



National Pollutant Discharge Elimination System

GENERAL PERMIT FACT SHEET for
Hydrostatic Testing of Commercial Pipelines

NPDES Permit No. ING670000

Draft: September 10, 2020

Final: October 19, 2020

Indiana Department of Environmental Management

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

Existing Permit Information:	<p><u>General Permit Number</u> ING670000. Existing facilities permitted under the general permit ING670000 issued in 2015 will retain their existing general permit tracking numbers, and new permitted facilities will have tracking numbers using same numbering protocol (ING670XXX).</p> <p><u>Expiration Date:</u> Under this general permit all permitted facilities will have the same expiration date of October 31, 2025.</p>
Source Location:	State-wide
Receiving water:	All waters of the state of Indiana, except for Outstanding State Resource Waters and Outstanding National Resource Waters
Proposed Action:	General NPDES permit to replace existing general NPDES permit ING670000 that was issued in 2015
Source Category	NPDES Minor – Industrial
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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 general permit is ensuring that the discharge consists of only wastewater from hydrostatic testing of commercial pipeline(s). Dischargers who meet the eligibility requirements may apply for coverage under this NPDES general 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.

A. Description of General Permit Category:

The purpose of this general permit is to regulate the discharge of wastewater associated with hydrostatic testing of commercial pipelines so that the public health, existing uses, and aquatic biota are protected. "Wastewater discharge associated with hydrostatic testing of commercial pipelines" means the discharge from a conveyance used for collecting and conveying wastewater which is directly related to commercial pipelines. This includes discharge of water used for hydrostatic testing of new or used pipelines. A "commercial pipeline" is a pipeline, generally underground, that transports petroleum or natural gas.

NPDES general permits are developed and issued to cover multiple facilities engaged in the same process category instead of an individual facility within the State of Indiana. IDEM first developed a general NPDES permit-by-rule (327 IAC 15-11) for discharges of hydrostatic test water in 1994. As a result of statutory changes to Indiana law in 2011, this was repealed in 2015 and replaced with an administrative general permit ING670000. IDEM now administers NPDES general permits via a "master general permit" (EPA terminology) which will be reevaluated and renewed on a five-year interval. Persons who seek coverage under the master general permit will continue to be assigned permit tracking numbers beginning with "ING67" but coverage under the general permit is limited to the permit term established in the master general permit.

Discharges of wastewater associated with hydrostatic testing of commercial pipelines are similar and require generally the same effluent limitations and monitoring requirements. As of September 2020, there are approximately three (3) facilities which are currently regulated under ING670000. The facilities covered by this general NPDES permit have typical daily flow volumes ranging from 0.0001 to 0.1 million gallons per day (MGD). The discharges are typically infrequent and may only occur on a single day or over a period of a few days during a month. Since the permit requirements for all these discharges are similar, it is the opinion of IDEM that this category of dischargers is controlled more appropriately under a NPDES general permit. These discharges are similar in the following ways:

- 1) They are comprised solely of hydrostatic test water discharges.
- 2) They originate from metallic or PVC pipelines.
- 3) The pipelines being tested are intended for future transport or have previously transported or contained petroleum or petroleum-derived gases or liquids.

B. Geographic area covered:

This general permit is intended to cover any discharge of hydrostatic test water from a commercial pipeline 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 direct discharges to Outstanding State Resource Waters (OSRWs) and Outstanding National Resource Waters (ONRWs). Direct dischargers to OSRWs or ONRWs are required to obtain an individual NPDES permit to regulate their discharges.

D. Eligibility

Discharges covered under this general permit will be from industrial facilities with discharges solely comprised of wastewater from hydrostatic testing of commercial pipelines. This general permit contains certain specific exclusions from coverage which are denoted in Section 1.3 of the permit. Applicants proposing discharges not authorized by this permit will be required to apply for an individual NPDES permit.

The following discharges of hydrostatic test water from commercial pipelines are **not** authorized by this general permit:

- 1) direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d);
- 2) discharges to a receiving water when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving water 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 site for which the Notice of Intent (NOI) is submitted;
- 4) discharges resulting from the cleaning of tanks and/or pipelines.
- 5) storm water discharges associated with construction or industrial activity.
- 6) discharges to combined or sanitary sewer systems;
- 7) discharges that are commingled with hazardous wastes or hazardous materials;
- 8) discharges of domestic or sanitary wastewater;
- 9) discharges that contain pollutants classified as bioaccumulative chemicals of concern (BCCs); and
- 10) discharges for which the Commissioner requests an individual permit application.

E. Application for Coverage:

This general permit proposes to provide coverage for any discharges composed entirely of hydrostatic test water which meet the general permit criteria, are not precluded from general permit coverage, and where the discharger agrees 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 discharge.

F. Antidegradation Evaluation

Nature of Discharge

Hydrostatic testing of pipelines is generally done on a periodic basis resulting in discharges that only last for a short, temporary period. In accordance with Indiana's Antidegradation Standards and Implementation Procedures at 327 IAC 2-1.3-4, a new or increased discharge of non-bioaccumulative chemicals of concern which only occurs for a short term, temporary period lasting less than 12 months does not constitute a significant lowering of water quality and is not subject to further antidegradation review.

