

**STATE OF INDIANA**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**PUBLIC NOTICE NO 20250218 – IN0003387– D**  
**DATE OF NOTICE: February 18, 2025**  
**DATE RESPONSE DUE: March 20, 2025**

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

**Minor – MODIFICATION/TRANSFER OF OWNERSHIP/DOWNGRADE:**

**Phoenix Warsaw Industrial Investors LLC fka LSC Communications MCL LLC**, Permit No. IN0003387, KOSCIUSKO COUNTY, 2801 W Old Road 30, Warsaw, IN. The facility was previously owned and operated by LSC Communications MCL LLC . Previous industrial activities no longer take place thus providing justification for a downgrade in permit classification to Minor Industrial discharger. The current operations at this facility result in discharges of treated sanitary wastewater for a limited number of employees (10), with only very occasional discharges of boiler blowdown, cooling tower blowdown and air compressor cooling. Permit Manager: Riley Marshall at 317/234-3568, [remarsha@idem.in.gov](mailto:remarsha@idem.in.gov). Posted online at <https://www.in.gov/idem/public-notices/>.

**PROCEDURES TO FILE A RESPONSE**

You are hereby notified of the availability of a 30-day public comment period regarding the referenced draft permit, in accordance with 327 IAC 5-3-9. The application and draft permit documents are available for inspection at IDEM, Office of Water Quality, Indiana Government Center North - Room 1255, 100 N. Senate Ave, Indianapolis, IN 46204 from 9:00 a.m. until 4:00 p.m., Monday thru Friday, (copies 10¢ per page). The Draft Permit is posted online on the above-referenced IDEM public notice web page. A courtesy copy has also been sent via email to the local County Health Department. Please tell others whom you think would be interested in this matter. For more information about public participation including your rights & responsibilities, please see <https://www.in.gov/idem/public-notices/>. You may want to consult our online Citizens' Guide to IDEM: <https://www.in.gov/idem/resources/citizens-guide-to-idem/>.

**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 delivered to IDEM or postmarked no later than the Response Due 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 Manager at the above address.

**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 Due Date. 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. The Department will determine whether to hold a public hearing based upon the comments and the rationale for the request. Public Notice of such a hearing will be circulated in at least one newspaper in the geographical area of the discharge and to those persons submitting comments and/or on the mailing list at least 30 days prior to the hearing.



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • [www.idem.IN.gov](http://www.idem.IN.gov)

Mike Braun, Governor

VIA ELECTRONIC MAIL

February 18, 2025

Chad Hensley  
Pheonix Warsaw Industrial Investors  
2801 West Old Road 30  
Warsaw, IN 46580

Dear Mr. Hensley:

Re: NPDES Permit No. IN0003387  
Draft Permit Modification  
Phoenix Warsaw Industrial Investors  
Warsaw, IN 46580

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/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.

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 Riley Marshall of my staff, at 317-234-3568 or [remarsha@idem.in.gov](mailto:remarsha@idem.in.gov).

Sincerely,

Richard Hamblin, Chief  
Industrial NPDES Permits Section  
Office of Water Quality

Enclosures

cc: Kosciusko County Health Department  
Chief, Permits Section, U.S. EPA, Region 5

Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*

Letthead INDY R-01.2024



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,

PHOENIX WARSAW INDUSTRIAL INVESTORS LLC,

is authorized to discharge from printed materials manufacturer that is located at 2801 W Old Road 30, Warsaw, Indiana, to receiving waters identified as Jacob Maisch Ditch in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

The permit, as issued on **March 30, 2022**, 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 **March 31, 2027**. 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 001, located at Latitude 41° 14' 35", Longitude -85° 53' 38". The discharge is limited to sanitary water. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Jacob Maisch Ditch. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1][2]  
Outfall 001

Table 1

| Parameter         | Quantity or Loading |               |       | Quality or Concentration |               |              | Monitoring Requirements |              |
|-------------------|---------------------|---------------|-------|--------------------------|---------------|--------------|-------------------------|--------------|
|                   | Monthly Average     | Daily Maximum | Units | Monthly Average          | Daily Maximum | Units        | Measurement Frequency   | Sample Type  |
| Flow              | Report              | Report        | MGD   | ----                     | ----          | ----         | 3 X Weekly              | 24 Hr. Total |
| Oil and Grease    | ----                | ----          | ----  | 10                       | 15            | mg/l         | 2 X Weekly              | Grab         |
| Ammonia as N[4]   |                     |               |       |                          |               |              |                         |              |
| Summer            | ----                | ----          | ----  | 1.1                      | 2.1           | mg/l         | 1 X Monthly             | 24-Hr. Comp. |
| Winer             | ----                | ----          | ----  | 1.6                      | 2.8           | mg/l         | 1 X Monthly             | 24-Hr. Comp. |
| TRC[5][6]         | ----                | ----          | ----  | 0.01                     | 0.02          | mg/l         | 1 X Monthly             | Grab         |
| Temperature [7]   | ----                | ----          | ----  | Report                   | Report        | °F           | 1 X Monthly             | Grab         |
| TSS               | ----                | ----          | ----  | Report                   | 45            | mg/l         | 1 X Weekly              | 24-Hr. Comp. |
| TBOD <sub>5</sub> | ----                | ----          | ----  | 30                       | 45            | mg/l         | 1 X Weekly              | 24-Hr. Comp. |
| E. coli [8]       | ----                | ----          | ----  | 125[9]                   | 235[10]       | counts/100ml | 1 X Weekly              | Grab         |

