

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO 20260529 – IN0032191– D + SMV
DATE OF NOTICE: May 29, 2026
DATE RESPONSE DUE: June 29, 2026

The Office of Water Quality proposes the following **DRAFT NPDES PERMIT and RENEWAL of STREAMLINED MERCURY VARIANCE (SMV)**:

Major Renewal:

City of Fort Wayne P.L. Brunner Water Pollution Control Plant, Permit IN0032191, ALLEN COUNTY, 2601 Dwenger Avenue, Fort Wayne, IN. The City of Fort Wayne has submitted renewal applications for its NPDES permit and for the SMV for discharges from the WWTP. IDEM proposes to renew both the SMV and the NPDES permit. This major municipal wastewater treatment plant has an average design flow of 74 million gallons daily of treated sanitary, industrial, and combined sewer wastewater into the Maumee River via Outfalls 001 and 002. Outfall 001 is located at Latitude: 41° 04' 50" N, Longitude: 85° 05' 52" W. Outfall 002 is located at Latitude: 41° 04' 50" N, Longitude: 85° 05' 59" W. The permittee is also authorized to discharge from 38 combined sewer overflow outfalls, which are listed in Attachment A of the permit, to receiving waters consisting of the Maumee River, an unnamed ditch to the Maumee River, Wigman Drain, the St. Mary's River, the St. Joseph River, Spy Run Creek, Natural Drain #4, and Baldwin Ditch in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit. Final solids are land applied in accordance with land application permit INLA000313. Permit Manager: Alyce Klein at 317-233-6728 or aklein@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 IC 13-15-5-1. 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 posted on IDEM's web site for public notices and notification will also be sent out to those persons submitting comments and/or on the mailing list at least 30 days prior to the hearing.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Mike Braun
Governor

Clint Woods
Commissioner

May 29, 2026

VIA ELECTRONIC MAIL

The Honorable Sharon Tucker, Mayor
City of Fort Wayne
200 East Berry Street
Fort Wayne, Indiana 46802

Dear Mayor Tucker:

Re: Draft NPDES Permit No. IN0032191
City of Fort Wayne
P.L. Brunner Water Pollution Control Plant
Allen County

Your application and supporting documents have been reviewed and processed in accordance with rules adopted under 327 IAC 5. Enclosed is draft NPDES Permit No. IN0032191 which applies to the discharge from the City of Fort Wayne P.L. Brunner Water Pollution Control Plant.

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 general public.

Please review this document carefully and become familiar with the proposed terms and conditions. Comments concerning the draft permit should be submitted in accordance with the procedure outlined in the enclosed public notice form. Questions concerning this draft permit may be addressed to Alyce Klein at 317/233-6728 or aklein@idem.IN.gov.

Sincerely,

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



Enclosures

cc: Chris Gach, Certified Operator
Miranda Sparkman, Manager Facilities Operations Compliance
Matt Land, Deputy Director of Utilities Chief Operating Officer
Matthew Wirtz, Deputy Director of Engineering
Brian Robinson, Chief Superintendent of Facilities
Dan Deeb, Attorney for City of Fort Wayne, ArentFox Schiff LLP

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, the Indiana Department of Environmental Management (IDEM) is issuing this permit to the

CITY OF FORT WAYNE

hereinafter referred to as "the permittee." The permittee owns and/or operates the **P.L. Brunner Water Pollution Control Plant**, a major municipal wastewater treatment plant located at 2601 Dwenger Avenue, Fort Wayne, Indiana, Allen County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters named the Maumee River, located within the Lake Erie drainage basin, in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the permit. The permittee is also authorized to discharge from combined sewer overflow outfalls listed in Attachment A of this permit, to receiving waters consisting of the Maumee River, an unnamed ditch to the Maumee River, Wigman Drain, the St. Mary's River, the St. Joseph River, Spy Run Creek, Natural Drain #4, and Baldwin Ditch in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

Effective Date: _____.

Expiration Date: _____.

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and application forms as are required by the Indiana Department of Environmental Management. The application shall be submitted to IDEM at least 180 days prior to the expiration date of this permit, unless a later date is allowed by the Commissioner in accordance with 327 IAC 5-3-2 and Part II.A.4 of this permit.

Issued on _____, for the Indiana Department of Environmental Management.

Jerry Dittmer, Chief
Permits Branch
Office of Water Quality

TREATMENT FACILITY DESCRIPTION

The permittee currently operates the P.L. Brunner Water Pollution Control Plant (WPCP), a 74 MGD, Class IV, conventional activated sludge wastewater treatment facility. The WPCP consists of preliminary screening, raw wastewater pumping, grit removal, phosphorus removal, primary clarification, activated sludge/nitrification, secondary clarification, effluent chlorination, effluent pumping station and dechlorination. The final effluent discharge occurs at designated Outfall 001. Grit and other materials are removed by screening and are hauled off site to a landfill. Sludge solids are anaerobically digested and pumped to the Fort Wayne Biosolids Handling Facility where they are processed pursuant to land application permit INLA000313.

The collection system includes sections that are separate sanitary sewers and storm sewers, and other older sections that are combined sanitary and storm sewers. The combined sewer portions of the collection system include thirty-eight (38) Combined Sewer Overflows (CSOs), identified and permitted in Attachment A of this permit.

There are three (3) ponds, known as Wet Weather (WW) Ponds 1,2 (formerly known as CSO Ponds Nos. 1 and 2) and 3, which were designed and constructed for the collection, storage, and treatment of wet weather flows from the collection system in excess of the WPCP's capacity. Wet weather flows are pumped into WW Pond 1 through a Wet Weather Pumping Station, which includes a screening facility to remove most floatable/debris from the raw wastewater. Wastewater can then flow into WW Ponds 2 and 3 and are conveyed to the WPCP as treatment capacity becomes available as a wet weather event subsides. Wet weather flows that exceed the storage capacity of the WW Ponds are discharged to the Maumee River from WW Pond 2 via CSO Outfall 002 and/or from WW Pond 1 via CSO Outfall 003.

The WPCP serves most areas of the City of Fort Wayne and other unincorporated areas of Allen County. Its current customers include New Haven, General Motors, Leo-Cedarville, Grabill and Maysville.

The mass limits for CBOD₅, TSS, ammonia-nitrogen and total residual chlorine have been calculated utilizing the peak design flow of 100 MGD. This is to facilitate the maximization of flow through the treatment facility in accordance with this Office's CSO policy.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from the outfalls listed below in accordance with the terms and conditions of this permit. The permittee shall take samples and measurements at a location representative of each discharge to determine whether the effluent limitations have been met. Refer to Part I.B of this permit for additional monitoring and reporting requirements.

1. Beginning on the effective date of this permit, the permittee is authorized to discharge from Outfall 001, which is located at Latitude: 41° 04' 47" N, Longitude: 85° 05' 52" W. In the event the discharge conveyance or Outfall 001 (located at WW Pond 3) is taken out of service for essential maintenance or other reasons, after notification in accordance with Part II.B.2.d. of the permit, the permittee is authorized to use WW Pond 2 as a temporary polishing pond. In the event of this emergency, 002-A (located at WW Pond 2) would be used in lieu of Outfall 001 for plant effluent discharge.

During the period that WW Pond 2 is used as a final polishing pond and discharge point in lieu of Outfall 001, WW Pond 2 will be disconnected from WW Pond 1 and the discharge from Outfall 002-A (located at WW Pond 2) located at Latitude: 41° 04' 50" N, Longitude: 85° 05' 59" W will be subject to the same conditions and effluent limitations as are applicable to discharges from Outfall 001. The discharge is subject to the following requirements:

TABLE 1

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly Average	Weekly Average	Units	Monthly Average	Weekly Average	Units	Measurement Frequency	Sample Type
Flow [1]	Report	----	MGD	----	----	----	Daily	24-Hr. Total
CBOD ₅	4,173	6,259	lbs/day	5.0	7.5	mg/l	Daily	24-Hr. Comp.
TSS	8,345	12,518	lbs/day	10	15	mg/l	Daily	24-Hr. Comp.
Ammonia-nitrogen								
Summer [2]	918	1,419	lbs/day	1.1	1.7	mg/l	Daily	24-Hr. Comp.
Winter [3]	1,335	2,003	lbs/day	1.6	2.4	mg/l	Daily	24-Hr. Comp.
Total Phosphorus [4]	Report	----	lbs/day	1.0	----	mg/l	Daily	24-Hr. Comp.
Nitrogen, Total (as N) [5]	Report	----	lbs/day	Report	----	mg/l	Monthly	24-Hr. Comp.

TABLE 2

Parameter	Quality or Concentration				Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
pH [6]	6.0	----	9.0	s.u.	Daily	Grab
Dissolved Oxygen [7]	7.0	----	----	mg/l	Daily	4 Grabs/24-Hrs.
<i>E. coli</i> [8]	----	125 [9]	235 [10]	cfu/100 ml	Daily	Grab

TABLE 3

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Total Residual Chlorine [11]								
Final [12]	8.35	16.7	lbs/day	0.01	0.02	mg/l	Daily	Grab

- [1] Effluent flow measurement is required per 327 IAC 5-2-13. The flow meter(s) shall be calibrated at least once every twelve months.
- [2] Summer limitations apply from May 1 through November 30 of each year.
- [3] Winter limitations apply from December 1 through April 30 of each year.
- [4] In accordance with 327 IAC 5-10-2(b), the facility must produce an effluent containing no more than 1.0 mg/l total phosphorus (P) any month that the average total phosphorus level in the raw sewage is greater than 5 mg/l. Otherwise, a degree of reduction, as prescribed below, must be achieved. Such reduction is to be calculated based on monthly average raw and final concentrations.

Phosphorus (P) Level in Raw Sewage (mg/l)	Required Removal (%)
greater than or equal to 4	80%
less than 4, greater than or equal to 3	75%
less than 3, greater than or equal to 2	70%
less than 2, greater than or equal to 1	65%
less than 1	60%

- [5] Total Nitrogen shall be determined by testing Total Kjeldahl Nitrogen (TKN) and Nitrate + Nitrite and reporting the sum of the TKN and Nitrate + Nitrite results (reported as N). Nitrate + Nitrite can be analyzed together or separately. Monitoring for Total Nitrogen is required in the effluent only.

The following EPA methods are recommended for use in the analysis of TKN and Nitrate + Nitrite. Alternative approved 40 CFR 136 methods may be utilized.

<u>Parameter</u>	<u>Method</u>
TKN	350.1, 351.1, 351.2
Nitrate	300.0, 300.1, 352.1
Nitrite	300.1, 353.2
Nitrate + Nitrite	300.0, 300.1, 353.2

- [6] 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 Report of Operation forms.

- [7] The daily minimum concentration of dissolved oxygen in the effluent shall be reported as the arithmetic mean determined by summation of the four (4) daily grab sample results divided by the number of daily grab samples. These samples are to be collected over equal time intervals.
- [8] The *Escherichia coli* (*E. coli*) limitations apply 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 twenty-five (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.
- [11] The effluent shall be disinfected on a continuous basis such that violations of the applicable bacteriological limitations (*E. coli*) do not occur from April 1 through October 31, annually. If the permittee uses chlorine for any reason, at any time including the period from November 1 through March 31, then the limits and monitoring requirements in Table 2 and 3 for Total Residual Chlorine (TRC) shall be in effect whenever chlorine is used.
- [12] The monthly average Water Quality-Based Effluent Limit (WQBEL) for total residual chlorine is less than the Limit of Quantitation (LOQ) as specified below. Compliance with the total residual chlorine concentration limitations will be demonstrated if the monthly average effluent level is less than or equal to the monthly average WQBEL. For the purpose of calculating the monthly average value, the daily effluent values that are less than the LOQ may be assigned a value of zero (0), unless, after considering the number of monitoring results that are greater than the Limit of Detection (LOD), and applying appropriate statistical techniques, a value other than zero (0) is warranted.

The daily maximum WQBEL for total residual chlorine is greater than or equal to the LOD value, but less than the LOQ value specified in the permit. Compliance with this effluent limitation will be demonstrated if the measured daily effluent concentrations are less than the LOQ. For daily maximum mass limitations based on WQBELs which are less than the LOQ value, compliance with the daily maximum mass value is based on the LOQ value. Compliance with the daily maximum mass value will be demonstrated if the calculated mass value is less than **50.1 lbs/day**.

At present, two methods are acceptable to IDEM measure total residual chlorine: amperometric and DPD colorimetric methods.

Parameter	LOD	LOQ
Chlorine	0.02 mg/l	0.06 mg/l

Case-Specific MDL

The permittee may determine a case-specific Method Detection Level (MDL) using the analytical method specified above. The MDL shall be derived by the procedure specified for MDLs contained in 40 CFR Part 136, Appendix B, and the limit of quantitation shall be set equal to 3.18 times the MDL. Other methods may be used if first approved by the U.S. EPA and IDEM.

2. Minimum Narrative Limitations

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

- a. 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:
 - (1) will settle to form putrescent or otherwise objectionable deposits;
 - (2) are in amounts sufficient to be unsightly or deleterious;
 - (3) produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
 - (4) are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
 - (5) 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.
- b. 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.

3. Additional Discharge Limitations and Monitoring Requirements

Beginning on the effective date of this permit, the permittee is authorized to discharge from Outfall 001, which is located at Latitude: 41° 04' 47" N, Longitude: 85° 05' 52" W. In the event the discharge conveyance or Outfall 001 (located at WW Pond 3) is taken out of service for

essential maintenance or other reasons, after notification in accordance with Part II.B.2.d. of the permit, the permittee is authorized to use WW Pond 2 as a temporary polishing pond. In the event of this emergency, 002-A (located at WW Pond 2) would be used in lieu of Outfall 001 for plant effluent discharge.

During the period that WW Pond 2 is used as a final polishing pond and discharge point in lieu of Outfall 001, WW Pond 2 will be disconnected from WW Pond 1 and the discharge from Outfall 002-A (located at WW Pond 2) located at Latitude: 41° 04' 50" N, Longitude: 85° 05' 59" W will be subject to the same conditions and effluent limitations as are applicable to discharges from Outfall 001. The discharge is subject to the following requirements:

TABLE 4

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Cadmium [1]								
Interim [2]	----	----	----	Report	Report	mg/l	1 X Weekly	24 Hr. Comp.
Final	0.93	1.9	lbs/day	0.0015	0.0031	mg/l	1 X Weekly	24 Hr. Comp.
Chromium [1]	----	Report	lbs/day	----	Report	mg/l	Quarterly	24 Hr. Comp.
Copper [1]	----	Report	lbs/day	----	Report	mg/l	Quarterly	24 Hr. Comp.
Cyanide [1]								
Interim [2]	----	----	----	Report	Report	mg/l	1 X Weekly	Grab
Final	2.8	5.7	lbs/day	0.0046	0.0093	mg/l	1 X Weekly	Grab
Lead [1]								
Interim [2]	----	----	----	Report	Report	mg/l	1 X Weekly	24-Hr. Comp.
Final	6.2	12	lbs/day	0.010	0.020	mg/l	1 X Weekly	24 Hr. Comp.
Mercury [1][3]								
WQBELs	0.00080	0.0020	lbs/day	1.3	3.2	ng/l	6 X Annually	Grab
Interim Discharge Limit [5][6]	----	----	----	1.8 [4]	Report	ng/l	6 X Annually	Grab
Nickel [1]	----	Report	lbs/day	----	Report	mg/l	Quarterly	24 Hr. Comp.
Zinc [1]	----	Report	lbs/day	----	Report	mg/l	Quarterly	24 Hr. Comp.

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

[1] The permittee shall measure and report this parameter as Total Recoverable Metal. Cyanide shall be reported as Free Cyanide.

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

The permittee may determine a case-specific Method Detection Level (MDL) using one of the analytical methods specified below, or any other test method which is approved by IDEM prior to use. The MDL shall be derived by the procedure specified for MDLs contained in 40 CFR Part 136, Appendix B, and the limit of quantitation shall be set equal to 3.18 times the MDL. NOTE: The MDL for purposes of this document, is synonymous with the "limit of detection" or "LOD" as defined in 327 IAC 5-1.5-26: "the minimum concentration of a substance that can be measured and reported with ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix".

Parameter	EPA Method	LOD	LOQ
Cadmium	3113 B	0.1 µg/l	0.32 µg/l
Chromium	3111 C or 3113 B	2.0 µg/l	6.4 µg/l
Copper	3113 B	1.0 µg/l	3.2 µg/l
Cyanide, Available*	OIA-1677-09 (available)	0.5 µg/l	1.6 µg/l
Cyanide, Available*	Kelada-01 (available)	0.5 µg/l	1.6 µg/l
Lead	3113 B	1.0 µg/l	3.2 µg/l
Mercury	1631, Revision E	0.2 ng/l	0.5 ng/l
Nickel	3113 B	1.0 µg/l	3.2 µg/l
Zinc	200.7, Revision 4.4 or 3120 B	2.0 µg/l	6.4 µg/l

*Free cyanide shall be reported as free cyanide but measured using one of the approved EPA test methods above for available cyanide.

