

**STATE OF INDIANA**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**PUBLIC NOTICE NO: 20260312 – IN0055859– D**  
**DATE OF NOTICE: March 12, 2026**  
**DATE RESPONSE DUE: April 13, 2026**

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

**MINOR – RENEWAL:**

**Enterprise TE Products Pipeline Company LLC**, based in Houston, TX, NPDES Permit No. IN0055859, STATEWIDE pipeline. The permittee owns and operates a refined petroleum products pipeline company. This is the proposed renewal of the existing permit which addresses the future discharges of hydrostatic test water from the existing pipeline network which is owned by the permittee. These short-term discharges would potentially be released into various receiving streams and waterbodies in Indiana as the result of future repairs and/or replacements of sections of the existing pipeline which traverses the state involving multiple counties. There are no static discharge locations. The typical flow volume associated with such a discharge is about 0.018 MGD. The permit contains specific notification requirements, as well as monitoring and reporting requirements. Permit Manager: Riley Marshall, 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, 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 posted on IDEM's web page for public notices and notifications will also be sent 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

**Clint Woods**  
Commissioner

March 11, 2026

VIA ELECTRONIC MAIL

Bradley J. Cooley, Senior Director  
Enterprise TE Products Pipeline Company LLC  
P.O. Box 4324  
Houston, TX 77210

Dear Mr. Cooley:

Re: NPDES Permit No. IN0055859  
Draft Permit  
Enterprise TE Products Pipeline Company LLC  
Statewide Permit

Your application and supporting documents have been reviewed and processed in accordance with rules adopted under 327 IAC 5. Enclosed is a copy of the draft NPDES 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 to solicit input from interested parties, including the public.

Please review this draft permit and associated documents carefully to 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. We suggest that you meet with us to discuss major concerns or objections you may have with the draft permit.

Questions concerning this draft permit 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



Mr. Cooper, Senior Director

Page 2

Enclosures

cc: Jeremy Palin, Facility Contact  
Jasper County Health Department  
Lake County Health Department  
Newton County Health Department  
White County Health Department  
Tippecanoe County Health Department  
Dubois County Health Department  
Gibson County Health Department  
Pike County Health Department  
Posey County Health Department  
Orange County Health Department  
Bartholomew County Health Department  
Jackson County Health Department  
Boone County Health Department  
Clinton County Health Department  
Hendricks County Health Department  
Marion County Health Department  
Shelby County Health Department  
Johnson County Health Department  
Franklin County Health Department  
Jennings County Health Department  
Ripley County Health Department  
Washington County Health Department  
Decatur County Health Department  
Nick Ream, IDEM inspector  
Aaron Deeter, IDEM inspector  
Jason Palin, IDEM inspector  
Kevin Stark, IDEM inspector  
Christina Sandlin, IDEM inspector  
Jeremy Ferguson, IDEM inspector  
Becky Ruark, IDEM inspector  
Kayla Williams, IDEM inspector  
Andy Schmidt, IDEM inspector

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
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 13-15,

ENTERPRISE TE PRODUCTS PIPELINE COMPANY LLC

is authorized to discharge hydrostatic test water from a refined product pipeline that is located within the following counties: Lake, Newton, Jasper, White, Tippecanoe, Clinton, Boone, Hendricks, Shelby, Decatur, Franklin, Jennings, Orange, Dubois, Pike, Gibson, Posey, Washington, Jackson, Bartholomew, Ripley, Johnson, and Marion to proximate receiving waters in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

