monthly Flow (1) - As in the previous permit we are required to report one flow per month by means of an estimated quantity. However in Table 1 it asks for the quarterly average and quarterly maximum for the monthly estimate. Should this be monthly and if so wouldn't the average and maximum be the same since IDEM is only requiring one estimated flow per month. Additionally, IDEM is describing Quarterly results under the monthly reporting. Rogers would request that the monthly flow focus on just the measurement required for that month.*
- b. Total Flow (2) – Should be the combined total of the three required measurements taken each month and from these readings IDEM would obtain a maximum and average. However under the sample type, it is described as the Cumulative Recorded Total (CRT) which requires “that the permittee must monitor and cumulatively total all daily flow values in MGD for all days during the quarter that result in a discharge.” Which is in essence mandating a daily flow estimate. This seems burdensome and does not add value to the process as we are only requiring flow to be recorded once per month which is in line with other General Permits issued in other States. The draft permit will also result in a different value than the Quarterly Average discussed in Section a above and Rogers would propose that flow monitoring requirement be revised to the following:*

	Quantity or Loading			Monitoring Requirements	
<i>Parameter</i>	<i>Monthly Flow</i>		<i>Units</i>	<i>Meas. Frequency</i>	<i>Sample Type</i>
<i>Flow (1)</i>	<i>Report</i>		<i>MGD</i>	<i>1/month</i>	<i>Estimated</i>
	<i>Quarterly Avg</i>	<i>Quarterly Max</i>	<i>Units</i>	<i>Meas. Frequency</i>	<i>Sample Type</i>
<i>Flow (2)</i>	<i>Report</i>	<i>Report</i>	<i>MGD</i>	<i>3/Quarter</i>	<i>Estimated</i>

IDEM Response 2:

The proposed flow monitoring requirements in the 2020 general permit are mostly unchanged from the previous 2015 general permit, with the caveat that we are now asking for information about the number of days per quarter on which discharges occur. Our wastewater compliance staff asked us to insert clarifying language in the Notice of Coverage letters which we sent out

under the 2015 general permit to try to ensure that everyone was interpreting these requirements in the same way. No changes have been made to the draft permit as a result of this comment.

Comment 3 (submitted by Mr. Medlock and Mr. Lee):

With respect to Section 1.3 eligibility, other General permits issued include a list of acceptable SIC codes to aid the permittee in their assessment of being eligible or not for coverage. While not necessary, Rogers thinks that would be helpful to IDEM to include.

IDEM Response 3:

Several of the general permits do contain SIC codes as qualifiers, mostly because these SIC codes are either part of the definition of the regulated discharge or for other reasons. We do not want to rely upon a listing of SIC codes or NAICS codes lest that could still be misconstrued. We did include information about regulated discharges which are subject to certain federal categorical effluent limitations. No changes have been made to the draft permit as a result of this comment.

Comment 4 (submitted by Mr. Medlock and Mr. Lee):

The NOI has been updated to request email addresses, if available, for the Potentially Affected Persons who require notifications under IC 4-21-5. Rogers does not agree with this request and feels that paper notifications are sufficient as to not invade any person's privacy. We feel that IDEM the tax records which include the current property owner and their mailing address is sufficient as those are public records.

Response 4:

IDEM is requesting, not requiring, email addresses for the persons on the Potentially Affected Persons list. State agencies have been directed to evaluate and utilize electronic media wherever possible to facilitate fiscal conservative measures and to facilitate public outreach. No changes have been made to the draft permit as a result of this comment.

Comment 5 (submitted by Mr. Medlock and Mr. Lee):

Our company recently experienced a natural disaster at one of our facilities where a Ditch overflowed its banks due to a 500 year event. The water overwhelmed perimeter berms and spilled into our pit and shutdown the operation. That said, that we are being required to obtain this permit to evacuate this water. If this is a potential for other locations, should our company secure this permit in advance for those locations as well."

