

**STATE OF INDIANA**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**PUBLIC NOTICE NO. 20220407 – IN0024554 – D**  
**DATE OF NOTICE: APRIL 7, 2022**  
**DATE RESPONSE DUE: MAY 9, 2022**

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

**MAJOR – MODIFICATION**

**SULLIVAN (city) WWTP**, Permit No. IN0024554, SULLIVAN COUNTY, 361 East State Road 54, Sullivan, IN. This major municipal modification is to remove copper limits from NPDES based on RPE. Permit Manager: Jay Hanko, [jhanko@idem.in.gov](mailto:jhanko@idem.in.gov), 317/233-0704. Posted online at <https://www.in.gov/idem/public-notices/>.

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**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 these sites: Public Notices: <https://www.in.gov/idem/public-notices/>; Citizen Guide: <https://www.in.gov/idem/resources/citizens-guide-to-idem/>. Please tell others whom you think would be interested in this matter.

**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](http://www.idem.IN.gov)

**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

April 7, 2022

## VIA ELECTRONIC MAIL

The Honorable Clint D. Lamb, Mayor  
City of Sullivan  
32 North Court Street  
Sullivan, IN 47882

Dear Mayor Lamb:

Re: Draft Modification NPDES Permit No. IN0024554  
City of Sullivan Wastewater Treatment Plant  
Sullivan County

Your request for permit modification, submitted March 4, 2022, has been reviewed and processed in accordance with rules adopted under 327 IAC 5. Enclosed is the draft modification of NPDES Permit No. IN0024554 which applies to the discharge from the City of Sullivan Wastewater Treatment Plant (WWTP). The enclosed Pages 1, 5, 6, 12, 22, 23 and 36 of 59 are intended to replace the corresponding pages in the facility's current permit.

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit document online at <https://www.in.gov/idem/public-notices/>. Additional information on public participation can be found in the "Citizens' Guide to IDEM", available at <https://www.in.gov/idem/resources/citizens-guide-to-idem/>. A 30-day comment period is available in order to solicit input from interested parties, including the general public.

Please review this document carefully and become familiar with the proposed terms and conditions. Comments concerning the draft permit should be submitted in accordance with the procedure outlined in the enclosed public notice form. If you have any questions concerning this modification, please contact Jay Hanko at 317/233-0704 or [Jhanko@idem.IN.gov](mailto:Jhanko@idem.IN.gov).

Sincerely,

Leigh Voss, Chief  
Municipal NPDES Permits Section  
Office of Water Quality

### Enclosures

cc: Carl Royer, Certified Operator  
Keith Bryant, United Consulting  
Dann Barrett, P.E.

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 authority under IC 13-5, the Indiana Department of Environmental Management (IDEM) is issuing this permit to the

**CITY OF SULLIVAN**

hereinafter referred to as "the permittee." The permittee owns and/or operates the **City of Sullivan Wastewater Treatment Plant**, a major municipal wastewater treatment plant located at East State Road 54, Sullivan, Indiana, Sullivan County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters consisting of an unnamed tributary to Buck Creek in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the permit. The permittee is also authorized to discharge from combined sewer overflow outfalls listed in Attachment A of this permit, to receiving waters consisting of an unnamed tributary to Buck Creek, Buck Creek, and Busseron Creek in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

The permit, as issued on February 18, 2021 is hereby amended as contained herein. The amended provisions shall become effective on \_\_\_\_\_. All terms and conditions of the permit not modified at this time remain in effect. Further, any existing condition or term affected by the modifications will remain in effect until the modified provisions become effective.

This permit and authorization to discharge, as amended, shall expire at midnight, March 31, 2026. 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.

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Jerry Dittmer, Chief  
Permits Branch  
Office of Water Quality

3. Additional Discharge Limitations and Monitoring Requirements

Beginning on the effective date of the permit, the effluent from Outfall 025 shall be limited and monitored by the permittee as follows:

TABLE 3

Parameter	Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Cyanide [1]	----	Report	mg/l	Quarterly	Grab
Lead [1]	----	Report	mg/l	Quarterly	24 Hr. Comp
Copper [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.

NOTE: For measurement frequencies less than once per month, the permittee shall report the result from the monitoring period on the Discharge Monitoring Report (DMR) for the final month of the reporting timeframe, beginning with January of each year. For example, for quarterly monitoring, the permittee may conduct sampling within the month of January, February or March. The result from this reporting timeframe shall be reported on the March DMR, regardless of which of the months within the quarter the sample was taken.

[1] The permittee shall measure and report this parameter as Total Recoverable Metal. Cyanide shall be reported as Free Cyanide. Concentrations less than the Limit of Quantitation (LOQ) and greater than or equal to the Limit of Detection (LOD) shall be reported by the permittee on the discharge monitoring report forms as the actual measured value. Concentrations less than the limit of detection shall be reported on the discharge monitoring report forms as less than the value of the limit of detection. For example, if a substance is not detected and the LOD is 0.1 mg/l, report the value as < 0.1 mg/l.