Table 2

| Parameter | Quality or Concentration |                 |               |       | Monitoring Requirements |             |
|-----------|--------------------------|-----------------|---------------|-------|-------------------------|-------------|
|           | Daily Minimum            | Monthly Average | Daily Maximum | Units | Measurement Frequency   | Sample Type |
| pH [3]    | 6.0                      | ----            | 9.0           | s.u.  | 2 X Weekly              | Grab        |

[1] See Part I.B. of the permit for the minimum narrative limitations.

[2] In the event that a new water treatment additive is to be used that will contribute to this Outfall, or changes are to be made in the use of water treatment additives, including dosage, the permittee must apply for and receive approval from IDEM prior to such discharge. Discharges of any such additives must meet Indiana water quality standards. The permittee must apply for permission to use water treatment

additives by completing and submitting State Form 50000 (Application for Approval to Use Water Treatment Additives) currently available at:  
<https://www.in.gov/idem/forms/idem-agency-forms/>.

- [3] If the permittee collects more than one grab sample on a given day for pH, the values shall not be averaged for reporting daily maximums or daily minimums. The permittee must report the individual minimum and the individual maximum pH value of any sample during the month on the Monthly Monitoring Report form.
- [4] Summer limitations apply from May 1 through November 30. Winter limitations apply from December 1 through April 30.
- [5] The water quality based effluent limit (WQBEL) for TRC is less than the limit of the quantitation (LOQ) as specified in footnote [6]. Compliance with this permit will be demonstrated if the effluent concentrations measured are less than the LOQ.

If the measured concentration of TRC is greater than the water quality based effluent limitations and above the respective LOD specified in footnote [6] in any three (3) consecutive analyses, or any five (5) out of nine (9) analyses, then the discharger shall:

- (1) Determine the source of the parameter through an evaluation of sampling techniques, analytical/laboratory procedures, and waste streams (including internal waste streams); and re-examine the chlorination/dechlorination procedures.
- (2) The sampling and analysis for TRC shall be increased to 2 X Monthly and remain at this increased sampling frequency until:
  - (a) The increased sampling frequency for TRC has been in place for at least 5 months;
  - (b) At least nine (9) samples have been taken under this increased sampling frequency; and
  - (c) The measured concentration of TRC is less than the LOD specified in footnote [6] in at least seven (7) out of the nine (9) most recent analyses.
- [6] The following EPA approved test 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 and EPA, if applicable.

| Parameter                | Test Method                     | LOD       | LOQ       |
|--------------------------|---------------------------------|-----------|-----------|
| Chlorine, Total Residual | 4500-Cl D-200, E-2000 or G-2000 | 0.02 mg/l | 0.06 mg/l |

Case-Specific LOD/LOQ

The permittee may determine and use a case-specific LOD or LOQ using the analytical method specified above, or any other analytical method which is approved by the Commissioner, and EPA if applicable, prior to use. The LOD shall be derived by the procedure specified for method detection limits contained in 40 CFR Part 136, Appendix B, and the LOQ shall be set equal to 3.18 times the LOD. Other methods may be used if first approved by the Commissioner.

- [7] The following conditions apply for Temperature outside the mixing zone:
- (1) There shall be no abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.
  - (2) The normal daily and seasonal temperature fluctuations that existed before the addition of heat due to other than natural causes shall be maintained.
  - (3) The maximum temperature rise at any time or place above natural shall not exceed five (5) degrees Fahrenheit (two and eight-tenths (2.8) degrees Celsius) in streams.
- [8] The effluent shall be disinfected on a continuous basis such that violations of the applicable bacteriological limitations do not occur from April 1 through October 31 annually.
- [9] The monthly average E. coli value shall be calculated as a geometric mean. Per 327 IAC 5-10-6, the concentration of E. coli shall not exceed one hundred twentyfive (125) cfu or mpn per 100 milliliters as a geometric mean of the effluent samples taken in a calendar month. No samples may be excluded when calculating the monthly geometric mean.
- [10] If less than ten samples are taken and analyzed for E. coli in a calendar month, no samples may exceed two hundred thirty-five (235) cfu or mpn as a daily maximum. However, when ten (10) or more samples are taken and analyzed for E. coli in a calendar month, not more than ten percent (10%) of those samples may exceed two hundred thirty-five (235) cfu or mpn as a daily maximum. When calculating ten percent, the result must not be rounded up. In reporting for compliance purposes on the Discharge Monitoring Report (DMR) form, the permittee shall record the highest non-excluded value for the daily maximum.