IDEM Response 5:

If there is a possibility that there will be a future discharge of process generated wastewater to a surface water of the state, then it is advisable to obtain general permit coverage under ING490000 to ensure that it is a legally authorized discharge,

Comment 6 (submitted by Mr. Lee):

"One item I noted was the fact that they will require us to report how many days there was a discharge each month. Currently we are allowed to estimate based on the hour meter (we determine the total gallons pumped per month based on the total pumping hours. We then divide by the # of days in the month to get an estimated daily discharge). It's likely we didn't discharge EVERY day in the month, but the way we are allowed to report appears that we did. This is nice

because we are only required to check the meters twice per month to get the readings. If they require a specific report of the actual days that had a discharge, our sites will likely be required to get actual flow meters installed. This would be very expensive to do at every outfall."

IDEM Response 6:

See Response #1.

Comment 7 (submitted by Mr. Lee):

The proposed restriction detailed in Section 1.3, subsection (b), item 7 eliminates most or all of our locations from being able to have a general permit because of the comingling of storm water and waste water as I read it.

*In the section of the fact sheet which describes the changes which IDEM is proposing via this 2020 general permit, IDEM said "Wording was added to clarify the circumstances under which storm water runoff may be authorized under this permit. Storm water which commingles with the process generated wastewater may be authorized under this permit. Otherwise storm water exposed to industrial activity is subject to 327 IAC 15-6." **This applies to the section [Section 1.3, subsection (b), item 7] mentioned above.***

IDEM Response 7:

See Response #11.

Comment 8 (submitted by Mr. Lee):

*Section 2.1 of the 2015 permit included a weekly average limit for TSS of 30 mg/l. This requirement conflicts with the standard protocol of setting the TSS limit as a daily maximum limit, so the limit has been changed to a daily maximum of 30 mg/l. **How can we ensure a daily maximum and only be required to sample once per quarter?***

IDEM Response 8:

The current permit contains a weekly maximum limit with sampling required a minimum of once per quarter. How do you currently ensure compliance with that limit? As previously stated, the normal practice for industrial facilities is to establish limits as daily maximums and, where appropriate, as monthly averages. Most quarries with individual NPDES permits have a TSS limit of 30 mg/l as a daily maximum.

Comment 9 (submitted by Mr. Lee):

A requirement has been added to Section 2.1 of the permit to require the permittee to report the actual number of days per quarter that a discharge occurred from each permitted outfall. This would require a daily meter reading of each associated pump. Item [2] in this sections states that permittee must monitor and cumulatively total all daily flow values for all days during the quarter when discharging. This would require a daily observation of all discharge points. Many pumps are on an automated float system and will run on weekends and holidays. None of this sounds feasible without the overhead of additional manpower and oversight.

IDEM Response 9:

See Response #1

Comment 10 (submitted by Mr. Lee):

*The NOI has been updated to request email addresses if available for the listed Potentially Affected Persons who require notifications under IC 4-21.5. **No email directory exists and it would be almost impossible to have email addresses for most of our neighboring property owners.***

IDEM Response 10:

See Response #4

Comment 11 (submitted by Mr. Lee):

The permit authorizes wastewater discharges from sand, gravel, dimension stone, and crushed stone operation – per 40 CFR 436, Subparts A through C. It says “all other subparts of 40 CFR 436 (Subparts D thru AL) contain additional requirements which may vary with the type of operation. Therefore, IDEM chooses to restrict the types of operations covered by general permit to those operations discussed above” and “only the [stormwater] run-off which enters the sedimentation basins (along with the process generated wastewater) is covered by this permit”. This appears to be a departure from the previous general permit, which did not specifically address stormwater runoff. Therefore, the effluent guidelines in this general permit only apply to discharges from the process wastewater stream and not all stormwater/water discharges from the site. The specific limitations are found in Section 1.3.

