

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO. 20200925 – IN0063924 – D
DATE OF NOTICE: SEPTEMBER 25, 2020
DATE RESPONSE DUE: OCTOBER 26, 2020

The Office of Water Quality proposes the following NPDES DRAFT PERMIT:

MINOR– MODIFICATION

CONSOLIDATED CITY OF INDIANAPOLIS & MARION COUNTY, Permit No. IN0063924, MARION COUNTY, 3950 Prospect Street, Indianapolis, IN. This modification is to eliminate outfalls 009, 010, 014, 015, and 023. Permit Manager: Megan Miller, 317/233-1854, mmiller@idem.in.gov. Posted online at <https://www.in.gov/idem/6408.htm>.

PROCEDURES TO FILE A RESPONSE

Draft can be viewed or copied (10¢ per page) at IDEM/OWQ NPDES PS, 100 North Senate Avenue, (Rm 1203) Indianapolis, IN, 46204 (east end elevators) from 9 – 4, Mon - Fri, (except state holidays). A copy of the Draft Permit is on file at the local County Health Department. Please tell others you think would be interested in this matter. For your rights & responsibilities see: Public Participation Guide: <http://www.in.gov/idem/5474.htm> or Citizens' Guide to IDEM: <https://www.in.gov/idem/6900.htm>.

Response Comments: The proposed decision to issue a permit is tentative. Interested persons are invited to submit written comments on the Draft permit. All comments must be postmarked no later than the Response Date noted to be considered in the decision to issue a Final permit. Deliver or mail all requests or comments to the attention of the Permit Writer at the above address, (mail code 65-42 PS).

To Request a Public Hearing:

Any person may request a Public Hearing. A written request must be submitted to the above address on or before the Response Date noted. The written request shall include: the name and address of the person making the request, the interest of the person making the request, persons represented by the person making the request, the reason for the request and the issues proposed for consideration at the Hearing. IDEM will determine whether to hold a Public Hearing based on the comments and the rationale for the request. Public Notice of such a Hearing will be published in at least one newspaper in the geographical area of the discharge and sent to anyone submitting written comments and/or making such request and whose name is on the mailing list at least 30 days prior to the Hearing.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno Pigott
Commissioner

September 25, 2020

VIA ELECTRONIC MAIL

Mr. Matthew D. Thomas, PE
Consolidated City of Indianapolis and Marion County
200 East Washington Street
Indianapolis, Indiana 46204

Dear Mr. Thomas:

Re: NPDES Permit No. IN0063924
Draft Permit Modification
Consolidated City of Indianapolis and Marion
County
Indianapolis, Indiana, Marion County

Your request for a permit modification has been reviewed and processed in accordance with rules adopted under 327 IAC 5. Enclosed is a copy of the draft permit modification.

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit document online at <https://www.in.gov/idem/6408.htm>; additional information on options to receive notification of permit actions occurring can be found at <https://www.in.gov/idem/6777.htm>. A 30-day comment period is available in order to solicit input from interested parties, including the general public.

Please review this draft permit modification and associated documents carefully to become familiar with the proposed terms and conditions. Comments concerning the draft permit modification should be submitted in accordance with the procedure outlined in the enclosed public notice form. We suggest that you meet with us to discuss major concerns or objections you may have with the draft permit modification.

Questions concerning this draft permit modification may be addressed to Megan Miller of my staff, at 317/233-1854 or mmiller@idem.in.gov.

Sincerely,

Nikki Gardner, Chief
Industrial NPDES Permits Section
Office of Water Quality

Enclosures

cc: Marion County Health Department
Andy Schmidt, IDEM

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AMENDED AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Clean Water Act" or "CWA"), and IDEM's permitting authority under IC 13-15,

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY

is authorized to discharge storm water from a former coke and natural gas production facility located at 2950 Prospect Street, Indianapolis, Indiana to receiving waters named Pleasant Run Creek in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

The permit, as issued on December 16, 2016, and modified on February 14, 2019, is hereby amended, as contained herein. The amended provisions shall become effective _____. All terms and conditions of the permit not modified at this time remain in effect. Further, any existing condition or term affected by the amendments will remain in effect until the amended provisions become effective. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

This permit and the authorization to discharge, as amended, shall expire at midnight February 28, 2022. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Issued on _____ for the Indiana Department of Environmental Management.