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 in twenty-three (23) counties in Indiana. The discharge is limited to hydrostatic test 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 waters of the State of Indiana. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1][2][4][9]  
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 [5]	Report	Report	MGD	----	----	----	Daily	24 Hr. Total
Oil & Grease[6]	----	----	----	----	15.0	mg/l	Daily	Grab
TSS[7]	----	----	----	Report	45.0	mg/l	Daily	Grab
Benzene [6][10]	----	----	----	Report	0.005	mg/l	Daily	Grab
BTEX[6][8][10]	----	----	----	Report	0.1	mg/l	Daily	Grab
Naphthalene[6][10]	----	----	----	Report	0.01	mg/l	Daily	Grab
Iron[7]	----	----	----	Report	Report	mg/l	Daily	Grab
TRC[11][12]	----	----	----	Report	0.02	mg/l	Daily	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.	Daily	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] The waste collected as a result of pre-cleaning shall be disposed of in accordance with all applicable laws and regulations.
- [5] Discharge volume may be estimated by calculating the volume of water which can be contained in the section of the pipeline being tested.
- [6] Grab samples shall be taken of the hydrostatic test water being discharged as it leaves the pipeline being tested or after receiving treatment at the beginning and at the end of the discharge and two (2) times during the discharge at evenly spaced time intervals. Each sample shall be analyzed individually, and arithmetic mean of the concentrations reported as the value for the twenty-four (24) hour period.
- [7] For this parameter, a minimum of four (4) equal volume grab samples shall be taken at equally spaced intervals during the period in which tank bottom water is discharged and/or hydrostatic testing takes place. The four (4) grab samples shall be combined/composited prior to analysis.
- [8] Total BTEX is the sum of benzene (CAS No. 71432); toluene (CAS NO. 108883); ethylbenzene (CAS No. 100-41-4); and (m,p,o) xylenes (CAS Nos. 108-88-3, 106-42-3, 95-47-6, and 1330-20-7).

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.

[9] Notification Requirements:

The permittee shall notify IDEM Permits Branch, Office of Water Quality and the local Health Department a minimum of (30) days prior to anticipated discharge. The notice shall contain:

- a. A site map identifying the outfall(s) and receiving stream;

- b. Description of the discharge location by county roads, County, Township, Range and Section;
  - c. Size, composition, and length of pipe being tested;
  - d. Identification of new pipe or existing pipe;
  - e. Volume and source of water used for testing;
  - f. Anticipated date of discharge
- [10] The above noted parameter(s) shall only be monitored when the permittee is conducting a hydrostatic test on an existing pipeline that has previously transported refined petroleum products.
- [11] The effluent limitation for Total Residual Chlorine (TRC) shall apply whenever chlorinated intake water is used to hydrostatically test pipelines. For any discharge for which chlorinated intake water is not used for hydrostatically testing, the permittee shall be allowed to report "n/a" on the Discharge Monitoring Report (DMR) for this parameter.
- [12] 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.

<u>Parameter</u>	<u>Test Method</u>	<u>LOD</u>	<u>LOQ</u>
Chlorine, Total residual	4500-CI D-2000, 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.

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 accurate 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.

## 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; or
- d. Violation of a maximum daily discharge limitation for any of the following toxic pollutants or hazardous substances: Benzene, Naphthalene, BTEX.

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**  
**Briefing Memo for**  
**Enterprise TE Products Pipeline Company LLC**  
**Draft: March 2026**  
**Final: 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](http://www.idem.IN.gov)

<b>Permittee:</b>	Enterprise TE Products Pipeline Company LLC P.O. Box 4324 Houston, TX 77210
<b>Existing Permit Information:</b>	Permit Number: IN0055859 Expiration Date: March 31, 2026
<b>Facility Contact:</b>	Jeremy Palin (463)-303-9944, <a href="mailto:jpalin@eprod.com">jpalin@eprod.com</a>
<b>Facility Location:</b>	P.O. Box 4324 Houston, TX 77210 Harris County
<b>Receiving Stream(s):</b>	Various Streams throughout Indiana
<b>GLI/Non-GLI:</b>	Both
<b>Proposed Permit Action:</b>	Renew
<b>Date Application Received:</b>	September 30, 2025
<b>Source Category:</b>	NPDES Minor – Industrial
<b>Permit Writer:</b>	Riley Marshall (317)234-3568, <a href="mailto:remarsha@idem.in.gov">remarsha@idem.in.gov</a>