B. MINIMUM NARRATIVE LIMITATIONS

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

1. including waters within the mixing zone, to contain substances, materials, floating debris, oil, scum attributable to municipal, industrial, agricultural, and other land use practices, or other discharges that do any of the following:
  - a. will settle to form putrescent or otherwise objectionable deposits;
  - b. are in amounts sufficient to be unsightly or deleterious;
  - c. produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
  - d. are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
  - e. 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.
2. outside the mixing zone, to contain substances in concentrations that 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.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge flow and shall be taken at times which reflect the full range and concentration of effluent parameters normally expected to be present. Samples shall not be taken at times to avoid showing elevated levels of any parameters.

2. Monthly Reporting

The permittee shall submit monitoring reports to the Indiana Department of Environmental Management (IDEM) containing results obtained during the previous month and shall be submitted no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective. These reports shall include, but not necessarily be

limited to, the Discharge Monitoring Report (DMR) and the Monthly Monitoring Report (MMR). All 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 Part II.C.10 of this permit for Future Electronic Reporting Requirements.

- a. Calculations that require averaging of measurements of daily values (both concentrations and mass) shall use an arithmetic mean, except the monthly average for *E. coli* shall be calculated as a geometric mean.
- b. Daily effluent values (both mass and concentration) that are less than the LOQ that are used to determine the monthly average effluent level shall be accommodated in calculation of the average using statistical methods that have been approved by the Commissioner.
- c. Effluent concentrations less than the LOD shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, if a substance is not detected at a concentration of 0.1 µg/l, report the value as <0.1 µg/l.
- d. 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.
- e. Mass discharge values which are calculated from concentrations reported as less than the value of the limit of detection shall be reported as less than the corresponding mass discharge value.
- f. Mass discharge values that are calculated from effluent concentrations greater than the limit of detection shall be reported as the calculated value.

### 3. Definitions

- a. "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.

- b. “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 reasonably represents the calendar day for the purposes of sampling.
- c. “Daily Maximum” means the maximum allowable daily discharge for any calendar day.
- d. A “24-hour composite sample” means a sample consisting of at least three (3) individual flow-proportioned samples of wastewater, taken by the grab sample method or by an automatic sampler, which are taken at approximately equally spaced time intervals for the duration of the discharge within a 24-hour period and which are combined prior to analysis. A flow-proportioned composite sample may be obtained by following the procedure as follows:
  - (1) recording the discharge flow rate at the time each individual sample is taken,
  - (2) adding together the discharge flow rates recorded from each individual sampling time to formulate the “total flow” value,
  - (3) the discharge flow rate of each individual sampling time is divided by the total flow value to determine its percentage of the total flow value,
  - (4) then multiply the volume of the total composite sample by each individual sample’s percentage to determine the volume of that individual sample which will be included in the total composite sample.
- e. “Concentration” means the weight 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).
- f. The “Regional Administrator” is defined as the Region 5 Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, IL 60604.

- g. 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, IN 46204.
- h. “Limit of Detection” or “LOD” means 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.
- i. “Limit of Quantitation” or “LOQ” means a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant. This term is also sometimes called limit of quantification or quantification level.
- j. “Method Detection Level” or “MDL” means the minimum concentration of an analyte (substance) that can be measured and reported with a ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) as determined by procedure set forth in 40 CFR 136, Appendix B. The method detection level or MDL is equivalent to the LOD.
- k. “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.

4. Test 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).

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall maintain records of all monitoring information and monitoring activities, including:

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

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of this monitoring shall be included in the calculation and reporting of the values required in the monthly Discharge Monitoring Report (DMR) and Monthly Monitoring Report (MMR). Such increased frequency shall also be indicated. 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.

7. 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. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three years shall be extended:

- a. automatically during the course of any unresolved 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 or the Indiana Department of Environmental Management.

D. 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. for any of the causes listed under 327 IAC 5-2-16.
3. to include a case-specific Limit of Detection (LOD) and/or Limit of Quantitation (LOQ). The permittee must demonstrate that such action is warranted in accordance with the procedures specified under Appendix B, 40 CFR Part 136, using the most sensitive analytical methods approved by EPA under 40 CFR Part 136, or approved by the Commissioner.

## PART II

### STANDARD CONDITIONS FOR NPDES PERMITS

#### A. GENERAL CONDITIONS

##### 1. Duty to Comply

The permittee shall comply with all terms and conditions of this permit in accordance with 327 IAC 5-2-8(1) and all other requirements of 327 IAC 5-2-8. Any permit noncompliance constitutes a violation of the Clean Water Act and IC 13 and is grounds for enforcement action or permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

##### 2. Duty to Mitigate

In accordance with 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact to the environment resulting from noncompliance with this permit. During periods of noncompliance, the permittee shall conduct such accelerated or additional monitoring for the affected parameters, as appropriate or as requested by IDEM, to determine the nature and impact of the noncompliance.

##### 3. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must obtain and submit an application for renewal of this permit in accordance with 327 IAC 5-2-8(2). It is the permittee's responsibility to obtain and submit the application. In accordance with 327 IAC 5-2-3(c), the owner of the facility or operation from which a discharge of pollutants occurs is responsible for applying for and obtaining the NPDES permit, except where the facility or operation is operated by a person other than an employee of the owner in which case it is the operator's responsibility to apply for and obtain the permit. Pursuant to 327 IAC 5-3-2(a)(2), the application must be submitted at least 180 days before the expiration date of this permit. This deadline may be extended if all of the following occur:

- a. permission is requested in writing before such deadline;
- b. IDEM grants permission to submit the application after the deadline; and
- c. the application is received no later than the permit expiration date.