IDEM Response 11:

When IDEM staff began drafting this general permit renewal, we realized that there was no mention of storm water runoff. However, there are rules (40 CFR 122.26) which do regulate the discharge of storm water runoff from sand and gravel operations, based upon the SIC code of 14. Of course, there are a large number of quarries which do have coverage under the state permit-by-rule, 327 IAC 15-6, for storm water runoff from these facilities. There has been a long history of trying to determine which general permit is applicable at these sites. To that end, IDEM wrote a letter to the IMAA in 2004 to attempt to provide guidance in the interpretation of these rules. The following is the content of that letter as it pertains to the two general permits:

- “When 327 IAC 15-6-2(e) was revised in 2003 it specified that “a sand, gravel, or dimension stone facility classified under SIC code 14 is not subject to this rule if:
- (1) it is regulated under a general permit issued under 327 IAC 15-12; and
 - (2) all the regulated facility’s storm water discharges are addressed by the general permit issued under 327 IAC 15-12.

The above language is intended to clarify that your industry group does not have to separately comply with two (2) different NPDES permit-by-rule programs which ultimately can regulate the same stormwater runoff. IDEM interprets the rule such that any and all stormwater that drains from a mineral aggregate operation and is ultimately discharged through an outfall regulated by Rule 12, meets the intent of 327 IAC 15-6-2(e)(2). However, should a mineral aggregates facility have point source “storm water discharge (327 IAC 15-6-4-22)” that has been exposed to industrial activity (327 IAC 15-6-4-23), that does not pass through a Rule 12 regulated outfall, then that facility will be subject to the requirements of Rule 6” for those other storm water outfalls. **[Editor’s note: all references to 327 IAC 15-12 and Rule 12 were replaced by ING490000 as of 2015, when that rule was repealed. Also at the time of that rule amendment in 2015 some of the terms which had previously been defined in 327 IAC 15-6-4 were removed therefore we have adjusted the specific rule citations for this response to reflect where those terms are currently codified]**

Our intention was to retain these very same permitting requirements in the 2020 permit renewal. Therefore, nobody who currently has discharge authorization under ING490000 should find themselves disqualified from coverage under this general permit based upon the added eligibility restrictions in Section 1.3 of the permit.

Please be advised that we are contemplating a future modification to this general permit in which we would fold in the storm water requirements that are currently in 327 IAC 15-6, however that cannot occur until the agency is ready to repeal 327 IAC 15-6 and replace that permit-by-rule with a new administrative NPDES general permit.

Comment 12 (submitted by Mr. Lee):

Indicates that the new general permit program will be administratively issued, compared to the previous permit-by-rule process. This means a "master general permit" will be issued, renewed and reevaluated on a five-year interval, date of which will apply to all facilities covered under the permit.

IDEM Response 12:

This language was carried forward from the November 2015 NPDES general permit which was the first edition of the administrative general permit after the 2015 repeal of 327 IAC 15-12 the general permit-by-rule by the Environmental Rules Board. We were trying to describe the history of the general permitting for these sites, since we still receive general inquiries about "Rule 12 permits". This permit renewal is the second edition of the "master general permit" or "administrative general permit".

Comment 13 (submitted by Mr. Lee):

All reporting and submittals will be made electronically, through the IDEM NetDMR website.

IDEM Response 13:

Due to changes to both the federal NPDES rules and the Indiana NPDES rules, all monthly and quarterly discharge monitoring reports and the associated MMRs or QMRs must be submitted to IDEM electronically using NetDMR. Other reports including bypass reports and noncompliance notifications should be sent via email to wwreports@idem.IN.gov.

Comment 14 (submitted by Mr. Lee):

A renewal Notice of Intent (NOI) must be filed prior to the expiration date of the previous permit (September 30, 2020), followed by a new NOI within 90 days of the issued permit to extend existing coverage.

IDEM Response 14:

That is correct. All of the quarries with existing general permit coverage have filed the initial renewal NOI, so they are all authorized to continue operating and discharging beyond September 30, 2020 even if IDEM does not succeed in getting this permit renewal issued by that date.

Comment 15 (submitted by Mr. Lee):

There are only 13 business days between the close of the public comment period (September 11, 2020) and the expiration date of the existing permit (September 30, 2020). This is a very tight timeline and may not allow for the adequate and appropriate consideration of any public comments received.