- [2] Refer to the Schedule of Compliance in Part I.E of this permit.
- [3] Mercury monitoring shall be conducted six times annually (i.e. every other month) for the term of the permit. Monitoring shall be conducted and reported in the months of February, April, June, August, October, and December of each year. Mercury monitoring and analysis will be performed using EPA Test Method 1631, Revision E. If Method 1631, Revision E is further revised during the term of this permit, the permittee and/or its contract laboratory is required to utilize the most current version of the method immediately after approval by EPA.
- [4] Annual average for the purpose of the mercury interim discharge limit.
- [5] The permittee applied for, and received, a variance from the water quality criterion used to establish the referenced mercury WQBELs under the streamlined mercury variance (SMV) procedures of 327 IAC 5-3.5. Compliance with the interim discharge limit will demonstrate compliance with this permit.
- [6] For the term of the NPDES permit, the permittee is subject to the interim discharge limit developed under the provisions of 327 IAC 5-3.5-8. Each reporting period (i.e., bi-monthly), the permittee shall report both a daily value and an annual average value for mercury. The annual average discharge value is to be calculated as the average of the measured effluent daily values for mercury over the most recent (rolling) twelve-month period. Compliance with the interim discharge limit will be achieved when the annual average discharge value for the most recent twelve-month period is less than the interim discharge limit.

4. Additional Monitoring Requirements

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

a. Influent Monitoring

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

TABLE 5

Parameter	Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Cadmium [1]	Report	Report	mg/l	1 X Weekly	24 Hr. Comp.
Chromium [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.
Copper [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.
Cyanide [1]	Report	Report	mg/l	1 X Weekly	Grab
Lead [1]	Report	Report	mg/l	1 X Weekly	24 Hr. Comp.
Mercury [1][2]	----	Report	ng/l	6 X Annually	Grab
Nickel [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.
Zinc [1]	Report	Report	mg/l	Quarterly	24 Hr. Comp.

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

[1] The permittee shall measure and report this parameter as Total Recoverable Metal. Cyanide shall be reported as Free Cyanide.

[2] Mercury monitoring shall be conducted six times annually (i.e. every other month) for the term of the permit. Monitoring shall be conducted and reported in the months of February, April, June, August, October, and December of each year. Mercury monitoring and analysis will be performed using EPA Test Method 1631, Revision E. If Method 1631, Revision E is further revised during the term of this permit, the permittee and/or its contract laboratory is required to utilize the most current version of the method immediately after approval by EPA.

b. Priority Pollutants Monitoring

The permittee shall conduct an annual inventory of priority pollutants (see 40 CFR 423, Appendix A) and shall identify and quantify additional organic compounds which occur in

the influent, effluent, and sludge. The analytical report shall be sent to the Pretreatment Group. This report is due in December of each year. The inventory shall consist of:

(1) Sampling and Analysis of Influent and Effluent

Sampling shall be conducted on a day when industrial discharges are occurring at normal or maximum levels. The samples shall be 24-hour flow proportional composites, except for cyanide and volatile organics, which shall be taken by appropriate grab sampling techniques. Analysis for the U.S. EPA organic priority pollutants shall be performed using U.S. EPA methods 624, 625 and 608 in 40 CFR 136, or other equivalent methods approved by U.S. EPA. Equivalent methods must be at least as sensitive and specific as methods 624, 625 and 608.

All samples must be collected, preserved and stored in accordance with 40 CFR 136, Appendix A. Samples for volatile organics must be analyzed within 14 days of collection. Samples for semivolatile organics, PCBs and pesticides must be extracted within 7 days of collection and analyzed within 40 days of extraction. For composite samples, the collection date shall be the date at the end of the daily collection period.

(2) Sampling and Analysis of Sludge

Sampling collection, storage, and analysis shall conform to the U.S. EPA recommended procedures equivalent to methods in accordance with 40 CFR 503. Special sampling and/or preservation techniques will be required for those pollutants which deteriorate rapidly.

Sludge samples for volatile organics must be analyzed within 14 days of collection. Sludge samples for semivolatile organics, PCBs and pesticides must be extracted within 14 days of collection and analyzed within 40 days of extraction.

(3) Additional Pollutant Identification

In addition to the priority organic pollutants, a reasonable attempt shall be made to identify and quantify the ten most abundant constituents of each fraction (excluding priority pollutants and unsubstituted aliphatic compounds) shown to be present by peaks on the total ion plots (reconstructed gas chromatograms) more than ten times higher than the adjacent background noise. Identification shall be attempted through the use of U.S. EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be based on an order of magnitude estimate based upon comparison with an internal standard.

The priority pollutant report should identify the additional steps necessary to determine whether the pollutants that are present interfere, pass through, or otherwise violate 40 CFR 403.2. Upon such determination, the report must also identify the steps taken to develop and enforce local limitations on industrial discharges for those pollutants. This is a requirement of 40 CFR 403.5.

B. 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. Data on Plant Operation

The raw influent and the wastewater from intermediate unit treatment processes, as well as the final effluent shall be sampled and analyzed for the pollutants and operational parameters specified by the applicable Monthly Report of Operation Form, as appropriate, in accordance with 327 IAC 5-2-13. Except where the permit specifically states otherwise, the sample frequency for the raw influent and intermediate unit treatment process shall be at a minimum the same frequency as that for the final effluent. The measurement frequencies specified in each of the tables in Part I.A. are the minimum frequencies required by this permit.

3. Reporting per Monitoring Period

The permittee shall submit accurate monitoring reports to the Indiana Department of Environmental Management containing results obtained during each monitoring period and shall be submitted no later than the 28th day of the month following each completed monitoring period. Each monitoring period report shall be submitted no less than annually and no more than monthly, as per parameter measurement frequency listed. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO). Permittees with metals monitoring requirements shall complete and submit the Indiana MRO Form (State Form 10829 MRO for the Activated Sludge Type WWTP – expanded version) to report their influent and/or effluent data for metals and other toxics. Permittees with combined sewer overflow discharges must also submit the CSO Monthly Report of Operation to IDEM by the 28th day of the month following each completed monitoring period.

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. The permittee may continue to use their automated MRO/MMR system.

A calendar week will begin on Sunday and end on Saturday. Partial weeks consisting of four or more days at the end of any month will include the remaining days of the week, which occur in the following month in order to calculate a consecutive seven-day average. This value will be reported as a weekly average or seven-day average on the MRO for the month containing the partial week of four or more days. Partial calendar weeks consisting of less than four days

at the end of any month will be carried forward to the succeeding month and reported as a weekly average or a seven-day average for the calendar week that ends with the first Saturday of that month.

4. Definitions

a. Calculation of Averages

Pursuant to 327 IAC 5-2-11(a)(5), the calculation of the average of discharge data shall be determined as follows: For all parameters except fecal coliform and *E. coli*, calculations that require averaging of sample analyses or measurements of daily discharges shall use an arithmetic mean unless otherwise specified in this permit. For fecal coliform, the monthly average discharge and weekly average discharge, as concentrations, shall be calculated as a geometric mean. For *E. coli*, the monthly average discharge, as a concentration, shall be calculated as a geometric mean.

b. Terms

- (1) "Monthly Average" - The monthly average discharge 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.
- (2) "Weekly Average" - The weekly average discharge means the total mass or flow-weighted concentration of all daily discharges during any calendar week for which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar week. The average weekly discharge limitation is the maximum allowable average weekly discharge for any calendar week.
- (3) "Daily Maximum" - The daily maximum discharge limitation is the maximum allowable daily discharge for any calendar day. The "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 represents the calendar day for purposes of sampling.
- (4) "24-hour Composite" - A 24-hour composite sample consists of at least four (4) individual flow-proportioned samples of wastewater, taken by the grab sample method over equal time intervals during the period of operator attendance or by an automatic sampler, and which are combined prior to analysis. A flow proportioned composite sample shall be obtained by:
 - (a) recording the discharge flow rate at the time each individual sample is taken,
 - (b) adding together the discharge flow rates recorded from each individual sampling time to formulate the "total flow value,"

- (c) dividing the discharge flow rate of each individual sampling time by the total flow value to determine its percentage of the total flow value, and
- (d) multiplying 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.

Alternatively, a 24-hour composite sample may be obtained by an automatic sampler on an equal time interval basis over a twenty-four hour period provided that a minimum of 24 samples are taken and combined prior to analysis. The samples do not need to be flow-proportioned if the permittee collects samples in this manner.

- (5) CBOD₅: Five-day Carbonaceous Biochemical Oxygen Demand
- (6) TSS: Total Suspended Solids
- (7) *E. coli*: *Escherichia coli* bacteria
- (8) The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.
- (9) The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, located at the following address: 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.
- (10) Limit of Detection or LOD is defined as a measurement of the concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix. The LOD is equivalent to the Method Detection Level or MDL.
- (11) Limit of Quantitation or LOQ is defined as 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 called the limit of quantification or quantification level.
- (12) Method Detection Level or MDL is defined as 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 the procedure set forth in 40 CFR Part 136, Appendix B. The method detection level or MDL is equivalent to the LOD.

5. 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).

6. Recording Results

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

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

7. 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 such monitoring shall be included in the calculation and reporting of the values required in the Monthly Discharge Monitoring Report and on the Monthly Report of Operation form. Such increased frequency shall also be indicated on these forms. Any such additional monitoring data which indicates a violation of a permit limitation shall be followed up by the permittee, whenever feasible, with a monitoring sample obtained and analyzed pursuant to approved analytical methods. The results of the follow-up sample shall be reported to the Commissioner in the Monthly Discharge Monitoring Report.

8. 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-year period 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.

9. Discharge Monitoring Reports

- a. For parameters with monthly average WQBELs below the Limit of Quantitation (LOQ), daily effluent values that are less than the LOQ, used to determine the monthly average effluent levels less than the LOQ, may be assigned a value of zero (0), unless, after considering the number of monitoring results that are greater than the Limit of Detection (LOD), and applying appropriate statistical techniques, a value other than zero (0) is warranted.
- b. For all other parameters for which the monthly average WQBEL is equal to or greater than the LOQ, calculations that require averaging of measurements of daily values (both concentration and mass) shall use an arithmetic mean. When a daily discharge value is below the LOQ, a value of zero (0) shall be used for that value in the calculation to determine the monthly average unless otherwise specified or 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 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 value.
- f. Mass discharge values that are calculated from effluent concentrations greater than the limit of detection shall be reported as the calculated value.

C. REOPENING CLAUSES

In addition to the reopening clause provisions cited at 327 IAC 5-2-16, the following reopening clauses are incorporated into this permit:

1. This permit may be modified or, alternately, revoked and reissued after public notice and opportunity for hearing to incorporate effluent limitations reflecting the results of a Wasteload allocation if the Department of Environmental Management determines that such effluent limitations are needed to assure that State Water Quality Standards are met in the receiving stream.
2. This permit may be modified due to a change in sludge disposal standards pursuant to Section 405(d) of the Clean Water Act, if the standards when promulgated contain different conditions, are otherwise more stringent, or control pollutants not addressed by this permit.

3. This permit may be modified, or, alternately, revoked and reissued, to comply with any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:
 - a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - b. controls any pollutant not limited in the permit.
4. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to incorporate monitoring requirements and effluent limitations for cadmium, chromium, copper, cyanide, lead, mercury, nickel, or zinc, if the Department of Environmental Management determines that such monitoring requirements and effluent limitations are needed to assure that State Water Quality standards are met in the receiving streams.
5. This permit may be modified, or alternately, revoked and reissued after public notice and opportunity for hearing to include Whole Effluent Toxicity (WET) limitations or to include limitations for specific toxicants if the results of the WET testing and/or the Toxicity Reduction Evaluation (TRE) study indicate that such limitations are necessary.
6. This permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing, to include a case-specific Method Detection Level (MDL). The permittee must demonstrate that such action is warranted in accordance with the procedure specified under Appendix B, 40 CFR Part 136, or approved by the Indiana Department of Environmental Management.
7. This permit may be modified, or, alternately, revoked and reissued after public notice and opportunity for hearing to include revised SMV and/or PMPP requirements in the event that revisions to the SMV Requirements and Application Process under 327 IAC 5-3.5 occur.
8. The permit may be modified or, alternatively, revoked and reissued, after public notice and opportunity for hearing, to incorporate tiered effluent limitations, pursuant to IC 13-18-19-2(a)(1)(A), if warranted under the terms of this reopener clause. Tiered effluent limitations may be considered to be warranted for the purposes of this reopener clause if operational experience and water quality impact analyses show alternative limits may be appropriate when wet weather flows are at or near 100 MGD.

D. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

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

1. Whole Effluent Toxicity (WET) Tests

The permittee must conduct the series of aquatic toxicity tests described below using freshwater aquatic organisms as the test species to monitor the acute and chronic toxicity of the effluent discharged from Outfall 001.

If toxicity is demonstrated in two (2) consecutive toxicity tests as described in Part I.D.1.g. with any test species during the term of the permit, the permittee is required to conduct a TRE under Part I.D.2.

a. Toxicity Test Procedures and Data Analysis

- (1) All test organisms, test procedures, and quality assurance criteria used must be in accordance with the Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, Fourth Edition, Section 11, Fathead Minnow (*Pimephales promelas*) Larval Survival and Growth Test Method 1000.0, and Section 13, Daphnid (*Ceriodaphnia dubia*) Survival and Reproduction Test Method 1002.0, EPA 821-R-02-013, October 2002 (hereinafter "Chronic Toxicity Test Method"), or most recent update that conforms to the version of 40 CFR 136 incorporated by reference in 327 IAC 5. References to specific portions of the Chronic Toxicity Test Method contained in this Part I.D. are provided for informational purposes. If the Chronic Toxicity Test Method is updated, the corresponding provisions of that updated method would be applicable.
- (2) Any circumstances not covered by the above methods, or that require deviation from the specified methods must first be approved by the IDEM Office of Water Quality, Municipal NPDES Permits Section.
- (3) The determination of acute and chronic endpoints of toxicity (LC₅₀), NOEC, and IC₂₅ values) must be made in accordance with the procedures in Section 9, "Chronic Toxicity Test Endpoints and Data Analysis" and the Data Analysis procedures as outlined in Section 11 for Fathead Minnow (Test Method 1000.0; see flowcharts in Figures 5, 6, and 9) and Section 13 for *Ceriodaphnia dubia* (Test Method 1002.0; see flowcharts in Figures 4 and 6) of the Chronic Toxicity Test Method. The IC₂₅ value together with 95% confidence intervals calculated by the Linear Interpolation and Bootstrap Methods in Appendix M of the Chronic Toxicity Test Method must be determined in addition to the NOEC value.

b. Types of Whole Effluent Toxicity Tests

- (1) The permittee must conduct a 3-brood (7-day) definitive static-renewal daphnid (*Ceriodaphnia dubia*) survival and reproduction toxicity test and a 7-day definitive static-renewal Fathead Minnow (*Pimephales promelas*) larval survival and growth toxicity test.

- (2) All tests must be conducted using 24-hour composite samples of final effluent. For each test, three effluent samples are to be collected on alternate days (e.g. collected on days one, three, and five). The first effluent sample will be used for test initiation and for test solution renewal on day 2. The second effluent sample will be used for test solution renewal on days 3 and 4. The third effluent sample will be used for test solution renewal on days 5, 6, and 7. If shipping problems are encountered with the second effluent sample after a test has been initiated, the test must be repeated. However, if shipping problems are encountered with the third effluent sample, the second effluent sample may continue to be used for test renewal on day 5. The third effluent sample will then be used for test solution renewal on days 6 and 7.
- (3) The whole effluent dilution series for the definitive test must include a control and at least five effluent concentrations with a minimum dilution factor of 0.5. The effluent concentrations selected must include and, if practicable, bracket the effluent concentrations associated with the determinations of acute and chronic toxicity provided in Part I.D.1.f. Guidance on selecting effluent test concentrations is included in Section 8.10 of the Chronic Toxicity Test Method. The use of an alternate procedure for selecting test concentrations must first be approved by the IDEM Office of Water Quality, Municipal NPDES Permits Section.
- (4) If, in any control, more than 10% of the test organisms die in the first 48 hours with a daphnid species or the first 96 hours with a Fathead Minnow, or more than 20% of the test organisms in 7 days, that test is considered invalid and the toxicity tests must be repeated. In addition, if in the *Ceriodaphnia dubia* survival and reproduction test, the average number of young produced per surviving female in the control group is less than 15, or if 60% of surviving control females have less than three broods; and in the Fathead Minnow (*Pimephales promelas*) survival and growth test, if the mean dry weight of surviving fish in the control group is less than 0.25 mg, that test is considered invalid and must also be repeated. All other test conditions and test acceptability criteria for the Fathead Minnow (*Pimephales promelas*) and *Ceriodaphnia dubia* chronic toxicity tests must be in accordance with the test requirements in Section 11 (Test Method 1000.0), Table 1 and Section 13 (Test Method 1002.0), Table 3, respectively, of the Chronic Toxicity Test Method.

c. Effluent Sample Collection and Chemical Analysis

- (1) Whole effluent samples taken for the purposes of toxicity testing must be 24-hour composite samples collected at a point that is representative of the final effluent, but prior to discharge. Effluent sampling for the toxicity testing may be coordinated with other permit sampling requirements as appropriate to avoid duplication. First use of the whole effluent toxicity testing samples must not exceed 36 hours after termination of the 24-hour composite sample collection and must not be used for longer than 72 hours after first use.

