

Indiana Department of Environmental Management

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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 "CWA"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this General NPDES permit to regulate discharges of process generated waste water and pit dewatering water from facilities involved in sand, gravel, dimension stone, and crushed stone operations into surface waters of the State of Indiana.

This permit is issued on: **September 30, 2020**

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

This permit expires on: **September 30, 2025**

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



Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

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1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This general NPDES permit for sand, gravel, dimension stone and crushed stone operations covers all areas of the State of Indiana.

1.2 Discharges Authorized by this Permit

The purpose of this general permit is to regulate 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 uses 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 generated waste water at the sites. The process generated waste water 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 discharges of storm water 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.

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, 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 of process generated wastewater from 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; and
- 3) they typically utilize sedimentation basins to collect and treat the process generated wastewater which may commingle with storm water runoff from the site when it is directed to the basins.

This general permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five (5) years. In order to obtain authorization to discharge under this permit, a person must submit a Notice of Intent (NOI) pursuant to Section 4.0. The Commissioner may grant or deny coverage under this permit or require an application for an individual NPDES permit.

Except as provided in Section 1.3, when a Notice of Intent (NOI) is submitted as set forth in Section 4.0 below, a facility is permitted to discharge process generated waste water and mine dewatering water to surface waters of the state in accordance with the terms of this general permit. This authorization to discharge shall become effective upon receipt of notification of coverage from the Commissioner. Any discharges of process generated waste water and mine dewatering water to a surface water of the state are unlawful if not permitted under this general permit or by an individual permit.

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

- a) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or
- b) IDEM receives and approves the permittee's submittal of a Notice of Termination (see Section 5.0); or
- c) IDEM issues or modifies an individual permit for the discharges covered by this general permit; or
- d) IDEM issues a final decision to either revoke or to not reissue this general permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this identified time period.

1.3 Eligibility

- a) This general permit 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 limited in paragraph "b" 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.

b) The following discharges from facilities involved in sand, gravel, dimension stone, and crushed stone operations 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);
- 2) discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters;
- 3) discharges containing water treatment additives (WTAs) which have not received prior written approval from IDEM for the specific additive, use, and dosage at the particular facility for which the Notice of Intent (NOI) is submitted;
- 4) discharges from crushed stone operations utilizing flotation agents to remove impurities from marble or other carbonaceous rock. The flotation agents include organic amines, fatty acids, and pine oils;
- 5) industrial sand operations utilizing any or all of the following treatment methods:
 - a) acid flotation for removal of iron oxide and ilmenite impurities;
 - b) alkaline flotation to remove aluminate bearing materials; and/or
 - 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 pertains only to storm water runoff which discharges directly to a surface water of the state (i.e. which does not commingle with any process generated wastewater. In such situations 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.
- 8) discharges to combined or sanitary sewer systems;
- 9) discharges that are commingled with hazardous wastes or hazardous materials;
- 10) discharges of domestic or sanitary wastewater;

- 11) discharges that contain pollutants classified as bioaccumulative chemicals of concern (BCCs); and
- 12) discharges for which the Commissioner requests an individual permit application.

1.4 Application and Annual Maintenance Fees

An application fee is required with the Notice of Intent (NOI) submittal in accordance with IC 13-18-20-12. Pursuant to the statute, a fee is required with a NOI submittal, renewals, and modification requests, including transfers of coverage requested under Section 6.2 as well as any planned facility changes referenced in Section 6.3 of this permit that would result in the need for an NOI. Persons covered by this general permit are also required by IC 13-18-20 to remit annual operating fees to IDEM for as long as coverage continues. Coverage under this general permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

2.0 EFFLUENT LIMITATIONS

All permittees must control discharges as necessary to meet the numeric effluent limitations set forth below and the narrative water quality standards in 327 IAC 2-1-6 and 327 IAC 2-1.5-8 for any discharges authorized by this permit, with compliance required upon beginning such a discharge. Numeric effluent limitations are applicable before water leaves a facility site. Narrative water quality standards are applicable in all receiving streams after water leaves a permitted site.