IDEM Response 15:

We are endeavoring to finalize this permit as expeditiously as possible, while still giving due consideration to the public comments.

Comment 16 (submitted by Mr. Lee):

In Section 2, the effluent limitations do not appear to have been changed, although the narrative limitations appear to have been extended beyond the "mixing zone" to include all of the receiving waters.

IDEM Response 16:

When we included the minimum narrative water quality standards in the 2015 general permit, (as we had already included in the individual NPDES permits), the omission of the references to the narrative standards outside the mixing zone was an inadvertent error. No changes have been made to the draft permit as a result of this comment. However, based upon internal staff review some minor wording changes were made to Section 2.2 of the draft permit to make it more consistent with the narrative water quality standard language in 327 IAC 2-1-6 and 2-1.5-8. There were several instances where the draft permit wording only mentioned "substances", but it should have referenced "substances, materials, floating debris, oil, scum, or other pollutants".

Comment 17 (submitted by Mr. Lee):

In Section 4.4 (NOI Content Requirements), subpart t) reads: "any additional information deemed necessary by the Commissioner". This phrase is certainly ambiguous, and lacks specificity regarding the nature and/or scope of the "additional information."

IDEM Response 17

40 CFR 122.28 requires the NOI contents to be listed in the general permit. Since the NOI form is a separate document which is several pages in length, it is not easy to itemize every type of information which IDEM might legitimately need in order to properly administer the general permit program. This catch-all was intended to address that potential need. Therefore, we are amending the Section 4.4, paragraph (t) to add the provision "to properly administer the general permit program".

Comment 18 (submitted by Mr. Lee):

Sections 6.10 and beyond did not appear in the copy of the existing ING490000 that was available on the IDEM website. Without more specific knowledge of the existing permit, it cannot be evaluated whether the proposed language regarding Penalties for Violation of Permit Conditions is significantly different than the existing permit. Additionally, the Definitions included in Section 6.15 could not be evaluated as the available version of the existing permit did not include them.

IDEM Response 18:

The draft permit which was public noticed on IDEM's public notice web page, <https://www.in.gov/idem/6777.htm> contained the entire permit document. All existing permittees were also sent a copy of the full draft permit via email.

Comment 19 (submitted by Mr. Lee on behalf of Max W.):

How is "an increase in the ambient concentration of a pollutant" for the purpose of evaluating the prohibition for 303(d) waters to be determined?

IDEM Response 19:

At this time IDEM staff are taking primary responsibility for ensuring compliance with this provision. By the way, this language is unchanged from the 2015 NPDES general permit.

Comment 20 (submitted by Mr. Lee on behalf of Max W.):

In Section 2.1 of the permit, "Days of Discharge" will be cumbersome to monitor. I would imagine that most utilize hour meters on pumps but only read them monthly.

IDEM Response 20:

See Response #1

Comment 21 (submitted by Mr. Lee on behalf of Max W.):

In Footnote [1] under Section 2.1 of the permit, is "Quarterly Maximum" the maximum daily flow? See previous comment about "Days of Discharge".

IDEM Response 21:

The Quarterly Maximum is the highest reported monthly average flow in the calendar quarter.

Comment 22 (submitted by Mr. Lee on behalf of Max W.):

Regarding the new Section 2.2 (f), How would one know if such substances were present?

IDEM Response 22:

The permittee should visually inspect the discharge(s) and the receiving water(s) periodically to observe whether any harmful effects appear to be occurring.

Comment 23 (submitted by Mr. Lee on behalf of Max W.):

In Section 3.7 (a), should "previous month" be "previous monitoring period"? Samples might not have been taken during the previous month. They could be taken during the first or second month of the monitoring period.

IDEM Response 23:

IDEM concurs and this language in Section 3.7 (a) has been amended to specify the “previous monitoring period” rather than the “previous month”.