(2) Chemical analysis must coincide with, and if test methods allow, be conducted on each effluent sample taken for toxicity testing, including each sample taken for the repeat testing as outlined in Part I.D.1.f.3. The chemical analysis detailed in Part I.A.1. and Part I.A.3 must be conducted for the effluent sample in accordance with Part I.B.5. of this permit. The results from these chemical analyses must be included with the full Whole Effluent Toxicity (WET) test laboratory report submitted pursuant to Part I.D.1.e.(3).

d. Toxicity Testing Frequency and duration

The toxicity tests specified in Part I.D.1.b. must be conducted once **every six (6) months**, as calculated from the effective date of the permit, for the duration of the permit.

If a TRE is initiated during the term of the permit, after receiving notification under Part I.D.1.e., the Compliance Data Section will suspend the toxicity testing requirements above for the term of the TRE schedule described in Part I.D.2. After successful completion of the TRE, the toxicity tests specified in Part I.D.1.b must be conducted once **every six (6) months**, as calculated from the first day of the first month following successful completion of the post-TRE toxicity tests (see Part I.D.2.c(4)) for the remainder of the permit term.

e. Reporting

- (1) Notifications of the failure of two (2) consecutive toxicity tests and the intent to begin the implementation of a TRE under Part I.D.1.g. must be submitted in writing to the IDEM Office of Water Quality, Compliance Data Section.
- (2) Results of all toxicity tests, including invalid tests, must be reported to IDEM according to the general format and content recommended in the Chronic Toxicity Test Method, Section 10, "Report Preparation and Test Review". However, only the results of valid toxicity tests are to be reported on the discharge monitoring report (DMR). The results of the toxicity tests and laboratory report are due by the earlier of 60 days after completion of the test or the 28th day of the month following the end of the testing period established in Part I.D.1.d.
- (3) The full WET test laboratory report must be submitted electronically as an attachment to an e-mail to the IDEM Office of Water Quality, Compliance Data Section at wwreports@idem.IN.gov. The results must also be submitted via NetDMR.
- (4) For quality control and ongoing laboratory performance, the laboratory report must include results from appropriate standard reference toxicant tests. This will consist of acute (LC₅₀ values), if applicable and chronic (NOEC, LOEC, and IC₂₅ values) endpoints of toxicity obtained from reference toxicant tests conducted within 30 days of the most current effluent toxicity tests and from similarly obtained historical reference toxicant data with mean values and appropriate ranges for each species tested for at

least three months to one year. Toxicity test reports must also include copies of chain-of-custody records and laboratory raw data sheets.

- (5) Statistical procedures used to analyze and interpret toxicity data (e.g. Fisher's Exact Test and Steel's Many-one Rank Test for 7-day survival of test organisms; tests of normality (e.g., Shapiro Wilk's Test) and homogeneity of variance (e.g., Bartlett's Test); appropriate parametric (e.g. Dunnett's Test) and non-parametric (e.g. Steel's Many-one Rank Test) significance tests and point estimates (IC_{25}) of effluent toxicity, etc.; together with graphical presentation of survival, growth, and reproduction of test organisms), including critical values, levels of significance, and 95% confidence intervals, must be described and included as part of the toxicity test laboratory report.
- (6) For valid toxicity tests, the WET test laboratory report must include a summary table of the results for each species tested, as shown in the table presented below. This table will provide toxicity test results, reported in acute toxic units (TU_a) and chronic toxic units (TU_c) for evaluation under Part I.D.1.f. and reporting on the DMR.

[Remainder of page left intentionally blank.]

Test Organism [1]	Test Type	Endpoint [2]	Units	Result	Compliance Limit [6]	Pass/Fail [7]	Reporting
<i>Ceriodaphnia dubia</i>	3-brood (7-day) Definitive Static-Renewal Survival and Reproduction	48-hr. LC ₅₀	%	Report			Laboratory Report
			TU _a	Report			
		NOEC Survival	%	Report			
			TU _c	Report			
		NOEC Reproduction	%	Report			
			TU _c	Report			
	IC ₂₅ Reproduction	%	Report				
		TU _c	Report				
Toxicity (acute) [3]	TU _a	Report [5]	1.0	Report	Laboratory Report and NetDMR (Parameter Code 61425)		
Toxicity (chronic) [4]	TU _c	Report [5]	1.1	Report	Laboratory Report and NetDMR (Parameter Code 61426)		
<i>Pimephales promelas</i>	7-day Definitive Static-Renewal Larval Survival and Growth	96-hr. LC ₅₀	%	Report			Laboratory Report
			TU _a	Report			
		NOEC Survival	%	Report			
			TU _c	Report			
		NOEC Growth	%	Report			
			TU _c	Report			
	IC ₂₅ Growth	%	Report				
		TU _c	Report				
Toxicity (acute) [3]	TU _a	Report [5]	1.0	Report	Laboratory Report and NetDMR (Parameter Code 61427)		
Toxicity (chronic) [4]	TU _c	Report [5]	1.1	Report	Laboratory Report and NetDMR (Parameter Code 61428)		

[1] For the WET test laboratory report, eliminate from the table any species that was not tested.

- [2] A separate acute test is not required. The endpoint of acute toxicity must be extrapolated from the chronic toxicity test.
- [3] The toxicity (acute) endpoint for *Ceriodaphnia dubia* is the 48-hr. LC₅₀ results reported in acute toxic units (TU_a). The toxicity (acute) endpoint for *Pimephales promelas* is the 96-hr. LC₅₀ result reported in acute toxic units (TU_a).
- [4] The toxicity (chronic) endpoint for *Ceriodaphnia dubia* is the higher of the NOEC Survival, NOEC Reproduction, and IC₂₅ Reproduction values reported in chronic toxic units (TU_c).
- [5] Report the values for acute and chronic endpoints of toxicity determined in [3] and [4] for the corresponding species. These values are the ones that need to be reported on the DMR.
- [6] An exceedance of any of these values results in a demonstration of toxicity that requires the permittee to take the actions set forth in either Part I.D.1.f or Part I.D.1.g., as applicable.
- [7] If the toxicity result (in TU_s) is less than or equal to the compliance limit, report "Pass". If the toxicity result (in TU_s) exceeds the compliance limit, report "Fail".

f. Demonstration of Toxicity

- (1) Toxicity (acute) will be demonstrated if the effluent is observed to have exceeded **1.0 TU_a** (acute toxic units) for *Ceriodaphnia dubia* in 48 hours or in 96 hours for *Pimephales promelas*. For this purpose, a separate acute toxicity test is not required. The results for the acute toxicity demonstration must be extrapolated from the chronic toxicity test. For the purpose of selecting test concentrations under Part I.D.1.b.(3), the effluent concentration associated with acute toxicity is 100%.
- (2) Toxicity (chronic) will be demonstrated if the effluent is observed to have exceeded **1.1 TU_c** (chronic toxic units) for *Ceriodaphnia* or *Pimephales promelas* from the chronic toxicity test. For the purpose of selecting test concentrations under Part I.D.1.b.(3), the effluent concentration associated with chronic toxicity is 91%.
- (3) If toxicity (acute) or toxicity (chronic) is demonstrated in any of the chronic toxicity tests specified at (1) or (2) above, a repeat chronic toxicity test using the procedures in Part I.D.1. of this permit and the same test species must be initiated within two (2) weeks of test failure, or as soon thereafter as practicable. During the sampling for any repeat tests, the permittee must also collect and preserve sufficient effluent samples for use in any Toxicity Identification Evaluation (TIE) and/or TRE, if necessary.

g. Requirement to Conduct a Toxicity Reduction Evaluation

If any two (2) consecutive chronic toxicity tests, including any and all repeat tests, demonstrate acute or chronic toxicity for the same or the other test species under

Part I.D.1.f., the permittee must notify the IDEM Office of Water Quality, Compliance Data Section under Part I.D.1.e. within 30 days of the termination of the second test, and begin the implementation of TRE as described in Part I.D.2. After receiving notification from the permittee, the Compliance Data Section will suspend the whole effluent toxicity testing requirements in Part I.D.1. for the term of the TRE schedule.

h. Definitions

- (1) "Acute toxic unit" or "TU_a" is defined as $100/LC_{50}$ where the LC_{50} is expressed as a percent effluent in the test medium of an acute whole effluent toxicity (WET) test that is statistically or graphically estimated to be lethal to fifty percent (50%) of the test organism.
- (2) "Chronic toxic unit" or "TU_c" is defined as $100/NOEC$ or $100/IC_{25}$, where the NOEC or IC_{25} are expressed as a percent effluent in the test medium.
- (3) "Inhibition concentration 25" or "IC₂₅" means the toxicant (effluent) concentration that would cause a twenty-five percent (25%) reduction in a nonquantal biological measurement for the test population. For example, the IC_{25} is the concentration of toxicant (effluent) that would cause a twenty-five percent (25%) reduction in mean young per female or in growth for the test population.
- (4) "No observed effect concentration" or "NOEC" is the highest concentration of toxicant (effluent) to which organisms are exposed in a full life cycle or partial life cycle (short term) test, that causes no observable adverse effects on the test organisms, that is, the highest concentration of toxicant (effluent) in which the values for the observed responses are not statistically significantly different from the controls.

2. Toxicity Reduction Evaluation (TRE) Schedule

The development and implementation of a TRE is only required if toxicity is demonstrated in two (2) consecutive tests as described in Part I.D.1.g. The post-TRE toxicity testing requirements in Part I.D.2.c. must also be completed as part of the TRE schedule.

Milestone Dates: See a. through e. below for more detail on the TRE milestone dates.

Requirement	Deadline
Development and Submittal of a TRE Plan	Within 90 days of the date of two (2) consecutive failed toxicity tests (i.e., the date of termination of the second test).
Initiate a TRE Study	Within 30 days of TRE Plan submittal
Submit TRE Progress Reports	Every 90 days beginning six (6) months from the date of two (2) consecutive failed toxicity tests (i.e., the date of termination of the second test).
Post-TRE Toxicity Testing Requirements	Immediately upon completion of the TRE, conduct three (3) consecutive months of toxicity tests with both test species; if no acute or chronic toxicity is shown with any test species, reduce toxicity tests to once every six (6) months for the remainder of the permit term. If post-TRE toxicity testing demonstrates toxicity, continue the TRE study.
Submit Final TRE Report	Within 90 days of successfully completing the TRE (including the post-TRE toxicity testing requirements), not to exceed three (3) years from the date that toxicity is initially demonstrated in two (2) consecutive toxicity tests (i.e., the date of termination of the second test).

a. Development of TRE Plan

Within 90 days of the date of two (2) consecutive failed toxicity tests (i.e. the date of termination of the second test), the permittee must submit plans for an effluent TRE to the IDEM Office of Water Quality, Compliance Data Section. The TRE plan must include appropriate measures to reduce toxicity in the effluent discharge to levels that demonstrate no toxicity with any test species as described in Part I.D.1.f. Guidance on conducting effluent toxicity reduction evaluations, including Toxicity Identification Evaluations (TIEs) to characterize and identify the causative toxicants, if necessary, is available from EPA and from the EPA publications listed below:

(1) Method for Aquatic Toxicity Identification Evaluations:

Phase I Toxicity Characterization Procedures, Second Edition (EPA/600/6-91/003), February 1991.

Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA/600/R-92/080), September 1993.

Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA/600/R-92/081), September 1993.

- (2) Toxicity Identification Evaluation: Characterization of chronically Toxic Effluents, Phase I (EPA/600/6-91/005F), May 1992.
- (3) Toxicity Reduction evaluation Guidance for Municipal Wastewater Treatment Plants (EPA/833B-99-002), August 1999.
- (4) Clarifications Regarding Toxicity Reduction and Identification Evaluations in the National Pollutant Discharge Elimination System Program, U.S. EPA, March 27, 2001.

b. Conduct the TRE

Within 30 days after submittal of the TRE plan to the Compliance Data Section, the permittee must initiate the TRE consistent with the TRE plan.

c. Post-TRE Toxicity Testing Requirements

- (1) After completing the TRE, the permittee must conduct monthly post-TRE toxicity tests with the two (2) test species *Ceriodaphnia dubia* and Fathead Minnow (*Pimephales promelas*) for a period of three (3) consecutive months.
- (2) If the three (3) monthly tests demonstrate no toxicity with any test species as described in Part I.D.1.f.(1) and f. (2), the TRE will be considered successful. Otherwise, the TRE study must be continued.
- (3) The post-TRE toxicity tests must be conducted in accordance with the procedures in Part I.D.1. The results of these tests must be submitted as part of the final TRE Report required under Part I.D.2.d.
- (3) After successful completion of the TRE, the permittee must resume the chronic toxicity tests required in Part I.D.1. The established starting date for the frequency in Part I.D.1.d. is the first day of the first month following successful completion of the post-TRE toxicity tests.

d. Reporting

- (1) Progress reports must be submitted every 90 days to the IDEM Office of Water Quality, Compliance Data Section beginning six (6) months from the date of two (2) consecutive failed toxicity tests (i.e., the date of termination of the second test). Each TRE progress report must include a listing of proposed activities for the next quarter and a schedule to reduce toxicity in the effluent discharge to acceptable levels through control of the toxicant source or treatment of whole effluent.

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

e. Compliance Date

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

E. SCHEDULE OF COMPLIANCE FOR CADMIUM, CYANIDE AND LEAD

1. The permittee shall submit a written progress report to the Compliance Data Section, Office of Water Quality (OWQ) twelve (12) months from the effective date of the permit. The progress report shall include, among other items, a description of the method(s) selected for meeting the final requirements for cadmium, cyanide, and lead. The final effluent limitations for cadmium, cyanide, and lead are deferred for the term of this compliance schedule, however the permittee must take steps to attempt to meet the final limitations as soon as reasonably possible. If the permittee determines prior to the conclusion of this compliance schedule that it can meet any of the final limitations, the permittee shall provide written notification to the Compliance Data Section of the Office of Water Quality. Monitoring and reporting of effluent cadmium, cyanide, and lead is required during the interim period in accordance with Part I.A.1 of the permit.
2. The permittee shall submit a written progress report to the Compliance Data Section, Office of Water Quality not later than twenty-four (24) months from the effective date of the permit.
3. The permittee shall submit a written progress report to the Compliance Data Section, Office of Water Quality not later than thirty-six (36) months from the effective date of the permit.
4. The permittee shall submit a written progress report to the Compliance Data Section, Office of Water Quality not later than forty-eight (48) months from the effective date of the permit.
5. The permittee shall comply with all final requirements no later than fifty-nine (59) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Data Section, Office of Water Quality at this time.
6. If the permittee fails to comply with any deadline contained in the foregoing schedule, the permittee shall, within fourteen (14) days following the missed deadline, submit a written notice of noncompliance to the Compliance Data Section of the Office of Water Quality stating the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with final effluent limitations.

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 Provide Information

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 facility that:

- a. could significantly change the nature of, or increase the quantity of, pollutants discharged;
or
- b. the Commissioner may request to evaluate whether such cause exists.

In accordance with 327 IAC 5-1-3(a)(5), the permittee must also provide any information reasonably requested by the Commissioner.

4. 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 a renewal of this permit in accordance with 327 IAC 5-3-2(a)(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. The application must be submitted at least 180 days before the expiration date of this permit. This deadline may be extended if:

- 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.

As required under 327 IAC 5-2-3(g)(1) and (2), POTWs with design influent flows equal to or greater than one million (1,000,000) gallons per day and POTWs with an approved pretreatment program or that are required to develop a pretreatment program, will be required to provide the results of whole effluent toxicity testing as part of their NPDES renewal application.

5. 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.
- 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.

6. Permit Actions

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:

- a. Violation of any terms or conditions of this permit;
- b. 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
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge controlled by the permittee (e.g., plant closure, termination of the discharge by connecting to a POTW, a change in state law or information indicating the discharge poses a substantial threat to human health or welfare).

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.

7. 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 an invasion of 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.

8. 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.

9. 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.

10. 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.

11. 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 or knows that the commission of the offense places another person in imminent danger of death or serious bodily injury. An offense under IC 13-30-10-1.5(e) is 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.

12. 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.

13. 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.

14. Operator Certification

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. In order to operate a wastewater treatment plant the operator shall have qualifications as established in 327 IAC 5-23-3. The permittee shall designate one (1) person as the certified operator with complete responsibility for the proper operations of the wastewater facility.