#### 4. Permit Transfers

In accordance with 327 IAC 5-2-8(4)(D), this permit is nontransferable to any person except in accordance with 327 IAC 5-2-6(c). This permit may be transferred to another person by the permittee, without modification or revocation and reissuance being required under 327 IAC 5-2-16(c)(1) or 16(e)(4), if the following occurs:

- a. the current permittee notified the Commissioner 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 the Commissioner;
- c. the transferee certifies in writing to the Commissioner their 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 and thus constitute cause for permit modification under 327 IAC 5-2-16(d). However, the Commissioner may allow a temporary transfer of the permit without permit modification for good cause, e.g., to enable the transferee to purge and empty the facility's treatment system prior to making alterations, despite the transferee's intent to make such material and substantial alterations or additions to the facility; and
- d. the Commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

The Commissioner may require modification or revocation and reissuance of the permit to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act or state law.

#### 5. Permit Actions

- a. In accordance with 327 IAC 5-2-16(b) and 327 IAC 5-2-8(4), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:
  - (1) Violation of any terms or conditions of this permit;
  - (2) Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts in the application, or during the permit issuance process; or

- (3) A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit, e.g., plant closure, termination of discharge by connection to a POTW, a change in state law that requires the reduction or elimination of the discharge, or information indicating that the permitted discharge poses a substantial threat to human health or welfare.
- b. Filing of either of the following items does not stay or suspend any permit condition: (1) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (2) submittal of information specified in Part II.A.3 of the permit including planned changes or anticipated noncompliance.

The permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the permitted facility that:

- (1) could significantly change the nature of, or increase the quantity of pollutants discharged; or
  - (2) the commissioner may request to evaluate whether such cause exists.
- c. In accordance with 327 IAC 5-1-3(a)(5), the permittee must also provide any information reasonably requested by the Commissioner.

## 6. Property Rights

Pursuant to 327 IAC 5-2-8(6) and 327 IAC 5-2-5(b), the issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to persons or private property or invasion of other private rights, any infringement of federal, state, or local laws or regulations. The issuance of the permit also does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made.

## 7. 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.

8. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

9. State Laws

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 under authority preserved by Section 510 of the Clean Water Act or state law.

10. 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.



11. 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.

12. Toxic Pollutants

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant injurious to human health, and that standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5). Effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants injurious to human health are effective and must be complied with, if applicable to the permittee, within the time provided in the implementing regulations, even absent permit modification.

13. Wastewater Treatment Plant and Certified Operators

Pursuant to IC 13-18-11-11 and 327 IAC 5-23-6, a permittee's wastewater treatment plant must be under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as determined under 327 IAC 5-23-4.

A certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant if the requirements under 327 IAC 5-23-7(b) are met. "Operator in responsible charge" is defined at 327 IAC 5-23-2(16).

Pursuant to 327 IAC 5-23-6(4)(A), the permittee shall notify IDEM when there is a change in the person serving as the certified operator in responsible charge of the wastewater treatment facility. The notification shall be made no later than thirty (30) days after a change in the operator and submitted via e-mail to the Compliance Data Section of the Office of Water Quality at [WWReports@idem.IN.gov](mailto:WWReports@idem.IN.gov).

14. Construction Permit

In accordance with IC 13-14-8-11.6, a discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective NPDES permit.

If the discharger modifies their existing water pollution treatment or control facility or constructs a new water pollution treatment or control facility for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, then, within thirty (30) days after commencement of operation, the discharger shall file with the Department of Environment Management a notice of installation for the additional pollutant control equipment and a design summary of any modifications.

The notice and design summary shall be sent to the Office of Water Quality, Industrial NPDES Permits Section, 100 North Senate Avenue, Indianapolis, IN 46204-2251.

15. Inspection and Entry

In accordance with 327 IAC 5-2-8(8), the permittee shall allow the Commissioner, or an authorized representative, (including an authorized contractor acting as a representative of the Commissioner) upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept pursuant to the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment or methods (including monitoring and control equipment), practices, or operations regulated or required pursuant to this permit; and
- d. Sample or monitor at reasonable times, any discharge of pollutants or internal wastestreams for the purposes of evaluating compliance with the permit or as otherwise authorized.

16. New or Increased Discharge of Pollutants

This permit prohibits the permittee from undertaking any 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 one of the following is completed prior to the commencement of the action:

- a. Information is submitted to the Commissioner demonstrating that the proposed new or increased discharges will not cause a significant lowering of water quality as defined under 327 IAC 2-1.3-2(50). Upon review of this information, the Commissioner may request additional information or may determine that the proposed increase is a significant lowering of water quality and require the submittal of an antidegradation demonstration.
- b. An antidegradation demonstration is submitted to and approved by the Commissioner in accordance with 327 IAC 2-1.3-5 and 327 IAC 2-1.3-6.