Comment 24 (submitted by Mr. Lee on behalf of Max W.):

Also in Section 3.7 (a), Max commented “Should get a letter from the corporate officer authorizing the local environmental representative that he give the local person the right to sign the reports.”

IDEM Response 24:

IDEM concurs with this statement.

Comment 25 (submitted by Mr. Lee on behalf of Max W.):

In Section 4.2 (d), “before” could easily catch many unaware and not get done in time.

IDEM Response 25:

The purpose of including this language, which is based upon rule language at 327 IAC 5-2-6 and which is the same language that was in the 2015 general permit, is to remind our permittees to notify us in advance when changes are planned so that we can make a determination as to whether any change to the discharge authorization is necessary. The 30-day lead time is based in rule, but the ultimate goal is for the permittee to provide us with notice in advance of the occurrence.

Comment 26 (submitted by Mr. Lee on behalf of Max W.):

In Section 6.3, regarding planned changes in facility or discharge, Max commented “We often don’t know 30 days prior”. He also questioned why IDEM would need to know about deletion of an outfall 30 days prior to its removal. For Section 6.3(d), what would constitute a change in volume or frequency of discharge?

IDEM Response 26:

See Response #25. A change in volume or frequency of discharge is typically associated with an expansion of operations.

Comment 27 (submitted by Mr. Lee on behalf of Max W.):

Regarding the reporting requirements in Section 6.6 of the permit, is the email report, if made within 24 hours” OK instead of a call?

IDEM Response 27:

Yes, if a report is submitted to IDEM via email within 24 hours, this will satisfy both the written and oral notification requirements.

Comment 28 (submitted by U.S. EPA):

NPDES regulations at 40 CFR 122.44(i) and (iii) state that NPDES permits must include monitoring requirements to assure compliance with permit limitations, including monitoring for noncontinuous discharges as determined to be necessary. Section 2 of the draft permit requires the permittee to control discharges to meet narrative water quality standards. The permit incorporates those standards by reference to 327 IAC 2-1-6 and 2-1.5-8 and expressly in Section 2.2 a) through f). However, the draft permit does not include a requirement to monitor for these conditions. EPA recommends including a requirement in Section 2 to report outfall monthly observations of the outfall as “yes” or “no” where “yes” means the observation was made and “no” if observation requirement was not completed.

IDEM Response 28:

IDEM does not currently require such reporting for any of our NPDES permits, either individual or general permits. However, we will take this recommendation under advisement and may implement visual monitoring and reporting requirements in future NPDES permits.

Comment 29 (submitted by U.S. EPA):

In conjunction with the yes/no reporting recommended above, the permit should include a requirement to report whether the observation detected any unusual characteristic of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, turbidity, or deposits) within five days of the observation (or some other appropriate timeframe determined by IDEM), and steps taken to remedy the unusual characteristic.

IDEM Response 29:

See Response #28.

Additional Changes to the Final NPDES General Permit

1. IDEM has also amended the wording in Section 2.2, subsections (b), (d) and (e) of the general permit to include wording which is more accurately reflective of the rule language for the narrative water quality standards. There were several instances where we merely referenced “substances”, but the rule language says “substances, materials, floating debris, oil, scum, or other pollutants”.
2. In addition to the amendment to Section 3.7(a) of the general permit which is discussed in Response #23 above, IDEM also added a sentence to this paragraph to inform the general permittees that IDEM is in the process of developing a quarterly monitoring report form. It is intended for use by facilities such as these that only have to file their monitoring reports with IDEM on a quarterly basis.
3. IDEM Compliance staff has notified us that we should make a slight adjustment to the sampling type for Total flow in Section 2.1 of the general permit. The USEPA ICIS database does not have a matching sampling parameter entitled “Cumulative Recorded Total”. This was the terminology which we had used in the 2015 general permit, however it was determined that the best and closest descriptive parameter available in the ICIS database to represent this parameter is “Recorder Total”. Therefore, we have changed the sample type in the Table accordingly and amended the associated footnote. We also amended the associated term and definition in Section 6.15 of the permit.