## Table of Contents

<b>1.0 Introduction.....</b>	<b>3</b>
<b>2.0 Facility description.....</b>	<b>3</b>
2.1 General.....	3
2.2 Outfall Locations.....	4
2.3 Descriptions of Outfalls and Wastewater Treatment.....	4
2.4 Changes in Operation.....	6
2.5 Facility Stormwater.....	6
<b>3.0 Permit History.....</b>	<b>6</b>
3.1 Compliance History.....	6
<b>4.0 LOCATION OF DISCHARGE/RECEIVING WATER USE DESIGNATION</b>	<b>6</b>
<b>5.0 Permit limitations.....</b>	<b>7</b>
5.1 Technology-Based Effluent Limits (TBELs).....	7
5.2 Water Quality-Based Effluent Limits (WQBELs).....	8
5.3 Effluent Limitations and Monitoring Requirements by Outfall.....	8
5.4 Whole Effluent Toxicity (WET) Testing.....	10
5.5 Antibacksliding.....	10
5.6 Antidegradation.....	11
5.7 Stormwater.....	11
5.8 Water Treatment Additives.....	11
<b>6.0 Permit Draft Discussion.....</b>	<b>12</b>
6.1 Discharge Limitations, Monitoring Conditions and Rationale.....	12
6.2 Schedule of Compliance.....	12
6.3 Special Conditions and Other Permit Requirements.....	12
6.4 Spill Response and Reporting Requirement.....	13
6.5 Permit Processing/Public Comment.....	13

## 1.0 INTRODUCTION

---

The Indiana Department of Environmental Management (IDEM) received a National Pollutant Discharge Elimination System (NPDES) Permit application from Enterprise TE Products Pipeline Company LLC on September 30, 2025. In accordance with 327 IAC 5-2-6(a), the current five-year permit was issued with an effective date of April 1, 2021. A five year permit is proposed 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.

## 2.0 FACILITY DESCRIPTION

---

### 2.1 General

Enterprise TE Products Pipeline Company LLC is classified under Standard Industrial Classification (SIC) Code 4613- Refined Petroleum Pipeline.

The permittee is a refined petroleum products pipeline company. A variety of refined petroleum products are handled including unleaded gasoline, low sulfur diesel fuel, jet fuel and kerosene. Hydrostatic testing of new and existing pipeline along with tanks that have undergone maintenance is required under DOT Regulations (49 CFR 195).

A map showing the locations within the State of Indiana where the pipeline passes through and locations where hydrostatic testing of pipelines occur has been included as Figure 1.

**Figure 1: Facility Location**



ATTACHMENT II - FACILITIES & PIPELINE MAP

Terminal Pump Station

**2.2 Outfall Locations**

Outfalls are discharge points to nearest surface water.

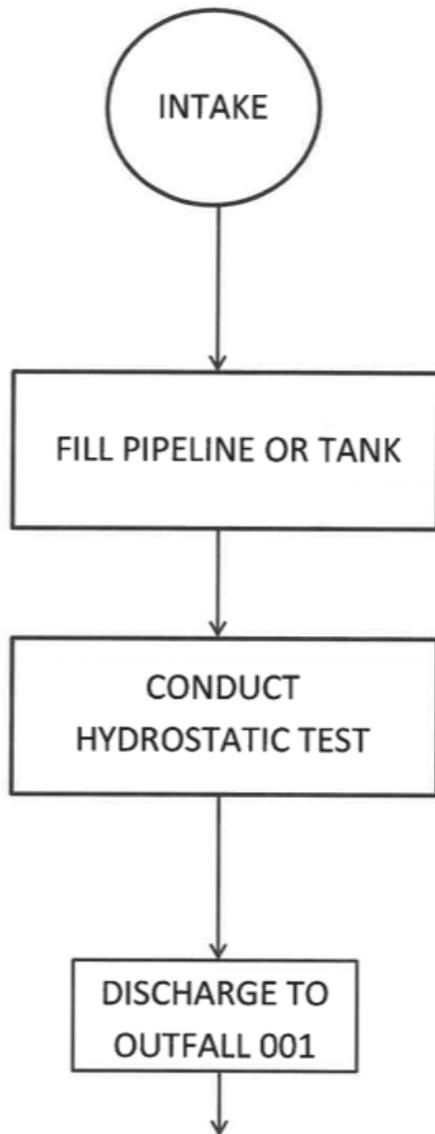
**2.3 Descriptions of Outfalls and Wastewater Treatment**