## B. MANAGEMENT REQUIREMENTS

### 1. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for the collection and treatment which are installed or used by the permittee and which are necessary for achieving compliance with the terms and conditions of this permit in accordance with 327 IAC 5-2-8(9).

Neither 327 IAC 5-2-8(9), nor this provision, shall be construed to require the operation of installed treatment facilities that are unnecessary for achieving compliance with the terms and conditions of the permit.

### 2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(12), the following are requirements for bypass:

- a. The following definitions:
  - (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. The permittee may allow a bypass to occur that does not cause a violation of the effluent limitations contained in this permit, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to Part II.B.2.c. and d.

- c. The permittee must provide the Commissioner with the following notice:
- (1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.
  - (2) As required by 327 IAC 5-2-8(11)(C), the permittee shall orally report an unanticipated bypass that exceeds any effluent limitations in the permit within twenty-four (24) hours from the time the permittee becomes aware of such noncompliance. 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 noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. If a complete report is submitted by e-mail within 24 hours of the noncompliance, then that e-mail report will satisfy both the oral and written reporting requirement. E-mails should be sent to [wwreports@idem.in.gov](mailto:wwreports@idem.in.gov).
- d. The following provisions are applicable to bypasses:
- (1) Except as provided by Part II.B.2.b., bypass is prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless the following occur:
    - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
    - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance.
    - (C) The permittee submitted notices as required under Part II.B.2.c.
  - (2) The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.d.(1).

The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.

- e. Bypasses that result in death or acute injury or illness to animals or humans must be reported in accordance with the "Spill Response and Reporting Requirements" in 327 IAC 2-6.1, including calling 888/233-7745 as soon as possible, but within two (2) hours of discovery. However, under 327 IAC 2-6.1-3(1), when the constituents of the bypass are regulated by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

3. Upset Conditions

Pursuant to 327 IAC 5-2-8(13):

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this section, are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
  - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee complied with any remedial measures required under Part II.A.2; and
  - (4) The permittee submitted notice of the upset as required in the "Twenty-Four Hour Reporting Requirements," Part II.C.3, or 327 IAC 2-6.1, whichever is applicable. However, under 327 IAC 2-6.1-3(1), when the constituents of the discharge are regulated by this permit, and death or acute injury or illness to animals or

humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

- d. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof pursuant to 40 CFR 122.41(n)(4).

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal. The discharge of pollutants in treated wastewater is allowed in compliance with the applicable effluent limitations in Part I. of this permit.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(11)(F), the permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility. In this context, permitted facility refers to a point source discharge, not a wastewater treatment facility. Notice is required only when either of the following applies:

- a. The alteration or addition may meet one of the criteria for determining whether the facility is a new source as defined in 327 IAC 5-1.5.
- b. The alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in Part I.A. nor to notification requirements in Part II.C.9. of this permit.

Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(10) and 327 IAC 5-2-13 through 15, monitoring results shall be reported at the intervals and in the form specified in "Monthly Reporting", Part I.C.2.

3. Twenty-Four Hour Reporting Requirements

Pursuant to 327 IAC 5-2-8(11)(C), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance. If the noncompliance meets the requirements of item b (Part II.C.3.b) or 327 IAC 2-6.1, then the report shall be made within those prescribed time frames. However, under 327 IAC 2-6.1-3(1), when the constituents of the discharge that is in noncompliance are regulated by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Any noncompliance which may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the noncomplying circumstances;
- c. Any upset (as defined in Part II.B.3 above) that causes an exceedance of any effluent limitation in the 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 5 days of the time the permittee becomes aware of the circumstances. 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 and eliminate the noncompliance and 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 Report" (State Form 48373) or a "Noncompliance 24-Hour Notification Report" (State Form 52415), whichever is appropriate, to IDEM at (317) 232-8637 or [wwreports@idem.in.gov](mailto:wwreports@idem.in.gov). If a complete e-mail submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the email report will satisfy both the oral and written reporting requirements.

4. Other Compliance/Noncompliance Reporting

Pursuant to 327 IAC 5-2-8(11)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in Part II.C.3, or any compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in Part II.C.3;

The permittee shall also give advance notice to the Commissioner of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements; and

All reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

5. Other Information

Pursuant to 327 IAC 5-2-8(11)(E), where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, 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:

(1) For a corporation: by a responsible corporate officer. A "responsible corporate officer" means either of the following:

(A) A president, secretary, treasurer, any vice president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision-making functions for the corporation; or

(B) The manager of one (1) or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty to make major capital investment recommendations, and initiating and



directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - (3) For a Federal, State, or local governmental body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.
- b. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above.
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - (3) The authorization is submitted to the Commissioner.
- c. Electronic Signatures: If documents described in this section are submitted electronically by or on behalf of the NPDES-regulated facility, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR part 3 (including, in all cases, subpart D to part 3) (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission.
- d. Certification: Any person signing a document identified under Part II.C.6., shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather

and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. 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.

8. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-8(15) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 180 days per violation, or by both.