2.1 Discharge Limitations

Table 1

	Quantity or Loading				Quality or Concentration		Monitoring Requirements	
Parameter	Quarterly average	Quarterly maximum	Number per Quarter	Units	Daily Maximum	Units	Measurement frequency	Sample type
Flow[1]	Report	Report	-----	MGD	-----	-----	1 x monthly	Estimated
Total Flow [2]	Report	Report	-----	Mgal/ Qtr	-----	-----	1 x quarterly	Recorder total
Days of Discharge [5]	-----	-----	Report	Days	-----	-----	Daily	Count
TSS [3]	-----	-----	-----	-----	30	mg/l	1 x quarterly	Grab

Table 2

Parameter	Quality or Concentration		Units	Monitoring Requirements	
	Daily minimum	Daily maximum		Measurement frequency	Sample type
pH [3][4]	6.0	9.0	s.u.	1 x quarterly	Grab

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

The **Quarterly Average** flow is determined by taking the total flow volume for the 3-month period divided by the number of days in the quarter.

The **Quarterly Maximum** flow is the highest monthly average flow volume during that quarter.

[2] **“Recorder Total”** means that the permittee must monitor and cumulatively total all daily flow values in MGD for all days during the quarter when discharging. The permittee must report the number of days per quarter that a discharge occurs. Mathematically, the recorder total should be equal to the estimated quarterly average MGD times the days of discharge.

[3] A minimum of one sample shall be collected, analyzed, and the results reported each calendar quarter. The monitoring results shall be reported on the March, June, September, and December DMR forms. The Monthly Monitoring Reports (MMRs) or the Quarterly Monitoring Reports (QMRs) shall denote the actual day(s) on which the monitoring occurred.

[4] The pH shall be reported in standard units (s.u.)

[5] The permittee must monitor and report the number of days of discharge for each quarter commencing April 1, 2021.

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 permittee to sample for additional parameters. When this becomes the case, the permittee shall be notified in writing and given the reasons for the additional sampling requirement.

3.2 Measurement Frequency

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

3.3 Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of discharges of process generated waste water and mine dewatering activities. The samples and measurements shall be taken following treatment (if provided) and prior to either the direct discharge to the receiving water or, where applicable, prior to discharge into a storm sewer system.

3.4 Additional Monitoring by Permittee

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

3.5 Testing Procedures

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

3.6 Recording of Results

For each measurement or sample taken pursuant to the requirements of this general permit, the discharger shall record the following information:

- a) The date, exact place, and time of sampling or measurement;
- b) The person(s) who performed the sampling or measurements;
- c) The dates and times the analyses were performed;
- d) The person(s) and laboratory who performed the analyses;
- e) The analytical techniques or methods used; and
- f) The results of all required analyses and measurements.

3.7 Reporting Monitoring Results

- a) The permittee shall submit monitoring reports to the Indiana Department of Environmental Management (IDEM) containing results obtained during the previous monitoring period and shall be submitted no later than the 28th day of the month following each completed monitoring period. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report (DMR) and the Monthly Monitoring Report (MMR). IDEM is developing a Quarterly Monitoring Report (QMR) which is intended to eventually replace the MMR form for these discharges. These reports shall be submitted electronically by using the NetDMR application, upon registration, receipt of the NetDMR Subscriber Agreement, and IDEM approval of the proposed NetDMR Signatory. Access the NetDMR website (for initial registration and DMR/MMR submittal) via CDX at: <https://cdx.epa.gov/>. The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit. See Section 6.10 of this permit for Future Electronic Reporting Requirements.
- b) DMRs must be signed and certified by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his or her duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

3.8 Reporting Effluent Data on the Federal Discharge Monitoring Reports

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

3.9 Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. All records shall be kept at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review. The three-year retention requirement shall be extended in the following situations:

- a) automatically during the course of any litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b) as requested by the Regional Administrator of US EPA or the Commissioner.

3.10 Reopening Clauses

- a) This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:
 - 1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - 2) controls any pollutant not limited in the permit.
- b) This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to incorporate any of the reopening clause provisions cited at 327 IAC 5-2-16.