327 IAC 5-23-7(b) provides that a certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant, if it can be shown that he will give adequate supervision to all units involved. Adequate supervision means that sufficient time is spent at the plant on a regular basis to assure that the certified operator is knowledgeable of the actual operations and that test reports and results are representative of the actual operations conditions. In accordance with 327 IAC 5-23-2(16), "responsible charge" means the person responsible for the overall daily operation, supervision, or management of a wastewater facility.

Pursuant to 327 IAC 5-23-6(4)(A), the permittee shall notify IDEM when there is a change of 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.

15. Construction Permit

Except in accordance with 327 IAC 3, the permittee shall not construct, install, or modify any water pollution treatment/control facility as defined in 327 IAC 3-1-2(24). Upon completion of any construction, the permittee must notify the Compliance Data Section of the Office of Water Quality in writing.

16. 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 point source, 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.

17. 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. Facility Operations, Maintenance, and Quality Control

- a. In accordance with 327 IAC 5-2-8(9), the permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances, i.e., equipment used for measuring and determining compliance) for collection and treatment that are:

(1) installed or used by the permittee; and

(2) necessary for achieving compliance with the terms and conditions of the permit.

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. This provision also does not prohibit taking redundant treatment units off line, provided that the permittee is at all times: maintaining in good working order and efficiently operating all facilities and systems; providing best quality effluent; and achieving compliance with the terms and conditions of the permit.

- b. The permittee shall operate the permitted facility in a manner which will minimize upsets and discharges of excessive pollutants. The permittee shall properly remove and dispose of excessive solids and sludges.
- c. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.
- d. Maintenance of all waste collection, control, treatment, and disposal facilities shall be conducted in a manner that complies with the bypass provisions set forth below.
- e. Pursuant to 327 IAC 5-23-6(1), the permittee is responsible for providing adequate funding for and oversight of the wastewater treatment plant and collection system to ensure proper operation, maintenance, management, and supervision.
- f. Any extensions to the sewer system must continue to be constructed on a separated basis. Plans and specifications, when required, for extension of the sanitary system must be submitted to the Facility Construction and Engineering Support Section, Office of Water Quality in accordance with 327 IAC 3-2-2. There shall also be an ongoing preventative maintenance program for the sanitary sewer system.

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(12):

a. Terms as defined in 327 IAC 5-2-8(12)(A):

- (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. Bypasses, as defined above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless:

- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined above;
- (2) 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 downtime. 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; and
- (3) The permittee submitted notices as required under Part II.B.2.d; or
- (4) The condition under Part II.B.2.f below is met.

c. 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.

d. 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) The permittee shall orally report an unanticipated bypass within 24 hours of becoming aware of the bypass event. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. **Note that electronic submission will be the only acceptable method after December 21, 2025.** The report must contain a description of the noncompliance (i.e. the bypass) and its cause; the period of noncompliance, including exact dates and times; 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 bypass event. If a complete email submittal is sent within 24 hours of the time that the permittee became aware of the unanticipated bypass event, then that report will satisfy both the oral and written reporting requirement.

- e. 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.b. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.
- f. The permittee may allow any bypass to occur that does not cause a violation of the effluent limitations in the permit, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Part II.B.2.b., d and e of this permit.

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 subsection, 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 operated in compliance with proper operation and maintenance procedures;
 - (3) The permittee complied with any remedial measures required under "Duty to Mitigate", Part II.A.2; and

(4) The permittee submitted notice of the upset as required in the "Incident 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.

- a. Collected screenings, slurries, sludges, and other such pollutants shall be disposed of in accordance with provisions set forth in 329 IAC 10, 327 IAC 6.1, or another method approved by the Commissioner.
- b. The permittee shall comply with existing federal regulations governing solids disposal, and with applicable provisions of 40 CFR Part 503, the federal sludge disposal regulation standards.
- c. The permittee shall notify the Commissioner prior to any changes in sludge use or disposal practices.
- d. The permittee shall maintain records to demonstrate its compliance with the above disposal requirements.

5. Power Failures

In accordance with 327 IAC 5-2-10 and 327 IAC 5-2-8(14) in order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, or
- b. shall halt, reduce or otherwise control all discharge in order to maintain compliance with the effluent limitations and conditions of this permit upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit.

6. Unauthorized Discharge

Any overflow or release of sanitary wastewater from the wastewater treatment facilities or collection system that results in a discharge to waters of the state and is not specifically authorized by this permit is expressly prohibited. These discharges are subject to the reporting requirements in Part II.C.3 of this permit.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(11)(F) and 5-2-16(d), the permittee shall give notice to the Commissioner as soon as possible of any planned alterations or additions to the facility (which includes any point source) that could significantly change the nature of, or increase the quantity of, pollutants discharged. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited. Material and substantial alterations or additions to the permittee's operation that were not covered in the permit (e.g., production changes, relocation or combination of discharge points, changes in the nature or mix of products produced) are also cause for modification of the permit. However those alterations which constitute total replacement of the process or the production equipment causing the discharge converts it into a new source, which requires the submittal of a new NPDES application.

2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(10), 327 IAC 5-2-13, and 327 IAC 5-2-15, monitoring results shall be reported at the intervals and in the form specified in "Data On Plant Operation", Part I.B.2.

3. Incident Reporting Requirements

Pursuant to 327 IAC 5-2-8(11) and 327 IAC 5-1-3, the permittee shall orally report to the Commissioner information on the following incidents within 24 hours from the time permittee becomes aware of such occurrence. If the incident meets the emergency criteria of item b (Part II.C.3.b) or 327 IAC 2-6.1, then the report shall be made 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 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.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Any emergency incident 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 incident by calling 317/233-7745 (888/233-7745 toll free in Indiana). This number should only be called when reporting these emergency events;

- c. Any upset (as defined in Part II.B.3 above) that exceeds any technology-based effluent limitations in the permit;
- d. Any release, including basement backups, from the sanitary sewer system (including satellite sewer systems operated or maintained by the permittee) not specifically authorized by this permit. Reporting of known releases from private laterals not caused by a problem in the sewer system owned or operated by the permittee is not required under Part II.C.3, however, documentation of such events must be maintained by the permittee and available for review by IDEM staff;
- e. Any discharge from any outfall from which discharge is explicitly prohibited by this permit as well as any discharge from any other outfall or point not listed in this permit; or
- f. Violation of a maximum daily discharge limitation for any of the following toxic pollutants: cadmium, cyanide, mercury, or lead.

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

4. Other Noncompliance

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

5. Other Information

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

6. Signatory Requirements

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

- a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:
 - (1) For a corporation: by a principal executive defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making functions for the corporation or the manager of one or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars), if 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 paragraphs a and b of this section, 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 or noncompliance, 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. Progress Reports

In accordance with 327 IAC 5-2-8(11)(A), 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 fourteen (14) days following each schedule date.

10. Advance Notice for Planned Changes

In accordance with 327 IAC 5-2-8(11)(B), the permittee shall give advance notice to IDEM 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.

11. Additional Requirements for POTWs and/or Treatment Works Treating Domestic Sewage

- a. All POTWs shall identify, in terms of character and volume of pollutants, any significant indirect discharges into the POTW which are subject to pretreatment standards under section 307(b) and 307 (c) of the CWA.
- b. All POTWs must provide adequate notice to the Commissioner of the following:
 - (1) Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to section 301 or 306 of the CWA if it were directly discharging those pollutants.

(2) Any substantial change in the volume or character of pollutants being introduced into that POTW by any source where such change would render the source subject to pretreatment standards under section 307(b) or 307(c) of the CWA or would result in a modified application of such standards.

As used in this clause, "adequate notice" includes information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of the effluent to be discharged from the POTW.

- c. This permit incorporates any conditions imposed in grants made by the U.S. EPA and/or IDEM to a POTW pursuant to Sections 201 and 204 of the Clean Water Act, that are reasonably necessary for the achievement of effluent limitations required by Section 301 of the Clean Water Act.
- d. This permit incorporates any requirements of Section 405 of the Clean Water Act governing the disposal of sewage sludge from POTWs or any other treatment works treating domestic sewage for any use for which rules have been established in accordance with any applicable rules.
- e. POTWs must develop and submit to the Commissioner a POTW pretreatment program when required by 40 CFR 403 and 327 IAC 5-19-1, in order to assure compliance by industrial users of the POTW with applicable pretreatment standards established under Sections 307(b) and 307(c) of the Clean Water Act. The pretreatment program shall meet the criteria of 327 IAC 5-19-3 and, once approved, shall be incorporated into the POTW's NPDES permit.

12. Electronic Reporting

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.B.3., Monthly Reporting, for the electronic reporting requirements for the monthly monitoring reports such as the Discharge Monitoring Report (DMR), Monthly Report of Operation (MRO) and Monthly Monitoring Report (MMR).

13. Trucked or Hauled Pollutants

The permittee shall prohibit the introduction of trucked or hauled pollutants into the treatment works, except under the following conditions:

- a. The permittee has provided prior written permission to the person seeking to discharge the hauled or trucked pollutants into the treatment works;
- b. The person seeking to discharge the hauled or trucked pollutants into the treatment works possesses a valid septage management permit, as required by IC 13-18-12 and 327 IAC 7.1;
 - (1) The introduction of trucked or hauled in industrial wastewaters into the treatment works is prohibited, unless the permittee receives approval per (2) and (3) below;
 - (2) Approval for accepting hauled industrial wastewater must be obtained from the appropriate approval authority, whether that is IDEM or EPA, prior to the acceptance of the industrial wastewater in accordance with Part II.A.3, Part II.C.1 and Part II.C.10 of this permit;
 - (3) Hauled wastewater permit conditions prohibit a POTW from accepting wastewater from CIUs (regardless of potential to significantly alter the nature or quantity of pollutants discharged as described in Part II.A.3) unless specifically authorized to do so by a federally approved pretreatment program.
- c. The pollutants are introduced into the treatment works via a discharge point designated by the permittee.

14. Hauled Waste Requirements

In the event that the permittee allows the introduction of trucked or hauled pollutants under the conditions specified in item 13 above, the permittee shall:

- a. Obtain and retain, for a minimum of forty-eight hours, samples that are representative of the hauled or trucked pollutants;
- b. Analyze the samples obtained pursuant to item "a" above in the event that the permittee believes or has reason to believe that the hauled or trucked pollutants may be causing and/or contributing to pass-through and/or interference;
- c. Maintain records, for each discharge of trucked or hauled pollutants into the treatment works, of the following:
 - (1) Name of the person discharging the trucked or hauled pollutants;
 - (2) Septage management permit number (if applicable) and BMV vehicle license plate number and expiration date;
 - (3) Origination, volume, and nature of the trucked or hauled pollutants;
 - (4) Date and time of the discharge;

(5) Any sampling conducted; and

(6) Analytical Results, if any.

This Office considers the permittee's hauled waste protocol, as shown in Attachment 1 of the Fact Sheet, to be sufficient to satisfy the hauled waste acceptance and sampling requirements.

D. ADDRESSES

1. Municipal NPDES Permits Section

Indiana Department of Environmental Management
Office of Water Quality – Rm 1255
Municipal NPDES Permits Section
100 N. Senate Avenue
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Municipal NPDES Permits Section:

- a. NPDES permit applications (new, renewal or modifications) with fee
- b. Preliminary Effluent Limits request letters
- c. Comment letters pertaining to draft NPDES permits
- d. NPDES permit transfer of ownership requests
- e. NPDES permit termination requests
- f. Notifications of substantial changes to a treatment facility, including new industrial sources
- g. Combined Sewer Overflow (CSO) Operational Plans
- h. CSO Long Term Control Plans (LTCP)
- i. Stream Reach Characterization and Evaluation Reports (SRCER)
- j. Streamlined Mercury Variance Annual Reports

2. Facility Construction and Engineering Support Section

Indiana Department of Environmental Management
Office of Water Quality – Rm 1255
Facility Construction and Engineering Support Section
100 N. Senate Avenue
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Facility Construction and Engineering Support Section:

- a. Construction permit applications with fee

3. Compliance Data Section

Indiana Department of Environmental Management
Office of Water Quality – Rm 1255
Compliance Data Section
100 N. Senate Avenue
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Compliance Data Section:

- a. Discharge Monitoring Reports (DMRs)
- b. Monthly Reports of Operation (MROs)
- c. Monthly Monitoring Reports (MMRs)
- d. CSO MROs
- e. Gauging station and flow meter calibration documentation
- f. Compliance schedule progress reports
- g. Completion of Construction notifications
- h. Whole Effluent Toxicity (WET) Testing reports
- i. Notification of two (2) consecutive failed WETTs and the intent to begin implementation of a TRE
- j. Notification of initiation of a TRE
- k. TRE plans and progress reports
- l. TRE final report

m. Bypass/Overflow Reports

n. Anticipated Bypass/Overflow Reports

4. Pretreatment Group

Indiana Department of Environmental Management
Office of Water Quality – Rm 1255
Compliance Data Section – Pretreatment Group
100 N. Senate Avenue
Indianapolis, Indiana 46204-2251

The following correspondence shall be sent to the Pretreatment Group:

a. Priority Pollutant Reports

b. Significant Industrial User (SIU) Quarterly Noncompliance Reports

c. Pretreatment Program Annual Reports

d. Sewer Use Ordinances

e. Enforcement Response Plans (ERP)

f. Sludge analytical results

PART III

REQUIREMENT TO OPERATE
A PRETREATMENT PROGRAM

A. CONDITIONS

The permittee, hereinafter referred to as the "Control Authority," is required to operate its approved industrial pretreatment program approved on **May 21, 1986**, and any subsequent modifications approved up to the issuance of this permit. To ensure the program is operated as approved and consistent with 327 IAC 5-16 through 5-21, the following conditions and reporting requirements are hereby established. The Control Authority (CA) shall:

1. Legal Authority

The CA shall develop, enforce and maintain adequate legal authority in its Sewer Use Ordinance (SUO) to fully implement the pretreatment program in compliance with State and local law. As part of this requirement, the CA shall develop and maintain local limits as necessary to implement the prohibitions and standards in 327 IAC 5-18.

2. Permit Issuance

In accordance with 327 IAC 5-19-3(1) the CA is required to issue/reissue permits to Significant Industrial User(s) (SIU) as stated in the SUO. The CA must issue permits to new SIUs prior to the commencement of discharge. A SIU is defined in the SUO.

3. Industrial Compliance Monitoring

The CA is required to conduct inspection, surveillance, and monitoring activities to determine SIU compliance status with the approved program and the SUO independent of data supplied by the SIU. SIU compliance monitoring performed by the CA will be conducted in accordance with the program plan or yearly program plan. SIUs will be inspected once per year, at a minimum.

4. Enforcement

The CA is required to initiate the appropriate enforcement action against a SIU violating any provision of the SUO and/or discharge permit in accordance with the Enforcement Response Plan (ERP) adopted by the CA. The CA must investigate violations by collecting and analyzing samples and collecting other information with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions in accordance with 40 CFR 403.8(f)(1)(iii) and 327 IAC 5-19-3(1)(F).

5. SIU Quarterly Noncompliance Report

The CA is required to report the compliance status of each SIU quarterly. The report is due by the 28th of the following months: April, July, October, and January of each year. The report shall include a description of corrective actions that have or will be taken by the CA and SIU to resolve the noncompliance situations. This report is to be sent to the Compliance Branch of the Office of Water Quality.

6. Public Participation and Annual Publishing of SIUs in Significant Noncompliance

The CA is required to comply with the public participation requirements under 40 CFR 25 and 327 IAC 5-19-3(2)(L). The CA must publish annually, by January 28, in the largest daily newspaper in the area, a list of SIUs that have been in Significant Noncompliance (SNC) with the SUO during the calendar year. The CA shall include in the ANNUAL REPORT a list of the SIUs published along with the newspaper clipping.

7. Industrial User Survey

The CA shall prepare and maintain a list of its Industrial Users meeting the criteria in 40 CFR 403.3(v)(1). The list shall identify the criteria in 40 CFR 403.3(v)(1) applicable to each Industrial User and where applicable, shall also indicate whether the CA has made a determination pursuant to 40 CFR 403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User. Modifications to the list shall be submitted to the Approval Authority pursuant to 40 CFR 403.12(i)(1).

8. Annual Report

The CA is required to submit an annual report to the Pretreatment Group and EPA Region 5 by April 1, of each year. The CA shall also include a copy of the updated industrial user survey list. The annual report will be submitted in accordance with 40 CFR 403.12(i) to the following addresses:

Pretreatment Program Manager
U.S. EPA Region 5, ECW-15J
Water Enforcement and Compliance Assurance Branch
77 W. Jackson Blvd.
Chicago, IL 60604
r5pretreatment@epa.gov

Indiana Department of Environmental Management
Office of Water Quality – Rm 1255
Compliance Data Section – Pretreatment Group
100 North Senate Avenue
Indianapolis, IN 46204-2251

9. Records Retention

Pursuant to 327 IAC 5-16-5.3(b), the CA shall retain any pretreatment reports from an industrial user a minimum of three (3) years and shall make such reports available for inspection and copying by IDEM or the U.S. EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, the operation of the POTW pretreatment program or when requested by IDEM or the U.S. EPA.