9. Changes in Discharge of Toxic Substances

Pursuant to 327 IAC 5-2-9, the permittee shall notify the Commissioner as soon as it knows or has reason to know:

- a. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant that is not limited in the permit if that discharge will exceed the highest of the following notification levels.
  - (1) One hundred micrograms per liter (100 µg/l);
  - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - (4) A notification level established by the Commissioner on a case-by-case basis, either at the Commissioner's own initiative or

upon a petition by the permittee. This notification level may exceed the level specified in subdivisions (1), (2), or (3) but may not exceed the level which can be achieved by the technology-based treatment requirements applicable to the permittee under the CWA (see 327 IAC 5-5-2).

- b. That it has begun or expects to begin to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant that was not reported in the permit application under 40 CFR 122.21(g)(9). However, this subsection b. does not apply to the permittee's use or manufacture of a toxic pollutant solely under research or laboratory conditions.

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 Part I.C.2. 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 Monthly Monitoring Report (MMR).



**National Pollutant Discharge Elimination System  
 Fact Sheet for  
 LSC Communications MCL LLC transfer to  
 Phoenix Warsaw Industrial Investors LLC  
 Draft modification: February 2025  
 Final modification: TBA**

**Indiana Department of Environmental Management**

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

|                                    |   |
|------------------------------------|---|
| <b>Permittee:</b>                  | LSC Communications MCL LLC<br>2801 W Old Road 30, P.O. Box 837<br>Warsaw, IN 46581      |
| <b>Current Permit Information:</b> | Permit Number: IN0003387<br>Expiration Date: March 31, 2027                             |
| <b>Current Permittee Contact:</b>  | Chad Hensley, Supervisor<br>(574) 267-9460, chad.p.hensley@lsc.com                      |
| <b>Name of Transferee:</b>         | Phoenix Warsaw Industrial Investors LLC<br>2801 W Old Road 30<br>Warsaw, IN 46581       |
| <b>Transferee Contact:</b>         | Marsha McNeil, Authorized Representative<br>(414) 301-6476, marsha@phoenixinvestors.com |
| <b>Source Location:</b>            | 2801 W Old Road 30<br>Warsaw, IN 46581<br>Kosciusko County                              |
| <b>Receiving Stream:</b>           | Jacob Maisch Ditch  |
| <b>Proposed Permit Action:</b>     | Transfer of Ownership and Modification  |
| <b>Date Application Received:</b>  | September 25, 2024  |
| <b>Date Request Received:</b>      | April 13, 2023  |
| <b>Permit Writer:</b>              | Riley Marshall<br>(317) 234-3568, remarsha@idem.in.gov                                  |

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## 1.0 INTRODUCTION

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### 1.1 Transfer of Ownership

Pursuant to 327 IAC 5-2-6(c), the parties have notified the Indiana Department of Environmental Management (IDEM) of their intention to transfer NPDES Permit No. IN0003387 from LSC Communications MCL LLC, the "current permittee" and previous owner of the facility, to Phoenix Warsaw Industrial Investors LLC, the "transferee" and future owner of the facility, effective as of April 13, 2023.

The transferee identified that it is no longer generating process wastewater for which NPDES Permit No. IN0003387 is issued and making material and substantial alterations to the facility as would significantly change the nature or quantities of pollutants discharged, and thus constitute cause for permit modification under 327 IAC 5-2-16(d).

### 1.2 Modification Introduction

The Indiana Department of Environmental Management (IDEM) received a request from Phoenix Warsaw Industrial Investors LLC on August 29, 2024 to modify National Pollutant Discharge Elimination System (NPDES) Permit IN0003387. The current five year permit was issued with an effective date of April 1, 2022 in accordance with 327 IAC 5-2-6(a).

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 April 1, 2022.