Wastewater Characterization

The pollutants expected to be discharged from a new pipeline include oil and grease (O & G), total suspended solids (TSS), and if using a municipal water source for pipeline testing, potentially total residual chlorine (TRC). The purpose of issuing the NPDES permit to those discharging hydrostatic test water from commercial pipelines is to ensure that the discharge to the receiving water does not result in deleterious effects to aquatic life and is in compliance with 327 IAC 2-1-6 and 327 IAC 2-1.5-8, Indiana's minimum surface water quality standards.

The general permit imposes effluent limits based on treatment technology and water quality standards. The effluent limits are set at levels to ensure there is not a significant lowering of water quality of the stream receiving the discharge. Monitoring and limiting these parameters will ensure the proper operation of these systems and the best management practices being employed to control the wastewater being discharged.

Total residual chlorine limits and monitoring requirements are also included for facilities which use a municipal water supply to test the pipes. Dischargers are not authorized to introduce chlorine for treatment of the source water or wastewater. The purpose of adding total residual chlorine (TRC) limits is to acknowledge the potential use of water from a municipal source and to ensure only de minimis discharges of TRC when this water is used for hydrostatic testing.

Eligibility

Pursuant to 327 IAC 15-2-9(b)(1)(A), applicable requirements contained in this general permit must be adequate to ensure compliance with the water quality standards contained in 327 IAC 2-1, or 327 IAC 2-1.5. Although existing commercial pipelines may contain crude petroleum, petroleum refined products and natural gas, pollutants which have numeric water quality criteria are not expected to be present due to the source and nature of this discharge. The NOI requests information about the pipeline to be tested, including the type of product it previously contained. Additional effluent limitations and monitoring requirements may be added to the Notice of Coverage letter as a result of this information. However, when a substance is found to be present in the discharge which shows a reasonable potential to exceed a numeric water quality criterion, that facility will be required to obtain an individual NPDES permit prior to discharging.

G. When to Apply

All dischargers desiring coverage under this general permit must timely submit a Notice of Intent (NOI). Both the current and the proposed general NPDES permit ING670000 require an NOI to be filed 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, depending on the situation of the discharger are proposed (see Section 4.0 of general permit).

H. Permit Conditions:

1) Narrative Water Quality Based Limits

The narrative water quality standards contained in 327 IAC 2-1-6(a)(1) (A)-(E) and 327 IAC 2-1.5-8 have been included in this general permit to ensure that the narrative water quality criteria are met. The 2015 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) Current Numeric Permit 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. This is not the case with discharges of hydrostatic test water; thus, IDEM used best professional judgment (BPJ) to choose effluent limitations that meet technology based levels equivalent to BAT.

- a) **Flow** is a standard parameter to be monitored in all NPDES permits. The requirement to report both the monthly average and daily maximum flows for each month has been retained from the general permit ING670000. This parameter is required of all NPDES permits and is included in this permit in accordance with 327 IAC 5-2-13(a)(2).
- b) **Oil and Grease** is a common industrial pollutant and has the potential to be present in hydrostatic test water. The daily maximum effluent limitation for oil and grease of 15 mg/l is considered sufficient to ensure compliance with the narrative water quality criteria in 327 IAC 2-1-6(a) and 327 IAC 2-1.5-8 which prohibit a visible oil sheen on receiving waters. The effluent limitations and monitoring requirement for oil and grease is the same as that which exists in the current (2015) general NPDES permit ING670000.
- c) **pH** is included in the general permit to ensure that the discharge will not violate Indiana water quality standards. The proposed limit of 6.0 to 9.0 standard units (s.u.) is in accordance with the Indiana Water Quality Standards (327 IAC 2-1-6 and 327 IAC 2-1.5-8). The effluent limitations and monitoring requirement for pH is the same as that which exists in the current (2015) general NPDES permit ING670000.
- d) **Total Suspended Solids (TSS)** is limited to a daily maximum of 30 mg/l. This limitation is based on the best professional judgment (BPJ) of the technology and corresponding effluent limitations equivalent to the best conventional treatment (BCT) in accordance with 327 IAC 5-2-10(6). The effluent limitations and monitoring requirements for TSS are the same as that which exists in the current (2015) general NPDES permit ING670000.
- e) **Total Flow**. An additional reporting requirement is being added to require permittees to monitor and report the total flow value for the month in units of million gallons (mgal). This 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.
- f) **Total Residual Chlorine (TRC)** is limited to a daily maximum of 0.02 mg/l. The effluent limitation for TRC is 0.02 mg/l as a daily maximum. This limit is derived from 327 IAC 2-1-6. (Table 1 - Water Quality Criteria for Specific Substances) and 327 IAC 2-1.5-8 (Table 8-1; Surface Water Quality Criteria for Protection of Aquatic Life) and assumes that the discharge is likely to occur when there is little or no dilution available in the receiving waters. Since this effluent limitation (0.02 mg/l) is less than the LOQ value (0.06 mg/l), the permittee may report "< 0.06" for the daily maximum if the testing result(s) are less than the LOQ value. For any month in which the permittee does not utilize chlorinated intake water, the permittee may report "N/A" on the DMR and MMR. This parameter is included in the event that a municipal water supply is utilized as the source water for the hydrostatic test water.