10. Confidentiality

The CA is required to comply with all confidentiality requirements set forth in 40 CFR 403.14, as well as the procedures established in the SUO.

11. Program Resources

Pursuant to 327 IAC 5-19-3(3), The CA shall maintain sufficient resources and qualified personnel to carry out the pretreatment program requirements.

12. Interjurisdictional Agreements

The CA must maintain sufficient legal authority to ensure compliance with all applicable pretreatment limits and requirements by all SIUs discharging to the POTW, including SIUs within governmental jurisdictions outside the immediate jurisdiction of the POTW. The CA must maintain the interjurisdictional agreements necessary to ensure full compliance by SIUs located within other jurisdictions as discussed in 40 CFR 403.8(f)(1).

13. POTW Pretreatment Program Revision Requirements

No later than six (6) months after the effective date of this permit, the permittee shall re-evaluate its SUO to determine whether it provides adequate legal authority to fully implement the pretreatment program. Any modifications to the permittee's SUO shall be consistent with U.S. EPA's EPA Model Pretreatment Ordinance, available at:
https://www3.epa.gov/npdes/pubs/pretreatment_model_suo.pdf

In addition, the re-evaluation must include a technical re-evaluation of the local limits in accordance with 40 CFR 122.44(j)(2)(ii). The CA is to conduct the local limitations technical evaluation consistent with U.S. EPA's Local Limits Development Guidance (July 2004) document and U.S. EPA Region 5 Local Limits Spreadsheet (February 2011). The Development Guidance and the Local Limits Spreadsheet are available upon request through IDEM's Pretreatment Coordinator. The permittee shall submit the local limit re-evaluation to U.S. EPA Region 5 and IDEM Pretreatment Group for review. If any changes are deemed necessary to the SUO, the permittee shall notify the U.S. EPA Region 5 and IDEM Pretreatment Group.

14. Program Modification

Pursuant to 327 IAC 5-19-6 and 40 CFR 403.18, any significant proposed program modification shall be submitted to the Pretreatment Group and the U.S. EPA for approval. A significant modification shall include, but not be limited to, any change in the SUO, major modification in the approval program's administrative procedures, a significant reduction in monitoring procedures, a significant change in the financial/revenue system, a significant change in the local limitations contained in the SUO, and a change in the industrial user survey.

ATTACHMENT A

Precipitation Related Combined Sewer Overflow Discharge Authorization Requirements

I. Discharge Authorization

Combined Sewer Overflows are point sources subject to both technology-based and water quality-based requirements of the Clean Water Act and state law. The permittee is authorized to have wet weather discharges from outfall(s) listed below subject to the requirements and provisions of this permit, including Attachment A and as allowed under IC 13-18-3-2.5 and 327 IAC 2-1.1-3 to areas of the St. Mary's River, Natural Drain #4, St. Joseph River, Spy Run Creek, Baldwin Ditch, Harvester Drain and Maumee River.

Outfall No.	Location	Receiving Stream
002	Q06-104, 3,350' west of Coliseum Blvd., 3,500" south of Lake Ave 41° 04' 50" N 85° 05' 59" W	Maumee River
003	P10-025, 900' east of Pemberton Drive, 1,600' south of Lake Ave 41° 05' 07" N 85° 06' 32" W	Wigman Drain
004	J02-090, 210' south of bridge at W. Jefferson & St. Mary's River 41° 04' 16" N 85° 09' 44" W	Saint Mary's River
005	J11-164, 210' southeast of Manito Blvd., and Indiana Village Blvd. 41° 02' 50" N 85° 09' 59" W	Saint Mary's River
007	K03-092, 250' southeast of Electric Avenue and Brown St. 41° 03' 59" N 85° 09' 41" W	Saint Mary's River
011	K06-233, 230' southeast of Main St. and Camp Allen Dr. 41° 04' 42" N 85° 09' 17" W	Saint Mary's River

Outfall No.	Location	Receiving Stream
012	K06-234, 230' southeast of Main St and Camp Allen Dr. 41° 04' 42" N 85° 09' 17" W	Saint Mary's River
013	K06-298, 80' north of Thieme Drive and Berry St. 41° 04' 37" N 85° 09' 22" W	Saint Mary's River
017	K07-176, 130' southwest of St. Mary's Pkwy and Waldron Circle 41° 03' 29" N 85° 09' 32" W	Saint Mary's River
018	K11-165, 150' west of Broadway and Rudisill Blvd. 41° 03' 00" N 85° 09' 28" W	Saint Mary's River
020	K15-116, 1,300' west of Hartman Rd. and Westover Rd. 41° 02' 33" N 85° 09' 41" W	Saint Mary's River
021	K19-044, 850' west of Old Mill Rd. and Fairfax Ave. 41° 01' 57" N 85° 09' 05" W	Saint Mary's River
023	L06-103, 90' northwest of Jackson St. and Superior St. 41° 04' 47" N 85° 09' 09" W	Saint Mary's River
024	L06-420, 220' north of Superior St. and Fairfield Ave. 41° 04' 54" N 85° 08' 48" W	Saint Mary's River
025	L06-421, 220' north of Superior St. and Fairfield Ave. 41° 04' 54" N 85° 08' 49" W	Saint Mary's River

Outfall No.	Location	Receiving Stream
027	M10-202, 200' southeast of Third St and Calhoun St. 41° 05' 11" N 85° 08' 30" W	Saint Mary's River
028	M10-238, 150' east of Saint Mary's River Bridge and Spy Run Ave. 41° 05' 02" N 85° 08' 07" W	Saint Mary's River
029	M10-265, 230' east of Duck St. and Barr St. 41° 05' 02" N 85° 08' 13" W	Saint Mary's River
032	M10-306, 120' north of Clair St. and Harrison St. 41° 05' 01" N 85° 08' 33" W	Saint Mary's River
033	M10-313, 200' southeast of Third St. and Calhoun St. 41° 05' 11" N 85° 08' 30" W	Saint Mary's River
036	M18-032, 520' north of State Blvd. and Westbrook Dr. 41° 05' 52" N 85° 08' 34" W	Spy Run Creek
039	N06-022, 120' north of Hanna St. and Berry St. 41° 04' 50" N 85° 07' 48" W	Maumee River
045	N22-103, 100' east of Penn St. and Spy Run Ave. 41° 06' 19" N 85° 07' 58" W	Saint Joseph River
048	O10-252, 350' west of Edgewater and Garfield 41° 05' 10" N 85° 07' 03" W	Maumee River
050	O10-277, 100' north of Coombs St. and Herbert St. 41° 05' 03" N 85° 07' 21" W	Maumee River

Outfall No.	Location	Receiving Stream
051	O22-002, 120' northwest of St. Joseph Dr. and Woodrow Ave. 41° 06' 41" N 85° 07' 03" W	Saint Joseph River
052	O22-004, 370' west of N. Anthony Blvd. and St. Joseph River Dr. 41° 06' 43" N 85° 06' 32" W	Saint Joseph River
054	O23-080, 240' east of Mercer Ave. and Hollis Ln. 41° 01' 41" N 85° 07' 07" W	Natural Drain #4
055	P06-192, 430' north of N. Anthony Blvd. and Wayne St. 41° 04' 52" N 85° 06' 53" W	Maumee River
056	J03-313, Brown Street Pump Station 41° 05' 06" N 85° 06' 32" W	Saint Mary's River
057	P10-121, Stormwater Lift station Wet Well 41° 05' 02" N 85° 06' 28" W	Maumee River
060	R06-031, 670' Northeast of Greenwalt Ave. and Maumee Ave. 41° 04' 37" N 85° 05' 39" W	Unnamed Ditch to Maumee River
061	R14-137, 200' west of Lavern Ave. and State Blvd. 41° 05' 50" N 85° 05' 40" W	Baldwin Ditch
062	R14-138, 200' west of Lavern Ave. and State Blvd. 41° 05' 50" N 85° 05' 40" W	Baldwin Ditch

Outfall No.	Location	Receiving Stream
064	S02-035, 610' southeast of Coliseum Blvd. S. and New Haven Ave. 41° 04' 16" N 85° 05' 11" W	Unnamed Ditch to Maumee River
068	N18-254, 54' north of Northside Dr. and Glazier Ave. on east bank 41° 06' 03" N 85° 08' 00" W	Saint Joseph River
080	P10-001, 250' east, NE of Pemberton Dr. and Niagra Dr. 41° 04' 57" N 85° 06' 44" W	Maumee River
081	R14-032, 200' north and 710' west of Nevada and Laverne Dr. 41° 05' 37" N 85° 05' 46" W	Baldwin Ditch

Monitoring for the purpose of reporting on the CSO Monthly Report of Operation (State Form 50546 (R5/11-21)) shall be conducted at a location representative of untreated CSO discharges. Monitoring from a CSO regulator structure contributing flow to the CSO outfall is acceptable provided flows at this location are representative and comprised of untreated CSO flows ultimately discharged through the CSO outfall. Monitoring at the CSO outfall is considered representative except in those instances where non-CSO flows (treated effluents, separate stormwater, etc.) are also discharged through a common outfall. All non-CSO flows shall be excluded from reporting on the CSO Monthly Report of Operation.

II. Wet Weather Pond Storage and Transport System

- A. The permittee shall maximize, to the extent reasonably feasible, the storage in the wet weather ponds of excess wet weather combined sewage flows and the transport of such stored wastewater through the Baldwin Interceptor and/or the Maumee Interceptor to the wastewater treatment facility for treatment.
- B. Anytime the conveyance of wet weather combined sewage to the wet weather ponds exceeds the capacity of those ponds, excess combined sewage from the wet weather pond system will overflow and be discharged from one or more CSO outfalls (002, 003 and 057), subject to the conditions of Attachment A.

III. Minimum Narrative Limitations

- A. At all times the discharge from any and all CSO outfalls herein 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 a degree as to create a nuisance;
 - d. are in amounts sufficient to be acutely toxic to, or 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.
- B. Dry weather discharges from any portion of the sewer collection system, including the outfalls listed in Part I of this Attachment A, are prohibited. This prohibition excludes discharges from WWTP outfall No. 001 and under limited conditions discharges from outfall No. 002 (see Part I of this permit), discharges of groundwater which infiltrates into a CSO discharge line downstream of its regulator, and groundwater that infiltrates separate storm sewer lines that conjoin with a CSO discharge line prior to the outfall, and/or other discharges of a similar de minimus nature. If a prohibited discharge should occur, the permittee is required to report the discharge in accordance with the provisions in Part II.C.3 of this permit.

IV. Monitoring and Reporting Requirements

The permittee shall complete and submit accurate monitoring reports to the Indiana Department of Environmental Management. The permittee shall submit data specified on the NPDES CSO Monthly Report of Operation (MRO) form (State Form 50546 (R5/11-21)). The CSO MRO form includes the following reporting parameters:

- Daily WWTP Influent Data: average daily flow, and peak hourly flow.
- Precipitation Data: time precipitation began, precipitation duration, total daily precipitation, peak precipitation intensity, and rain gauge measurement interval.

- CSO Outfall Information: time discharge began, whether the outfall is metered or estimated, event duration, amount of CSO discharge.

The permittee is required to report all discharges from untreated CSO Outfalls identified in Part I of this Attachment A. CSO MROs shall contain results obtained during each month (a monitoring period) and shall be submitted no later than 28 days following each completed monitoring period. All NPDES permit holders are now required to submit their monitoring data to IDEM using NetDMR.

V. CSO Operational Plan

- A. The permittee shall comply with the following minimum technology-based controls, in accordance with EPA's National CSO Control Policy:
1. The permittee shall implement proper operation and regular maintenance programs for the sewer system and the CSOs. The purpose of the operation and maintenance programs is to reduce the magnitude, frequency and duration of CSOs. The programs shall consider regular sewer inspections; sewer, catch basin, and regulator cleaning; equipment and sewer collection system repair or replacement, where necessary; and disconnection of illegal connections.
 2. The permittee shall implement procedures that will maximize the use of collection system for wastewater storage that can be accommodated by the storage capacity of the collection system in order to reduce the magnitude, frequency and duration of CSOs.
 3. The permittee shall review and modify, as appropriate, its existing pretreatment program to minimize CSO impacts from non-domestic users. The permittee shall identify all industrial users that discharge to the collection system upstream of any CSO outfalls; this identification shall also include the pollutants in the industrial user's wastewater and the specific CSO outfall(s) that are likely to discharge the wastewater.
 4. The permittee shall operate the POTW at the maximum treatable flow during all wet weather flow conditions to reduce the magnitude, frequency and duration of CSOs. The permittee shall deliver all flows to the treatment plant within the constraints of the treatment capacity of the POTW.
 5. Dry weather overflows from CSO outfalls are prohibited. Each dry weather overflow must be reported to IDEM as soon as the permittee becomes aware of the overflow. When the permittee detects a dry weather overflow, it shall begin corrective action immediately. The permittee shall inspect the dry weather overflow each subsequent day until the overflow has been eliminated.
 6. The permittee shall implement measures to control solid and floatable materials in CSO discharges.

7. The permittee shall implement a pollution prevention program focused on reducing the impact of CSOs on receiving waters.
 8. The permittee shall implement a public notification process to inform the public, the local public health department, and other potentially affected entities of CSO discharges and their impacts. This notification must be done in accordance with 327 IAC 5-2.2 and 40 CFR 122.38.
 9. The permittee shall monitor to effectively characterize CSO impacts and the efficacy of CSO controls.
- B. The permittee's implementation of each of the minimum controls in Part V.A of this Attachment A shall be documented in its approved CSO Operational Plan (CSOOP). The permittee shall update the CSOOP, as necessary, to reflect changes in its operation or maintenance practices; changes to measures taken to implement the above minimum requirements; and changes to the treatment plant or collection system, including changes in collection system flow characteristics, collection system or WWTP capacity or discharge characteristics (including volume, duration, frequency and pollutant concentration). All updates to the CSOOP must be submitted to IDEM, Office of Water Quality, Municipal NPDES Permits Section for approval.

The CSOOP update(s) shall include a summary of the proposed revisions to the CSOOP as well as a reference to the page(s) that have been modified. Any CSOOP updates shall not result in:

1. a lower amount of flow being sent to and through the plant for treatment, or
2. more discharges (measured either by volume, duration, frequency, or pollutant concentration) occurring from the CSO outfalls.

The permittee shall maintain a current CSO Operational Plan, including all approved updates, on file at the POTW.

VI. Public Notification Requirements for CSO Discharges to the Great Lakes Basin

- A. The permittee shall comply with 327 IAC 5-2.2, which incorporates by reference 40 CFR 122.38, for the public notification of CSO discharges to the Great Lakes Basin:
1. The permittee shall implement the public notification requirements in 40 CFR 122.38(a).
 2. The permittee shall include the following information on each sign required by 40 CFR 122.38(a)(1):
 - a. The name of the permittee;
 - b. A description of the discharge and notice that sewage may be present in the water; and

- c. The permittee contact information (telephone number, NPDES permit number, and CSO discharge point number).
3. The permittee shall include signs at all CSO discharge points and potentially impacted public access areas in accordance with 40 CFR 122.38(a)(1)(i).
4. The permittee shall notify the public, local public health department, and other potentially affected entities as soon as possible, but no later than four (4) hours after becoming aware of a CSO discharge and must supplement the initial notice within seven (7) days after the CSO discharge has ended. The notifications must include the minimum information required by 40 CFR 122.38(a)(2) and (3).
5. The permittee shall monitor or estimate the volume and discharge duration of each CSO outfall listed in Attachment A to this permit.
6. The permittee shall submit an annual notice to U.S. EPA and IDEM by May 1 of each year in accordance with 40 CFR 122.38(b).
7. The permittee shall make the annual notice available to the public per 40 CFR 122.38(b).
8. The permittee shall submit its public notification plan and any updates or amendments to its public notification plan as part of all subsequent permit renewal applications as required by 327 IAC 5-2-3(q)(2).]

VII. Sewer Use Ordinance Review/Revision and Enforcement

The permittee's Sewer Use Ordinance must contain provisions which: (1) prohibit introduction of inflow sources to any sanitary sewer; (2) prohibit construction of new combined sewers outside of the existing combined sewer service area; and (3) provide that for any new building the inflow/clear water connection to a combined sewer shall be made separate and distinct from sanitary waste connection to facilitate disconnection of the former if a separate storm sewer subsequently becomes available. The permittee shall continuously enforce these provisions.

VIII. Reopening Clauses

- A. This permit may be reopened to address changes in the EPA National CSO Policy or state or federal law.
- B. The permit may be reopened, after public notice and opportunity for hearing, to incorporate applicable provisions of IC 13-18.