Jerry Dittmer, Chief
Permits Branch
Office of Water Quality

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge from the outfall listed below in accordance with the terms and conditions of this permit. The permittee is authorized to discharge from Outfall 013, located at Latitude 39° 45' 23", Longitude -86° 6' 50", and Outfall 019, located at Latitude 39° 45' 14", Longitude -86° 6' 59". The discharge is limited to storm water exposed to the former coal and coke storage areas, coke oven batteries, wastewater treatment plant, gas conditioning and road and railways associated with the operations. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Pleasant Run Creek. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1][2][3]
 Outfalls 013 & 019

Table 1

<u>Parameter</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Monitoring Requirements</u>	
			<u>Measurement Frequency[4]</u>	<u>Sample Type</u>
Flow	Report	MGD	Semi-Annually	Estimate Total
Total Suspended Solids	Report	mg/l	Semi-Annually	Grab
pH	Report	s.u.	Semi-Annually	Grab
Oil & Grease	Report	mg/l	Semi-Annually	Grab
COD	Report	mg/l	Semi-Annually	Grab
CBOD ₅	Report	mg/l	Semi-Annually	Grab
Total Kjeldahl Nitrogen	Report	mg/l	Semi-Annually	Grab
Nitrate plus Nitrite Nitrogen	Report	mg/l	Semi-Annually	Grab
Total Phosphorus	Report	mg/l	Semi-Annually	Grab
Cyanide [6][7]	Report	mg/l	Semi-Annually	Grab
Ammonia	Report	mg/l	Semi-Annually	Grab
Aluminum [5]	Report	mg/l	Semi-Annually	Grab
Zinc [5]	Report	mg/l	Semi-Annually	Grab
Lead [5]	Report	mg/l	Semi-Annually	Grab
Sulfate	Report	mg/l	Semi-Annually	Grab
Total Phenols	Report	mg/l	Semi-Annually	Grab
Naphthalene	Report	mg/l	Semi-Annually	Grab
Benzo-a-pyrene [7]	Report	mg/l	Semi-Annually	Grab

[1] The Storm Water Monitoring and Non Numeric Effluent Limits and the Storm Water Pollution Prevention Plan (SWPPP) requirements can be found in Part I.D. and I.E. of this permit.

- [2] All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. There shall be a minimum of three (3) months between reported sampling events.

For each sample taken, the permittee shall record the duration and total rainfall of the storm event, the number of hours between beginning of the storm measured and the end of the previous measurable rain event, and the outside temperature at the time of sampling.

A grab sample shall be taken during the first thirty (30) minutes of the discharge (or as soon thereafter as practicable).

- [3] See Part I.B. of the permit for the Narrative Water Quality Standards.
- [4] The first sampling event is to occur between January and June and the associated DMR / MMR submitted no later than July 28th. The second sampling event is to occur between July and December and the associated DMR / MMR submitted no later than January 28th.
- [5] The permittee shall measure and report the identified metal in total recoverable form.
- [6] Sample preservation procedures and maximum allowable holding times for total cyanide, or available (free) cyanide are prescribed in Table II of 40 CFR Part 136. Note the footnotes specific to cyanide. Preservation and holding time information in Table II takes precedence over information in specific methods or elsewhere.
- [7] The following EPA test methods and/or Standard Methods and associated LODs and LOQs are to be used in the analysis of the effluent samples. Alternative methods may be used if first approved by IDEM.