The tank or pipeline to be tested is isolated from the rest of the system. These pipes or tanks have residual product removed from the system by pigging, draining, and pressure washing. The residual product recovered is collected and taken to an approved disposal facility for treatment. Intake water is from a municipal or private water supply and it is pumped into the equipment to be tested. Hydrostatic testing is done by raising the pressure within the test equipment and holding it for up to 24 hours. At the end of the test, water samples are taken and analyzed. Water is treated in a mobile Greensand manganese filtration unit designed to remove excess iron from the water. The water is then discharged to the ground or to a nearby water body.

A flow Diagram has been included as Figure 2 below.

**Figure 2: Water Balance Diagram**

Attachment III  
Enterprise TE Products Pipeline Company LLC  
Line Drawing  
Hydrostatic Test Water Discharge



Outfall 001: The design flow (highest monthly average) based on the most recent 5 years of data is 0.0 MGD. The last discharge recorder occurred on 8/31/2016.

The permittee shall have the wastewater treatment facilities under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-23-6.

IDEM has given the permittee a Class A-SO industrial wastewater treatment plant classification.

## **2.4 Changes in Operation**

In the permit application, no changes in operation were identified as occurring since the previous permit renewal.

## **2.5 Facility Stormwater**

There is no stormwater associated with this permit.

## **3.0 PERMIT HISTORY**

---

### **3.1 Compliance History**

A review of this facility's discharge monitoring data was conducted for compliance verification and shows no permit limitation violations at Outfall 001 between January 2021 and January 2026. There are no pending or current enforcement actions regarding this NPDES permit.

## **4.0 LOCATION OF DISCHARGE/RECEIVING WATER USE DESIGNATION**

---

The permittee discharges hydrostatic test water to various streams throughout the state. The permittee is required to provide IDEM and the local Health Department with a 30-day written notification of the intended discharge date, to include the specific location and the receiving stream, the estimated volume of the discharge, the source water and whether the pipe is new or existing.

The receiving stream for the nearest discharge point shall be capable of supporting a well-balanced, warm water aquatic community and full body contact recreation in accordance with 327 IAC 2-1-3 and in accordance with 327 IAC 2-1.5-5 since this is a state-wide permit.

For discharges not within the Great Lakes System: The permittee discharges to a waterbody that has been identified as a water of the state that is not within the Great Lakes system. Therefore, it is subject to NPDES requirements specific to dischargers not discharging to waters within the Great Lakes system under 327 IAC 2-1 and 327 IAC 5-2-11.1. These rules contain applicable water quality standards and the procedures to calculate and incorporate water quality-based effluent limitations.

For discharges within the Great Lakes System: The permittee discharges to a waterbody that has been identified as a water of the state within the Great Lakes system. Therefore, it is subject to NPDES requirements specific to Great Lakes system dischargers under 327 IAC 2-1.5 and 327 IAC 5-2-11.4 through 11.6. These rules contain water quality standards applicable to dischargers within the Great Lakes system and the procedures to calculate and incorporate water quality-based effluent limitations.