ATTACHMENT B
Streamlined Mercury Variance

I. Introduction

The permittee submitted an application for a streamlined mercury variance (SMV) in accordance with the provisions of 327 IAC 5-3.5. The SMV establishes a streamlined process for obtaining a variance from a water quality criterion used to establish a WQBEL for mercury in an NPDES permit. Based on a review of the SMV application, IDEM has determined the application to be complete as outlined in 327 IAC 5-3.5-4(e). Therefore, the SMV has been issued concurrently with the NPDES permit in accordance with 327 IAC 5-3.5-6.

II. Term of SMV

The SMV and the interim discharge limit will remain in effect until the NPDES permit expires under IC 13-14-8-9 (amended under SEA 620, May 2005). Pursuant to IC 13-14-8-9(e), when the NPDES permit is extended under IC 13-15-3-6 (administratively extended), the SMV will remain in effect as long as the NPDES permit requirements affected by the SMV are in effect.

III. Annual Reports

The annual report is a condition of the Pollutant Minimization Program Plan (PMPP) requirements of 327 IAC 5-3.5-9(a)(8). The annual report must describe the permittee's progress toward fulfilling each PMPP requirement, the results of all mercury monitoring within the previous year, and the steps taken to implement the planned activities outlined under the PMPP. The annual report will be due on March 1st.

IV. SMV Renewal

As authorized under 327 IAC 5-3.5-7(a)(1), the permittee may apply for the renewal of an SMV at any time within 180 days prior to the expiration of the NPDES permit. In accordance with 327 IAC 5-3.5-7(c), an application for renewal of the SMV must contain the following:

- A. All information required for an initial SMV application under 327 IAC 5-3.5-4, including revisions to the PMPP, if applicable.
- B. A report on implementation of each provision of the PMPP.
- C. An analysis of the mercury concentrations determined through sampling at the facility's locations that have mercury monitoring requirements in the NPDES permit for the two (2) year period prior to the SMV renewal application.
- D. A proposed alternative mercury discharge limit, if appropriate, to be evaluated by the department according to 327 IAC 5-3.5-8(b) based on the most recent two (2) years of representative sampling information from the facility.

Renewal of the SMV is subject to a demonstration showing that PMPP implementation has achieved progress toward the goal of reducing mercury from the discharge.

V. Pollutant Minimization Program Plan (PMPP)

The PMPP is a requirement of the SMV application and is defined in 327 IAC 5-3.5-3(4) as the plan for development and implementation of Pollutant Minimization Program (PMP). The PMP is defined in 327 IAC 5-3.5-3(3) as the program developed by an SMV applicant to identify and minimize the discharge of mercury into the environment. PMPP requirements are outlined in 327 IAC 5-3.5-9. In accordance with 327 IAC 5-3.5-6, the requirements of the PMPP are appended with this Attachment.

PMPP Part III A Planned Activities

Action Item	Goal	Performance Measure	Schedule for Action	Last Completed
Review of purchasing policies and procedures	The City plans to continue the purchasing procedures outlined in prior variance applications. These include letters to vendors requesting mercury free or mercury reduced alternatives be included in all proposals and quotes. A review of mercury awareness will be conducted with Purchasing staff.	Continued use of Mercury Free Alternative request on project bidding and materials quotes in excess of \$15,000.	Purchasing continues to use mercury free language in policies and bid documents. This item is ongoing and verified annually with purchasing.	Purchasing verified the language in documents for 2024.
Necessary training and awareness of WPCP staff	Training on specific mercury sources at the Plant, alternatives to mercury use, and recycling and disposal methods for WPCP staff will be continued.	Participation by WPC Plant staff	WPC Plant employees participate in the City's online refresher mercury training annually. All training results are recorded.	100% of WPCP employees participated in the City's online refresher training for the year 2024.
An education program for the public within the service area of the WPCP	An education handout will be distributed to the residential and business sectors and will be included in a City Utilities bill annually. Mercury minimization handouts will continue to be included in our outreach efforts. There is a page on the City Utilities website dedicated to mercury pollution prevention information.	Maintain current annual bill backer mailed, and outreach efforts, and website maintained. An educational slide show pertaining to mercury prevention airs on closed circuit TV in Citizens Square.	Outreach material will now be mailed to the superintendents of contract customers along with two different categories identified as potential mercury sources. Outreach material and website is reviewed annually. Bills mailed, outreach material handed out and web site visits are recorded annually.	Bill backer messages frequently include a reference to a website for more information. Two educational slides pertaining to mercury prevention were aired during the month of May in 2024 on closed circuit in Citizens Square.

PMPP Part III B Planned Activities

Action Item	Goal	Performance Measure	Schedule for Action	Last Completed
Evaluation of alternatives to the use of any mercury-containing equipment or materials	Minimize mercury where feasible within the WPCP.	Evaluate feasibility and performance of alternatives.	Incorporation of available mercury free alternatives as equipment or materials are replaced.	Incorporation of available mercury free alternatives as equipment or materials was replaced. Fluorescent lights have been evaluated and a formal plan for the entire plant has been designed. The plant budgeted strictly for replacement of lights each year.
Enforcement of activities	City Utilities inspects amalgam separators in city dental facilities.	Dentists that are required to have amalgam separators, are inspected every other year. The list is divided in half and each year half the facilities are inspected, and the other half are inspected the next year.	Approximately 96 facilities with documented separators, 48 will be inspected each year. Inspections are ongoing and any new facilities are inspected and added to a list.	40 facilities' amalgam separators were inspected during 2024.
Other specific activities designed to reduce or eliminate mercury loadings.	Onsite visit during pretreatment inspections for SIUs	Completion of inspections annually	Ongoing annually.	Discussed at every annual inspection in 2024.
	Develop trace mercury content request letter	Letters mailed annually.	Ongoing with each bulk chemical bid.	This activity was performed through emails to bulk chemical suppliers in 2024. Suppliers were carried over from previous year.
	Bulb recycling for facility	Bulbs recycled as replaced	Ongoing	Ongoing
	Battery collection point for facility and employees	Batteries recycled following collection	Ongoing	Ongoing
Identification of facilities' responsibility	The WPCP distributes information required by IC 13-20-17.5 to all significant industrial users as a part of the educational activities conducted under the PMPP.			

PMPP Part III C Planned Activities

Months 0-24	<p>Although sampling results fluctuate monthly, WPCP influent during the previous permit demonstrated a generally decreasing trend of mercury entering WPCP.</p> <p>During the new permit cycle, the City intends to resample sites from the last two permit cycles which indicated higher levels than the background to evaluate if the levels have since decreased in those areas.</p>
Months 25-60	<p>For sample results identified in months 0-24 for higher results levels detected sampling will continue upstream to attempt to identify a source.</p>
<p>The PMPP is based on the 5-year permit cycle.</p>	
<p>The goal of this sampling is to determine if high sources are still persistent in the collection system or if levels have lowered.</p>	

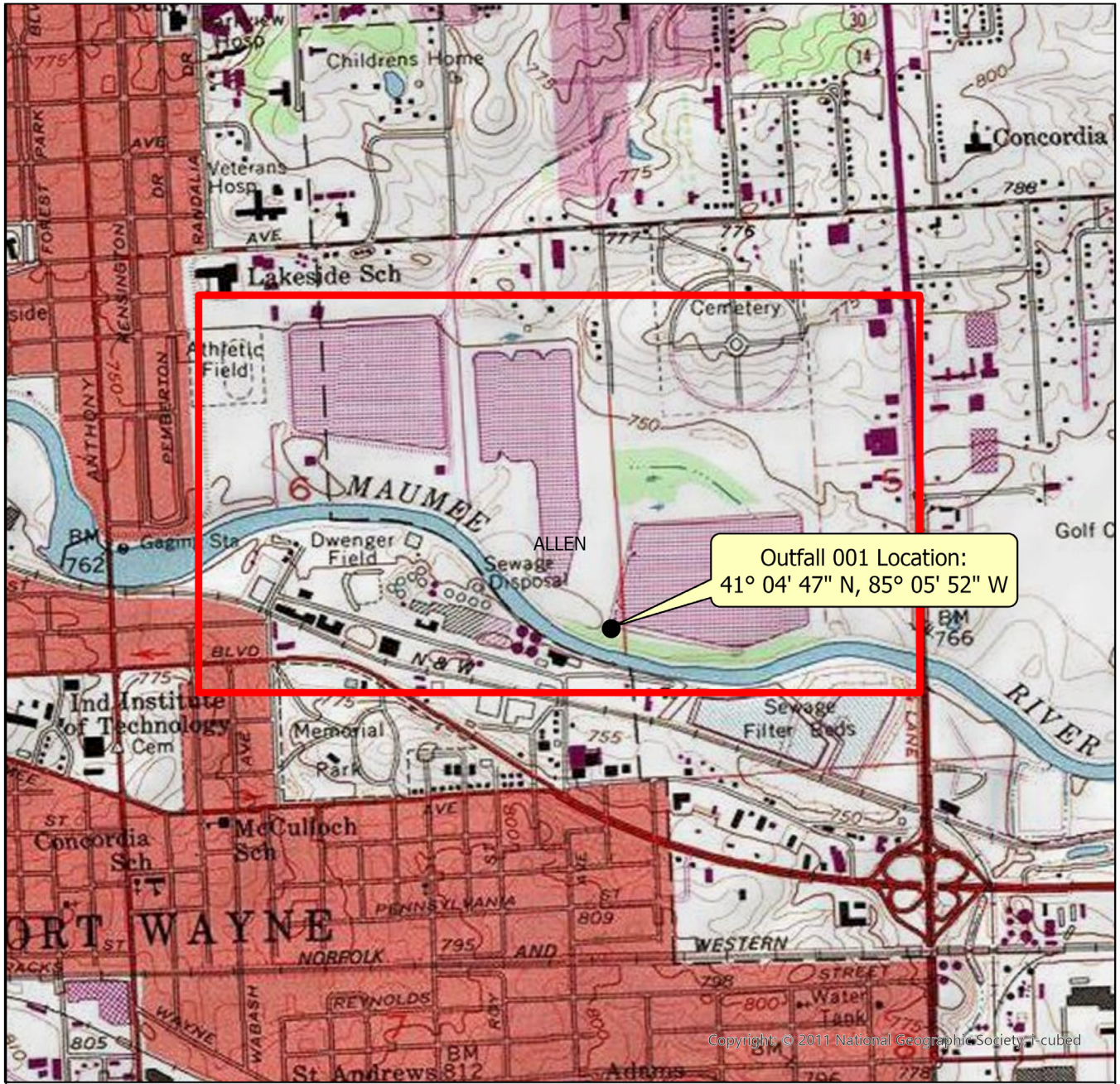


National Pollutant Discharge Elimination System
Fact Sheet for
City of Fort Wayne
P.L Brunner Water Pollution Control Plant
Draft: May 2026
Final: TBD

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

Permittee:	City of Fort Wayne Honorable Sharon Tucker, Mayor 200 East Berry Street Fort Wayne, Indiana sharon.tucker@cityoffortwayne.org ; 260-427-2663
Existing Permit Information:	Permit Number: IN0032191 Expiration Date: February 28, 2026 (Administratively Extended)
Facility Contact:	Chris Gach, Superintendent chris.gach@cityoffortwayne.org ; 260-427-2714
Facility Location:	2601 Dwenger Avenue Fort Wayne, Indiana Allen County
Receiving Stream:	Maumee River
GLI/Non-GLI:	GLI
Proposed Permit Action:	Renewal
Date Application Received:	August 6, 2025
Facility Category	NPDES Major Municipal
CSO Project Manager:	Dave Tennis dtennis@idem.in.gov ; 317-234-9558
Permit Writer:	Alyce Klein aklein@idem.in.gov ; 317-233-6728

P.L. BRUNNER WATER POLLUTION CONTROL PLANT

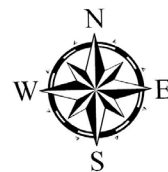
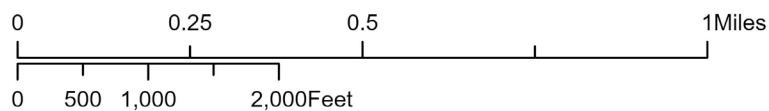


This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

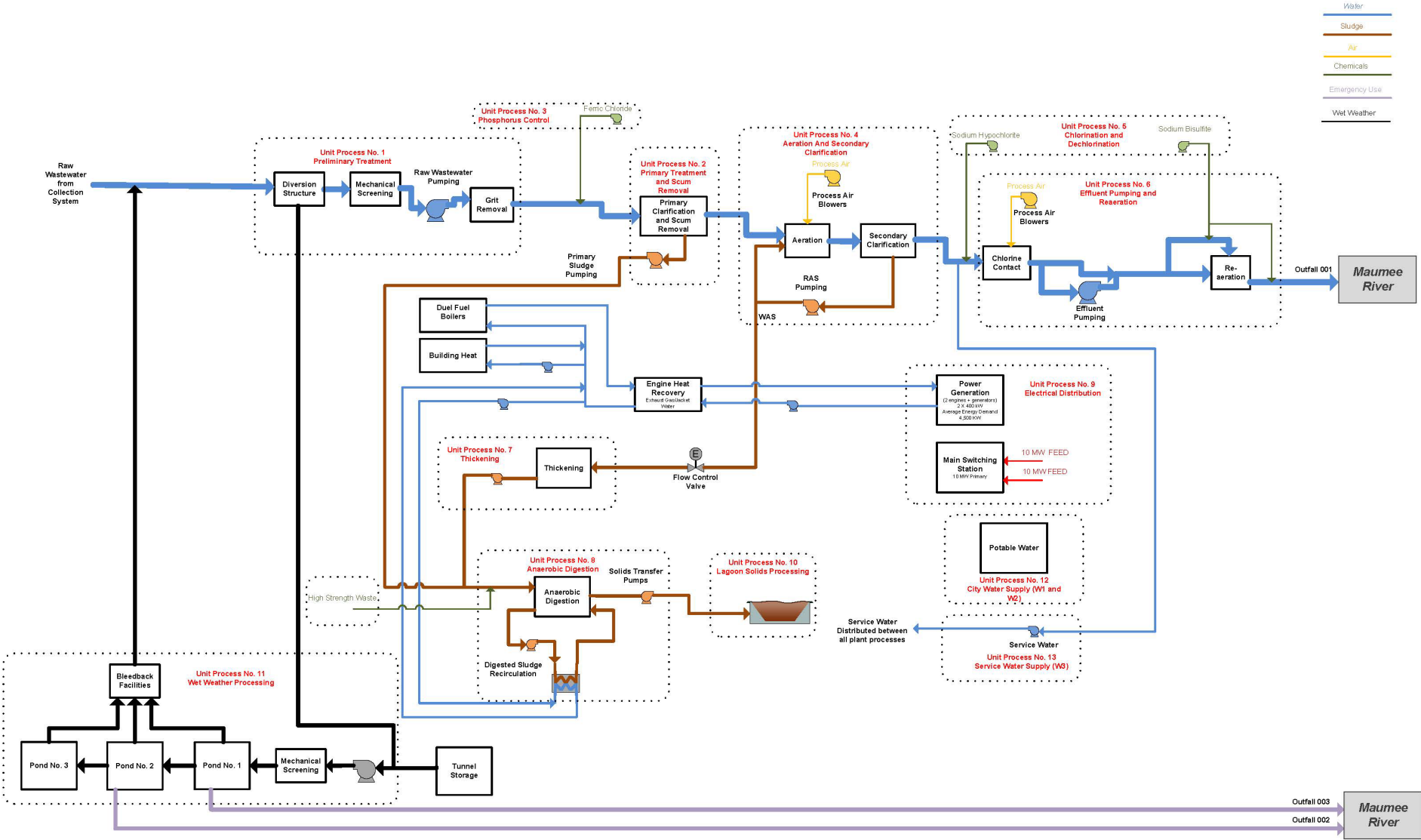
Mapped By: Alyce Klein, Office of Water Quality
Date: 12/09/2025

Map Projection: UTM Zone 16 N

Map Datum: NAD83



Process Flow Diagram



Permit Revision & Construction History

An NPDES permit modification was issued on March 2, 2022, to reflect an increase to the average design flow of the WPCP from 60 mgd to 74 mgd as well as reflect the removal of two (2) CSO Outfalls (019 and 053). Additionally, several construction permits have been issued for various sewer replacements, pump stations, CSO projects, and wastewater treatment plant maintenance projects.

Collection System

The collection system is comprised of combined sanitary and storm sewers with 38 CSO locations. The CSO locations have been identified and are permitted with provisions in Attachment A of the permit.

CSO Outfall 044 is identified within Attachment A of the 2021 NPDES permit. However, within the 2026 NPDES permit renewal application Fort Wayne provided documentation showing that the discharge line for CSO Outfall 044 has been permanently sealed with concrete. Therefore, CSO Outfall 044 will be removed from Attachment A of the 2026 permit renewal.