3) Monitoring and Reporting Requirements

Monitoring requirements for all pollutant parameters are set at 1 x daily. Grab samples of each pollutant parameter shall be taken of the hydrostatic test water being discharged as it leaves the pipeline being tested or after receiving treatment at the beginning and at the end of the discharge and two (2) times during the discharge at evenly spaced time intervals. All of the grab samples shall be combined into one (1) composite sample at the end of the test period for analysis. If the permittee does not utilize a municipal water supply as the source water for the hydrostatic testing, then the permittee can report "N/A" for TRC on the federal Discharge Monitoring Reports (DMRs) and state Monthly Monitoring Reports (MMRs).

Total monthly flow volume must be calculated once monthly. The permittee is required to complete and submit DMRs and MMRs to IDEM by the 28th day of each month following the previous month's monitoring period.

The permittee and/or his or her consultant is now required to enroll in the NetDMR program for the electronic submittal of the DMRs and the MMRs in lieu of submitting them via U.S. Mail.

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**:

- 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 5 days of becoming aware of the incident; and the report may be submitted by U.S. Mail, by fax, or by email at wwreports@idem.IN.gov.

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 when 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 or modification of an existing permit, or request for 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). For more information, please see <https://www.IN.gov/IDEM/cleanwater2367.htm>. IDEM sends out invoices for the annual fees. Both the application fees and annual fees may be remitted by check via U.S. mail or may be remitted via IDEM's online payment portal at <https://www.in.gov/idem/6973.htm>, which can accept e-checks and some credit cards.

K. Reopening Clauses

This 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 incorporate any of the reopening clause provisions cited 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 is under construction regarding NPDES general permits, but will soon contain information about each of the NPDES general permits including the permit(s) themselves, fact sheets, Notice of Intent (NOI) forms, Notice of Termination (NOT) forms, 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 substantive 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) A new paragraph was added to Section 2.2 of the permit to specify that the discharge shall not contain substances that would cause toxicity outside of the mixing zone of the receiving water.
- 3) 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 monthly reports.
- 4) Section 4.0 of the permit and the NOI form have been updated to require a flow schematic diagram of the permitted site.
- 5) 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.
- 6) The certification statement on the NOI form has been updated to include language from Title 13-30 of the Indiana Code.
- 7) Additional standard permit conditions were added to the permit as Sections 6.10 thru 6.14. A new section of definitions was also added as Section 6.15.

O. Public Notice of Draft General Permit

The official public notice comment period for the draft 2020 General NPDES permit commences on September 14, 2020 and ends on October 14, 2020. On September 14, 2020 a legal ad notice was published in the Indianapolis Star and a notice is also being 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>.

POST PUBLIC NOTICE ADDENDUM: October 19, 2020

The draft NPDES general permit renewal for ING670000 was made available for public comment from September 14, 2020 through October 14, 2020 as part of Public Notice No. 20200914-ING670000-RD. A legal ad notice was published in the Indianapolis Star on September 14, 2020 and a notice was also posted on IDEM's web page for statewide public notices at <https://www.IN.gov/idem/5474.htm>, under the Statewide heading at <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 general permittees via e-mail.

During this official public comment period, IDEM did not receive any comments regarding this draft permit. IDEM *did* receive a nonobjection letter from Mr. Stephen Jann of the U.S. EPA Region 5 with three recommended changes on September 10, 2020. These recommendations and this Office's corresponding responses are summarized below. Any changes to the permit and/or Fact Sheet are also discussed below.

U.S. EPA recommended the inclusion of visual monitoring requirements for each outfall so that the permittee(s) would report on a monthly basis whether any violations of the minimum narrative water quality standards had been observed. Additionally, U.S. EPA recommended that IDEM include specific reporting requirements with instructions for steps to be taken to remedy the unusual characteristic. 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.

U.S. EPA also noted inconsistent terminology in the pre-PN version of the general permit in regard to "receiving stream(s)" and "receiving water(s)". IDEM staff concurred with USEPA's recommendation to replace references to "receiving stream(s)" with the more universal term "receiving water(s)". This change was already made prior to the official public notice comment period.

Additional Changes to the Proposed NPDES General Permit

1. IDEM has also amended the wording in Section 2.2, subsection (e) of the general permit to include wording which is more accurately reflective of the rule language for the narrative water quality standards. This subsection merely referenced "substances", but the rule language says "substances, materials, floating debris, oil, scum, or other pollutants".
2. IDEM Office of Water Quality Compliance staff has recommended a slight adjustment to the sampling type for Total Flow in Section 2.1 of the general permit. The U.S. EPA 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 accordingly, although the directions in the associated footnote will remain the same. This term has also been updated in Section 6.15 of the general permit which contains terminology definitions.
3. Two additional terms have been added to Section 6.15, "Commissioner" and "Regional Administrator".