The following EPA test methods and/or Standard Methods and associated LODs and LOQs are recommended for use in the analysis of the effluent samples. Alternative 40 CFR 136 approved methods may be used provided the LOQ is less than the monthly average and/or daily maximum effluent limitations.

The permittee may determine a case-specific Method Detection Level (MDL) using one of the analytical methods specified below, or any other test method which is approved by IDEM prior to use. The MDL shall be derived by the procedure specified for MDLs contained in 40 CFR Part 136, Appendix B, and the limit of quantitation shall be set equal to 3.18

times the MDL. NOTE: The MDL for purposes of this document, is synonymous with the "limit of detection" or "LOD" as defined in 327 IAC 5-1.5-26: "the minimum concentration of a substance that can be measured and reported with ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix".

Parameter	EPA Method	LOD	LOQ
Cyanide, Available*	OIA-1677-09 (available)	0.5 µg/l	1.6 µg/l
Cyanide, Available*	Kelada-01 (available)	0.5 µg/l	1.6 µg/l
Lead	3113 B	1.0 µg/l	3.2 µg/l
Copper	3113 B	1.0 µg/l	3.2 µg/l

#### 4. Additional Monitoring Requirements

Beginning on the effective date of this permit, the permittee shall conduct the following monitoring activities:

##### a. Influent Monitoring

In addition to the requirements contained in Part I.B.2 of the NPDES permit, the permittee shall monitor the influent to its wastewater treatment facility for the following pollutants. Samples shall be representative of the raw influent in accordance with 327 IAC 5-2-13(b).

TABLE 4

Parameter	Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Copper [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.
Cyanide [1]	----	Report	mg/l	Quarterly	Grab
Lead [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.

NOTE: For measurement frequencies less than once per month, the permittee shall report the result from the monitoring period on the Discharge Monitoring Report (DMR) for the final month of the reporting timeframe, beginning with January of each year. For example, for quarterly monitoring, the permittee may conduct sampling within the month of January, February or March. The result from this reporting timeframe shall be reported on the March DMR, regardless of which of the months within the quarter the sample was taken.

[1] The permittee shall measure and report this parameter as Total Recoverable Metal. Cyanide shall be reported as Free Cyanide or Cyanide Amenable to Chlorination. Concentrations less than the Limit of

promulgated contain different conditions, are otherwise more stringent, or control pollutants not addressed by this permit.

3. This permit may be modified, or, alternately, revoked and reissued, to comply with any applicable effluent limitation or standard issued or approved under section 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.
4. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to incorporate monitoring requirements and effluent limitations for copper, lead and/or free cyanide if the Department of Environmental Management determines that such monitoring requirements and effluent limitations are needed to assure that State Water Quality standards are met in the receiving streams.
5. This permit may be modified, or alternately, revoked and reissued after public notice and opportunity for hearing to include Whole Effluent Toxicity (WET) limitations or to include limitations for specific toxicants if the results of the WET testing and/or the Toxicity Reduction Evaluation (TRE) study indicate that such limitations are necessary.

#### D. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

To adequately assess the effects of the effluent on aquatic life, the permittee is required by this section of the permit to conduct chronic Whole Effluent Toxicity (WET) testing. Part I.D.1. of this permit describes the testing procedures and Part I.D.2. describes the Toxicity Reduction Evaluation (TRE) which is only required if the effluent demonstrates toxicity in two (2) consecutive toxicity tests as described in Part I.D.1.f.

##### 1. Whole Effluent Toxicity (WET) Tests

The permittee must conduct the series of aquatic toxicity tests described below to monitor the acute and chronic toxicity of the effluent discharged from Outfall 025.

(2) Within 90 days of successfully completing the TRE, including the three (3) consecutive monthly tests required as part of the post-TRE toxicity testing requirements under Part I.D.2.c., the permittee must submit to the Compliance Data Section a final TRE Report that includes a discussion of the TRE results, along with the starting date established under Part I.D.2.c.(4). for the continuation of the toxicity testing required in Part I.D.1.

e. Compliance Date

The permittee must complete items a., b., c., and d. from Part I.D.2. and reduce toxicity in the effluent discharge to acceptable levels as soon as possible, but no later than three (3) years from the date that toxicity is initially demonstrated in two (2) consecutive toxicity tests (i.e. the date of the termination of the second test) as described in Part I.D.1.f.4.

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this permit.