<u>Parameter</u>	<u>Test Method</u>	<u>LOD</u>	<u>LOQ</u>
Benzo-a-Pyrene	610	0.023 ug/l	0.073 ug/l
Cyanide, Free	4500-CN-G	5 ug/l	16 ug/l
Cyanide, Free	1677	0.5 ug/l	1.6 ug/l

B. NARRATIVE WATER QUALITY STANDARDS

At all times the discharge from any and all point sources specified within this permit shall not cause receiving waters:

- 1. including the mixing zone, to contain substances, materials, floating debris, oil, scum, or other pollutants:



National Pollutant Discharge Elimination System
Briefing Memo for
Consolidated City of Indianapolis and Marion County
Draft modification: September 2020

Indiana Department of Environmental Management

100 North Senate Avenue
 Indianapolis, Indiana 46204
 (317) 232-8603
 Toll Free (800) 451-6027
www.idem.IN.gov

Permittee:	Consolidated City of Indianapolis and Marion County 200 East Washington Street Indianapolis, Indiana 46204
Existing Permit Information:	Permit Number: IN0063924 Expiration Date: February 28, 2022
Facility Contact:	Matthew D. Thomas, PE (317) 605-0280, matthew.thomas@ghd.com
Facility Location:	2950 Prospect Street Indianapolis, Indiana Marion County
Receiving Stream:	Pleasant Creek Run
GLI/Non-GLI:	Non-GLI
Proposed Permit Action:	Modify
Date Application Received:	July 27, 2020
Source Category	NPDES Minor – Industrial Storm Water
Permit Writer:	Megan Miller, Environmental Manager (317) 233-1854; mmiller@idem.in.gov

Table of Contents

1.0 Introduction	3
2.0 Facility description	3
2.1 General.....	3
2.2 Outfall Locations.....	5
3.0 Permit Modification	5
3.1 Modification Request	5
3.2 IDEM's Proposed Modification.....	5
3.3 Antibacksliding.....	Error! Bookmark not defined.
3.4 Antidegradation	Error! Bookmark not defined.
3.5 Spill Response and Reporting Requirement.....	6
3.6 Permit Processing/Public Comment	6

1.0 INTRODUCTION

The Indiana Department of Environmental Management (IDEM) received a request from Consolidated City of Indianapolis and Marion County on July 27, 2020 to modify National Pollutant Discharge Elimination System (NPDES) Permit IN0063924. The current five year permit was issued with an effective date of March 1, 2017 in accordance with 327 IAC 5-2-6(a). The permit was subsequently modified on February 14, 2019 to reflect a transfer of ownership from Citizen Energy Group to the Consolidated City of Indianapolis and Marion County.

The Federal Water Pollution Control Act (more commonly known as the Clean Water Act), as amended, (Title 33 of the United States Code (U.S.C.) Section 1251 et seq.), requires an NPDES permit for the discharge of pollutants into surface waters. Furthermore, Indiana law requires a permit to control or limit the discharge of any contaminants into state waters or into a publicly owned treatment works. This proposed permit action by IDEM complies with and implements these federal and state requirements.

In accordance with Title 40 of the Code of Federal Regulations (CFR) Section 124.7, as well as Title 327 of the Indiana Administrative Code (IAC) 327 Article 5-3-7, a Statement of Basis, or Briefing Memo, is required for certain NPDES permits. This document fulfills the requirements established in these regulations. This Briefing Memo was prepared in order to document the factors considered in the development of NPDES Permit effluent limitations. The technical basis for the Briefing Memo may consist of evaluations of promulgated effluent guidelines, existing effluent quality, receiving water conditions, Indiana water quality standards-based wasteload allocations, and other information available to IDEM. Decisions to award variances to Water Quality Standards or promulgated effluent guidelines are justified in the Briefing Memo where necessary. This Briefing Memo also identifies the modified pages of the permit as issued on March 1, 2017.