## 5.0 PERMIT LIMITATIONS

---

Under 327 IAC 5-2-10 (see also 40 CFR 122.44), NPDES permit limits are based on either TBELs (including TBELs developed on a case-by-case basis using BPJ, where applicable) or WQBELs, whichever is most stringent. The decision to limit or monitor the parameters contained in this permit is based on information contained in the permittee's NPDES application, and other available information relating to the facility and the receiving waterbody. In addition, when renewing a permit, the existing permit limits and the antibacksliding requirements under 327 IAC 5-2-10(a)(11) must be considered

### 5.1 Technology-Based Effluent Limits (TBELs)

EPA develops effluent limitations guidelines (ELGs) for industrial and commercial activities as required by the Clean Water Act (CWA). ELGs are technology-based effluent limits (TBELs). TBELs established pursuant to sections 301(b), 304, and 306 of the CWA represent the minimum level of treatment for industrial point sources that must be included in an NPDES permit (327 IAC 5-5-2(a)). The federal effluent guidelines and standards are located at 40 CFR 403 through 471, inclusive, and are incorporated into Indiana law at 327 IAC 5-2-1.5. In Indiana, NPDES permits are required to ensure compliance with these federal ELGs under 327 IAC 5-2-10(a)(1), 327 IAC 5-2-10(a)(2), and 327 IAC 5-5-2.

In the absence of ELGs for a particular process or parameter, TBELs can also be established on a case-by-case basis for a particular process or parameter using best professional judgment (BPJ) in accordance with 327 IAC 5-5-2 and 5-2-10 (see also 40 CFR 122.44 and 125.3, and Section 402(a)(1) of the CWA).

### BEST PROFESSIONAL JUDGEMENT (BPJ)

EPA develops effluent limitation guidelines (ELGs) for existing industrial and commercial activities as directed in the 1972 amendments of the Clean Water Act. The federal effluent limitation guidelines and standards are located at 40 CFR 403 through 471, inclusive, and are incorporated into Indiana Law at 327 IAC 5-2-1.5. In Indiana, NPDES permits are required to ensure compliance with these federal effluent limitation guidelines and standards under 327 IAC 5-2-10(a)(1), 327 IAC 5-2-10(a)(2), and 327 IAC 5-5-2. ELGs are technology-based effluent limitations (TBELs). The intent of a TBEL is to require a minimum level of treatment for industrial point source based on currently available treatment technologies. Where EPA has not yet developed guidelines for a particular industry, best professional judgement (BPJ) may be used to develop case-by-case technology-based permit limitations under 327 IAC 5-5-2 and 5-2-10 (see also 40 CFR 122.44 and 125.3, and Section 402 (a)(1) of the Clean Water Act).

ELGs have not yet been developed specifically for this type of discharge. Therefore, as provided by law, IDEM may establish TBELs in the proposed permit utilizing BPJ to meet the requirements of Best Conventional Pollutant Control Technology and Best Available Technology Economically Achievable (BCT/BAT).

## 5.2 Water Quality-Based Effluent Limits (WQBELs)

WQBELs are designed to be protective of the beneficial uses of the receiving water and are independent of the available treatment technology. The WQBELs for this facility are based on water quality criteria in 327 IAC 2-1-6 or developed under the procedures described in 327 IAC 2-1-8.2 through 8.7 and 327 IAC 2-1-8.9, and implementation procedures in 327 IAC 5. Limitations are required for any parameter which has the reasonable potential to exceed a water quality criterion as determined using the procedures under 327 IAC 5-2-11.1(h). Since the permittee extends throughout the State of Indiana, GLI regulations are also applicable. Therefore, the water quality-based effluent limitations for this facility are also based on water quality criteria in 327 IAC 2-1.5-8 or developed under the procedures described in 327 IAC 2-1.5-11 through 16 and implementation procedures in 327 IAC 5. Limitations are required for any parameter which has the reasonable potential to exceed a water quality criterion as determined using the procedures under 327 IAC 5-2-11.5.