## 2.0 FACILITY DESCRIPTION

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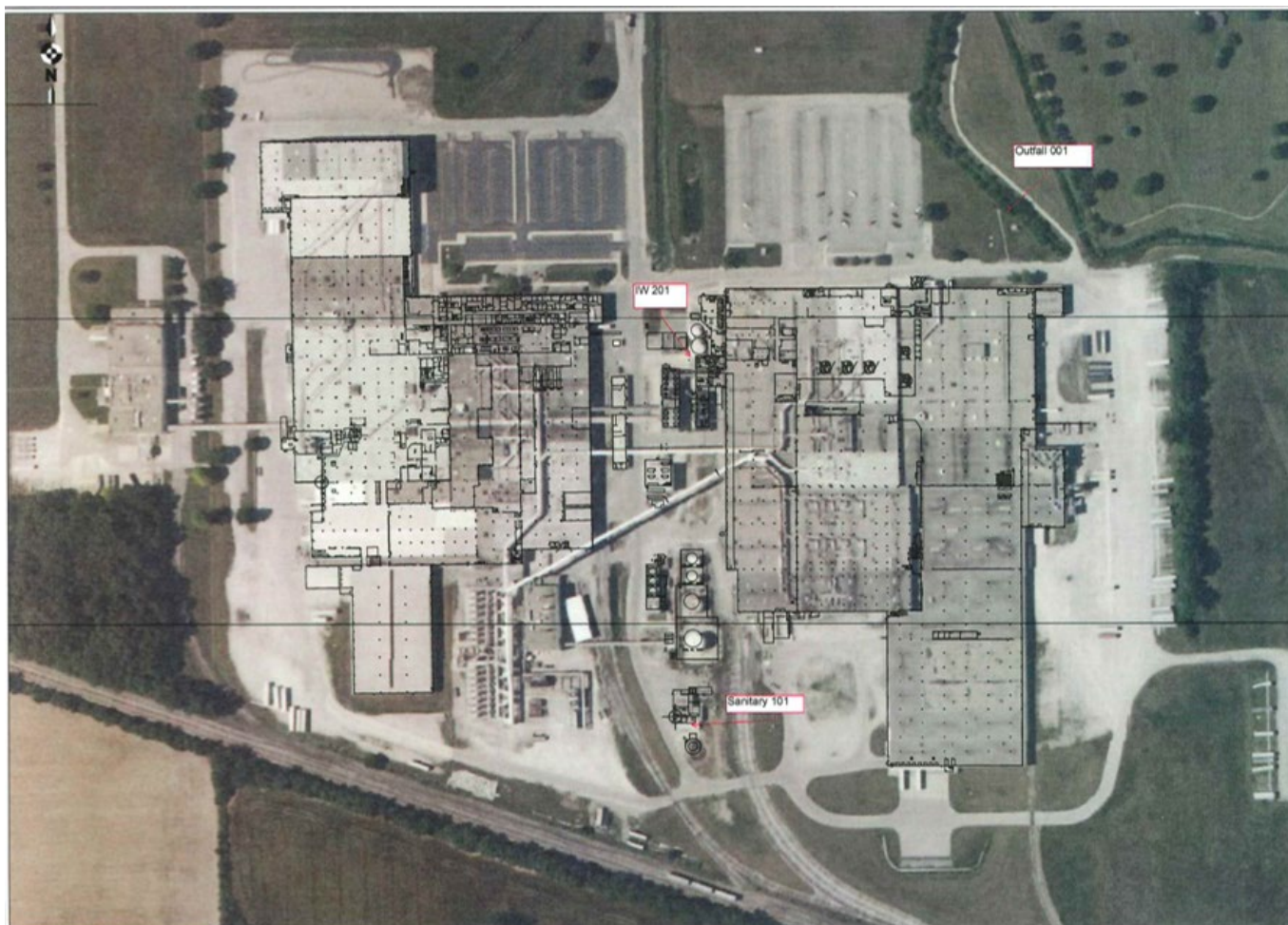
### 2.1 General

PHOENIX WARSAW INDUSTRIAL INVESTORS LLC is classified under Standard Industrial Classification (SIC) Code 6513-Real Estate Agents & Managers.

The facility operates a wastewater treatment plant to treat sanitary wastewater for a limited number of employees (average of 10 people per day), as well as boiler blowdown, cooling tower blowdown, and air compressor cooling.

The source water for the facility is groundwater from three wells on site. A map showing the location of the facility has been included as Figure 1.

**Figure 1: Facility Location/Site Map**



2801 W Old Road 30  
Warsaw, IN 46581 – Kosciusko County

## 2.2 Outfall Locations

|             |  |
|-------------|--|
| Outfall 001 | Latitude: 41° 14' 35"<br>Longitude: -85° 53' 38" |
|-------------|--|

## 3.0 PERMIT MODIFICATION

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### 3.1 Modification Request

The Facility was previously owned and operated by LSC Communications MCL LLC and covered under NPDES Permit IN0003387. Phoenix took full ownership of the property as of June 1, 2024. Phoenix Warsaw purchased the facility from LSC on April 13, 2023, and LSC ceased operations on September 30, 2023. The decommissioning and demolition of the process equipment and parts of the Facility commenced in October 2023. Phoenix is managing the ongoing facilities maintenance and the operation of the wastewater treatment plant to treat sanitary wastewater. However, there are currently no industrial activities taking place at the Facility while there is no industrial tenant present. The certified operator has remained on staff to maintain continuity of treatment plant operations.

The current permit contains monitoring regulations for the metals precipitation pretreatment system (outfall 201) specific to the prior LSC Communication operations, the wastewater treatment plant (outfall 101) and the implementation of a stormwater sampling/management plan (Outfall 00IS), and final Outfall 001. When LSC Communication was in production, internal outfalls 101 and 201 combined and discharged to Outfall 001. Going forward under the new ownership, Phoenix is requesting that the Department reevaluate the applicable permit limits and compliance obligations based on the cessation of industrial printing operations onsite.