2.0 FACILITY DESCRIPTION

2.1 General

Consolidated City of Indianapolis and Marion County is classified under Standard Industrial Classification (SIC) Code 4925-Gas Production/Distribution for the remaining active outfalls (Outfalls 013 and 019). After completion of construction the following SIC Codes will apply: 9211 (Courts), 9221 (Police Protection), 9222 (Legal Counsel and Prosecution), and 9223 (Correctional Institutions).

The facility formerly manufactured coke products and various chemical byproduct for industrial use. This facility is in IDEM's voluntary remediation program, therefore remediation of the site has been in occurrence over a period of several years. The active groundwater remediation system discharges to the CWA Authority, Inc. Publicly Owned Treatment Works (POTW) in accordance with Industrial Discharge Permit No. 331205. The Marion County Community Justice Center (CJC) is in the process of building a new courthouse, adult detention center, Marion County Sheriff's office, assessment and intervention center, and a professional campus on this property. On the east side of Pleasant Run Creek, the CJC is in the process of removing surficial coal, installing storm water systems that includes five underground detentions, and surficial cover. The water collected in the new storm water system is discharged through two new outfalls, which are currently authorized pursuant to the construction storm water general permitting requirements in 327 IAC 15-5 (Rule 5).

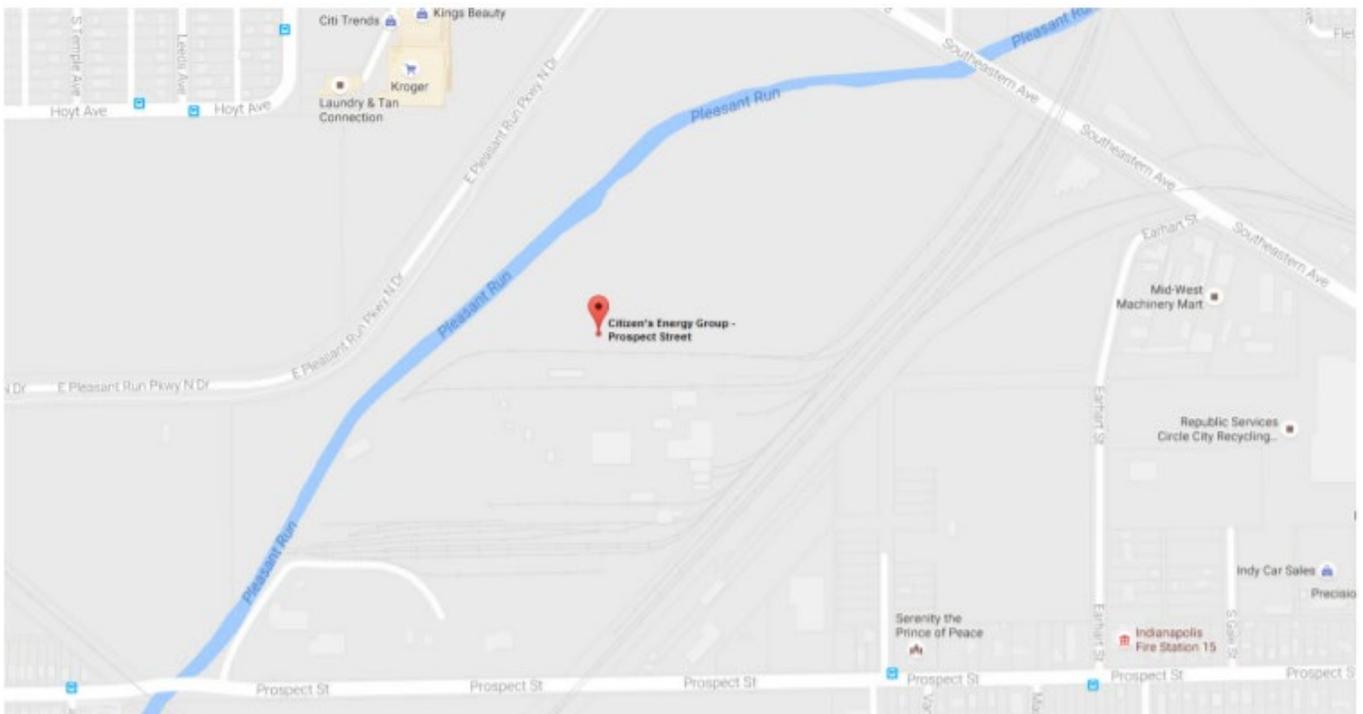
The southwest portion of the site near Outfall 013 is still undeveloped. The majority of the coal has been removed, but the residual coal fines are still exposed. This portion will be redeveloped into a training facility for the Indianapolis Fire Department in the coming months.