## 5.3 Effluent Limitations and Monitoring Requirements by Outfall

Under 327 IAC 5-2-10(a) (see also 40 CFR 122.44), NPDES permit requirements are technology-based effluent limitations and standards (including TBELs based on federal effluent limitations guidelines or developed on a case-by-case basis using BPJ, where applicable), water quality standards-based, or based on other more stringent requirements. The decision to limit or monitor the parameters contained in this permit is based on information contained in the permittee's NPDES application and other available information relating to the facility and the receiving waterbody as well as the applicable federal effluent limitations guidelines. In addition, when renewing a permit, the existing permit limits, the antibacksliding requirements under 327 IAC 5-2-10(a)(11), and the antidegradation requirements under 327 IAC 2-1.3 must be considered.

### 5.3.1 All External Outfalls (001)

#### ***Narrative Water Quality Based Limits***

The narrative water quality criteria contained under 327 IAC 2-1-6(a)(1) and (2) and 327 IAC 2-1.5-8(b)(1) as applicable, have been included in this permit to ensure that these minimum water quality conditions are met.

#### ***Flow***

The permittee's flow is to be monitored in accordance with 327 IAC 5-2-13(a)(2).

#### ***pH***

Discharges to waters of the state are limited to the range of 6.0-9.0 s.u., in accordance with 327 IAC 2-1-6(b)(2) and 327 IAC 2-1.5-8(c)(2), as applicable.

### ***Oil and Grease (O & G)***

O & G limitations are 15.0 mg/l Daily Maximum. These limits are considered sufficient to ensure compliance with narrative water quality criteria which prohibits oil or other substances in amounts sufficient to produce color, visible sheen, odor, or other conditions in such a degree to create a nuisance. These limitations are being retained from the previous permit.

### ***Iron***

The facility shall continue to monitor for iron within this permit since iron might be present due to the source water.

### ***Total Suspended Solids (TSS)***

TSS is a regulated conventional pollutant and is limited in the NPDES permit to ensure adequate wastewater treatment is provided and the narrative water quality criteria will be protected. TSS is a parameter used to protect the existing and designated uses by preventing the discharge from having putrescent, or otherwise objectionable deposits, unsightly or deleterious deposits, color or other conditions in such a degree as to create a nuisance. TSS technology-based effluent limits are always designed to protect and maintain the existing uses. The proposed monitoring requirements and effluent limitations are based upon best professional judgment (BPJ) of the technology and corresponding effluent limitations equivalent to the Best Conventional Pollutant Control Technology (BCT), and were developed in accordance with the technology-based treatment standards requirements of 327 IAC 5-5-2(b). The facility will continue to have the permit limitation of 45.0 mg/l as a daily maximum within this permit.

### ***Benzene and Total BTEX***

Benzene is being used as an indicator of the volatile organic compounds present in the diesel fuel. As an indicator pollutant, it is expected that if benzene is removed to an acceptable concentration, the other constituents will also be removed to a permissible concentration. However, since the composite of petroleum products is highly variable and for some petroleum products any one of the four BTEX constituents can be the predominant constituent, total BTEX is being limited in the permit. Total BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylene. Benzene, toluene, and ethylbenzene are identified as toxic pollutants, in accordance with CWA Section 307(a) and listed in 40 CFR 401.15.

The benzene limitation of 0.005 mg/l daily maximum and the BTEX limitation of 0.1 mg/l daily maximum have been retained in this permit.

### ***Naphthalene***

Naphthalene is a constituent of diesel fuel and is being monitored as an indicator parameter for semi-volatile, base/neutral compounds. The Naphthalene limitation of 0.01 mg/l daily maximum has been retained in this permit.