CSO Statutory or Regulatory Basis for Permit Provisions

CSOs are point sources subject to NPDES permit requirements, including both technology-based and water quality-based requirements of the CWA and state law. Thus, the permit contains provisions IDEM deems necessary to meet water quality standards, as well as technology-based treatment requirements, operation and maintenance requirements, and best management practices. This permit is based on various provisions of state and federal law, including (1) Title 13 of the Indiana Code; (2) the water quality standards set forth in 327 IAC 2-1.5; (3) the NPDES rules set forth in 327 IAC 2 and 327 IAC 5, including 327 IAC 5-2-8 and 327 IAC 5-2-10; and (4) section 402(q) of the CWA (33 USC § 1342), which requires all permits or orders issued for discharges from municipal CSOs to conform with the provisions of EPA's National CSO Control Policy (58 Fed. Reg. 18688, April 19, 1994). EPA's CSO Policy contains provisions that, among other things, require permittees to develop and implement minimum technological and operational controls and long-term control plans to meet state water quality standards. The permit's penalty provisions are based in large part on IC 13-30. In addition to the regulatory provisions previously cited, the data collection and reporting requirements are based in part on 327 IAC 5-1-3, 327 IAC 5-2-13 and section 402(q) of the CWA. The long-term control plan provisions were included to ensure compliance with water quality standards.

CSO provisions within this permit renewal are based on various provisions of state and federal law, including (1) Title 13 of the Indiana Code; (2) the water quality standards set forth in 327 IAC 2-1.5; and (3) the NPDES rules set forth in 327 IAC 5, including 327 IAC 5-2-8 and 327 IAC 5-2-10.

As provided in IC 13-18-3-2.5 and 327 IAC 2-1.1-3, the CSO Wet Weather Limited Use Subcategory applies to the CSO impacted waters listed below once Fort Wayne has fully implemented their approved LTCP.

Explanation of Effluent Limitations and Conditions

The effluent limitations set forth in Part III of Attachment A are derived in part from the narrative water quality standards set forth in 327 IAC 2-1.5-8. The narrative standards are minimum standards that apply to all waters at all times and therefore are applicable to all discharges of pollutants. Because EPA has not issued national effluent limitation guidelines for this category of discharges, the technology-based BAT/BCT provisions are based on best professional judgment (BPJ) in addition to section 402(q) of the CWA. (CSO discharges are not subject to the secondary treatment requirements applicable to publicly owned treatment works because overflow points have been determined to not be part of the treatment plant. *Montgomery Environmental Coalition v. Costle*, 646 F.2d 568 (D.C. Cir. 1980).)

CSO Use Attainability Analysis

In June 2020, Fort Wayne submitted a Use Attainability Analysis (UAA) to support a revision to the current recreational use designation for the following CSO impacted waters:

- St. Mary's River (from its junction with Natural Drain #4 near Tillman Road, to the confluence with St. Joseph River);
- Natural Drain #4 (from CSO Outfall 054 near the intersection of Hollis Lane and Mercer Avenue, to its junction with the St. Mary's River);
- St. Joseph River (from CSO Outfall 052, located immediately south of Coliseum Boulevard, near N. Anthony Boulevard, to the confluence with St. Mary's River);
- Spy Run Creek (from CSO Outfall 036, located north of W. State Street along Eastbrook/Westbrook Drive, to its junction with the St. Mary's River south of 4th Street);
- Baldwin Ditch (from CSO Outfalls 061 and 062 near the intersection of E. State Street and Barnhart Avenue, to its junction with the Maumee River near CSO Ponds 1 and 2);
- Harvester Drain (from CSO Outfall 064 to its junction with the Maumee River); and
- Maumee River (from its origin at the confluence of the St. Mary's River and St. Joseph River in the City, to the boundary between the states of Indiana and Ohio).

The submitted CSO UAA was developed to support a revision from the current recreational use designation to Indiana's CSO Wet Weather Limited Use Subcategory for waters impacted by CSO discharges. Following full implementation of all control measures required under Fort Wayne's LTCP, which occurred in 2025, the CSO Wet Weather Limited Use Subcategory will be applied to the above waters during times of water quality impacts from CSO discharges caused by storm events.

In a letter dated July 9, 2020, IDEM stated that Fort Wayne has provided sufficient information to initiate changing the designated recreational use for the above-mentioned waters from “full body contact” to the “CSO wet weather limited use” subcategory of Indiana’s recreational use designation as provided in IC 13-18-3-2.5.

In accordance with the requirements of IC 13-14-9-14, IDEM drafted a proposed rule to establish the CSO wet weather limited use subcategory for the above-mentioned waters. The UAA prepared by Fort Wayne served as the technical justification for the proposed rule. The proposed rule was posted to the Indiana Register for a minimum of 30 days for public review and written comment. Following the public comment period, a public hearing, and a vote of adoption from the Environmental Rules Board (ERB), the rule went through the standard promulgation process of review and approval by the Office of the Attorney General, signature by the Governor, and filing with the publisher of the Indiana Administrative Code. It became effective 30 days after filing with the publisher on February 21, 2022. IDEM submitted the rule to the Environmental Protection Agency (EPA) as a new or revised water quality standard for review and approval under Section 303(c) of the Clean Water Act on May 11, 2022. EPA approved the rule change on October 18, 2023. The rule became effective for Clean Water Act purposes when it was approved by EPA and given that Fort Wayne has fully implemented their CSO LTCP, its CSO wet weather limited use subcategory designation applies to the CSO impacted waters in accordance with IC 13-18-3-2.5.

CSO Long Term Control Plan Requirements

The City of Fort Wayne has implemented all CSO Control Measures required by its approved CSO Long Term Control Plan (LTCP) and is now implementing post-construction monitoring (PCM) activities required by the LTCP and with Federal Consent Decree No. 2:07-cv-00445. The Final Post-Construction Monitoring Report with conclusions from the PCM process must be submitted by Fort Wayne in accordance with Federal Consent Decree No. 2:07-cv-00445.

Spill Reporting Requirements

Reporting requirements associated with the Spill Reporting, Containment, and Response requirements of 327 IAC 2-6.1 are included in Part II.B.2.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.

Solids Disposal

The permittee is required to dispose of its sludge in accordance with 329 IAC 10, 327 IAC 6.1, or 40 CFR Part 503. Grit and materials are removed by screening and are hauled off site to a landfill. Sludge solids are anaerobically digested and pumped to the Fort Wayne Biosolids Handling Facility where they are processed pursuant to land application permit INLA000313.

Receiving Stream

The facility discharges to the Maumee River via Outfall 001, which is located in the Bullerman Ditch-Maumee River watershed within the Lake Erie Drainage Basin, defined by Hydrologic Unit Code (HUC) HUC-12 041000050102 and discharges to the stream segment defined as Assessment Unit (AU_ID) INA0512-02. The receiving water has a seven day, ten year low flow ($Q_{7,10}$) of 40 cubic feet per second (26 MGD) at the outfall location; this provides a dilution ratio of receiving stream flow to treated effluent of 0.35:1. There are no lakes or reservoirs within forty (40) miles downstream of the facility.

The receiving stream is designated for full body contact recreational use and shall be capable of supporting a well-balanced warm water aquatic community in accordance with 327 IAC 2-1.5-5.

The Maumee River in the vicinity of the outfall is included in Indiana's 2024 Consolidated List as a Category 5a, Category 5b and Category 4a. It is on the 303(d) list of impaired waters for PCBs in fish tissue (Category 5b on the 2024 Consolidated List) due to this impairment causing the stream to not support the human health and wildlife designated use, and biological integrity and nutrients (Category 5a on the 2024 Consolidated List) due to these impairments causing the stream to not support the warm water aquatic life designated use. Additionally, the receiving stream is included on the Consolidated List as a Category 4a water for *Escherichia coli* (*E. coli*) due to an impairment of this parameter causing the stream to not support the full body contact recreational designated use; the receiving stream was thenceforth included in the St. Mary's and Maumee River Total Maximum Daily Load Study (TMDL) to address the *E.coli* impairment, which reclassified the stream AU_ID from Category 5a to Category 4a. This TMDL was approved by the US EPA on August 21, 2006.

The permit addresses the stream impairment for nutrients as well as the inclusion of the stream in the TMDL for *E.coli* through the implementation of phosphorus and *E.coli* limitations.

Industrial Contributions

The permittee accepts industrial flow from thirty-three industries. Based on the industrial flow received by the treatment facility, the permittee is required to operate its industrial pretreatment program approved by US EPA on May 21, 1986. Provisions for the industrial pretreatment program are included in Part III of this permit renewal. In addition, monitoring requirements and/or effluent limitations for cadmium, chromium, copper, cyanide, lead, mercury, nickel and zinc are being included in the permit renewal, as well as twice annual Whole Effluent Toxicity Testing (WETT).

This Office considers the permittee's hauled waste protocol, as shown in Attachment 1 of this Fact Sheet, to be sufficient to satisfy the hauled waste acceptance and sampling requirements specified in Part II.C.13 and 14 of the Permit.

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.

This permit includes new permit limitations for cadmium, cyanide and lead. In accordance with 327 IAC 2-1.3-1(b), the new permit limitations are not subject to the Antidegradation Implementation Procedures in 327 IAC 2-1.3-5 and 2-1.3-6 as the new or increased permit limitations are not the result of a deliberate activity taken by the permittee. The limitations have been added due to monitoring data from the previous permit cycle showing a reasonable potential to exceed water quality criteria for the aforementioned parameters.

Effluent Limitations and Rationale

The effluent limitations proposed herein are based on Indiana Water Quality Standards, NPDES regulations, an Indiana State Board of Health Wasteload Allocation (WLA), and WLA analyses performed by this Office's Permits Branch staff on October 19, 2021, and December 23, 2025. These limits are in accordance with antibacksliding regulations specified in 327 IAC 5-2-10(a)(11)(A). Monitoring frequencies are based upon facility size and type.

IDEM has waived the 85% removal requirement for CBOD5 and TSS under the provisions of 40 CFR 133.103(a). A limitation based on percent removal would be impractical due to this Office's CSO policy to maximize flow through the treatment facility.

The final effluent parameters to be limited and/or monitored include: Flow, Carbonaceous Biochemical Oxygen Demand (CBOD₅), Total Suspended Solids (TSS), Ammonia-nitrogen (NH₃-N), phosphorus, total nitrogen, pH, Dissolved Oxygen (DO), Total Residual Chlorine (TRC), *E. coli*, cadmium, chromium, copper, cyanide, lead, mercury, nickel and zinc.

Final Effluent Limitations

The summer monitoring period runs from May 1 through November 30 of each year and the winter monitoring period runs from December 1 through April 30 of each year. The disinfection season runs from April 1 through October 31 of each year.

The mass limits for CBOD₅, TSS, TRC, and ammonia-nitrogen have been calculated utilizing the peak design flow of 100 MGD. This is to facilitate the maximization of flow through the treatment facility in accordance with this Office's CSO policy.

Influent Monitoring

The raw influent and the wastewater from intermediate unit treatment processes, as well as the final effluent shall be sampled and analyzed for the pollutants and operational parameters specified by the applicable Monthly Report of Operation Form, as appropriate, in accordance with 327 IAC 5-2-13 and Part I.B.2 of the permit. Except where the permit specifically states otherwise, the sample frequency for the raw influent and intermediate unit treatment process shall be at a minimum the same frequency as that for the final effluent. The measurement frequencies specified in each of the tables in Part I.A. are the minimum frequencies required by the permit.

Flow

Flow is to be measured daily as a 24-hour total. Reporting of flow is required by 327 IAC 5-2-13.

CBOD₅

CBOD₅ is limited to 5.0 mg/l (4,173 lbs/day) as a monthly average and 7.5 mg/l (6,259 lbs/day) as a weekly average. Mass limitations were calculated utilizing the facility's peak design flow of 100 MGD to facilitate the maximization of flow through the treatment facility in accordance with this Office's CSO policy.

Monitoring is to be conducted daily by 24-hour composite sampling. The CBOD₅ concentration limitations included in this permit are water-quality based effluent limitations (WQBELs) and were originally included in the 1980 NPDES permit, with an Indiana State Board of Health WLA cited in the 1985 NPDES permit renewal. These limitations were retained due to antibacksliding when less stringent limitations were calculated in the October 19, 2021 WLA for the increase in average design flow. The limitations are the same as the concentration limitations found in the facility's previous permit.

TSS

TSS is limited to 10 mg/l (8,345 lbs/day) as a monthly average and 15 mg/l (12,518 lbs/day) as a weekly average. Mass limitations were calculated utilizing the facility's peak design flow of 100 MGD to facilitate the maximization of flow through the treatment facility in accordance with this Office's CSO policy.

Monitoring is to be conducted daily by 24-hour composite sampling. The TSS concentration limitations included in this permit are calculated from the WQBELs for CBOD₅ originally included in the 1980 NPDES permit, and retained due to antibacksliding when less stringent limitations were calculated in the October 19, 2021 WLA for the increase in average design flow. The limitations are the same as the concentration limitations found in the facility's previous permit.

Ammonia-nitrogen

Ammonia-nitrogen is limited to 1.1 mg/l (918 lbs/day) as a monthly average and 1.7 mg/l (1,419 lbs/day) as a weekly average during the summer monitoring period. During the winter monitoring period, ammonia-nitrogen is limited to 1.6 mg/l (1,335 lbs/day) as a monthly average and 2.4 mg/l (2,003 lbs/day) as a weekly average. Mass limitations were calculated utilizing the facility's peak design flow of 100 MGD to facilitate the maximization of flow through the treatment facility in accordance with this Office's CSO policy.

Weekly average concentration limitations are included in lieu of daily maximum limitations in accordance with Indiana Code 13-18-19-2 and are intended to facilitate the maximization of flow through the treatment facility in accordance with this Office's CSO policy. Weekly limitations replaced daily maximum limitations in the 2016 permit renewal.

Monitoring is to be conducted daily by 24-hour composite sampling. The ammonia-nitrogen concentration limitations included in this permit are WQBELs set in accordance with the WLA analyses performed by this Office's Permits Branch staff. The summer limitations were originally included in the 1980 NPDES permit, with an Indiana State Board of Health WLA cited in the 1985 NPDES permit renewal. These limitations were retained due to antibacksliding when less stringent limitations were calculated in the October 19, 2021 WLA for the increase in average design flow. The winter limitations are based on the WLA conducted on October 19, 2021. These summer and winter limitations are the same as the concentration limitations found in the facility's previous permit.

Total Phosphorus

In accordance with 327 IAC 5-10-2(a) & (b), as the treatment facility discharges into receiving waters located within the Lake Erie drainage basins, phosphorus removal facilities shall achieve a degree of reduction as prescribed in the sliding scale of phosphorus removal in Footnote 4 of the permit, or produce an effluent containing no more than 1.0 mg/l total phosphorus (P), whichever is more stringent. Monitoring is to be conducted daily by 24-hour composite sampling. These total phosphorus limitations are the same as the limitations found in the facility's previous permit.

Total Nitrogen

Nutrient pollution is one of our Nation's top environmental challenges and considerations for addressing it continue to be a priority for IDEM. Nutrient pollution can lead to public health issues and impacts the economy and is of particular concern with regard to harmful algal blooms in the State of Indiana and harmful algal blooms and hypoxia problems in further downstream waters. Of particular concern in further downstream waters is the loadings of the nutrient nitrogen.

In response to the nutrient pollution concerns, the U.S. EPA released a memorandum on September 22, 2016 entitled "Renewed Call to Action to Reduce Nutrient Pollution and Support Incremental Actions to Protect Water Quality and Public Health", which can be found at the following web address: <https://www.epa.gov/sites/production/files/2016-09/documents/renewed-call-nutrient-memo-2016.pdf>. EPA recommends all major sanitary dischargers begin monitoring for total nitrogen. To begin the process of total nitrogen data collection, IDEM is proposing that all major sanitary dischargers with average design flow ratings of 1.0 MGD or greater begin monitoring for total nitrogen.

The permit requires that total nitrogen be monitored and report at a minimum of one (1) time monthly. Both the concentration and associated loading values must be reported. Total nitrogen shall be determined by testing for Total Kjeldahl Nitrogen (TKN) and Nitrate + Nitrite Nitrogen and reporting the sum of the TKN and Nitrate + Nitrite results (reported as N). Nitrate + Nitrite can be analyzed together or separately.

pH

The pH limitations have been based on 40 CFR 133.102 which is cross-referenced in 327 IAC 5-5-3. To ensure conditions necessary for the maintenance of a well-balanced aquatic community, the pH of the final effluent must be between 6.0 and 9.0 standard units in accordance with provisions in 327 IAC 2-1-6(b)(2).

pH must be measured daily by grab sampling. These pH limitations are the same as the limitations found in the facility's previous permit.

Dissolved Oxygen

Dissolved oxygen shall not fall below 7.0 mg/l as a daily minimum average.