There are plans for redevelopment for the South 40 property in the next one to two years, as the majority of the coal has been removed but the residual coal fines are still exposed. Storm water from this area drains to Outfall 019.

The source water for the facility is groundwater.

A map showing the location of the facility has been included as Figure 1.

Figure 1: Facility Location/Site Map



2950 Prospect Street, Indianapolis, Indiana, - Marion County

2.2 Outfall Locations

Outfall 013: Latitude: 39° 45' 23"
 Longitude: -86° 6' 50"

Outfall 019: Latitude: 39° 45' 14"
 Longitude: -86° 6' 59"

3.0 PERMIT MODIFICATION

3.1 Modification Request

The Consolidated City of Indianapolis and Marion County is requesting the modification of the Permit to eliminate Outfalls 009, 010, 014, 015, and 023. This modification is being requested because storm water is no longer being exposed to the former coal and coke storage areas, coke oven batteries, wastewater treatment plant, gas conditioning, road and railways associated with the operations, or any other industrial activities on the east side of Pleasant Run Creek. Thus, monitoring of these outfalls is no longer necessary. If the requested modification is granted, Outfalls 013 and 019 would remain under the Permit pending completion of the remaining site development work on that portion of the property.

3.2 IDEM's Proposed Modification

Outfalls 009, 010, 014, 015 and 023 will be eliminated due to storm water no longer being exposed to the former coal and coke storage areas, coke oven batteries, wastewater treatment plant, gas conditioning, road and railways associated with the operations, or any other industrial activities. Monitoring for these outfalls will no longer be necessary.

3.3 Antibacksliding

Pursuant to 327 IAC 5-2-10(a)(11), unless an exception applies, a permit may not be renewed, reissued or modified to contain effluent limitations that are less stringent than the comparable effluent limitations in the previous permit. None of the limits included in this permit are less stringent than the comparable effluent limitations in the previous permit, therefore, backsliding is not an issue in accordance with 327 IAC 5-2-10(a)(11).

3.4 Antidegradation

Indiana's Antidegradation Standards and Implementation procedures are outlined in 327 IAC 2-1.3. The antidegradation standards established by 327 IAC 2-1.3-3 apply to all surface waters of the state. The permittee is prohibited from undertaking any deliberate action that would result in a new or increased discharge of a bioaccumulative chemical of concern (BCC) or a new or increased permit limit for a regulated pollutant that is not a BCC unless information is submitted to the commissioner demonstrating that the proposed new or increased discharge will not cause a significant lowering of water quality, or an antidegradation demonstration submitted and approved in accordance 327 IAC 2-1.3-5 and 2-1.3-6.

The NPDES permit does not propose to establish a new or increased loading of a regulated pollutant; therefore, the Antidegradation Implementation Procedures in 327 IAC 2-1.3-5 and 2-1.3-6 do not apply to the permitted discharge.

3.5 Spill Response and Reporting Requirement

Reporting requirements associated with the Spill Reporting, Containment, and Response requirements of 327 IAC 2-6.1 are included in Part II.B.2.(d), Part II.B.3.(c), and Part II.C.3. of the NPDES permit. 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.

3.6 Permit Processing/Public Comment

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit document online at <https://www.in.gov/idem/6408.htm>; additional information on options to receive notification of permit actions occurring can be found at <https://www.in.gov/idem/6777.htm>. A 30-day comment period is available in order to solicit input from interested parties, including the general public.