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

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

4.0 NOTICE OF INTENT (NOI) REQUIREMENTS

4.1 NOI Format

An applicant seeking coverage under this general permit shall submit a Notice of Intent (NOI) letter for this specific general permit, which will be provided by the Commissioner. The NOI form must be signed by a person who has the appropriate signatory authority as required by 40 CFR 122.22). The NOI shall be submitted to IDEM according to Section 4.3 of this general permit.

4.2 Deadlines for NOI Submittal

- a) For a new facility, an NOI shall be submitted at least thirty (30) days before any discharge occurs.
- b) For a facility that has existing, effective coverage under the general permit that was effective October 2015 through September 30, 2020, the existing coverage shall automatically be extended provided that the permittee has filed a renewal NOI prior to the expiration date of the previous permit. The permittee must then also submit a new NOI in accordance with Section 4.0 of this general permit within ninety (90) days following the date that the Commissioner makes the new NOI form available to the permittee to affirm he or she, as a Responsible Official of his/her company, intends to comply with the requirements of this new general permit.
- c) For subsequent renewals of general permit coverage under this general permit, an NOI shall be submitted no later than ninety (90) days before the permit expires.
- d) In the case of a transfer of ownership, an NOI must be submitted no later than thirty (30) days before the transfer. Additional requirements for the transfer of general permit coverage are found in Section 6.2 of this general permit.
- e) The Commissioner may, with good cause shown in writing, extend any of the submission deadline time periods listed above.

4.3 Submitting the NOI and Processing Fee

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

- a) The NOI form may be scanned electronically and submitted via e-mail to OWQ@idem.IN.gov. The NOI fee may be remitted online by visiting IDEM's online payment portal at <https://www.in.gov/idem/6973.htm>.
- b) Hard copies of the NOI and payments in the form of checks should be submitted to this address:
Indiana Department of Environmental Management
Office of Water Quality, Permits Administration Section
100 North Senate Avenue, IGCN Room 1255
Indianapolis, IN 46204-2251

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

4.4 NOI Content Requirements

The following information must be included in an NOI:

- a) name of the operator of the site and operator's email, mailing address, and telephone number;
- b) name of the owner of the site and owner's email, mailing address, and telephone number;
- c) name, telephone number, and email and mailing address of a contact person who is knowledgeable about the site; (optional)
- d) name of contact person who will receive DMR correspondence and submit DMR data, and that contact's person's telephone number, email, and mailing address;
- e) the location address of the site itself, and the latitudinal and longitudinal coordinates (to the nearest second) of the approximate center of the site;
- f) four-digit SIC (Standard Industrial Classification) and the six-digit NAICS (North American Industry Classification System) code that best describes the primary activity conducted at the site;
- g) brief description of the activities conducted at the site that result in the discharge;

- h) estimate of the volume of process generated waste water and pit dewatering water to be discharged, in million gallons per day (mgd);
- i) latitudinal and longitudinal coordinates of each outfall location that will be discharging process generated waste water and pit dewatering water, including outfall numbers;
- j) location of each sampling point;
- k) name of the surface waters receiving each discharge;
- l) characterization of all pollutant parameters known or believed to be present in the proposed discharge of wastewater based on an actual data pilot study, estimates from other engineering studies, data from other similar sites, or best professional estimates;
- m) facility location map which identifies, via names of at least two intersecting nearby streets and any permanent structures, the location of the permitted site, the location where the discharge will occur, and the waters that will receive the discharge. This map should extend at least one mile beyond the facility's footprint on all sides. This information may be placed on top of a topographic map if it remains legible to the naked eye. If not, a separate topographic map is required.
- n) site map showing all buildings, outfalls, any of the pertinent structures or features, and a flow schematic diagram(s) showing the path of wastewater traveling through the facility to discharge /outfall point;
- o) a completed Potentially Affected Parties form (per IC 4-21.5, and mailing labels with the mail codes. See NOI instructions.
- p) The NOI letter must also contain proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge: *(Facility name, address, address of the location of the discharging facility)* "is submitting a Notice of Intent to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under the National Pollutant Discharge Elimination System (NPDES) general permit ING490000 to discharge process generated waste water from a sand, gravel, dimension stone and crushed stone operation. Discharge will be to *(name(s) of the stream(s) or other water body(ies)) receiving the discharge(s)*".