The permittee can make the oral reports by calling 317/232-8670 during regular business hours and asking for the Compliance Data Section, or by calling (317/233-7745) (888/233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the event and its cause; the period of occurrence, including exact dates and times, and, if the event has not concluded, the anticipated time it is expected to continue; and steps taken or planned to reduce, mitigate and eliminate the event and steps taken or planned to prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively the permittee may submit a "Bypass Overflow/Incident Report" (State Form 48373) or a "Noncompliance Notification Report" (State Form 54215), whichever is appropriate, to IDEM at [wwreports@idem.IN.gov](mailto:wwreports@idem.IN.gov). If a complete submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then that report will satisfy both the oral and written reporting requirements.

4. Other Noncompliance

Pursuant to 327 IAC 5-2-8(11)(D), the permittee shall report any instance of noncompliance not reported under the "Incident Reporting Requirements" in Part II.C.3 at the time the pertinent Discharge Monitoring Report is submitted. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent the noncompliance.

5. Other Information

Pursuant to 327 IAC 5-2-8(11)(E), where the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any report to the Commissioner, the permittee shall promptly submit such facts or corrected information to the Commissioner.

6. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5 2 8(15):

- a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:



**National Pollutant Discharge Elimination System**  
**Fact Sheet for**  
**City of Sullivan Wastewater Treatment Plant**  
**Draft: March 2022**  
**Final: TBD**

**Indiana Department of Environmental Management**  
 100 North Senate Avenue  
 Indianapolis, Indiana 46204  
 (317) 232-8603  
 Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

<b>Permittee:</b>	The Honorable Clint D. Lamb, Mayor City of Sullivan 32 North Court Street Sullivan, IN 47882 812/268-5464 <a href="mailto:clint.lamb@cityofsullivan.org">clint.lamb@cityofsullivan.org</a>
<b>Existing Permit Information:</b>	Permit Number: IN0024554 Expiration Date: March 31, 2026
<b>Facility Contact:</b>	Carl Royer, Certified Operator 812/240-0102 <a href="mailto:carlroyer10@gmail.com">carlroyer10@gmail.com</a>
<b>Facility Location:</b>	361 East State Road 54 Sullivan, Indiana Sullivan County
<b>Receiving Stream:</b>	Unnamed tributary to Buck Creek
<b>GLI/Non-GLI:</b>	Non-GLI
<b>Proposed Permit Action:</b>	Modification
<b>Date Application Received:</b>	March 4, 2022
<b>Facility Category</b>	NPDES Major Municipal
<b>Permit Writer:</b>	Jay Hanko 317/233-0704 <a href="mailto:Jhanko@idem.IN.gov">Jhanko@idem.IN.gov</a>

Outfall Location

Latitude: 39° 4' 38" N

Longitude: 87° 24' 9" W

**Background**

This is the modification of the NPDES permit for the City of Sullivan Wastewater Treatment Plant. The facility's current permit was effective on April 1, 2021 and has an expiration date of March 31, 2026. A request for permit modification was received from the permittee on March 14, 2022.

The permittee requests a permit modification to remove the copper effluent limits from the NPDES permit. The current NPDES permit included interm and final effluent limits for copper as well as a thirty-six (36) month compliance schedule to meet the final copper limit. While evaluating the ability to meet the final copper limit as required by the compliance schedule, the City found that they are consistently reporting far below the final effluent limit for copper. As requested, IDEM conducted a Reasonable Potential to Exceed (RPE) analysis dated March 15, 2022 to verify that the reported copper monitoring results are below the permitted effluent limits and can be removed from the NPDES permit. The City of Sullivan will be required to monitor copper quarterly for the remainder of the permit term.

**Modification**

The following changes have been made for the modification of the NPDES permit:

- |                     |   |
|---------------------|---|
| Page 1 of 59        | This page has been modified to reflect the modification effective date for the permit.  |
| Page 5 of 59        | This page has been modified to remove the interm and final copper limits and monitoring requirements in Table 3 and replaced them with quarterly report only requirements.  |
| Page 6 of 59        | This page has been modified to remove footnote [2] to Table 3 which references the compliance schedule for copper, and the monitoring frequency for copper in Table 4 has been revised to quarterly from 2 times monthly. |
| Page 12 of 59       | This page has been modified to include copper in Reopening Clause 4.  |
| Pages 22 & 23 of 59 | These pages have been modified to remove the compliance schedule for copper as it is no longer needed.  |
| Page 36 of 59       | This page has been modified to remove the reporting requirement for copper in Part III.C.3.f. as it is no longer needed.  |

### **Expiration Date**

The expiration date of the permit has not changed. The permit, as modified, will expire at midnight on March 31, 2026.

### **Permit Processing/Public Comment**

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit modification document online at <https://www.in.gov/idem/public-notices/>. Additional information on public participation can be found in the "Citizens' Guide to IDEM", available at <https://www.in.gov/idem/resources/citizens-guide-to-idem/>. A 30-day comment period is available to solicit input from interested parties, including the public.