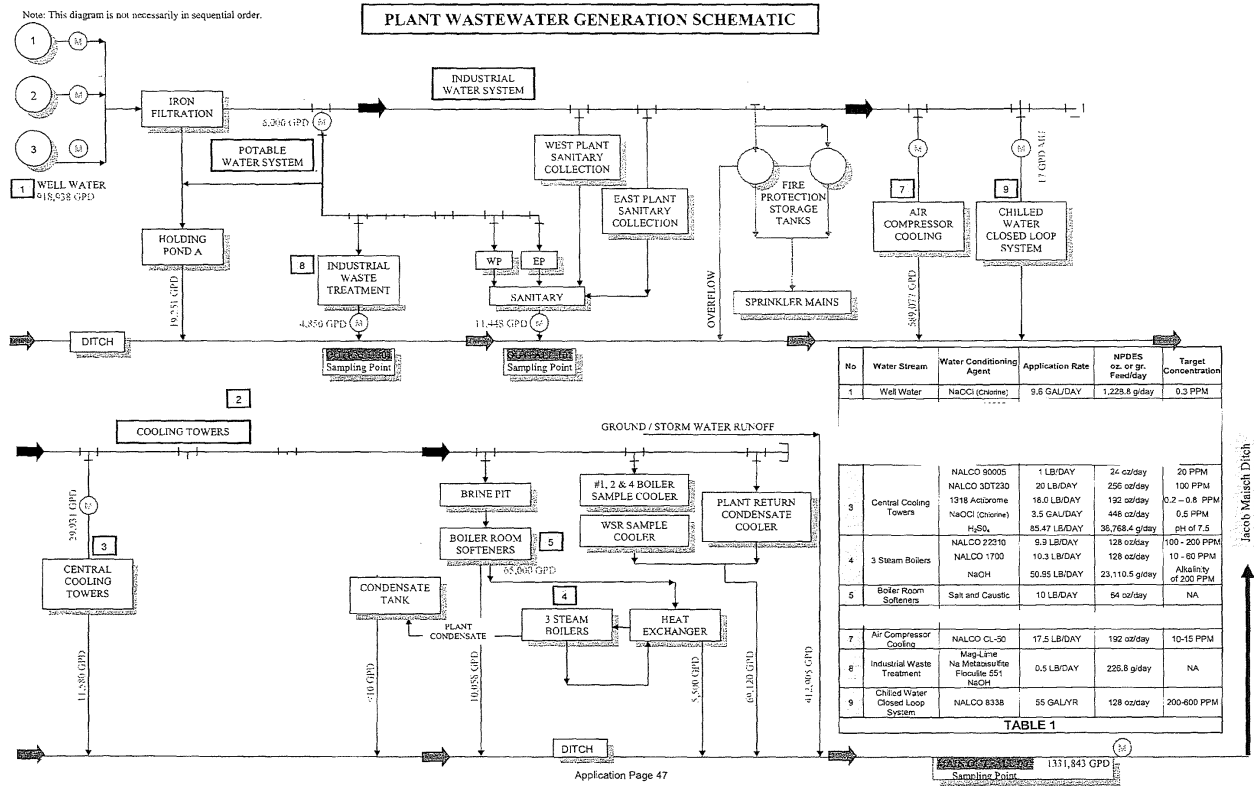
Along with the comingled 101 and 201 waste streams, the cooling towers, air compressors and boiler systems also discharged through Outfall 001. Currently there is no discharge from the cooling towers, air compressors or boilers, but some discharge is expected in colder weather months to heat the buildings.

The pretreatment system has been emptied and cleaned. The discharge troughs from the pretreatment system have been filled with concrete. The tanks, mixers, and associated equipment remain in place for any future owner.

A Water Balance Diagram has been included as Figure 2.



**Figure 2: Water Balance Diagram**



### 3.2 IDEM's Proposed Modification

IDEM agrees with the changes requested by the new facility owner, Phoenix Warsaw Industrial Investors LLC, and will remove Outfalls 001S, 101, and 201. Also, stormwater requirements have been removed as part of this permit modification since there is no stormwater exposed to industrial activity.

An updated Discharge Limitations Table for Outfall 001 will include the parameters and effluent limitations for the sanitary discharge and potential cooling tower, air compressor and boiler blowdowns. The effluent limitations from previous Internal Outfall 101 will be moved to Outfall 001. The ammonia and TRC limitations will remain at Outfall 001 as they are included due to the sanitary discharge. The oil and grease limitations and temperature monitoring will also remain at Outfall 001 due to the potential cooling tower, air compressor and boiler blowdowns in the discharge.

### **3.3 Antibacksliding**

Indiana's prohibitions on backsliding under 327 IAC 5-2-10(a)(11) are applicable to BPJ case-by-case technology-based effluent limitations, when proposed to be increased based on subsequently promulgated effluent guidelines under Section 304(b) of the CWA, and limitations based on Indiana water quality standards or treatment standards (327 IAC 5-10). Prohibitions on other types of backsliding (e.g., backsliding from limitations derived from effluent guidelines, from existing case-by-case limitations to new case-by-case limitations, and from conditions such as monitoring requirements that are not effluent limitations) are covered under federal regulation at 40 CFR 122.44(l)(1).

Under 327 IAC 5-2-10(a)(11), unless an exception under 327 IAC 5-2-10(a)(11)(B) 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. For effluent limitations based on Indiana water quality or treatment standards, less stringent effluent limitations may also be allowed if they are in compliance with Section 303(d)(4) of the CWA. Under 40 CFR 122.44(l)(1), a permit may not be renewed or reissued to contain less stringent interim effluent limitations, standards or conditions than the final effluent limitations, standards or conditions in the previous permit unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR 122.62.

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) and 40 CFR 122.44(l)(1).

### **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/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.