"Any person wishing further information about the discharge may contact *(facility contact person's name and telephone or email address)*. The decision to issue coverage under this General NPDES permit for this discharge is appealable as per IC 4-21.5 and IC 13-15-6. Any person who would like to be informed of IDEM's decision regarding coverage of this facility under this NPDES permit, and who would like to be informed of procedures to appeal the decision may contact IDEM's offices at

OWQWWPER@idem.IN.gov to be placed on a mailing list to receive notification of IDEM's decision.

- q) documentation of IDEM pre-approval for the use of any water treatment additives (WTAs) to be used with the process generated waste water;
- r) permit application fee per IC 13-18-20-12;
- s) certification statement, signed by the authorized signatory, as set forth in 40 CFR 122.22 and IC 13-30-10; and
- t) any additional information deemed necessary by the Commissioner.

5.0 REQUESTING TERMINATION OF COVERAGE

A permittee may request termination of coverage under this general permit when discharges of process generated waste water and/or mine dewatering water to surface waters of the State have ceased. In order to do so, the permittee shall complete and submit a Notice of Termination (NOT) according to Section 4.3 of this permit.

The permittee will continue to be responsible for submitting all reports required by this permit and for remitting annual permit maintenance fees according to Indiana Statute IC 13-18-20 until IDEM approves the NOT.

6.0 ADDITIONAL REQUIREMENTS

6.1 Standard Conditions for General Permits

The following standard permit conditions are incorporated by reference.

Standard Conditions	Federal Regulatory Cite
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)
e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 CFR 122.42(a)

6.2 Change of Ownership/Transfer

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

- a) the current permittee notifies IDEM at least thirty (30) days in advance of the proposed transfer date;
- b) a written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to IDEM;
- c) the transferee certifies in writing to IDEM the intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged.

- d) the new owner or operator submits a new NOI in addition to the written agreement for permit coverage transfer in accordance with the provisions of Section 4.0 of this permit.

6.3 Planned Changes in Facility or Discharge

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

- a) a discharge from a point previously not identified in the NOI; Changes resulting in the addition or removal of a discharge point will require the submission of a new NOI requesting this modification, along with the appropriate fee, in accordance with IC 13-18-20-12.
- b) the facility's meeting one of the criteria for determining that the facility is a new source as defined in 40 CFR 122.29(b);
- c) a change to the nature or increase of the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the general permit, or to notification requirements under 40 CFR 122.42(a)(1); or
- d) a change in the volume or frequency of the discharge.

6.4 Other Information

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

The permittee shall promptly provide to IDEM written notice of any changes to items listed on the NOI; these include the following:

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

6.5 Effect of Noncompliance

All discharges resulting from the mining of sand, gravel, dimension stone, and crushed stone to waters of Indiana shall be consistent with the terms and conditions of ING490000. Any noncompliance constitutes a violation of applicable State and Federal laws, the Clean Water Act and IC 13 and is grounds for enforcement action, termination of coverage under the permit, requirement for an individual permit, and/or denial of permit coverage renewal.

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

6.6 Reporting Spills and Noncompliance

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

- a) immediately for bypasses, adverse incidents or noncompliance which pose a significant danger to human health or the environment, and/or
- 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).
- c) The permittee shall report any noncompliance and other information that is subject to the reporting requirements of 40 CFR 122.41(l)-(m) and 40 CFR 122.42(a) of this general permit within 24 hours of the person becoming aware of the permit noncompliance if it does not meet either of the conditions listed above.

The permittee shall make the oral reports to IDEM by calling (317) 232-8670 during regular business hours or by calling (317) 233-7745 ((888) 233-7745 toll free in Indiana) during non-business hours. Written reports shall be submitted to IDEM within five (5) days of the time the permittee becomes aware of the circumstances, and may be submitted by U.S. Mail, by hand delivery, or via email at wwreports@idem.IN.gov. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce

and eliminate the noncompliance and prevent its recurrence. The mailing address for the written report is:

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

Any written reports which are sent to IDEM via email shall be sent to wwreports@idem.IN.gov. 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.