### ***Total Residual Chlorine (TRC)***

Total Residual Chlorine (TRC) is limited to a daily maximum of 0.02 mg/l. The effluent limitation for TRC is 0.02 mg/l as a daily maximum. This limit is derived from 327 IAC 2-1-6. (Table 1- Water Quality Criteria for Specific Substances) and 327 IAC 2-1.5-8 (Table 8-1; Surface Water Quality Criteria for Protection of Aquatic Life) and assumes that the discharge is likely to occur when there is little or no dilution available in the receiving waters. Since this effluent limitation (0.02 mg/l) is less than the LOQ value (0.06 mg/l), the permittee may report “<0.06” for the daily maximum if the testing result(s) are less than the LOQ value. For any month in which the permittee does not utilize chlorinated intake water, the permittee may report “n/a” for this parameter. This parameter is included in the event that a potable water supply is utilized as the source water for the hydrostatic test water.

### **5.4 Whole Effluent Toxicity (WET) Testing**

The permit does not contain a requirement to conduct whole effluent toxicity (WET) tests.

### **5.5 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 calculated as part of this permit renewal 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).

## 5.6 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.

## 5.7 Stormwater

There is no storm water associated with this permit.

## 5.8 Water Treatment Additives

In the event that changes are to be made in the use of water treatment additives that could significantly change the nature of, or increase the discharge concentration of any of the additives contributing to an outfall governed under the permit, the permittee must apply for and obtain 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) available at: <https://www.in.gov/idem/forms/idem-agency-forms/> and submitting any needed supplemental information. In the review and approval process, IDEM determines, based on the information submitted with the application, whether the use of any new or changed water treatment additives/chemicals or dosage rates could potentially cause the discharge from any permitted outfall to cause chronic or acute toxicity in the receiving water.

The authority for this requirement can be found under one or more of the following: 327 IAC 5-2-8(11)(B), which generally requires advance notice of any planned changes in the permitted facility, any activity, or other circumstances that the permittee has reason to believe may result in noncompliance with permit requirements; 327 IAC 5-2-8(11)(F)(ii), which generally requires notice as soon as possible of any planned physical alterations or additions to the permitted facility if the alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharged; and 327 IAC 5-2-9(2) which generally requires notice as soon as the discharger knows or has reason to know that the discharger 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.

There are no water treatment additives currently approved for use at the facility.

## 6.0 PERMIT DRAFT DISCUSSION

---

### 6.1 Discharge Limitations, Monitoring Conditions and Rationale

The proposed final effluent limitations are based on the more stringent of the Indiana water quality-based effluent limitations (WQBELs), technology-based effluent limitations (TBELs), or approved total maximum daily loads (TMDLs) and NPDES regulations as appropriate for each regulated outfall. Section 5.3 of this document explains the rationale for the effluent limitations at each Outfall.

Analytical and sampling methods used shall conform to the version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1) and 327 IAC 5-2-1.5.

Nothing has changed to warrant modifying the monitoring conditions.

#### Outfall 001\*:

Parameter	Monthly Average	Daily Maximum	Units	Minimum Frequency	Sample Type
Flow	Report	N/A	MGD	1 X Daily	24 Hr. Total
Oil and Grease	-----	15.0	mg/l	1 X Daily	Grab
TSS	Report	45.0	mg/l	1 X Daily	Grab
Benzene	Report	0.005	mg/l	1 X Daily	Grab
BTEX	Report	0.1	mg/l	1 X Daily	Grab
Naphthalene	Report	0.01	mg/l	1 X Daily	Grab
Iron	Report	Report	mg/l	1 X Daily	Grab
TRC	Report	0.02	mg/l	1 X Daily	Grab

Parameter	Daily Minimum	Daily Maximum	Units	Minimum Frequency	Sample Type
pH	6.0	9.0	Std Units	1 X Daily	Grab

\*The permittee is required to provide IDEM and the local Health Department with a 30-day written notification of the intended discharge date, to include the specific location and the receiving stream, the estimated volume of the discharge, the source water, and whether the pipe is new or existing.

### 6.2 Schedule of Compliance

The circumstances in this NPDES permit do not qualify for a schedule of compliance.

### 6.3 Special Conditions and Other Permit Requirements

There are no special conditions on this permit.

## **6.4 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.

## **6.5 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.