This DO limitation was originally included in the 1985 NPDES permit renewal, and confirmed to be protective of the receiving stream for the increased average design flow in the WLA analysis performed by this Office's Permits Branch staff on October 19, 2021. The limitation is the same as that found in the facility's previous permit. Dissolved oxygen measurements must be based on the average of four (4) grab samples taken within a 24-hr. period. This monitoring is to be conducted daily.

Based on information provided by the City during the 2011 permit renewal, this Office recognizes that the Static Aerators installed at Outfall 001 to meet the DO limitation begin to decrease in effectiveness at or above a Maumee River elevation of 739.5 feet and become completely ineffective at a river elevation of 747.6 feet, which is near the 10-year

river stage. At an elevation of 739.5 feet, the Maumee River has a flow approximately 100 times greater than the Q_{7,10} low flow. It is expected that at such high river flow conditions the river will have high levels of instream DO, with effluent DO having a negligible effect on instream DO. This Office understands that river conditions resulting in ineffective aeration of the effluent is an infrequent occurrence, and that such conditions do not always cause a violation of effluent DO. This Office does not consider the installation of additional aeration facilities to be warranted. It is this Office's intent to utilize enforcement discretion should such violations of DO limitations occur.

Total Residual Chlorine

In accordance with Indiana Water Quality Standards, the final effluent limits (end-of-pipe) for TRC are 0.01 mg/l monthly average and 0.02 mg/l daily maximum. The monthly average WQBEL for total residual chlorine is less than the limit of quantitation (LOQ), 0.06 mg/l. Compliance with this permit will be demonstrated if the monthly average effluent level is less than or equal to the monthly average WQBEL. Daily effluent values that are less than the LOQ, used to determine the monthly average effluent levels less than the LOQ, may be assigned a value of zero (0), unless, after considering the number of monitoring results that are greater than the limit of detection (LOD), and applying appropriate statistical techniques, a value other than zero (0) is warranted.

The daily maximum WQBEL for total residual chlorine is greater than or equal to the LOD value, but less than the LOQ value specified in the permit. Compliance with this permit will be demonstrated if the observed daily effluent concentrations are less than the LOQ. For daily maximum mass limitations based on WQBEL's less than the LOQ, compliance with the daily maximum mass value is based on the LOQ value. Compliance with the daily maximum mass value will be demonstrated if the calculated mass value is less than 50.1 lbs/day. The daily maximum mass was calculated utilizing the facility's peak design flow of 100 MGD to facilitate the maximization of flow through the treatment facility in accordance with this Office's CSO policy.

E. coli

The *E. coli* limitations and monitoring requirements apply from April 1 through October 31, annually. *E. coli* is limited to 125 count/100 ml as a monthly average, and 235 count/100 ml as a daily maximum. The monthly average *E. coli* value shall be calculated as a geometric mean. This monitoring is to be conducted daily by grab sampling. These *E. coli* limitations are set in accordance with regulations specified in 327 IAC 5-10-6.

Metals

Effluent cadmium, chromium, nickel, zinc, copper, lead, cyanide and mercury data were evaluated as part of the NPDES permit renewal. The initial prescreening evaluation of the monitoring data revealed that the discharge from the wastewater treatment plant did not show potential to exceed the water quality criterion for chromium, nickel nor zinc within the receiving waters. However, due to industrial contributions to the City of Fort Wayne collection system, quarterly monitoring requirements by 24-hour composite sampling are being retained.

Reasonable Potential to Exceed evaluations (RPE) were performed for cadmium, copper, lead, mercury and cyanide in conjunction with the Wasteload Allocation Analysis performed by this Office's Permits Branch staff on December 23, 2025. In reviewing the RPE, the projected effluent quality (PEQ) for copper is less than the projected effluent limitations (PEL), so effluent limitations are not required. However, due to the industrial contributors to the City of Fort Wayne collection system, quarterly monitoring requirements by 24-hour composite sampling for copper are being retained.

The RPE performed by this Office's Permits Branch staff on December 23, 2025, revealed that the PEQ for cadmium, cyanide, lead and mercury was greater than the PELs. Therefore, effluent limitations for cadmium, cyanide and lead are being added to this permit, and mercury limitations are being retained (see below section, "Mercury Limitations & Streamlined Mercury Variance (SMV) Renewal" for more information on the mercury limitation and associated SMV).

As the final effluent limitation for cadmium, cyanide and lead are more stringent than the limitations in the previous permit, a 60-month schedule of compliance for these parameters is included in Part I.E. of the permit. The permittee is required to monitor for cadmium, cyanide and lead one (1) time weekly during the interim period as noted in Table 4 and Table 5 of the permit.

Following the completion of the schedule of compliance, cadmium is limited to 0.0015 mg/l as a monthly average and 0.0031 mg/l as a daily maximum, cyanide is limited to 0.0046 mg/l as a monthly average and 0.0093 mg/l as a daily maximum, and lead is limited to 0.010 mg/l as a monthly average and 0.020 mg/l as a daily maximum. This monitoring is to be conducted one (1) time weekly by 24-hour composite sampling for cadmium and lead, and one (1) time weekly by grab sampling for cyanide.

In addition to effluent monitoring and limitations, the permittee is required to monitor the influent wastestream for cadmium and lead at a frequency of one (1) time weekly utilizing 24-hour composite sampling, cyanide at a frequency of one (1) time weekly utilizing grab sampling, chromium, copper, nickel and zinc at a frequency of quarterly utilizing 24-hour composite sampling, and mercury at a frequency of six (6) times annually utilizing grab sampling.

Mercury Limitations & Streamlined Mercury Variance (SMV) Renewal

Mercury RPE

The NPDES permit requires that mercury sampling be conducted bi-monthly (every other month) for the term of the permit (influent and effluent).

The RPE performed by this Office's Permits Branch staff on December 23, 2025 revealed that the PEQ for mercury was greater than the PELs. Therefore, effluent limitations for mercury are required in the permit renewal.

The permittee has an existing SMV and submitted all required information to renew this variance with their current application. An interim limit of 1.8 ng/l as a 12-month rolling average of daily maximum values has been calculated. Final limits, applicable should the SMV no longer be needed, are WQBELs, and are 1.3 ng/l (0.0005 lbs/day) as a monthly average, and 3.2 ng/l (0.00012 lbs/day) as a daily maximum. The mercury WQBELs are based on the wildlife criterion in 327 IAC 2-1.5-8(b)(6), Table 8-4. In accordance with 327 IAC 5-2-11.4(b)(1) the criteria for mercury are applied without the utilization of a mixing zone. Monitoring is to be conducted six (6) times annually. Further information on the requirements and limits associated with the SMV are included in the sections below.

SMV Renewal

The SMV was initially incorporated into the NPDES Permit with a modification that became effective on January 16, 2007. The permittee has subsequently submitted SMV renewal applications with each NPDES permit renewal. Most recently, the permittee submitted a SMV renewal application on August 6, 2025, which was deemed complete on August 20, 2025. The SMV renewal has been incorporated into this permit renewal.

The SMV establishes a streamlined process for obtaining a variance from a water quality criterion used to establish a WQBEL for mercury in an NPDES permit. The goal of the SMV is to reduce the effluent levels of mercury towards, and achieve as soon as practicable, compliance with the mercury WQBELs through implementation of a pollutant minimization program plan (PMPP). The SMV renewal will remain in effect until the permit expires under IC 13-14-8-9. Pursuant to IC 13-14-8-9(e), when the SMV renewal is incorporated into a permit extended under IC 13-15-3-6 (administratively extended), the renewal will remain in effect as long as the NPDES permit requirements affected by the SMV are in effect.

Mercury Interim Discharge Limit

The permit includes an interim discharge limit for mercury of 1.8 ng/l. Compliance with the interim discharge limit will be achieved when the average of the measured effluent daily values over the rolling twelve month period is less than the interim limit.

The interim discharge limit was developed in accordance with 327 IAC 5-3.5-7 and with 327 IAC 5-3.5-8. Specifically, the interim discharge limit shall be based upon available, valid, and representative data of the effluent mercury levels collected and analyzed over the most recent two (2) year period from the WWTP (see Attachment 2 to this Fact Sheet). The existing interim limit of 1.8 ng/l will continue to be effective in the renewal of the SMV. The continuation of the existing interim limit is based upon a review of the most recent two (2) years of effluent mercury data. The effluent data indicates that the PMPP is making progress in the reduction of mercury as an overall trend; however, the effluent data indicates that the existing interim limit of 1.8 ng/l should be maintained in the SMV renewal. Maintaining the limitation is necessary to ensure the goal of the SMV is met: to reduce effluent levels of mercury towards, and achieving as soon as possible, compliance with the mercury WQBELs.

Pollutant Minimization Program Plan (PMPP)

PMPP requirements are outlined in 327 IAC 5-3.5-9 and are included in Attachment B of the NPDES permit in accordance with 327 IAC 5-3.5-6. The PMPP focuses on pollution prevention and source control measures to achieve mercury reduction in the effluent. The PMPP was public noticed prior to submittal to IDEM in accordance with 327 IAC 5-3.5-9(c). No comments were received during the public notice period. The goal of the PMPP is to reduce the effluent levels of mercury towards, and achieve as soon as practicable, compliance with the mercury WQBELs established for the permitted facility.

SMV Annual Reports

The permittee is required to submit annual reports to IDEM by March 1 of each year in which the SMV is in effect. The annual report must describe the SMV applicant's progress toward fulfilling each PMPP requirement, the results of all mercury monitoring within the previous year, and the steps taken to implement the planned activities outlined under the PMPP.

Whole Effluent Toxicity Testing

Indiana's regulations for the Great Lakes system include narrative criteria with numeric interpretations for acute (2-1.5-8(b)(1)(E)(ii)) and chronic (2-1.5-8(b)(2)(A)(iv)) whole effluent toxicity (WET) and a procedure for conducting reasonable potential for WET (5-2-11.5(c)(1)). The U.S. EPA did not approve the reasonable potential procedure for WET, so Indiana is now required under 40 CFR Part 132.6(c) to use the reasonable potential procedure in Paragraphs C.1 and D of Procedure 6 in Appendix F of 40 CFR Part 132.

The permittee submitted a Whole Effluent Toxicity Test (WETT) with the renewal application as required in 327 IAC 5-2-3(g); no toxicity was demonstrated. Additionally, the WET results that have been submitted since the previous permit has been issued show that the effluent from the City of Fort Wayne treatment plant has not exhibited any acute nor chronic toxicity for any of the species tested. Therefore WQBELs are not required for WET. However, the permittee is still required to conduct WET testing at Outfall 001 twice annually for the duration of the permit.

Backsliding

None of the concentration limits included in this permit conflict with antibacksliding regulations found in 327 IAC 5-2-10(a)(11)(A), therefore, backsliding is not an issue.

Reopening Clauses

Eight (8) reopening clauses were incorporated into the permit in Part I.C, and two (2) were included in Attachment A. One clause is to incorporate effluent limits from any further wasteload allocations performed; a second clause is to allow for changes in the sludge disposal standards; a third clause is to incorporate any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act; a fourth clause is to incorporate monitoring requirements

and effluent limitations for cadmium, chromium, copper, cyanide, lead, mercury, nickel, or zinc; a fifth clause is to include whole effluent toxicity limitations or to include limitations for specific toxicants; a sixth clause is to include a case-specific Method Detection Level (MDL); a seventh clause is to include revised SMV and/or PMPP requirements in the event revisions to the SMV Requirements and Application Process under 327 IAC 5-3.5 occur; an eighth clause is to include tiered effluent limitations, pursuant to IC 13-18-19-2(a)(1)(A); and in Attachment A, a clause is included to address changes in the EPA National CSO Policy or state or federal law and a second clause is included to incorporate applicable provisions of IC 13-18.

Compliance Status

The permittee is currently under an Agreed Order (2008-178333-W) and Federal Consent Decree (Civil Action No. 2:07-cv-00445) for the implementation of the permittee's CSO Long Term Control Plan.

Expiration Date

A five-year NPDES permit is proposed.

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.

ATTACHMENT 1

City of Fort Wayne WPCP Industrial Waste Protocols

The City uses the procedures outlined below to receive industrial waste by tanker truck for use in WPCP digesters, ultimately serving to produce usable bio-gas. Received industrial waste is found to be acceptable for use in the digesters are offloaded into receiving and storage tanks and fed into the digesters by a dedicated pumping system.

Customer Facility & Driver Pre-Approval & Training

- WPCP staff will confirm that each waste hauler and the contents of their vehicles servicing the WPCP has been pre-approved. As part of the pre-approval, haulers must complete required training, submit records regarding the trucks that will service the WPCP including vehicle identification, tare weight, and liquid carrying capacity in gallons.
- The pre-approval process shall also entail the sampling and testing of the customer facility's industrial waste (see Sampling and Lab Verification below).
- Each customer facility and driver must certify during the pre-approval processes that they will promptly advise the WPCP of any facility process changes which may alter the nature of a load from that facility or if a load exhibits physical characteristics inconsistent with a prior load.
- Once approved, the driver will be provided a FOB which will track the driver's activities at the WPCP.
- Wastewater Management Permits are not necessary for haulers providing services to the WPCP pursuant to IC 13-18-12-7(a)(A).

Sampling and Lab Verification

- Sampling and laboratory testing will be conducted for loads from each new customer facility.
- Loads from repeat customer facilities will be sampled and tested prior to offloading if the load appears, based on the manifest, visual inspection, or information from the customer or hauler, inconsistent with the waste from that facility which was tested previously. Sampling and testing are otherwise not anticipated for loads from repeat customer facilities.
- The precise scope of analytical parameters for each tested load will be determined based on the best professional judgement of WPCP staff and the nature of the customer facility.
- Any load which produces analytical results unacceptable to the WPCP will be rejected.

Manifests & Visual Inspections

- WPCP staff must confirm that each load delivered by a waste hauler is accompanied by a signed manifest form listing the origins and quantity of material hauled and attesting that all information is true and accurate. In addition to a completed manifest, haulers are required to provide a sample of each load.

- WPCP staff shall evaluate the quantity stated on manifest and against the total truck capacity. WPCP staff shall also compare manifest information against what is stated on the forecasted delivery schedule and, when possible, ask drivers what material they are carrying and verify against what is claimed on the manifest. If the material on the manifest is inconsistent with what was anticipated, WPCP staff shall ensure that a sample is collected and tested prior to allowing offloading.

- WPCP staff shall assess the physical characteristics of each load against information from prior loads. For regular customers, WPCP staff will work to become familiar with the appearance of the material. For all customers, WPCP staff will observe the waste, including any irregularities in the smell and appearance. Should the smell or appearance of a load be unusual, staff will question the driver (asking if there was anything that was communicated to them at the sites of origin), note observations on the manifest, and ensure the testing of the collected sample.

- In reviewing manifests and conducting visual inspections, WPCP shall work to ensure that each load does not include any of the following.
 - Any solid or viscous substance capable of causing obstruction to the flow in the system, or other interference with the proper operation of the discharge system, for example, but not limited to: construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, plastic, fur, and/or wax.
 - Any discharge having corrosive properties capable of causing damage, corrosive structural damage, or hazard to the WPCP, appurtenant devices, treatment process, health and safety of facility employees, or which will impede the use and/or disposal of residual sludges or cause damage to the receiving water or the environment.
 - Any discharge containing toxic or poisonous substances in sufficient quantities to constitute a hazard to human beings or animals, or to create any hazard in the receiving waters.
 - Any discharge which, by itself or in conjunction with others, results in toxic or noxious gases, vapors or fumes within the WPCP or any point of the system in a quantity that may cause acute worker health and safety problems.
 - Any discharge which contains an objectionable color not removed by the WPCP such as, but not limited to, dye wastes and vegetable tanning solutions.
 - Petroleum-based products (e.g. diesel fuel and gasoline)

Records

- For each load received and offloaded at the WPCP, staff shall record the following information:
 - The signed manifest reflecting the name of the origin and volume of the material
 - The vehicle and driver information
 - The date and time of the offloading
 - The results of any laboratory analysis

ATTACHMENT 2
Effluent Data Collected by the City of Fort Wayne (P.L. Brunner Water Pollution Control Plant) for the
Two (2) Year Period Prior to SMV Renewal Application being considered complete
Outfall 001 (IN0032191)

Date SMV Application Deemed Complete: August 20, 2025

Sample Date	Total Mercury Normal Sample (ng/L)	Total Mercury Duplicate Sample (ng/L)	Total Mercury Daily Average (ng/L)
08/08/23	1.7	1.8	1.75
10/04/23	1.1	0.69	0.9
12/05/23	1.3	1.3	1.3
02/14/24	0.85	0.8	0.83
04/02/24	1.9	1.8	1.85
06/04/24	1.1	1.2	1.15
08/06/24	0.99	0.95	0.97
10/15/24	1.1	0.91	1.01
12/03/24	1.1	0.99	1.05
02/05/25	1.1	1.3	1.2
04/08/25	1.9	2	1.95
06/03/25	1.2	1.6	1.4
08/05/25	0.71	0.7	0.72
Number			13
Max			1.95
SMV Limit			1.8