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

6.7 Certified Operator

When applicable, the permittee shall have any wastewater treatment facility, under the responsible charge of an operator certified by the Commissioner in its proper classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-22.

6.8 Individual or Alternative General NPDES Permit

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

6.9 State and Local Laws

Coverage under this permit does not preempt any duty to obtain any other state or local assent required by law for the construction of or discharge a facility. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.

6.10 Future Electronic Reporting Requirements

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

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

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

6.11 Penalties for Violation of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit, the water pollution control laws; environmental management laws; or a rule or standard adopted by the Environmental Rules Board is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation.

Pursuant to IC 13-30-5, a person who obstructs, delays, resists, prevents, or interferes with (1) the department; or (2) the department's personnel or designated agent in the performance of an inspection or investigation performed under IC 13-14-2-2 commits a class C infraction.

Pursuant to IC 13-30-10-1.5(e), a person who willfully or negligently violates any NPDES permit condition or filing requirement, or any applicable standards or limitations of IC 13-18-3-2.4, IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or IC 13-18-16, commits a Class A misdemeanor.

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

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

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

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

6.12 Penalties for Tampering or Falsification

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

6.13 Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of the permit which can be given effect without the invalid provision or application.

6.14 Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

6.15 Definitions

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

- a) "Broaching" means a drilling method whereupon successively larger and deeper holes are cut into the stone until the stone is removed between the holes. Water is used to control dust, wash away stone chips, and cool the drill.

- b) "Channel machine" means a long, semi-automated, multiple-head chisel machine used primarily to quarry limestone. Stone chips created during chiseling must be washed constantly away with water.
- c) The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, which is located at the following address: 100 North Senate Avenue, Indianapolis, Indiana 46204.
- d) "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).
- e) "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.
- f) "Feldspar" means any of a group of crystalline minerals that consists of aluminum silicates with either potassium, sodium, calcium, or barium.
- g) "Feldspathic" means relating to or containing feldspar.
- 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) "Ilmenite" means an iron black mineral composed of iron, titanium, and oxygen.
- j) "Jet piercing" means fuel oil forced under pressure through a nozzle producing a high velocity jet flame which is combined with a stream of water to cut a channel by disintegration.
- k) The term "mine" shall mean an area of land, surface or underground, actively mined for the production of crushed and broken stone or for the production of sand and gravel from natural deposits.
- l) "Mine dewatering" or "pit dewatering" means any water that is impounded or that collects in the mine (or pit) and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.
- m) "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.

- n) "Pit dewatering" – see definition of "Mine dewatering"
- o) "Process generated waste water" means any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include storm water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The term does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of waste without being used for other purposes or combined with other waste water.
- p) "Quarterly Average flow" is determined by taking the total flow volume for the 3 month period divided by the number of days in the quarter.
- q) "Quarterly Maximum flow" is the highest monthly average flow volume during the calendar quarter.
- r) Recorder Total means that the permittee must monitor and cumulatively total all daily flow values in MGD for all days during the quarter when discharging. The permittee must report the number of days per quarter that a discharge occurs. Mathematically, the recorder total should be equal to the estimated quarterly average MGD times the days of discharge.
- s) The "Regional Administrator" is defined as the Region 5 Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.
- t) "Settleable solids" means that matter measured by the volumetric method specified in 40 CFR 434.64, which is "Fill an Imhoff cone to the one (1) liter mark with a thoroughly mixed sample. Allow to settle undisturbed for forty-five (45) minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for fifteen (15) minutes longer. Record the volume of settle material in the cone as milliliters per liter (ml/l). Where a separation of settleable and floating materials occurs, do not include the floating material in the reading. The method detection limit for measuring settleable solids shall be four tenths (0.4) ml/l.
- u) "Storm water discharge exposed to industrial activity" means a storm water discharge that has been exposed to the manufacturing and processing activities, or raw materials or intermediate products storage areas at an industrial facility.
- v) "Storm water runoff" – see definition of "storm water discharge exposed to industrial activity".
- w) "TSS" or "total suspended solids" means the mass of suspended matter in wastewater retained on a standard glass fiber filter after filtration of a well-mixed sample and after drying for one hour at one hundred three degrees Celsius. (103° C).